Study to support the preparation of an evaluation of the General Product Safety Directive as well as of an impact assessment on its potential revision

Final report

Part 1: Evaluation of the General Product Safety Directive

Prepared by Civic Consulting
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EUROPEAN COMMISSION

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Part 1: Evaluation of the General Product Safety Directive

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LIST OF ACRONYMS

Acronym	Meaning
AI	Artificial Intelligence
ANEC	European Association for the Co-ordination of Consumer Representation in Standardisation AISBL (The European consumer voice in standardisation)
BEUC	Bureau Européen des Unions de Consommateurs (The European Consumer Organisation)
CEN	European Committee for Standardization
CENELEC	European Committee for Electrotechnical Standardization
DG CONNECT	Directorate General for Communications Networks, Content and Technology
DG ENV	Directorate General for Environment
DG GROW	Directorate General for Internal Market, Industry, Entrepreneurship and SMEs
DG JUST	Directorate General for Justice and Consumers
DG SANTE	Directorate General for Health and Food Safety
DG TAXUD	Directorate General for Taxation and Customs
EEA	European Economic Area
EFTA	European Free Trade Association
EQ	Evaluation question
ESO	European Standardisation Organisation
ETSI	European Telecommunications Standards Institute
EU	European Union
EUR	Euro
GPSD	General Product Safety Directive (2001/95/EC)
IoT	Internet of Things
MSA	Market Surveillance Authority
Safety Gate/ RAPEX	Rapid Alert System for non-food dangerous products
TOR	Terms of reference

Executive summary

This study was conducted by Civic Consulting for the European Commission. Its main objective was to provide the Commission with evidence and analysis to allow it to carry out an ex-post evaluation of the General Product Safety Directive (GPSD) and its practical application (Part 1 of the report) and, in view of the outcome of the evaluation, to carry out an impact assessment for a possible future revision aimed at addressing the shortcomings identified (Part 2 of the report).

The GPSD requires that all consumer products placed on the EU market need to be safe. In order to guarantee the safety of products, the GPSD includes pre-market as well as post–market measures. Pre-market measures introduced by the GPSD include the standardisation process under the GPSD and legal responsibilities of businesses that place products on the market (including regarding safety and traceability). Post-market measures include responsibilities of businesses, including the duty to recall products posing risks to consumers, as well as the responsibility of Member States to conduct market surveillance. The GPSD also establishes the EU Rapid Alert System (Safety Gate/RAPEX), which enables quick exchange of information between EU/EEA Member States and the European Commission on measures taken regarding dangerous non-food products posing a risk to consumers and other users. The GPSD applies to non-food consumer products for which no specific EU harmonised legislation exists (the so-called 'non-harmonised products' such as childcare articles, furniture, clothing etc.). It is also applicable to the safety aspects or risks of harmonised products (such as toys), to the extent that there are no specific provisions with the same safety objective in the EU harmonised legislation. In this way, the GPSD provides a "safety net" for consumers.

This study builds on a recent report on the implementation of the GPSD in EU/EEA Member States[1], which is based on country analyses and interviews with market surveillance authorities (MSAs) in all countries. For the current study, an additional 60 interviews were conducted, including with companies and business associations, consumer organisations, and MSAs. Stakeholders were also consulted through an open public consultation (with 257 respondents concerning relevant questions on the review of the GPSD) and through four interlinked surveys targeting market surveillance and customs authorities, businesses and their associations, as well as consumer organisations and other stakeholders, both at the EU level and in Member States (with a total of 153 responses). The study is also based on relevant studies, data from Safety Gate/RAPEX, MSAs, Eurostat, WHO and EuroSafe, as well as case studies in EU and non-EU countries. In addition, several quantitative analyses of costs and benefits of the GPSD and its potential revision were conducted. Fieldwork and analysis for the study were concluded in December 2020. Based on the evidence collected, Part 1 of the study arrives at the following main conclusions regarding effectiveness, efficiency, relevance, coherence and added value of the GPSD.

1. Effectiveness

Reduction of unsafe products on the market: The available data confirms that large numbers of unsafe products that could affect the safety of EU consumers are rejected at the borders, withdrawn from the market or recalled. This implies that a reduction of unsafe products on the market is achieved in practice, in line with the objective of the GPSD. Overall, the evidence points to a relatively stable situation in terms of the safety of consumer products, with some evidence pointing toward improvements over the last decade. Also, the number of dangerous products notified in the rapid alert system is decreasing since several years, if vehicle recalls are excluded. On the other hand, the number of notifications is influenced by many factors such as inspection priorities, differences in efficiency of market surveillance and

[1] See Civic Consulting 2020, Study for the preparation of an Implementation Report of the GPSD.

market developments, so that this indicator is not unambiguous. Data from market surveillance authorities' regular inspections and coordinated actions of Member States confirm that dangerous products continue to be available on the EU market, and can be purchased by consumers in all Member States. There remains an influx of new unsafe products on the market, indicating that the GPSD does not create a sufficient deterrent effect to avoid that unsafe products are placed on the market. This limits the effectiveness of the GPSD, as not all products on the market can be inspected by authorities to safeguard that the general safety requirement is adhered to.

Contribution to the functioning of the Single Market: The GPSD has been effective in contributing to the free movement of goods within the internal market. There is no indication that Member States try to stop imports of products for which no harmonisation legislation exists and to which the GPSD therefore applies fully (non-harmonised products) from other Member States for reasons of their insufficient level of safety. However, there are considerable differences regarding the frequency and efficiency of market surveillance between Member States. This may affect the degree to which there is a level playing field for operators in the internal market.

Effectiveness of GPSD market surveillance/rapid alert system: Safety Gate/RAPEX ensures that information about dangerous products withdrawn from the market and/or recalled from consumers anywhere in Europe is circulated between Member States and the European Commission, so that appropriate action can be taken. During the period 2005 to 2019 a total of 25560 notifications concerning consumer products were submitted (or close to 5 on average per day during this period). Market surveillance authorities and other stakeholders consider Safety Gate/RAPEX mostly to be well functioning and effective. Still, certain issues currently impede its operation, such as delays between the detection of a dangerous product in a Member State and its notification. Also, it is widely acknowledged that the staff and financial resources of market surveillance authorities are often insufficient.

Increasing e-commerce and GPSD effectiveness: E-commerce has rapidly gained importance globally and in the EU. Major shifts have happened over the last decade, with more e-commerce crossing borders, and China emerging as the main origin of goods purchased by EU consumers online from abroad. This shift was facilitated, among other factors, by online platforms and low shipping rates, which reduce the transaction costs for e-retailers and their customers. While the importance of cross-border e-commerce with non-EU countries is still limited in absolute terms (accounting for less than one percent of retail turnover), this share is increasing. Market surveillance authorities and other stakeholders find that sales by third parties on online marketplaces pose specific problems in terms of product safety and the effectiveness of the GPSD, which relate to the (re-)emergence of recalled and unsafe products, the lack of traceability information and the lack of effective control of product safety at EU borders. Their view is supported by results of research conducted by the OECD and in Member States. The emergence of e-commerce therefore has negatively affected the effectiveness of the GPSD in terms of enforcing the general safety and traceability requirements, but also with respect to effective market surveillance by the Member States.

Consumer products using new technologies and GPSD effectiveness: As software is at the core of new digital technologies, a key uncertainty affecting GPSD effectiveness is to what extent software updates and standalone software are considered products under the Directive. Currently, only a few Member States explicitly include software that is only subsequently embedded in a product in the scope of application of their national legislation implementing the GPSD, whereas other Member States do not apply product safety law to such software. This creates legal uncertainty, as not only smart products become ever more frequent on the market but also the separation between the producer of the "hardware" and the provider of related software. This also creates a new uneven level of protection between Member States as regards such software, or the products in which it is embedded. A second uncertainty relates to the definition of safety, as it is not clear to which extent risks are covered that do not affect directly consumer health and safety,

but may do so indirectly (e.g. the issue of cybersecurity of a smart home smoke detector, which may lose its functionality due to interference from hackers). A third area is a lack of clarity regarding a product's potential behaviour due to embedded software that applies machine learning and AI. Thus, a product may be, or seem, safe when it is put on the market but then change into a risky product if it is updated or if machine-learning components are re-trained during the use.

Development and use of the standards supporting the implementation of the GPSD: The development and use of the standards supporting the implementation of the GPSD has been effective, as a significant number of standards have been developed under the GPSD concerning products with a high potential for consumer harm, both regarding products used by the general public, and products targeted at or with specific risks for vulnerable consumer groups, such as children (in total 80 standards were referenced under the GPSD by the European Commission). These standards are used in practice and producers of relevant products regularly advertise their products as conforming to the standard. Standards developed and used under the GPSD have therefore likely contributed to improved product safety in the EU. However, the effectiveness of the standardisation process is hampered by several procedural issues, including a lack of streamlining the process that currently requires the involvement of two different committees, the GPSD Committee and the Standardisation Committee. This appears to duplicate work, and leads to inefficiencies, as the members of the two committees are not necessarily the same.

Corrective actions and recalls: The GPSD is not fully adapted to ensure adequate traceability, which put a strain in the implementation of corrective measures, in particular recalls (see section 6.1.2). Existing evidence indicates that the effectiveness of product recalls from consumers is relatively low. The increase in the number of product recalls over time and the fact that recalls are currently for most part organised on a voluntary basis can be considered as indications that the GPSD has contributed in making recalls more widely used as a corrective measure. However, EU-wide requirements regarding recall procedure, communication to consumers or remedies that consumers are entitled to, are missing. This is a significant shortcoming, suggesting that existing GPSD requirements are in themselves currently not sufficient to ensure effective recalls. The resulting limited effectiveness of recalls may negatively affect consumer safety and the degree to which there is a level playing field for businesses in the internal market, affecting therefore the extent to which the objectives of the GPSD are achieved in practice.

2. Efficiency

GPSD compliance costs: This study estimates the current costs of EU companies to comply with the GPSD at EUR 1.1 billion per year, of which EUR 343 million accrue to EU manufacturers, EUR 321 million to EU wholesalers and EUR 439 million to EU retailers. SMEs account for 59% of the total of GPSD-related compliance costs. Total EU27 staff costs of Member States for market surveillance of non-harmonised consumer product amount to approximately EUR 122 million per year. EU27 total annual non-staff related costs of market surveillance activities for non-harmonised consumer products are minor, in line with the reported lack of resources for market surveillance (including for testing). They at most accounts for the equivalent of 0.34% of authorities' total staff costs.

Benefits of GPSD: Authorities and companies/business associations tend to see moderate to significant benefits of the GPSD across the board, with better information on unsafe products/measures taken by authorities provided through Safety Gate/RAPEX, a better functioning internal market and increased consumer trust highest ranked. About nine in ten respondents to the surveys conducted for this study that had an opinion considered the costs due to product safety requirements of the GPSD to be at least "moderately proportionate" to the resulting benefits, close to six in ten respondents found them even to be "largely" or "very proportionate". This largely positive assessment is consistent with the analysis of compliance costs. A large part of

costs related EU product safety legislation for consumer products are business-as-usual costs (BAU), i.e. costs that companies would incur anyway (i.e. even in absence of product safety legislation, for example because these costs relate to their due diligence procedures). Compliance costs that exclude business-as-usual costs are therefore limited, compared to the benefits the Directive brings. This is also illustrated by the analysis of detriment due to product-related injuries and fatalities in the EU, in which it is concluded that the preventable detriment suffered by EU consumers and society due to product-related accidents can be estimated at EUR 11.5 billion per year. While it is not possible to estimate the detriment suffered by EU consumers and society avoided by EU product safety legislation, including the GPSD, it is reasonable to assume that in absence of the general safety requirement of the GPSD, and the standards referenced under the Directive, detriment suffered due to product-related accidents would be substantially higher, thereby outweighing the related costs for companies, market surveillance authorities and consumers.

3. Relevance

Many stakeholders have expressed their opinion that additional needs have emerged since this GPSD was adopted in 2001, including the following:

Adaptation of the GPSD to online sales: In principle, the GPSD applies irrespectively of the mode of distribution. Thus, the safety requirement applies to online sales as much as to offline sales. However, online sales have led to problems in enforcing the GPSD for mainly two reasons: difficulties in access to products sold online for the purposes of testing and unavailability of responsible economic operators that enforcement measures could be effectively addressed to. Problems include the lack of clear competences for MSAs to engage in mystery shopping; the lack of financial resources for mystery shopping, or even the lack of credit cards to that end; and legal restrictions for MSAs in some countries that prevent them from hiding their identity when making inspections, which makes mystery shopping impossible. The other problem relates to the fact that in the case of online sales, there is often no economic operator within the EU available that the national MSA could turn to for enforcement measures. Where the producer is domiciled in a non-EU/EEA country, often the only supply chain actor that is involved in the distribution is an online platform. Online platforms, however, do not fall under the definition of distributor under the GPSD and therefore do not have the related obligations under the current regime of the GPSD, and they are not subject to enforcement measures in a way that is foreseen for producers and distributors. This evaluation concludes that the GPSD is not adapted to the specific challenges posed by online sales. In contrast, the legislative framework for harmonised products has already been updated with the Regulation (EU) 2019/1020 on market surveillance and compliance of products, and many stakeholders have noted that it would be beneficial to adjust the GPSD in relation to these additional economic operators, to address the newly emerged needs.

Adaptation of the GPSD to new technologies: While the relevance of the GPSD with respect to consumer products in general is unchanged, an increasing number of products is turned into "smart products". In 2025, the number of IoT devices with cellular connections is expected to reach 5.2 billion (worldwide)[2]. The number of connected IoT devices targeted at consumers is therefore expected to grow rapidly, likely to be boosted by the roll-out of high speed 5G mobile broadband networks in Europe. While harmonising EU legislation such as the Radio Equipment Directive (2014/53/EU) and the Machinery Directive (2006/42/EC) applies to new technologies, the GPSD covers aspects not regulated by them, in line with its safety net function. Through new digital technologies, the distinction between physical products, (digital) services and digital content that influences the safety of products has become blurred,

[2] There were around 1.5 billion IoT devices with cellular connections worldwide at the end of 2019, up from 245 million in 2014. Ericsson Mobility Report, June 2020.

and Member States have begun to interpret the scope of application of the GPSD and therefore of their national product safety laws differently. It has become clear that a narrow interpretation of the notion of "product" excludes many situations from the scope of application of the GPSD, and from EU health and safety legislation generally, thus leaving a regulatory gap. The evaluation therefore concludes that while the GPSD is technology neutral, due to rapid technological progress (in particular digitalisation) gaps have opened, new uncertainties have arisen, and new needs related to digital technologies have emerged to which the Directive is not well adapted.

Adaptation of the GPSD to environmental issues with health impact. While the definition of safety of the GPSD is considered to cover risks related to environmental pollutants in products that can affect human health, this coverage is not explicitly stated. This leaves room for interpretation regarding substances that pose a chemical/environmental risk, where no relevant EU limits or bans exist, and especially regarding products posing long-term risks stemming from the toxicity of environmental pollutant. The extent to which the GPSD is well adapted to environmental issues with health impact therefore depends on the interpretation of the definition of safety in the GPSD, which is not consistent across Member States. Also, stakeholders have frequently criticised the lack of consistency of the risk assessment process across Member States.

4. Coherence

This evaluation did not identify discrepancies or inconsistencies between the provisions of the GPSD (internal coherence). Rather, certain notions in the GPSD appear to be not sufficiently clear, e.g. requirements concerning traceability. The evaluation considered potential overlaps and contradictory requirements with other related EU legislation (external coherence) and identified several aspects where coherence of the overall framework for product safety and market surveillance could be increased, such as divergent notions between Annex I of Decision No 768/2008/EC and GPSD (e.g. the concepts of producer, distributor, recall, and withdrawal). The legal framework on market surveillance is also complex and sometimes difficult to understand in its intricacies, with a main difference being the lack of alignment between the framework for harmonised products, and for non-harmonised consumer products under the GPSD. There are also major discrepancies in the GPSD implementation across Member States. The recent adoption of Regulation (EU) 2019/1020 on market surveillance and compliance of products, which covers products under EU harmonised rules will further increase differences in obligations for the different actors based on whether they are dealing with products subject to such rules or not. The Regulation will fully apply from 16 July 2021, and bring a modernisation of requirements for certain harmonised consumer products (e.g. the obligation for an EU representative), and also a catalogue of enforcement powers. In the absence of legislative action to increase the coherence of the EU legislative framework for market surveillance, there will be major differences in the enforcement powers of MSAs after this time, depending on whether market surveillance is conducted regarding harmonised consumer products (e.g. toys) or regarding non-harmonised consumer products (e.g. children's beds).

5. Added value

The evaluation concludes that the added value of the GPSD is very considerable for both the functioning of the internal market and the protection of health and safety of consumer in the Member States of the EU. This is also the nearly unanimous view of stakeholders. The reasons for this positive assessment are clear: one of the main aims of the harmonisation of product safety was to avoid national health and safety measures for individual products or generally for products that created obstacles to the functioning of the internal market. The GPSD has prevented such measures within its scope of application by introducing general requirements for the safety of products and by establishing a system for the elaboration of standards. As a result, after the adoption of the GPSD there have been no procedures in the EU courts related to

national measures in the area of the health and safety of products that come into the scope of application of the GPSD. Nevertheless, the added value through harmonised law and its harmonious application in Member States could be further improved, as elaborated in this evaluation, and the problem analysis provided in Part 2 of this report.

1. Introduction

This is Part 1 of the final report of the study to support the preparation of an evaluation of the General Product Safety Directive (GPSD) as well as of an impact assessment on its potential revision, conducted by Civic Consulting. Part 1 of the report presents the result of the study with respect to the evaluation of the GPSD.

Part 1 is structured as follows:

Section 2 describes the objectives and scope of the overall study;

Section 3 describes the evaluation criteria and questions;

Section 4 presents the methodology applied for the evaluation;

Section 5 gives an overview of the background of the intervention, including an intervention logic of the GPSD; and

Section 6 provides the evaluation results, structured by evaluation question.

In the Annex we provide detailed survey results, results of the case studies conducted in non-EU/EEA countries, the analytical framework of the evaluation, a summary of the analytical methods used and a summary of consultation results regarding SMEs, as well as a list of references.

Part 2 of the report presents the results of the impact assessment.

2. Objectives and scope of the evaluation

2.1. Objectives

According to the Terms of Reference (TOR), the objective of the overall study is to provide the Commission with evidence and analysis to allow it:

- To carry out an ex-post evaluation of the GPSD and its practical application (Part 1 of the report); and, in view of the outcome of the evaluation
- To carry out an impact assessment for a possible future revision aimed at addressing the shortcomings identified (Part 2 of the report).

For this purpose, the contractor will:

1. Collect data and evidence (incl. stakeholder opinions), as regards, and non-exhaustively, on the impact of the increased digitalisation on consumer product safety; the volume of dangerous products on the EU market and its trends; market surveillance and enforcement and on product safety procedures.
2. Evaluate, also on the basis of the evidence provided, how the GPSD has contributed to its general and specific objectives, in particular against the criteria of effectiveness, efficiency, coherence, relevance and EU added value. The outcome of this evaluation shall feed into the impact assessment.
3. Carry out, on the basis of the evidence collected and of conclusions of the evaluation, an impact assessment of a number of EU policy options concerning consumer product safety.

2.2. Geographical coverage and time period covered

The study covers the EU, with 28 Member States for the ex-post evaluation and 27 Member States for the impact assessment. The TOR also specify that research should cover the current state of the legislation and practice and, to the extent it is relevant and data is available, the situation before the GPSD was adopted.

2.3. Tasks to be performed

The TOR highlight that the research to be conducted will feed into an evaluation of the General Product Safety Directive, and an impact assessment of a possible revision. The Commission expects thus to be able to analyse and assess the different policy options against a background of solid research and an assessment of their strengths and weaknesses, including in terms of cost efficiency and administrative burden. It is also specified that – based on the information gathered during the initial stage of the project – the contractor will produce two, separate and self-standing reports which set out a retrospective analysis (evaluation) as well as a prospective analysis (impact assessment), with the impact assessment study coherently building on the conclusions of the evaluation.

The TOR specify several main tasks and related sub-tasks, which are (the numbering in brackets refers to the relevant headings of the TOR):

- Task 1 – Information gathering, preliminary background analysis and mappings (3.2.)
  - Data on the new digital challenges to the product safety (3.2.1.)

  - Data on the level of product safety and its trends and features on the EU market (3.2.2.)
  - Evidence on enforcement and market surveillance issues (3.2.3.)
  - Data on product safety procedures (3.2.4.)
- Task 2 – Evaluation analysis (3.3.)
  - Intervention logic and background (3.3.1.)
  - Baseline and the implementation state of play (3.3.2.)
  - Evaluation questions (3.3.3.)
  - Conclusions (3.3.4.)
- Task 3 – Impact Assessment (3.4.)
  - Problem definition (3.4.1.)
  - Policy objectives (3.4.2.)
  - Main policy options (3.4.3.)
  - Impacts to analyse (3.4.4.)

All tasks are described in detail in the TOR of the study.

2.4. Acknowledgements

We would like to express our gratitude to all contributors, without whom this study would not have been possible. In particular, we would like to thank all stakeholder organisations, including market surveillance authorities, business associations, consumer organisations and other stakeholders, including product safety experts, who provided valuable input through interviews and who responded to our surveys. We are especially grateful for the authorities and companies that provided cost data for the analysis of compliance costs, and helped us in understanding their perspective. Finally, we wish to thank the representatives of product safety authorities in selected non-EU/EEA countries for their willingness to share their experiences.

Finally, we thank the team of Unit E4 (Product Safety and Rapid Alert System) of the Directorate-General for Justice and Consumers of the European Commission for their continuous support and constructive cooperation throughout the study.

3. Evaluation criteria and questions

The TOR specify that the evaluation will assess the GPSD against the criteria of effectiveness, efficiency, coherence, relevance and EU added value. It is also clarified that the background research conducted under Task 1 (above) has to be read in conjunction with the evaluation questions.

The TOR set out 24 evaluation questions (EQs, with a total of 7 sub-questions). They are presented in Table 1.

Table 1: Evaluation questions

Evaluation criteria	EQ number	EQ wording
Effectiveness	1a,b,c	To what extent does the GPSD meet its objectives of achieving a high level of consumer protection through the reduction of unsafe products and contributing to the functioning of the Single Market? Which are the main elements that have contributed to this? Is there anything missing (e.g. are all types of products/product safety risks covered by safety requirements)?
	2	To what extent has the market surveillance system established by the GPSD (in particular the Rapid Alert System for dangerous non-food products) been effective?
	3	How has the development of e-commerce affected the effectiveness of the GPSD?
	4	How has the development of new technologies, such as Artificial Intelligence, Internet of Things and connected devices, affected the effectiveness of the GPSD?
	5	How effective has been the development and use of the standards supporting the implementation of the GPSD?
	6	How well is GPSD adapted to ensure efficient corrective actions are taken, in particular recalls?
	7	How well is GPSD adapted to ensure effective market surveillance?
	8	Are there any aspects/means/actors that render certain elements of the Directive more or less effective than others (including product recalls), and if there are, what lessons can be drawn from this?
	9	What are, if any, the consequences or effects (either positive or negative) that were not originally planned?
Efficiency	10a,b	What are the regulatory (including administrative) costs of the GPSD for the different actors involved (Member States authorities, businesses, consumers) and for the society overall? In particular, what is the economic cost for businesses to comply with the GPSD?
	11	What are the benefits of the GPSD for the different actors involved (Member States authorities, businesses, consumers) and for the society overall?

	12	To what extent are these costs proportionate to the benefits?
	13	What factors influenced the efficiency of reaching the objectives which the GPSD sets out?
Relevance	14	To what extent the initial objectives of the GPSD correspond to the current needs?
	15	To what extent is there a need to clarify concepts set out in the GPSD, such as “product”, “safe product”, “serious risk” and “placing on the market”?
	16	How well adapted is the GPSD to online sales?
	17	How well adapted is the GPSD to challenges posed by new technologies, such as cybersecurity risks in relation to safety, self-evolving products and stand-alone software or emerging safety issues in the post-market phase of the product?
	18	How well is GPSD adapted to increased level of direct imports towards the EU?
	19	How well adapted is the GPSD to environmental issues with health impact? In particular, how this health impact is considered by taking into account the assessment done under REACH related to chemicals?
Coherence	20	Are there any discrepancies and/or inconsistencies between the provisions of the GPSD?
	21	Are there overlaps and/or complementarities between the GPSD and any other Union legislation with similar objectives, in particular regarding market surveillance, product harmonisation legislation, including horizontal legislation on chemicals (for example REACH) and food contact materials legislation, standardisation, consumer protection law and product liability, and also other union legislation such as the E-commerce Directive?
	22	To what extent is the Directive coherent with wider EU policy, such as rules on free movement of goods, mutual recognition, customs, competition, industrial policy, sustainability (environmental protection) and trade?
EU added value	23	What is the added value of the GPSD compared to what could reasonably have been expected from Member States acting at national level?
	24a,b	What would be the most likely consequences of withdrawing the GPSD? How would it affect the functioning of the Single Market and the health and safety of consumers?

4. Methodology

In this section we provide an overview of the methodological approaches applied for the evaluation of the GPSD.

4.1. Structuring the evaluation

The aims of the structuring phase of the study were to conduct exploratory interviews and initial research concerning the GPSD, to map the data available as well as outstanding data needs, and to refine the intervention logic and the methodological approach for the next project phases.

The intervention logic for GPSD and the analytical framework for the evaluation were refined in light of the exploratory research and in line with the guidance provided in Tool #46 of the Better Regulation Toolbox, e.g. by refining the analytical framework (evaluation matrix)[3]. The intervention logic for the GPSD is presented in section 5.2 of this report and the analytical framework of the evaluation is presented in Annex IV of this report.

Based on the results of the structuring phase, the evaluation team refined the methodological approach and prepared the methodological tools, such as the interview and survey questionnaires, and selected the final set of case studies in coordination with the Commission (see below).

4.2. Reviewing existing evidence on implementation of the GPSD

Evidence needs were identified early on and all evidence reviewed and processed in line with the guidance under Tool #4 of the Better Regulation Toolbox, beginning with an evidence-mapping exercise to identify the state of existing data and determine the remaining gaps to be filled. The study takes into account the results of a comprehensive review of relevant documents and academic literature concerning the implementation of the GPSD, market surveillance, Safety Gate/RAPEX, recalls, safety of consumer products and market research with respect to e-commerce and the role of online marketplaces, including their importance in different markets. All available published reports, academic literature and other documentation as well as non-published documents that have been made available by the Commission, were collected, included in a literature database, tagged, reviewed and processed. An important source for the evaluation was the evidence collected for the study for the preparation of an implementation report of the General Product Safety Directive. A list of references is provided in Annex VII.

4.3. Analysis of data from the rapid alert system

Data from Safety Gate/RAPEX was used for the analysis of the baseline situation and the related analysis of relevant trends in the notifications submitted. For this purpose, we retrieved a full dataset covering the years 2005 to 2019 and addressed on this basis relevant research issues specified in the TOR. The dataset consisted of a total of 25 850 notifications that are publicly available. The dataset included 25 051 notifications concerning products with serious risks, 738 notifications of products with

[3] All tools available from https://ec.europa.eu/info/better-regulation-toolbox_en

other risk levels, and 61 other types of alerts[4]. This dataset was merged with a second dataset provided by the Commission covering notifications in the period 2011 to 2019, which included complementary (not publicly available) data.

4.4. Consulting stakeholders

Interviews

In the framework of this study, a wide range of consultation activities were undertaken to reach out to relevant stakeholders across the EU in line with Tool #54 of the Better Regulation Toolbox. Interviews with a total of 60 interviewees were conducted in the framework of the study, covering the following stakeholder groups:

- Commission officials (DG JUST, DG GROW, DG CNCT, DG TAXUD, DG ENV);
- Selected business associations and other stakeholder organisations at EU and MS level;
- Selected companies (producing or distributing relevant non-harmonised products such as childcare articles, clothing and furniture) and online marketplaces that have signed the Product Safety Pledge;
- Officials in market surveillance authorities in the EU and product safety administrations in the US, Canada and Australia;
- Experts working in the area of product safety and product safety-related accidents.

The interviews were aimed at gaining a better understanding of the main issues relevant for different groups of stakeholders and to encourage them to cooperate and contribute to the study. The interviews covered key evaluation questions (relevant for Part 1 of the study) and the impact of the policy options (relevant for Part 2 of this report). The interview process included a total of 20 interviews with companies (including SMEs) and business associations. A list of interviewees is provided in Annex VIII of Part 2 of the report. Note that the interview process conducted for this study complemented a broad scale interview process for the GPSD implementation study, which consisted of 137 interviews with representatives of national and relevant sub-national authorities or sectorial administrations dealing with market surveillance in all EU/EEA countries, and a total of 25 interviews with other stakeholders, focusing on EU level business associations, the EU level consumer organisations BEUC and ANEC, CEN/CENELEC, Commission officials and consumer organisations performing or reporting on testing activities in the product safety field. The results of these interviews, and the corresponding legal analyses concerning the implementation of the GPSD in all EU/EEA countries were fully taken into account for this evaluation.

Open public consultation

The Commission's open public consultation originally foreseen for this study was conducted as part of a larger exercise combining several consultations (on A New Consumer Agenda) that ran between 30 June 2020 and 6 October 2020. This larger exercise considered three legislative proposals respectively on: empowering consumers in the green transition; a review of the Directive on consumer credit agreements for consumers (2008/48/EC); and a review of the General Product Safety Directive (2001/95/EC). The number of respondents that answered at least one question in the section on the review of the GPSD was 257. The majority of respondents were business associations and EU citizens (each 26%), followed by

[4] Note that when using the statistical function on the Safety Gate, the resulting figures may differ, e.g. because notifications are included that are not yet publicly available.

company/business organisations (15%). Other respondents included public authorities (11%), consumer organisations (8%), non-governmental organisations (NGOs) (7%), academic/research institutions (3%), non-EU citizens (1%) and other respondents (3%)[5].

Stakeholder surveys

Four interlinked surveys covered key issues of the study, focusing on those questions that were of direct relevance for each group of stakeholders. The surveys targeted market surveillance and customs authorities, businesses and their associations, as well as consumer organisations and other stakeholders, both at the EU level and in Member States. The surveys were implemented on EU Survey. Considerable efforts were made to reach out to stakeholders. This included exploratory interviews with EU business and consumer associations, in which we pointed out the need to involve their members in the study process, to safeguard that views of all stakeholder groups were adequately presented. To reach a representative sample of stakeholders across the EU, we conducted a mapping of stakeholders during the inception phase and used the Civic Consulting stakeholder database, which was complemented through additional web-based research, to include more companies (and business associations of companies) that produce non-harmonised consumer products such as childcare articles, clothing, and furniture across the EU. The survey questionnaires were widely distributed amongst stakeholders. The surveys were launched on 02 July 2020. Reminders were sent on 8 July 2020 and a second reminder on 24 July 2020. Surveys closed on 9 September 2020. We also conducted phone calls to EU level and national stakeholders for their support in distributing the surveys to their members. In total, 153 survey responses were received, of which 27 responses to the survey of consumer organisations and other general stakeholder; 48 responses to the survey of authorities, 37 responses to the survey of business associations and 41 responses to the survey of companies.

4.5. Conducting case studies

A total of four case studies in selected EU Member States (France, Denmark, the Netherlands and Slovakia) complemented the research conducted for the GPSD implementation study, which had covered all Member States and EEA countries in detail. Case studies focused on the following aspects:

- Evidence on unsafe products found online;
- Product Safety Pledge;
- Customs checks;
- Risks posed by new technologies (connected devices, products with AI, Internet of Things).

In addition, three case studies were conducted covering non-EU/EEA countries (Australia, Canada and the US). These case studies focused on:

- Evidence on unsafe products found online;
- Impact of increased number of products connected and based on artificial intelligence on safety of consumer products;
- Injury data related to product safety incidents, and/or any estimates of consumer detriment caused by product safety incidents;

[5] For more information on the OPC and a summary report of results, see https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12464-A-New-Consumer-Agenda/public-consultation

- Product traceability systems.

The case studies informed both the evaluation of the GPSD (Part 1 of this report), and also fed in to the impact assessment (Part 2 of this report). In preparation of the case studies we conducted a review of related literature and reports published on the websites of the case study institutions, which supported the preparation of the interviews, and informed the development of the methodology for the estimation of the product safety-related costs of injuries in the EU (see Part 2 of this report).

4.6. Economic analyses

For the purpose of this study, we conducted several interrelated analyses of costs and benefits of the GPSD. These included an estimation of costs of compliance with the GPSD for EU businesses, and an estimation of costs of compliance with the GPSD for Member States. The methodologies applied for these estimations are further elaborated in Annex V (summary of analytical methods used).

4.7. Validation, triangulation and synthesis of evidence

Throughout the study, the evaluation team verified the information collected and compared processed information with the source documents in order to safeguard the integrity of data and to provide a sound evidence base for the further evaluation process. This process also allowed the evaluation team to identify gaps and contradictions in the data, which were subsequently addressed in follow up interviews and correspondence with staff from the EC and other key stakeholders. Two interim reports submitted in the course of the study presented the initial findings and preliminary answers to the evaluation questions, based on the evidence available at that stage of the evaluation. It included results from surveys and case study/in-depth interviews. Feedback received on the interim reports supported the validation and triangulation process.

4.8. Answering the evaluation questions

On the basis of the final dataset, the answers to the specific evaluation questions were refined, where necessary, to reflect the final view of the evaluation team and to present evidence (both quantitative and qualitative) in a clear and structured way. The evaluation team has presented the findings of the evaluation and the impact assessment at a workshop with market surveillance authorities in the framework of a CSN meeting. In addition to initial results of the study, several other topics were discussed, including penalties, operator-based market surveillance, and customs.

4.9. Overall analysis

As indicated above, results of the consultation exercises, both quantitative and qualitative, are one of the main sources of data for this evaluation. We have also considered all available evidence regarding inputs, outputs, results and impacts of the GPSD, as well as any previous studies, where available[6]. Evidence and results obtained from the different methodological tools and tasks described above served to answer the evaluation questions, and arrive at conclusions, as presented in the subsequent sections.

[6] Where possible, we have referred to multiple sources of evidence in the answers to the evaluation questions in line with the guidance on data triangulation under Tools #4 and #46 the Better Regulation Toolbox.

5. Background

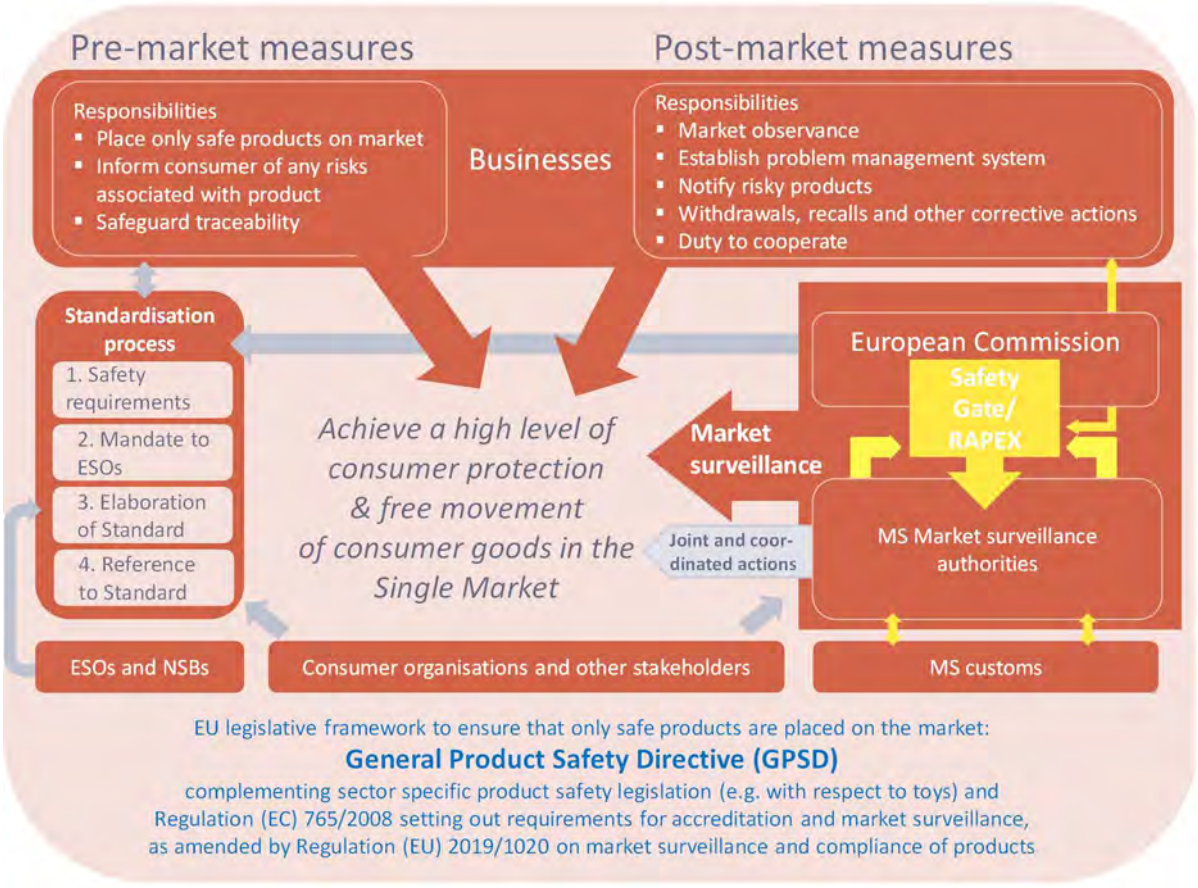
5.1. The consumer product safety system of the GPSD

Protecting the health and safety of European consumers is a major priority for the EU. In order to ensure that only safe products are placed on the European market, the General Product Safety Directive (2001/95/EC) (GPSD) establishes a general safety requirement for all non-food consumer products and contains provisions for the referencing of standards in the Official Journal of the European Union in support of the general safety requirement. It replaced an earlier General Product Safety Directive dating from 1992. The GPSD is applicable in the whole EU and is also applied in the EEA (European Economic Area) countries: Iceland, Liechtenstein, and Norway. It complements sector specific product safety legislation by applying fully to consumer products falling outside the scope of specific directives, e.g. childcare articles, and by applying partially to consumer products covered by sector legislation, for example toys, for all aspects not covered by the specific harmonized legislation. In 2008, the GPSD and the other product safety legislation was complemented by Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products, accompanied by Decision (EC) No 768/2008 on a common framework for the marketing of products. In 2019, a new Regulation on market surveillance and compliance of products (Regulation (EU) 2019/1020) was adopted. Among others, this Regulation consolidates the existing framework for market surveillance activities; requires to have a responsible economic operator in the EU for products placed on the EU market (for certain products under the scope of this Regulation); addresses challenges of international e-commerce and online trade; encourages joint actions by market surveillance authorities from several member states; aims to ensure effective, speedy and accurate exchange of information between authorities and the Commission; and creates a strengthened framework for controls on products entering the single market and for improved cooperation between market surveillance authorities and customs authorities. It also creates a Union Product Compliance Network as a platform for structured coordination and cooperation, including defining priorities for EU-level common market surveillance actions. Moreover, it introduces a peer-review system for national market surveillance authorities.

The consumer product safety system of the GPSD and its accompanying legislation must be seen in context of the free movement of consumer products. The so-called 'New Approach' as introduced in the 1980s, and its follow-on system, the 'New Legislative Framework', was meant to substitute national measures so as to facilitate the cross-border trade and avoid the presence of products that bear a risk for health and safety on the EU market. The manufacturer who puts products into circulation must certify that the products comply with the required safety requirements; and whereas EU law requires a conformity assessment to be carried out by an independent third party (the 'notified body') in some areas, such as medical devices law, this is not the case under the GPSD. Products can circulate freely in the internal market[7]. In order to guarantee the safety of products, the GPSD entails pre-market control as well as post–market control measures. Figure 1 below illustrates the different elements of the system as well as their systemic dimension in contributing to the free movement of consumer goods.

[7] See also ECJ, 19 March 2009, C-489/06 Commission v. Greece, ECLI:EU:C:2009:165. For the relevant point in time, see GC, 26 January 2017, T-474/15 Global Garden Products Italy SpA v. Commission, ECLI:EU:T:2017:36.

Figure 1: The consumer product safety system of the GPSD



Source: Civic Consulting

As the figure illustrates, elements of pre-market control include the standardisation process under the GPSD and legal responsibilities of businesses that place products on the market (including regarding traceability), whereas elements of post-market control include post-marketing responsibilities of businesses, such as market observance and the duty to notify and recall risky products, as well as the responsibility of Member States to conduct market surveillance, facilitated by the Rapid Alert System (Safety Gate/RAPEX).

The pre-market duties of producers are threefold. They have a responsibility to:

- *Place only safe products on the market.* Products have to comply with the general safety requirements as set out above. Products that comply with a standard referenced in the Official Journal of the European Union are presumed to be safe;
- *Inform consumers of any risks associated with the products they supply.* The aim is to enable them to assess the risks inherent in a product throughout the normal or reasonably foreseeable period of its use, where such risks are not immediately obvious without adequate warnings, and to take precautions against those risks. This duty is also to be fulfilled when the product is put into circulation. It does not only relate to information on the proper use of the product (as described in user manuals), but also to risks that come, for example, with the age or the wear and tear of a product;
- *Safeguard traceability.* Make sure that any dangerous products present on the market can be traced and swiftly removed if necessary, to avoid putting consumers at risk.

Post-market control is imposed on producers and distributors[8] as well as on the competent authorities of the Member States. Post-market duties of *producers and distributors* are as follows:

- *Market observance.* According to Article 5(1) subparagraph 3 (a), producers shall adopt measures commensurate with the characteristics of the products which they supply, enabling them to be informed of risks which these products might pose. Thus, they must observe the performance of their products on the market. The GPSD does not specify what exactly producers have to do to comply with this duty.
- *Establishment of a problem management system.* According to the same subparagraph, producers shall adopt measures commensurate with the characteristics of the products which they supply, enabling them to take appropriate action including, if necessary, to avoid these risks, withdrawal from the market, adequately and effectively warning consumers or recall from consumers. Thus, producers must establish a management system that allows them to react speedily in the event of a product turning out to be unsafe. This duty does not only arise once the problem becomes apparent but it is of a preventive nature. The GPSD does not specify the necessary measures further.
- *Notification of risky products.* Producers and distributors are also required to immediately notify respective authorities in EU Member States in case they know or ought to know, on the basis of the information in their possession and as professionals, that a product that they have placed on the market poses risks to the consumer that are incompatible with the general safety requirement (Article 5(3) GPSD).
- *Withdrawal from the market, warnings and recalls.* According to Article 5(1) subparagraph 5, producers shall withdraw unsafe products from the market, publish warnings of unsafe products or recall products from consumers on a voluntary basis or at the request of the competent authorities; whereby recalls should be the measure of last resort.
- *General duty to cooperate.* Generally, producers and distributors shall cooperate with the competent authorities on action taken to avoid the risks posed by products which they supply or have supplied. The relevant procedures are to be established at the national level.

These duties on businesses are complemented through a requirement for Member States under the GPSD to establish systematic approaches to perform effective market surveillance. Member States establish or nominate national authorities competent to monitor the compliance with product safety requirements and give necessary powers to these authorities to take appropriate measures under the GPSD. National market surveillance authorities have a responsibility to:

- Check whether products available on the market are safe;
- Ensure product safety legislation and rules are applied by manufacturers and other actors in the supply chain;
- Take appropriate action in case a dangerous product is detected on the market and notify it in Safety Gate/RAPEX (which provides notifications of dangerous harmonised and non-harmonised products).

Most market surveillance authorities in the Member States work on the basis of annual inspection programmes which take into account among others previous experiences and findings, products that are frequently notified through Safety Gate/RAPEX, and

[8] Distributors are defined as "any professional in the supply chain whose activity does not affect the safety properties of a product" (Art. 2 GPSD).

consumer complaints. If necessary, all Member States carry out controls and tests which are not necessarily foreseen in their programming, for example in emergency situations. To provide assistance to the EU Member States' product safety authorities, the Commission has co-funded more than 40 joint and coordinated actions on market surveillance among these authorities since 2007 (since 2018, Coordinated Activities on the Safety of Products or CASP).

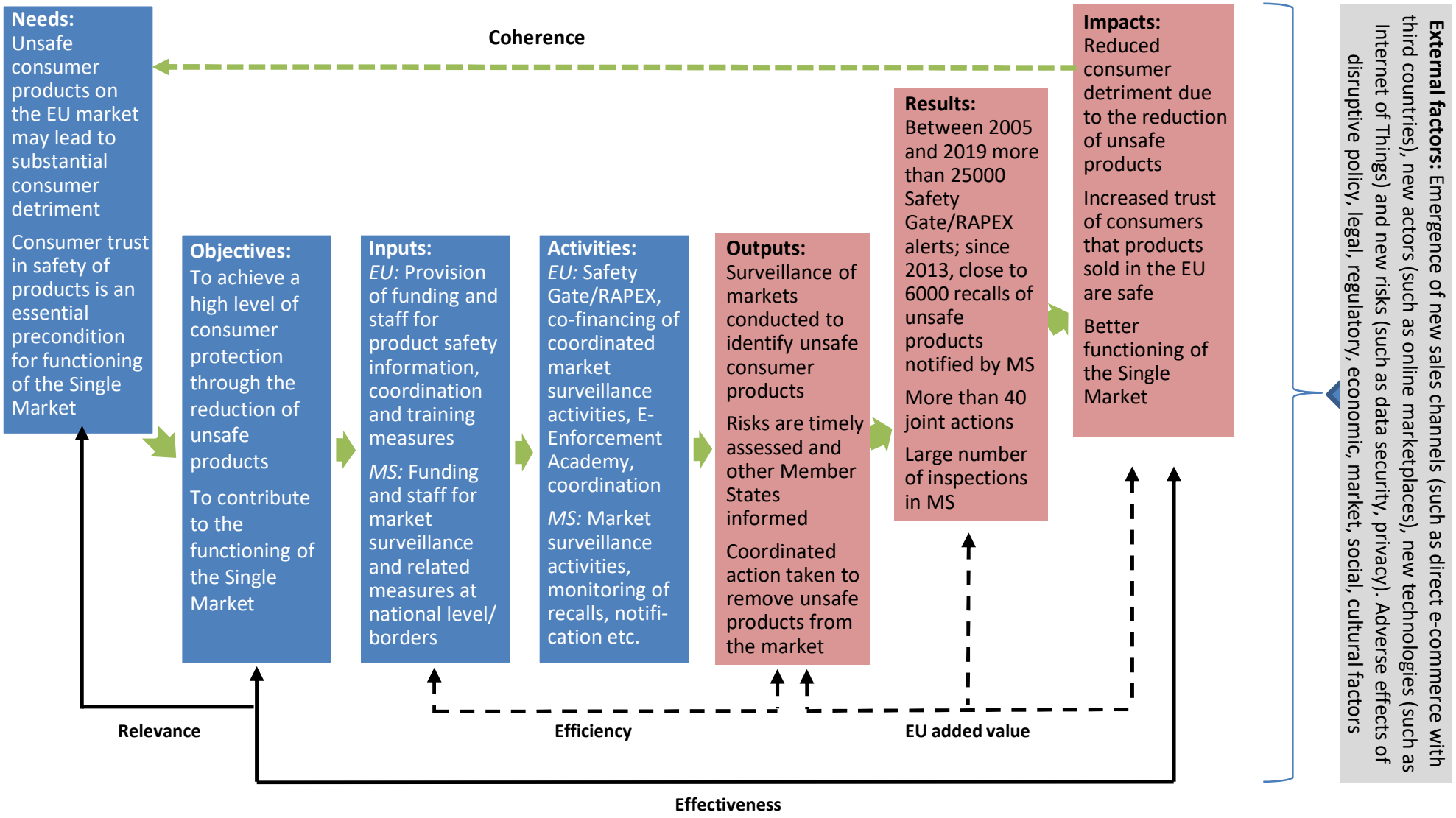
5.2. Intervention logic of the GPSD

The intervention logic of the GPSD (shown in Figure 2 below) describes the underlying 'theory' of the intervention, taking as its starting point the needs that were identified when the Directive was adopted in 2001. Based on the identification of the needs, the objectives of the GPSD are:

- To achieve a high level of consumer protection through the reduction of unsafe products; and
- To contribute to the functioning of the Single Market.

These specific objectives are intended to be achieved through a set of activities, which are implemented using inputs that are delivered by the European Commission and the Member States. On this basis, the activities are expected to generate concrete outputs. These are in turn expected to produce the desired results and impacts, which relate back to the objectives and address the original needs identified.

Figure 2: Intervention logic of the intended functioning of the GPSD and relevant external factors



6. Answers to the evaluation questions

This section presents the detailed answers to the evaluation questions provided in section 3 above. The evaluation of the General Product Safety Directive (Directive 2001/95/EC) is structured by evaluation criteria, considering first effectiveness, and then efficiency, relevance, coherence and added value of the Directive.

6.1. Effectiveness

6.1.1. Achievement of GPSD objectives

EQ1. To what extent does the GPSD meets its objectives of achieving a high level of consumer protection through the reduction of unsafe products and contributing to the functioning of the Single Market? Which are the main elements that have contributed to this? Is there anything missing?

The GPSD has a twofold objective. On the one hand, according to its recital (2), the GPSD pursues the aim of improving the functioning of the internal market. As recital (3) confirms, it has introduced a common legislative framework in order to avoid disparities between Member States that could have emerged in the absence of Union law. At the same time, the GPSD intends to achieve a high level of consumer protection by introducing a general product safety requirement and other measures (recital (4) of the GPSD). Both aims are interrelated, as it is the standard of safety of consumer products envisaged by the GPSD which prevents disparities that would be liable to create barriers to trade and distortion of competition within the internal market.

The GPSD aims to achieve both objectives through setting up a safety system that consists of several key elements:

- As it is very difficult to adopt legislation for every product which exists or which may be developed, the GPSD has adopted a **broad, horizontal approach** that covers consumer products generally, and regardless of the selling method. It thereby complements legislation that is related to specific types of products.
- Article 2 GPSD has introduced a **general safety requirement** for any product placed on the market, or otherwise supplied or made available to consumers, intended for consumers, or likely to be used by consumers under reasonably foreseeable conditions even if not intended for them (recital (6)). This safety requirement offers the flexibility to take into account different types of consumers, including vulnerable ones such as children or elderly people.
- In order to facilitate the effective and consistent application of the general safety requirement of the GPSD, its Articles 3 and 4 envisage the establishment of **European standards** covering certain products and risks in such a way that a product which conforms to a national standard transposing a European standard is presumed to be in compliance with the said requirement.
- While producers must only place safe products on the market, Article 5 GPSD also imposes additional **obligations on producers** that complement the duty to observe the general safety requirement. These include information for consumers enabling them to assess and prevent risks of products, to warn consumers of the risks posed by dangerous products already supplied to them, to safeguard traceability, to withdraw those products from the market and, as a last resort, to recall them when necessary. The duties of both producers and

distributors[9] include to immediately notify the respective authorities in EU Member States in case they know or ought to know, on the basis of the information in their possession and as professionals, that a product that they have placed on the market poses risks to consumers that are incompatible with the general safety requirement and to cooperate with the competent authorities on actions taken to avoid the risks posed by products which they supply or have supplied.

- Market authorities play an essential role in the **effective enforcement** of the obligations that are imposed on economic operators. Thus, Articles 6 to 9 GPSD require Member States to establish or nominate authorities competent to monitor the compliance with product safety requirements and to give the necessary powers to these authorities to take appropriate measures, including the power to order or organise the withdrawal of dangerous products and the power to impose effective, proportionate and dissuasive penalties.
- Articles 11 and 12 GPSD envisage the **cooperation and exchange of information** between the enforcement authorities of the Member States, which is supported by the European Commission. This collaboration is organised through RAPEX, which contains notifications of dangerous harmonised and non-harmonised products, and it presupposes that the Member States notify consumer products that pose serious risks to consumers.

In the following, the effectiveness of the GPSD, as implemented by the Member States (where applicable), in reducing unsafe consumer products on the market is analysed. Certain crucial elements, such as market surveillance and RAPEX (EQ2), standardisation (EQ3) and traceability and recalls (EQ5) are separately discussed. The analysis also addresses the effects of e-commerce (EQ3) and new technologies (EQ4) on the effectiveness of the GPSD. The answer to the first evaluation question (EQ1), the extent to which the GPSD meets its objectives, is therefore answered at several levels:

- We first analyse indicators for the achievement of the objectives of the GPSD in terms of safety of consumer products and contributing to the functioning of the Single Market;
- We then answer the specific evaluation questions regarding the listed key elements of the GPSD; before finally
- We provide conclusions regarding the overall effectiveness of the GPSD and the identification of factors influencing its effectiveness.

6.1.1.1. Extent to which the GPSD has been effective in achieving a high level of consumer protection through the reduction of unsafe products on the market

Several indicators and data sources can be used to assess the extent to which the GPSD and related market surveillance and notification procedures have been effective in achieving a high level of consumer protection through the reduction of unsafe products on the EU market. These include the following indicators/sources:

- Trends in the number of RAPEX notifications;
- Share of unsafe products found during market surveillance inspections;
- Data on product-related injuries;
- Assessments made by consumers and stakeholders concerning the level of product safety achieved.

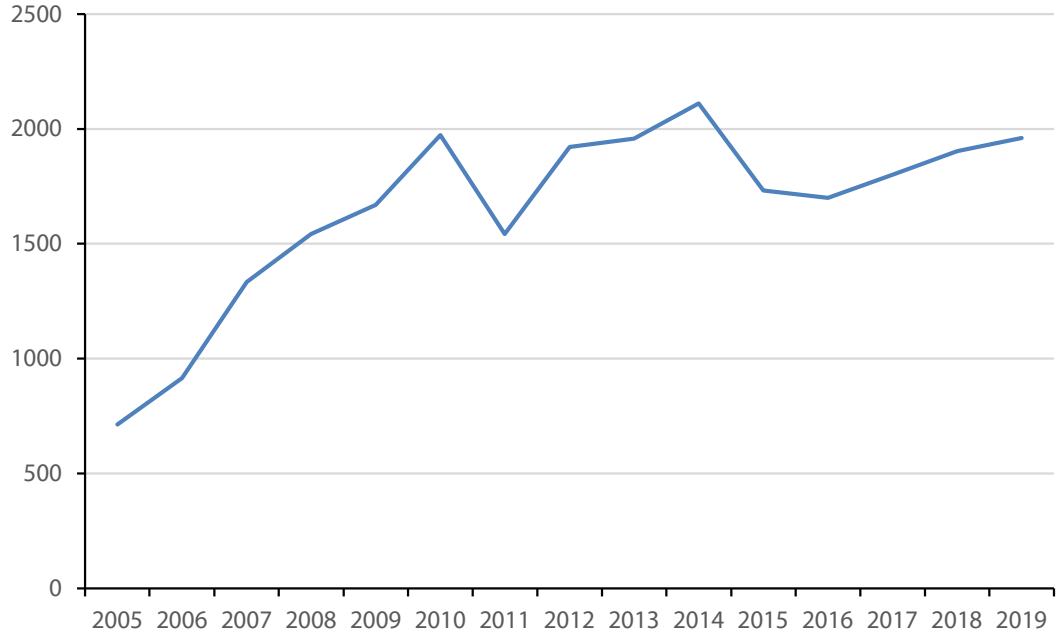
[9] Distributors are defined as "any professional in the supply chain whose activity does not affect the safety properties of a product (Art. 2).

None of these indicators is without limitations, and to obtain an overall picture they have to be considered together. The following sub-sections discuss the available evidence for each of the indicators.

Evidence from the rapid alert system

The first indicator is data from the rapid alert system for dangerous non-food products, published on the EU Safety Gate website[10]. The number of Art 12 notifications (products with serious risks) has steadily increased between 2005 (the start of the period for which the Safety Gate provides data) and 2010, and fluctuated thereafter between 1 550 to 2 100 notifications, as shown Figure 3.

Figure 3: Number of Safety Gate/RAPEX notifications concerning consumer products with serious risks (2005-2019)



Source: Civic Consulting, based on RAPEX notifications 2005-2019.

The distribution of the notifications concerning consumer products with serious risks by product category is shown in Table 2 below. Notifications in the rapid alert system may concern products for which specific EU harmonisation legislation exists (harmonised products), and products for this is not the case. 30% of notifications (7 441) relate to product categories for which no harmonisation legislation exists and to which the GPSD therefore applies fully (non-harmonised products). These are indicated in bold. Note however, that for several categories not indicated in bold, such as 'Electrical appliances and equipment', some specific products may also be non-harmonised, e.g. those electrical appliances that do not fall under the Low Voltage Directive.

[10] The dataset used for the analysis of Safety Gate/RAPEX data covers a total of 25 850 notifications from 2005 to 2019 that are publicly available, downloaded from the EU Safety Gate in 2020. The dataset includes 25 051 notifications concerning products with serious risks, 738 notifications of products with other risk levels, and 61 other types of alerts. A small number of notifications concerning products with serious risks refer to professional products. The following analysis focuses on the 24 769 notifications concerning consumer products with serious risks included in the database, if not specified otherwise. Note that when using the statistical function on the Safety Gate, the resulting figures may differ, e.g. because notifications are included that are not yet publicly available.

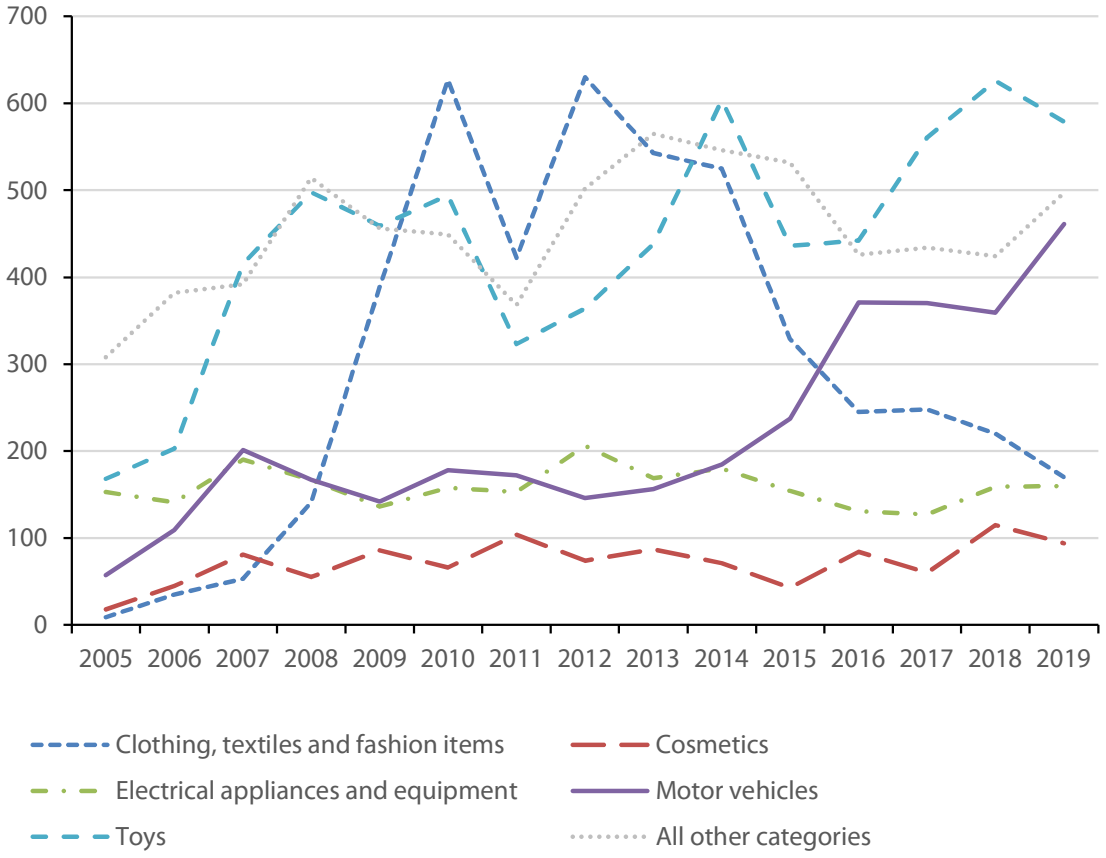
Table 2: Overall number of Safety Gate/RAPEX notifications concerning products presenting a serious risk to consumers, by product category (2005-2019)

Product category	Number of notifications
Toys	6610
Clothing, textiles and fashion items	**4586**
Motor vehicles	3311
Electrical appliances and equipment	2384
Cosmetics	1083
Childcare articles and children's equipment	**957**
Lighting equipment	948
Chemical products	574
Lighting chains	**497**
Hobby/sports equipment	**485**
Other	384
Jewellery	**375**
Protective equipment	317
Lighters	**315**
Food-imitating products	257
Machinery	250
Decorative articles	**246**
Laser pointers	**199**
Furniture	**156**
Communication and media equipment	147
Kitchen/cooking accessories	144
Pyrotechnic articles	124
Gas appliances and components	107
Construction products	102
Recreational crafts	63
Stationery	58
Gadgets	47
Hand tools	29
Pressure equipment/vessels	7
Measuring instruments	4
Total [a)]	*24769*

Source: Civic Consulting, based on Safety Gate/RAPEX notifications concerning products presenting a serious risk to consumers 2005-2019. **Bold** = **Non-harmonised** product category. Note that some lighting chains can fall under the scope of the Low Voltage Directive. In contrast, if electrical appliances and equipment do not fall under the Low Voltage Directive, the GPSD also applies fully. a) Includes 3 notifications for which no product category was specified.

During the last decade, the five product categories with the largest number of notifications (toys, clothing and motor vehicles, electrical appliances and cosmetics), accounted for between 1 200 and 1 600 notifications per year (or roughly three quarters of notifications). In total, 17 974 of the 24 769 notifications between 2005 and 2019 relate to these five product categories (see Table 2). Figure 4 below shows how the numbers of notifications in the five main product categories (as well as the sum of all other product categories) have changed over the years.

Figure 4: Safety Gate/RAPEX notifications concerning products presenting a serious risk to consumers in the five most frequently notified product groups (2005-2019)



Source: Civic Consulting, based on Safety Gate/RAPEX notifications concerning products presenting a serious risk to consumers 2005-2019.

Notifications related to toys have fluctuated between around 300 and 600 per year in the period 2010 to 2019. In contrast, over the same period the figure shows a clear decreasing trend in notifications of 'clothing, textiles and fashion items', from about 630 per year in 2010 and 2012 to less than 200 in 2019. The reason for this could be that several Joint Actions on children's clothing or fancy dresses have taken place in the years 2008 to 2014[11] resulting in a high number of notifications on products in this category in the beginning of the decade.

As Figure 4 above illustrates, during the last years notifications regarding motor vehicles have grown to account for approximately a quarter of notifications (from less than 200 per year at the beginning of the decade to about 460 annual notifications in 2019). As the total number of notifications has been relatively stable during the last decade, the number of RAPEX notifications excluding motor vehicles notifications has declined since reaching a peak in 2014 (in which the total number of notifications concerning products presenting a serious risk to consumers was 1 926, excluding motor vehicles) to 2019 (in which this figure was 1 500). This drop in notifications is even stronger for non-harmonised product categories (i.e. those marked in bold in Table 2 above), which decreased both in absolute numbers of notifications and in their share in total notifications from their peak of 838 per year in 2012 (44% of all

[11] See Civic Consulting 2020, Study for the preparation of an Implementation Report of the General Product Safety Directive, Final report (hereafter GPSD implementation study).

notifications) to 440 per year in 2019 (22% of all notifications). This is due to the already mentioned reduction in the number of notifications regarding 'clothing, textiles and fashion items', which is a category of non-harmonised products.

Notifications may include information concerning the number of items that are being affected by the measures taken, e.g. the number of items that were rejected at the EU border, or the number of items that were recalled from the market. This information is part of the RAPEX notification that is only accessible for market surveillance authorities. For the purposes of this evaluation, the European Commission provided an extract of this data, covering a twelve-month period from May 2019 to April 2020, and including information for a total of 536 notifications in which more than 1 000 items were affected. Table 3 gives an overview.

Table 3: Number of notifications and number of items affected by measures taken per product category (May 2019 to April 2020)

Product category	Number of notifications	Number of items affected, with data referring to ...				Total
		National circulation	EU/EEA circulation	Worldwide circulation	Unknown circulation	
Motor vehicles	272	27 240	1 049 811	9 424 961	17 462 909	27 964 921
Construction products	1				4 500 000	4 500 000
Protective equipment	11	4 800	4 290 000		16 545	4 311 345
Electrical appliances and equipment	30	638 177	63 278	1 146 608	210 719	2 058 782
Toys	126[a)]	183 800	539 534		483 901	1 207 235
Other	7		10 700		528 594	539 294
Cosmetics	12		56 560		208 063	264 623
Lighting equipment	11		12 969		231 657	244 626
Lighting chains	**17**	**105 520**			**51 600**	**157 120**
Childcare articles and children's equipment	**9**		**8 111**		**131 817**	**139 928**
Chemical products	4[b)]	2 160			75 073	77 233
Kitchen/cooking accessories	3	5 952			57 249	63 201
Hobby/sports equipment	**6**		**13 197**		**45 734**	**58 931**
Jewellery	**5**	**1 200**			**51 394**	**52 594**
Clothing, textiles and fashion items	**7**	**5 031**	**22 073**		**24 985**	**52 089**
Machinery	3				28 556	28 556
Decorative articles	**4**	**11 000**			**5 052**	**16 052**
Pyrotechnic articles	1		14 400			14 400
Measuring instruments	2	3 648	3 000			6 648
Gas appliances	3				6 140	6 140
Recreational crafts	1				2 953	2 953
Gadgets	1		1 008			1 008
Total	*536*	*988 528*	*6 084 641*	*10 571 569*	*24 122 941*	*41 767 679*

Source: Civic Consulting, based on data provided by the European Commission. Notes: Listed is information for a total of 536 notifications in which more than 1 000 items were affected (period May 2019 to April 2020). Of these 536 notifications, 533 provided data on the number of affected items (indicated as 'unit' in the dataset), 2 indicated 'kilogram' and 1 indicated 'liter' (see specific notes). a) Includes 2 notifications in which the items were indicated in 'kilogram' (regarding a total of 4 940 kg toy make-up kit/set). b) Includes 1 notification in which the items were indicated in 'liter' (concerning a total of 1 000 liter optical cleaner). **Bold** = Non-harmonised product category. Note that some lighting chains can fall under the scope of the Low Voltage Directive. In contrast, if electrical appliances and equipment do not fall under the Low Voltage Directive, the GPSD also applied fully.

As Table 3 shows, the listed notifications in this twelve-month period affected some 41.8 million items in total or 77 900 items per notification on average[12]. The largest category is "Motor vehicles" with the highest number of notifications (272) and the highest number of items affected (approximately 28 million items). However, as shown in the table, these figures often referred to the worldwide number of recalled vehicles (which includes vehicles in the EU and in other countries). In other notifications, the number of items typically refers either to the EU/EEA as a whole, or to the notifying Member State. However, for more than half of the notifications the area of circulation to which the figure relates is not specified. In total, about 10.6 million items subject to a notification referred to worldwide circulation, and 7.1 million items to the EU/EEA as a whole, or to the notifying Member State. For 24.1 million items this information is not available. Again, the largest number of items are registered for harmonised products such as motor vehicles and toys. Notifications that concern clearly non-harmonised product categories (marked in bold) account for a total of 477 722 items in this twelve-month period (or about 1.1% of the total number). This comparatively low share of non-harmonised products is mostly explained by the overwhelming importance in terms of affected items of a small number of product categories: The top category (motor vehicles) accounts for close to 28 million items (or 67% of total), and the top 5 categories even account for a total of more than 40 million items (or 95.6% of total).

Due to data limitations, it is not possible to compare the number of affected items to the total numbers sold in the EU in the same product category. Also, as indicated before, the number and type of Safety Gate/RAPEX notifications in a given period depends on a variety of factors, such as inspection priorities of market surveillance authorities, differences in efficiency of market surveillance and market developments.

Evidence from market surveillance activities of Member States authorities

Table 4 below presents data on the total number of consumer products inspected by market surveillance authorities (MSAs) in the EU Member States, as well as the total number of dangerous consumer products found. Again, the table includes combined figures for harmonised and non-harmonised products, as separate statistics are rarely available.

Table 4: Share of inspected consumer products and share of dangerous products found (last available year, mostly 2018 or 2019)

Country	Total number of consumer products inspected	Total number of dangerous consumer products found	Share of dangerous products found (of total products inspected)
Austria	:	:	:
Belgium[a)]	710	283	40%
Bulgaria[p)]	4 624	120	3%
Croatia[q)]	4 475	47	1%
Cyprus[b)]	7 105	301	4%
Czech Republic[c)]	17 088	156	1%
Denmark[d)]	2 500	520	21%
Estonia[e)]	8 317	46	1%
Finland[r)]	85	31	36%
France[s)]	3 980	760	19%
Germany[f)]	27 541	12 715	46%

[12] Note that the total of 41.8 million items refers to the 536 notifications in which more than 1 000 items were affected. Notifications in which a lower number of items were affected are not considered. The overall total of items subject to notification in this 12 months period is therefore higher.

Greece[g)]	850	100	12%
Hungary	:	:	:
Ireland[t)]	492	:	:
Italy	:	:	:
Latvia[h)]	1 144	64	6%
Lithuania[i)]	2 000	59	3%
Luxembourg[j)]	867	15	2%
Malta[k)]	1 313	22	2%
Netherlands	6 500	n.a.	n.a.
Poland [l)]	8 671	440	5%
Portugal[u)]	:	:	:
Romania[m)]	15 245	41	0.3%
Slovenia[n)]	605	9	1%
Slovakia	:	:	:
Spain	:	:	:
Sweden	:	:	:
UK	:	:	:

Source: GPSD implementation study. Notes: Consistent data covering all relevant MSAs is often not available in Member States, and even partial data is difficult to obtain. Therefore, data collection efforts focused on the last available year, mostly 2018/2019. a) 2018 data. Only GPSD products and following harmonised products: Aerosol, Cableways, Explosives for civil use, Lifts, Machinery, PED, SPVD, PPE, Pyrotechnical Articles, Toys. Source: Activity report of the Directorate General Quality and Safety: https://economie.fgov.be/fr/publications/rapport-dactivites-2018-de-la. These numbers do not include all of the inspections by the Economic Inspection. b) Only toys and non-harmonised products which fall within the authority of the CPS as a competent market surveillance authority (first column provides the number of inspections, as the number of products inspected was not provided) c) 2018 data. Source: Ministry of Industry and Trade. d) 2018 data, approximate. Combined figures from Danish Safety Technology Authority and Danish Environmental Protection Agency. e) Statistical data is available for the first 9 months of 2018. Source: Ministry of Economic Affairs and Communications (2019), Market Surveillance Programme 2019. f) 2018 data. The figures refer to all products tested in 13 sectors covered by the German Product Safety Act - there is no distinction between consumer and non-consumer products or between the different sectors. g) 2018 data. Non-harmonised consumer products only. h) 2018 data. i) 2019 data. j) This information is also related to ILNAS. k) 2018 data. l) 2018 data. The last rubric mentions the number of products in which structural irregularities were found. m) 2018 data. The data provided by the NACP reflects both harmonised and non-harmonised products. n) 2018 data (first column provides the number of inspections, as the number of products inspected was not provided). p) 2018 data, for Ministry of Economy/Commission for Consumer Protection only (first column provides the number of inspections, as the number of products inspected was not provided). Number of dangerous consumer products refers to types of products (124). q) Data incomplete. r) 2019 data. Finnish Safety and Chemicals Agency only. s) DGCCRF estimate, non-harmonised products only data (first column provides the number of inspections, as the number of products inspected was not provided). t) 2018 data. Investigation totals for GPSD, Toys, LVD, PPE (recreational & leisure) and Appliances Burning Gaseous Fuel (domestic). u) Data provided unclear and therefore not included. ':' = no data available

The share of dangerous products found by market surveillance authorities in their inspections is frequently between 2% and 16% of total consumer products inspected, with the median value being 4%[13]. In some countries this share is much higher: from five countries it was reported that the share of dangerous products of total consumer products inspected is close to 20% or higher. However, the data has been reported from various sources according to different criteria, so that these figures have to be interpreted with care. As market surveillance authorities often sample according to risk-based criteria (i.e. focusing on risky products, conducting visual inspections to choose products for testing that can potentially be unsafe), this figure is not

[13] The values of 2% to 16% provided above refer to the 1st and 3rd quartile of the data series (between which the middle 50% of the data lie). The median is the middle value, or 2nd quartile (also called 50th percentile).

representative for the incidence of dangerous consumer products on the market[14]. On the other hand, the data presented above confirms the result of the joint and coordinated market surveillance actions, conducted by Member States' market surveillance authorities, and supported with funding by the European Commission. Most Coordinated Actions resulted in the identification of a significant number of non-compliant and/or dangerous products. While non-compliance rates were often 20% or more, the Coordinated Action reports repeatedly indicate that these high rates of non-compliance were not necessarily representative for the market, as non-random samples were taken[15].

Data on product-related injuries

Another important indicator for product safety trends is the number of product-related injuries, as collected through the European Injury Database (IDB), which was hosted by the European Commission until 2019[16]. The IDB aims to provide information on the circumstances and consequences of non-fatal injuries to facilitate their prevention and improve safety. The IDB does not contain data on product related injuries only, but also keeps record of injuries occurring in the workplace, at home, at school, during leisure and sports as well as injuries occurring as a result of road traffic accidents, interpersonal violence and deliberate self-harm. The data is collected from the emergency departments of a number of selected hospitals, which, based on their size (small, medium, large) and type (e.g. general hospitals, children hospitals, university hospitals) are assumed to constitute a representative sample for the respective Member State[17]. The data is voluntarily contributed by the Member States participating in the IDB, which were 15 out of 28 Member States in 2016[18].

Two levels of datasets exist in the IDB: the full dataset indicated as IDB-FDS and the minimum dataset referred to as IDB-MDS. The IDB-FDS provides more detailed information with regards to the circumstances of the injury and the products involved, in comparison to the IDB-MDS, which is a simplification of IDB-FDS and includes limited information pertaining to the injury. Since 2020, access to IDB-FDS microdata is not available for third parties anymore, but data queries and analyses can be requested from the European Association for Injury Prevention and Safety Promotion (EuroSafe), which coordinates the network of national IDB-data providers. Access to IDB-MDS data is still publicly available through the IDB-web-gate of DG SANTE, but recent data are not uploaded anymore. Due to the differences in structure and information contained in these datasets, both are used for this evaluation and the analysis of product-related consumer detriment. To obtain the most relevant data on injuries, we focused the analysis on accidental, non-intentional injuries and excluded transport injury events and work-related injuries. From the remaining injury incidents, we selected the ones that are related to any object/product, except for food, drinks and pharmaceutical substances[19]. As IDB data has also been used as an indicator for the European Commission's Consumer Market Scoreboard, we selected the same

[14] This risk-based approach also affects the type and number of RAPEX notifications, which may be influenced by changing priorities concerning which risks are considered by MSAs when conducting inspections.

[15] For a more detailed analysis, see GPSD implementation study, section 5.4.

[16] At the time of writing, DG SANTE has announced to terminate IDB-hosting due to resource constraints. For more details on the IDB, see Annex I of Part 2 of this report.

[17] EuroSafe (2017), 'Injuries in the European Union 2013-2015, supplementary report to the 6th edition of 'Injuries in the EU', p. 9.

[18] Ibid., p. 26.

[19] Also excluded were the following objects: means of transport, mobile machinery, weapons, medical devices, and laboratory equipment.

product groups used by the Consumer Market Scoreboard in its analysis of injury data from the IDB[20].

To avoid bias due to reporting differences, we have analysed the data contained in the IDB-FDS over a five-year period (2013 to 2017) and calculated annual averages. This approach does not provide insights in product safety trends over the years, but rather shows which products are most relevant in terms of injuries in each product group, and how the occurrence of injuries is distributed by age group and location (see Table 5 below). The data obtained from the IDB-FDS has been extrapolated to the EU27 based on estimated incidence rates obtained through the IDB-MDS.

When interpreting the table, it is important to note that it presents data on injuries that are related to a product. The IDB-FDS does not provide information with regards to whether the injury was actually caused by the product design or the lack of product safety.

[20] See European Commission (2014), 'Consumer Markets Scoreboard. Making markets work for consumers', 10th edition, p. 60-61. The scoreboard notes: "As the IDB product categories are not based on the COICOP classification, in most cases it is difficult to establish a direct link with the categories used in the Scoreboard. However, some categories, such as furniture and household appliances, are similar in both classification systems." The scoreboard therefore uses for its analysis the 11 specified product groups that are also used for this report, to explore product categories and products most often involved in accidents.

Table 5: Product-related injuries by age and place of occurrence (EU27, annual average 2013-2017)

Product group/ mechanism (as provided in IDB)	**Main products involved** (The listed products account for 95% of all recorded injuries. Products accounting for two thirds of cases or more in each category are marked in **bold**)	**Age**			**Place of occurrence**				**Total**
		0-14	15-64	65+	Home & residen-tial home	School & education area	Sports area	Other place/ missing	
05 FURNITURE/ FURNISHING	**Bed/bunk bed, chair/stool/sofa, cupboard/side board , table**, rug/mat/loose carpet, desk/workbench, bedding/bedding accessories, rack/bookshelf, mirror, bedrails, garden parasol	531 053	397 615	368 649	1 053 808	9 125	72 044	162 339	**1 297 317**
06 INFANT OR CHILD PRODUCT	**Swing, other playground climbing apparatus/equipment, slide, tricycle or other ride-on toy, other toy**, changing table, baby pram/buggy/stroller/carriage, cot/crib/baby bed, high chair, seesaw/teeter totter, powered amusement rides, monkey bar, marble/bead, ball other than sport specific, toy vehicle, tree/play house, toy-art/craft/kit, baby/child car seat, toy sports equipment	475 147	49 634	4 421	162 426	25 329	96 785	244 662	**529 202**
07 APPLIANCE MAINLY USED IN HOUSEHOLD	**Electric or gas radiator/heater, scissors, stove/oven, vacuum cleaner, food processor/blender/juicer, cord of household appliance/extension cord, other specified household appliance, tools for needlework, refrigerator/ freezer, television, electric lamp, other electric cooking/ food processing appliance, other heating or cooling appliance, washing machine,** dishwasher, other specified cooking or kitchen appliance, barbeque/grill, outdoor cookers/oven, cleaning tool (unpowered), powered knife, clothes iron/press	60 262	109 525	37 568	174 600	806	6 033	25 917	**207 355**
08 UTENSIL OR CONTAINER	**Knife, drinking glass/cup, glass bottle/jar**, plate/bowl/dish, heavy container/box, other utensil/container/ crockery, Cooking pot/pan, cutlery, rubbish bin/dumpster, shopping trolley/cart, bucket, box or carton containing food or drink, bag/sack, pressure cooker, non-electric kettle	65 380	372 591	38 766	369 869	1 895	8 799	96 175	**476 737**
09 ITEM MAINLY FOR PERSONAL USE	**Shoe/sandal, walker/walking stick, wheelchair, clothes, bag, coins, razor (blade)**, wristwatch/jewellery, eyewear, suitcase, shoelace, cotton swab/Q-Tip, telephone/mobile, other specified personal aid, wheeled shopping bag , other personal use item, pen/pencil, nightclothes/pyjamas/underwear/lingerie, personal computer or accessory	70 955	155 348	165 954	219 399	24 174	14 505	134 179	**392 257**
10 EQUIPMENT MAINLY USED FOR	**Ball, trampoline, snow ski, roller skates/in-line skates, skateboard**, fixed sports equipment, ice skate, gymnastic equipment, snow board, bat/hockey stick, folding scooter,	845 582	748 078	26 657	192 001	877 967	181 330	369 041	**1 620 339**

SPORTS/ RECREATIONAL ACTIVITY	sled/toboggan, sports mat, portable fitness equipment, angling equipment, rugby pole/net pole/goal post, other specified equipment for sports/recreational activity, climbing equipment								
11 TOOL, MACHINE, APPARATUS MAINLY USED FOR WORK-RELATED ACTIVITY	**Ladder/movable step, power saw, nail/screw, cutting tool, chainsaw, grinder/buffer/polisher, chopping tool, hammer**, other unpowered hand tool/equipment, Cutting/slicing machinery, other specified tool/machine, powered push lawnmower, drill, scaffolding, cutting/clipping equipment, other powered hand tool/equipment, digging or tilling tool, screwing tool, powered garden tool	44 995	488 280	139 885	464 432	4 138	9 147	195 464	**673 181**
14 BUILDING, BUILDING COMPONENT, OR RELATED FITTING	**Stairs/steps, floor, door/door sill**, wall, fence/gate, window, handrail/railing/banister, bathtub, flush toilet, fitted counter/counter-top, other building fitting, glass door, moving ramp/escalator, in-ground swimming pool, other door or window related fitting/feature, shower	1 165 403	2 190 528	1 360 322	2 976 044	331 560	341 186	1 067 616	**4 716 406**
15 GROUND SURFACE OR SURFACE CONFORMATION	**Ground surface**, surface conformation, uneven surface, trench/ditch/pit, slope/ramp, open sea/cliff, sloping surface, dam/lake, river/stream, sewer grate, beach/seashore, body of water, kerbstone, border stone, open drain/channel, puddle	231 290	492 657	237 998	223 450	43 383	55 362	639 969	**962 163**
17 FIRE, FLAME, OR SMOKE	**Unspecified fire or flame, other specified fire or flame, unspecified smoke**, controlled fire/flame in building or structure, specified smoke, controlled fire/flame (not in building or structure), uncontrolled fire/flame (in building or structure), other burning liquid, unspecified, burning gas, burning oil, other specified fire/flame/smoke, uncontrolled fire/flame (not in building or structure)	5 575	28 095	5 009	25 133	22	152	13 372	**38 679**
18 HOT OBJECT/ SUBSTANCE NEC*	**Boiling water (other than tap water), other specified hot liquid, unspecified hot liquid**, hot tap water, unspecified hot object/substance, other specified hot object/substance, steam/hot vapour, other specified hot air or gas, unspecified hot air or gas	45 278	44 973	5 946	81 082	174	436	14 505	**96 197**
A. TOTAL PRODUCT-RELATED INJURIES		**3 540 920**	**5 077 323**	**2 391 176**	**5 942 245**	**1 318 573**	**785 777**	**2 963 238**	**11 009 833**

Source: Civic Consulting, based on IDB-FDS and IDB-MDS data provided by EuroSafe in July 2020. Table provides the number of accidental, non-intentional product-related injuries, in which consumers visited hospital emergency department. Excluded are transport injury events and work-related injuries (paid work). Data obtained from IDB-FDS has been extrapolated to the EU27 based on data obtained through IDB-MDS. Underlined figures indicate the age group and place of occurrence in which injuries happen most frequently. *NEC = not elsewhere classified.

As Table 5 shows, an estimated 11 million product-related injuries, in which consumers visited a hospital emergency department due to the injury, occur in the EU each year. Injuries can happen related to large variety of products. However, as the table indicates, the top 200 products of the IDB account for 95% of all product-related injury events. Other conclusions concerning injuries that are related to products include:

- Most of the injuries that are related to products occur at home as opposed to sports and athletics areas and school and educational areas[21];
- Vulnerable consumer groups such as children and elderly are more affected than the working age population. While children and elderly account for 54% of all product-related injuries, these two groups together only account for 35% of the EU population[22];
- Product groups where children are the most frequently affected group are:
    - equipment mainly used for sports/ recreational activity
    - furniture/ furnishing
    - infant or child product
    - hot object/ substance
- Product groups where elderly are the most frequently affected group are:
    - item mainly for personal use

The frequency of injuries with various product-groups depend highly on their availability and frequency of use. By far the most relevant group of products in terms of injuries is "building, building components or related fittings" (accounting for 43% of product-related injuries). Two third of these injuries are caused by just three types of products: stairs & steps, hard floor (tile, brick, concrete) and carpeted floor. Stumbling, tripping, slipping and consequently falling is the most frequent injury mechanism. In many injury events, inadequacies of the physical environment play a role as risk factor: bad illumination, worn-off steps, uneven floor, carpet folds, wet and slippery tiles, inadequate or missing handrail, slippery soles of footwear etc. In most cases, it is not one single deficient or unsafe product which causes the incident, but the combination of various risk factors (characteristics of the physical setting, social conditions, and individual behaviour). Since behaviour components (e.g. perceptual errors, carelessness, hurry, fatigue) play almost always a role, the injured persons tend to blame primarily themselves, and much less often the build environment or the objects involved in the injury[23].

It is notable that the product groups that are related to the highest number of injuries in Table 5 do not show much correlation with the notifications in RAPEX. Relevant reasons include:

- The actual injury risk of consumers related to products, which affects consumer safety most, has an important situational and behavioural component. This is not necessarily covered by market surveillance, where the focus is often on the characteristics of (new) products;
- Table 5 also includes injuries, where a product was involved, but not classified as unsafe in terms of the GPSD;

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[21] EuroSafe, Injuries in the European Union, Report on injury statistics 2010-2012, Amsterdam, 2014. EuroSafe, Policy Briefing 12, Safety of Consumer Products and Services, 2009.

[22] Eurostat, Population: Structure indicators [demo_pjanind], EU27 in 2017, data extracted 16.06.20.

[23] We thank Rupert Kisser, the European Injury Database coordinator of EuroSafe, for sharing his insights in this respect, and in providing advice for the analysis of injury data.

- Notification of products to RAPEX might be affected by multiple factors (e.g., as mentioned before, inspection priorities, differences in efficiency of market surveillance and market developments), and only reflect injury events if these are communicated to the market surveillance authorities, which is not systematically the case and not based on the actual frequency of injuries.

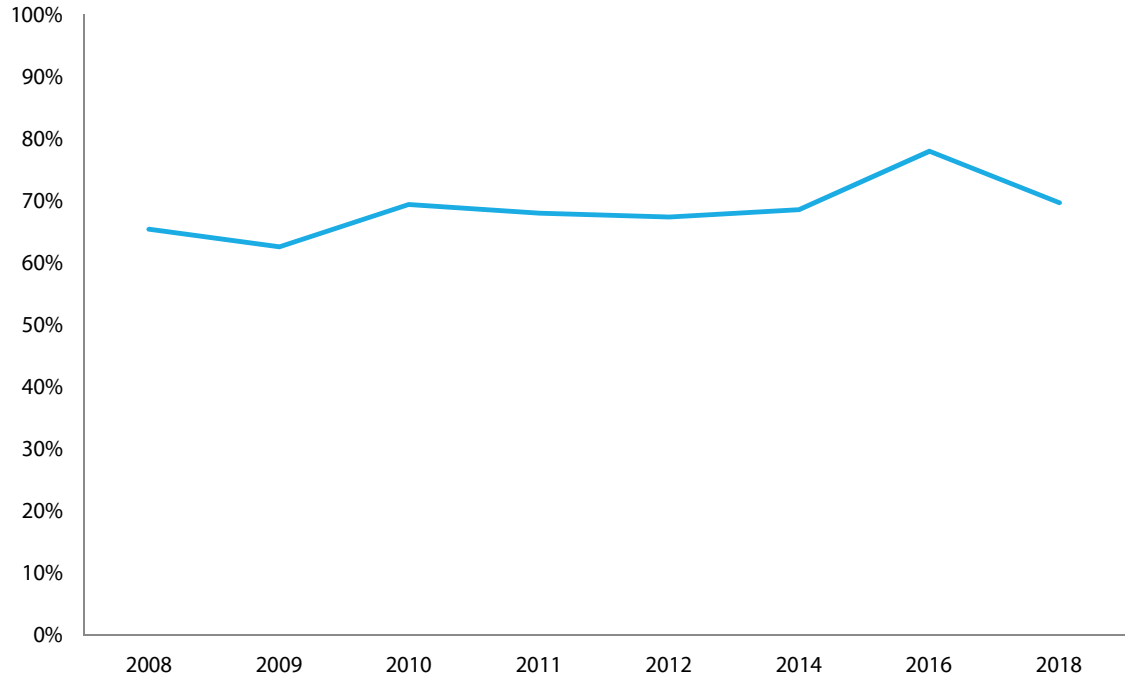
This does not in any way limit the value of RAPEX, but shows that RAPEX data cannot be simply used as proxy for consumer product safety trends, for analysing the preventive potential of enhanced product design or safety features, or for designing programmes to improve the safety of consumers substantially.

The data listed in Table 5 above shows that a substantial number of injuries occur in the EU every year that are related to – but not necessarily caused by – products, leading to a large detriment for EU consumers and society. In the analysis presented in Annex I of Part 2 of this report, we have estimated this detriment to be EUR 76.6 billion per year. This is the sum of detriment caused by non-fatal product-related injuries, and the cost of premature death due to fatalities caused by mechanisms relevant for product safety (such as tools, strangulation, electric current, or fire) occurring outside of work-related locations. We concluded based on previous research and interviews with product safety experts that 15% is a reasonable and conservative estimate for the proportion of the total detriment that was caused by products, or could have been prevented through better design, instruction or a safety device. On this basis, the preventable detriment suffered by EU consumers and society due to product-related accidents can be estimated at EUR 11.5 billion per year.

Consumer trust and stakeholder assessments regarding product safety

To some extent, consumer survey data can provide supporting evidence regarding product safety, at least to the extent that consumers perceive product safety to be an issue relevant to them, based on their own experiences, the experiences of friends and media reports. EU data exists concerning the consumer perception of the level of product safety in the EU. The data derives from the Commission's regular surveys on consumer attitudes toward cross-border trade and consumer protection since 2008 (the last relevant survey was conducted in 2018). Figure 5 shows the development of consumer trust in product safety in detail.

Figure 5: Percentage of consumers who agree that essentially all non-food products are safe or that a small number of non-food products are unsafe (EU average), 2008-2018



Source: Compilation by Civic Consulting based on data from the Commission's 2016 and 2018 survey of consumers' attitudes toward cross-border trade and consumer protection. Question text: Thinking about all non-food products currently on the market in (our country), do you think that…? / How strongly do you agree or disagree with each of the following statements. In (our country) … (Essentially all non-food products are safe / A small number of non-food products are unsafe). The figure above reports the proportion of consumers who either "Agree" or "Strongly agree" with these statements.

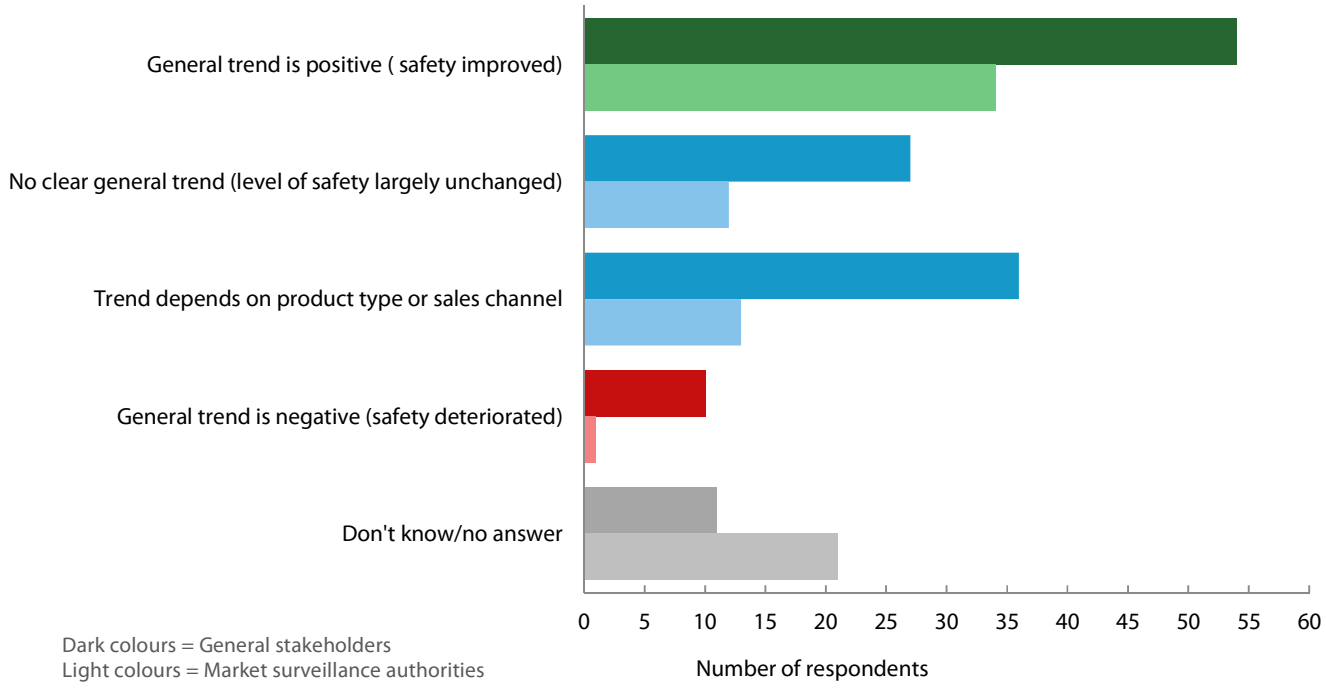
Figure 5 above indicates that consumer trust in product safety in the EU has shown a slight increase over time, with the proportion of consumers agreeing that essentially all non-food products in their country are safe (or that only a small number are unsafe) increasing from 65% in 2008 to 78% in 2016, before decreasing again to 70%. The largest increase (9 percentage points) occurred between the 2014 and 2016 surveys, before returning in 2018 to slightly above the 2014 level.

In complementary surveys and interviews, MSAs and general stakeholders were asked to assess at a qualitative level how the level of safety improved in their country since 2013. Figure 6 below shows that the largest group of respondents (about 42% of MSAs and 39% of general stakeholders) considered the trend to be positive, i.e. suggested that safety of consumer products improved over this period. Only a small minority saw a negative trend (1%/7%)[24]. Roughly of equal size were the groups of respondents that either saw no clear general trend (level of safety largely unchanged, 15%/20%) or found that the trend depends on the product type or sales channel (16%/26%). Stakeholders that considered the safety trend to depend on product type or sales channel mostly referred to sales from online platforms, products directly sold

[24] In the sub-category of consumer organisations/NGOs, the assessment was slightly more negative, with 20% of respondents seeing a negative trend. However, the percentage of respondents that saw a positive trend was similar to the overall group (at 40%). See Annex for detailed results by stakeholder group.

from third countries and products with new technologies as being more problematic in terms of product safety.

Figure 6: How has the level of safety of consumer products improved in your country since 2013? - Assessment of MSAs and general stakeholders



Source: Civic Consulting 2020: GPSD implementation study. Note: N=81 (MSAs); 138 (general stakeholders). Based on MSA survey Q45, stakeholder survey Q21. See Annex for full details.

Typically, market surveillance authorities were very cautious with their assessment, as the results of the country research indicate. For example, an authority in Greece elaborated that the lack of systematic statistical data on product safety does not allow for providing a substantiated answer in this respect. However, the overall conclusion of the interviewed authorities in Greece was that the level of product safety has improved. This is supported by the fact that the number of consumer complaints about product safety has decreased and inspections in the market indicate that the number of unsafe products circulating has also been reduced.

Other countries such as Malta reported an increased awareness of both importers and the consumers, which translated into more 'compliant' and safer products entering the market. This heightened level of awareness showed evidence from the number of queries that the Maltese MSA received from economic operators prior to importation in the last few years. The MSA viewed this as a very positive development which stems predominantly from the fear of economic operators of incurring potential losses or delays resulting from non-compliance with the GPSD and the relative national legislation.

In other countries such as Sweden, however, authorities were more sceptical, and noted that there were no clear trends and safety was largely unchanged. Sometimes, different authorities in the same country came to different conclusions. For example,

in France the national customs considered that the overall trend was positive (safety improved), and the sub-national customs authorities confirmed this trend, whereas the market surveillance authority DGCCRF[25] considered that safety had deteriorated. While its view was more positive with respect to traditional distribution channels (due to the effect of standardisation, etc.) the negative trend was considered to derive principally from e-commerce offerings with products originating from third parties without an EU importer and sent directly to individuals in France[26].

Conclusion on the extent to which a high level of consumer protection through the reduction of unsafe products on the market has been achieved

Data from market surveillance authorities' regular inspections and the coordinated actions of Member States illustrates that dangerous products continue to enter and be available on the EU market, and can be purchased by consumers in all Member States. This appears to be the case for both harmonised and non-harmonised products, with harmonised consumer products such as vehicles, toys, cosmetics and electrical appliances having larger shares in notifications and recalls, in line with their often higher level of complexity (e.g. vehicles), their inherent potential for harming consumers (e.g. electrical tools, cosmetics) and/or relevance for vulnerable consumers groups (e.g. toys). The available data on injuries in the EU shows that a substantial number of injuries of consumers occur that are related to – but not necessarily caused by – products, leading to a large detriment for EU consumers and society. As described above, our analysis concluded that the preventable detriment suffered by EU consumers and society due to product-related accidents can be estimated at EUR 11.5 billion per year, when health care utilization costs, productivity losses, loss of quality of life for hospitalised cases, and the cost of premature death[27] are considered (for more details, see Annex I of Part 2 of this report).

Considering all data presented, the available evidence points to a relatively stable situation in terms of the safety of consumer products, with some evidence pointing toward improvements over the last decade, at least as perceived by consumers and a plurality of stakeholders. Also, the overall number of dangerous products notified in the rapid alert system is decreasing since several years, if vehicle recalls are excluded. On the other hand, as mentioned above, the number of notifications is influenced by many factors such as inspection priorities, differences in efficiency of market surveillance and market developments, so that this indicator is not unambiguous.

The available data also confirms that large numbers of unsafe products that could affect the safety of EU consumers are rejected at the borders, withdrawn from the market or recalled. This implies that a reduction of unsafe products on the market is achieved in practice, in line with the objective of the GPSD. However, there remains a continuing influx of new unsafe products on the market, indicating that the GPSD does not create a sufficient deterrent effect to avoid that unsafe products are placed on the market. This limits the effectiveness of the GPSD, as not all products on the market can be inspected by authorities to safeguard that the general safety requirement is adhered to.

In consequence, the GPSD is considered by stakeholders to have been between "moderately effective" and "rather effective" in achieving a high level of consumer protection. On a scale of 1 (not at all effective) to 5 (very effective), all groups of stakeholders rated the effectiveness of the GPSD in this respect on average between 3 and 4, whereby authorities and companies/business associations (including SMEs)

[25] Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes

[26] See GPSD implementation study, country report France.

[27] As described in Annex I of Part 2 of this report, the cost of premature death is estimated on basis of fatalities caused by mechanisms relevant for product safety (such as tools, strangulation, electric current, or fire) occurring outside of work-related locations.

considered the GPSD to be more effective than other stakeholders (which include consumer organisations) - see section 6.1.7 for more details.

The analysis of injury data and the resulting considerable consumer detriment also shows that product safety measures related to products, such as safe playground equipment and childcare products, the prevention of strangulation, fire prevention and electrical safety continue to be very relevant to prevent product-related injuries and fatalities of consumers. A major point of concern by stakeholders are online sales and direct imports by consumers from non-EU/EEA countries, as well as challenges for product safety posed by new technologies. These are analysed in subsequent sections of this report.

6.1.1.2. Extent to which the GPSD has been effective in contributing to the functioning of the Single Market

According to its recital (2), the GPSD pursues the aim of improving the functioning of the internal market. As recital (3) confirms, it has introduced a common legislative framework in order to avoid disparities between Member States that could have emerged in the absence of Union law.

Generally speaking, this aim of the free movement of goods within the internal market has certainly been achieved. There were only few cases where Member States prohibited or hindered the import of products from other Member States that had been certified in line with EU product safety law[28], and these cases all related to specific harmonised legislation but not to the GPSD. There is no indication that Member States try to stop imports from other Member States for reasons of their insufficient level of safety. However, as elaborated in EQ2 below, there are considerable differences regarding the frequency of market surveillance between Member States. Staff and financial resources of market surveillance authorities are often insufficient, with fragmentation of responsibilities leading to inefficiencies due to a lack of economies of scale in some cases. This may affect the degree to which there is a level playing field for operators in the internal market.

A related problem is that market surveillance authorities of different Member States may come to different conclusions in relation to the safety of a particular product. In this regard, the two aims of the GPSD of fostering the free movement of products within the internal market and of promoting health and safety are connected, as the GPSD only aims to foster the free movement of *safe* products. This means that major differences in the assessment of safety risks and related market surveillance and testing approaches between Member States must be avoided for the achievement of both aims. In some cases disputes on risk assessments are therefore discussed within the RAPEX network. Over recent years, the number of such disputes to better align the risk assessments by different Member States' authorities has been relatively stable, as indicated in Table 6 below. The number of notifications that were subject to disputes has been on average less than 30 per year. The number of actual disputes was slightly higher, as in some cases more than one Member State provided a different risk assessment in a follow-up notification (or "reaction" as it was named previously) that needed to be settled with the risk assessment by the Member State that submitted the original notification.

[28] See ECJ, 19 March 2009, C-489/06 Commission v. Greece, ECLI:EU:C:2009:165, on medical devices; ECJ, 17 April 2007, C-470/03 A.G.M.-COS.MET Srl v Suomen valtio and Tarmo Lehtinen, ECLI:EU:C:2007:213 (machinery); ECJ, 8 May 2003, C-14/02 ATRAL SA v Belgium, ECLI:EU:C:2003:265 (low voltage electrical equipment); GC, 26 January 2017, T-474/15 Global Garden Products Italy SpA (GGP Italy) v Commission, ECLI:EU:T:2017:36.

Table 6: Number of disputes on risk assessments that needed to be discussed within the RAPEX network

Year	Number of notifications that were subject to disputes	Number of follow up disputes
2013	19	21
2014	39	41
2015	33	39
2016	19	24
2017	24	28
2018	26	27
2019	30	30
Total	***190***	***210***

Source: Civic Consulting, based on data provided by European Commission.

In this regard, it is important that over the years, the European Commission has issued a number of guidance documents that support the uniform application of the GPSD in the Member States, including:

- Commission Notice on the market surveillance of products sold online;
- Commission Decision 2004/905/EC laying down guidelines for the notification of dangerous consumer products to the competent authorities of the Member States by producers and distributors;
- Commission Implementing Decision (EU) 2019/417 of 8 November 2018 laying down guidelines for the management of the European Union Rapid Information System 'RAPEX' established under Article 12 of Directive 2001/95/EC on general product safety and its notification system.

Moreover, there is evidence that the training programmes that the European Commission organised for the national market surveillance authorities[29] and the financing of joint market surveillance activities of EU Member States contribute to the uniform application of the GPSD in the Member States. The system could, however, be improved by further and more detailed legislative harmonisation, or at least further guidance on particular issues, such as the organisation of product recalls (see below, EQ6).

The role of standards

Standards play an important role in EU product safety law. In the framework of the GPSD, they serve a double purpose: they facilitate market access and they ensure the safety of products. According to Article 3(2) of the GPSD, a product shall be presumed safe as far as the risks and risk categories covered by relevant national standards are concerned when it conforms to voluntary national standards transposing European standards, the references of which have been published by the Commission in the Official Journal of the EU in accordance with Article 4 of the GPSD. In that sense, standards contribute to the uniform application of the GPSD in the Member States.

This would imply that the greater the number of standards is the more does the GPSD contribute to the uniform application of product safety law in the Member States. So far, a total of 80 standards were referenced under the GPSD by the European

[29] For a detailed overview, see Civic Consulting, Ex-post evaluation of the Consumer Programme 2007-2013 and mid-term evaluation of the Consumer Programme 2014-2020.

Commission, which indicate the effectiveness of the Directive in this respect[30]. This issue is further explored in EQ5, below.

New technologies and the Single Market

The effectiveness of the GPSD in achieving the free movement of products and level playing field in the internal market could, however, be affected by the rise of new technologies, and in particular in relation to software that is subsequently embedded in a product after that product has been put on the market, and with self-learning software where technological development and uncertainty about the applicability of product safety law has produced an uneven level of protection between Member States (see below, EQ4). If the safety of software is not addressed at EU level, Member States could resort to national measures that could create an obstacle to the free movement of goods or services and uneven level playing field for businesses. And if Member States treated products with embedded self-learning software differently in terms of the assessment of their safety, as outlined below, this could produce similar effects. While this could happen in the future, this evaluation found no indication that this is already currently the case.

Conclusion on the extent to which the GPSD has been effective in contributing to the functioning of the Single Market

The evaluation concludes that at a general level the GPSD has been effective in contributing to the free movement of goods within the internal market. There is no indication that Member States try to stop imports of products for which no harmonisation legislation exists and to which the GPSD therefore applies fully (non-harmonised products) from other Member States for reasons of their insufficient level of safety. However, as indicated above, there are considerable differences regarding the frequency and efficiency of market surveillance between Member States. This may affect the degree to which there is a level playing field for operators in the internal market. Stakeholders emphasise that market surveillance authorities of different Member States may come to different conclusions in relation to the risks posed and safety of a particular product, and that this in some cases affect their operations and increases administrative burdens, thus having a negative impact on the functioning of the Single Market and level playing field.

6.1.2. Effectiveness of market surveillance system established by the GPSD, in particular Safety Gate/RAPEX

EQ2. To what extent has the market surveillance system established by the GPSD (in particular the Rapid Alert System for dangerous non-food products) been effective?

The GPSD provides a requirement for Member States to establish systematic approaches to perform effective market surveillance. Member States establish or nominate national authorities competent to monitor the compliance with product safety requirements and give necessary powers to these authorities to take appropriate measures. National market surveillance authorities have a responsibility to:

- Ensure that producers and other actors in the supply chain comply with their obligations from the GPSD (as implemented by the Member States);
- Ensure effective market surveillance in line with Article 9;

[30] As of 31.10.2019. Some of the standards have been withdrawn in the meantime. Note, however, that the existence of relevant standards does not necessarily imply that all companies use them, as significant fees have to be paid to access them.

- Take appropriate action in case a dangerous product is detected on the market and notify it in the rapid alert system (the rapid alert system contains notifications of dangerous harmonised and non-harmonised products).

The GPSD is complemented by other legislation and initiatives concerning market surveillance, such as Regulation (EC) 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products. New legislation applicable to market surveillance and compliance of products subject to EU harmonised legislation has been adopted (Regulation (EU) 2019/1020) and will become fully applicable as from 16 July 2021. The Commission also provided training to Member States on online enforcement tools through the E-enforcement academy and regularly contributes to the financing of coordinated market surveillance activities of EU Member States. These complementary elements of the market surveillance system all influence its effectiveness. The focus of this section, however, is the core of the market surveillance system as established by the GPSD, namely the market surveillance activities conducted by Member States' authorities, and the Rapid Alert System, which is they main tool to exchange information and coordinate actions between Member States and with the Commission. At an institutional level, market surveillance is typically not conducted separately for harmonised and non-harmonised products, and separating both aspects is often not possible. While in the following sub-sections we provide, where available, data on market surveillance for non-harmonised products, the analysis considers the overall context and refers to the market surveillance of both types of consumer products. The following answer to the evaluation question discusses first the functioning of market surveillance in the Member States, before elaborating on two key elements that safeguard effective market surveillance: the traceability system set up by the GPSD, and the rapid alert system, which enables coordinated responses to unsafe products across Europe and beyond. The final sub-section draws conclusions with respect to Evaluation Question 2.

Functioning of market surveillance in the Member States

The organisation of market surveillance at the national level and the competences of the national authorities differ significantly between Member States. The following matrix provides an overview of the market surveillance systems for consumer products at the national level, by categorising the systems according to the degree to which market surveillance is conducted by MSAs with broader or narrower sectoral responsibility, and whether responsibility for market surveillance is (partly) delegated to or is the competence of sub-national administrations, in line with the administrative structure of the country.

Table 7: Organisation of market surveillance of consumer products in EU Member States, according to sectoral distributions of responsibilities and involvement of sub-national administrations

	Responsibility for market surveillance is centralised (no sub-national administrations involved)	**Responsibility for market surveillance is (partly) delegated to or competence of sub-national administrations, in line with the administrative structure of the country**
One Market Surveillance Authority for all non-food products	Malta	-
A main Market Surveillance Authority for consumer products, complemented by a small number of other MSAs in specific sectors (e.g. telecommunications, chemicals)	Belgium, Cyprus, Denmark, Estonia, Ireland, Netherlands, Finland, Latvia, Luxembourg, Sweden	France, Croatia, Greece, Lithuania, Poland
Several MSAs with sectoral responsibilities for consumer products	Bulgaria, Slovenia, Slovakia	Austria, Czech Republic, Germany, Hungary, Italy, Portugal, Romania, Spain, (UK)

Source: GPSD implementation study. Notes: Considered in this overview are market surveillance authorities for harmonised and non-harmonised consumer products, not including medicinal products. For more information see GPSD implementation study.

Table 7 above shows the large variation in the organisation of market surveillance for consumer products in EU Member States. In a small market such as Malta a single market surveillance authority can have the responsibility for market surveillance of all non-food products (except medicinal products). In a second group of countries a main market surveillance authority at national level has broad responsibilities for consumer products, and is complemented by a small number of other MSAs in specific sectors (e.g. telecommunications, chemicals). Some (often larger) countries that have a main market surveillance authority for consumer products also rely on sub-national administrations or regional networks for enforcement, in line with their overall administrative structure. Finally, there are countries where several MSAs have sectoral responsibilities, without an organisation having a general or broad competence for consumer products. While in several countries this organisational approach only involves MSAs at the national level, in other countries following this approach responsibility for market surveillance is also (partly) delegated to or is the competence of sub-national administrations.

As varied as the institutional model of market surveillance is the amount of staff resources available for market inspections, and the number of inspections conducted. Table 8 presents detailed data in this respect, which is, however, not complete for all countries, as such information is not always available, even for the authorities themselves. To better compare the situation in different countries, the number of staff and the number of inspections is also provided per million of population.

Table 8: Number of staff working on market surveillance of consumer products (in Full Time Equivalents), and number of inspections (last available year)

Country	Population in 2018 (million)	Total staff in FTE (all consumer products)	Total staff/ million population	Total number of inspections (all consumer products)	Total number of inspections/ million population
Austria	8.8	:	:	:	:
Belgium	11.4	30.6	**2.7**	710	**62**
Bulgaria	7.1	134.0	**19.0**	31 132	**4 385**
Croatia	4.1	:	:	:	:
Cyprus	0.9	(96.0)	**(111.1)**	7 105	**8 221**
Czech Republic	10.6	281.0	**26.5**	12 227	**1 152**
Denmark	5.8	36.8	**6.4**	:	:
Estonia	1.3	49.0	**37.1**	1 188	**901**
Finland	5.5	:	:	:	:
France	66.9	:	:	:	:
Germany	82.8	:	:	:	:
Greece	10.7	:	:	:	:
Hungary	9.8	:	:	:	:
Ireland	4.8	10.0	**2.1**	492	**102**
Italy	60.5	:	:	:	:
Latvia	1.9	27.0	**14.0**	399	**206**
Lithuania	2.8	40.0	**14.2**	2 500	**890**
Luxembourg	0.6	13.0	**21.7**	867	**1 440**
Malta	0.5	8.0	**16.8**	319	**671**
Netherlands	17.2	95.0	**5.5**	7 000	**407**
Poland	38.0	470.0	**12.4**	2 539	**67**
Portugal	10.3	73.0	**7.1**	2 778	**270**
Romania	19.5	510.0	**26.1**	29 539	**1 512**
Slovenia	2.1	:	:	605	**293**
Slovakia	5.4	:	:	:	:
Spain	46.7	:	:	:	:
Sweden	10.1	7.5	**0.7**	324	**32**
UK	66.3	:	:	:	:
Iceland	*0.3*	*4.0*	***11.5***	*:*	*:*
Liechtenstein	*0.04*	*0.025*	***0.7***	*2*	***52***
Norway	*5.3*	*12.0*	***2.3***	*:*	*:*

Source: GPSD Implementation study. Notes: Data provided for last available year (mostly 2018 or 2019). Values in brackets refer to the number of staff involved in market surveillance, not FTE. See GPSD implementation study for further details and relevant notes. ':' = no data available

When interpreting the figures in Table 8 above, it is important to note that the data is not always complete (e.g. not covering all sectoral authorities with responsibilities for some consumer products), and may have been reported according to different standards. For example, the value of more than 100 staff per million population in

Cyprus is due to the size of the country (with some smaller countries having higher per capita staffing levels), and also due to the fact that the estimate from Cyprus includes staff who does not devote the whole of their time to product safety[31]. The influence of outliers can be reduced by focusing on those countries that fall between the 25th and 75th percentile of the distribution. When considering this range, the total number of reported MSA staff (combining the figures for the surveillance of harmonised and non-harmonised consumer products) is between 4.1 and 20.3 FTE per million population, with the median being 12.4 FTE[32]. For the analysis of baseline costs of MSAs for enforcing the GPSD, we have also calculated the number of market surveillance staff dedicated to non-harmonised consumer products only (see EQ 10 below for the detailed approach). In the cost analysis we estimated that the median number of FTEs per million population working on non-harmonised consumer products is 3.5 in those Member States where responsibility for market surveillance is centralised (no sub-national administrations involved, see second column of Table 7, above), and 4.6 in Member States where responsibility for market surveillance is (partly) delegated to or competence of sub-national administrations, in line with the administrative structure of the country (see third column of Table 7)[33].

The total number of inspections (concerning all consumer products) conducted in the EU/EEA also varies considerably between countries, with a range of 102 to 1 152 inspections per million population (considering the 25th and 75th percentile of the distribution), and a median of 407 inspections per year and million population. Compared to the large number of consumer products on the market (which counts in the millions), the number of inspections conducted is low. There is general agreement among market surveillance authorities and other stakeholders that two out of the three top problems affecting the functioning of market surveillance relate to a lack of resources: limited staff resources of market surveillance authorities in general, and in addition, specifically a lack of financial resources for product testing (the third most often listed problem is the control of products from non-EU/EEA countries directly reaching consumers, see below)[34].

Limited resources of MSAs had been identified as a key concern already in earlier studies. In a 2018 evaluation of the product safety related actions funded under the EU Consumer Programmes, interviewees indicated limited staff/financial resources for market surveillance and enforcement most frequently as a factor influencing negatively the level of achievement[35]. A previous study concluded that the total budget available to MSAs in 18 EU Member States for which data was available declined annually between 2010 and 2013 in nominal terms, and the total staff resources available to MSAs (in FTE units) also showed a negative trend[36]. In a recent survey, both MSAs and general stakeholders agreed that two of the three top problems affecting the functioning of market surveillance relate to a lack of resources: limited staff resources of market surveillance authorities in general, and in addition, a specific lack of financial resources for product testing[37]. For example, in the UK, there

[31] The data is therefore presented in brackets in the table.

[32] The median is the middle value, or 50th percentile of a data series.

[33] The median values for non-harmonised products are calculated on basis of the data available from EU27 countries, see Part 2 of the report.

[34] See GPSD implementation study.

[35] See Civic Consulting (2018), Ex-post evaluation of the Consumer Programme 2007-2013 and mid-term evaluation of the Consumer Programme 2014-2020, Part 1 – Mid-term evaluation of the Consumer Programme 2014-2020 and European Commission,

[36] The figure refers to 18 EU Member States, excluding Austria, Cyprus, Estonia, Greece, Croatia, Luxembourg, Slovenia and the United Kingdom which have not included these data in their national reports. Note, however, that the trend was not the same in all countries, and some countries increased budget and staff resources. European Commission, Ex-post evaluation of the application of the market surveillance provisions of Regulation (EC) No 765/2008, Final Report, May 2017, p 35-39.

[37] See GPSD implementation study, p.90.

are concerns about the impact of the significant reduction in public sector resources for product safety related issues, particularly at a local level. One interviewee indicated that there are simply no longer enough Trading Standards officers to actually do the market surveillance e.g. in sensitive product areas such as fireworks or toys. The Consumer Protection Service (CPS) in Cyprus, which is responsible for coordinating all market surveillance authorities in the country and acts as the competent market surveillance authority for products not covered by specific safety legislation, as well as toys, has available a budget of approximately 5 000 Euro for sampling and laboratory testing. In Sweden, market surveillance operations are also considered to be understaffed, as new types of consumer goods, an increased amount of goods, new ways of shopping and a number of new players have constantly increased the need for control. Several market surveillance authorities also noted that the lack of personnel impacted the workload and thus the capacity of the existing staff to effectively monitor the safety of all product groups, with the result that not all consumer product types could be controlled, no attention to emerging issues related to new technologies could be paid, and specific activities such as online market surveillance or mystery shopping could not be conducted[38]. It is therefore likely that the effectiveness of the GPSD has been affected by this lack of resources allocated to market surveillance.

The second most important cluster of problems for market surveillance concerns online markets, and in this context specifically B2C transactions with operators in non-EU/EEA countries, in which products from those countries are delivered on an individual basis. These problems relate to issues of jurisdiction and practical difficulties in establishing the identity and the location of a trader in non-EU/EEA countries (see section on traceability below). Frequently mentioned in this context was the role of online marketplaces, which an EU business association called in its survey response the "the blind spot of market surveillance" in the EU. In a survey and complementary interviews[39], both general stakeholders and MSAs agreed that online sales remain the biggest challenge for market surveillance at this moment, also because it is not possible to check each package/shipment at the border. The lack of effective control of product safety at the borders was emphasised by several MSAs and business and consumer stakeholders in interviews and written comments in the survey (see also EQ 3 below for a detailed analysis).

Different institutional models for market surveillance at the national level are often characterised by a high degree of fragmentation of responsibilities. While this may sometimes be unavoidable to some degree (especially in large and federally organised countries), the country research conducted for the GPSD implementation study found many examples that indicated how fragmentation and other institutional issues (such as a lack of communication/coordination between authorities) can affect the effectiveness of market surveillance. For example, in Spain each authority at the national level is responsible for the application of certain legislation. It may also happen that several national authorities have responsibilities under the same legislation (for instance, harmonisation legislation whose scope of application covers both industrial/professional products and consumer products). In these cases, market surveillance is carried out in a centralised or decentralised manner depending on the distribution of responsibilities. Finally, in some regulations, market surveillance

[38] Ibid. The GPSD Implementation study therefore recommended to improve resources for market surveillance. It stated: "Proposed improvements regarding the lack of staff and financial resources of MSAs mostly revolve around the provision of more staff, more budget, more training, more powers, more spot checks and better controls in certain areas. Potential sources of funding that were suggested included EU funds/projects for market surveillance, but also the allocation of funds originating from sanctions imposed by MSAs. It was suggested that the European Commission should enforce Member States' obligations when it comes to market surveillance, including by developing comparable ways to measure the resources used in the Member States for this purpose, or by specifying the intensity of sampling."

[39] See GPSD implementation study.

responsibilities remain at the central level, while in others (mostly) the implementation of market surveillance activities is transferred to the *Comunidades Autonomas*[40]. In Germany, most actors agree that the fragmentation of market surveillance in Germany between the *Länder* but also between the *Länder* and the federal level causes problems. This is caused by the constitutional setting of Germany and therefore cannot be solved entirely but only mitigated through coordination, working groups, meetings and so on, and a lot has been done to achieve coordination. An interviewee argued that the fragmentation of market surveillance in Germany over about 70 market surveillance authorities not only leads to scarce resources for each authority but also to small case numbers and therefore a lack of routine in each individual market surveillance authority. As an example, for an area where centralisation led to better coordination and more routine, that interviewee mentioned the *Bundesnetzagentur* with its responsibility for the enforcement of the Radio Equipment Directive[41]. Stakeholders noted that fragmentation of responsibilities may lead to significant problems for the companies affected by market surveillance, as this may contribute to different interpretation of legal requirements in different regions and countries; diverging working methods; diverging levels of effectiveness and in result a lack of a level playing field for companies in the internal market[42]. This reportedly affects both the producers of non-harmonised and harmonised consumer products.

In light of the large number of authorities involved in market surveillance, coordination and information exchange are crucial, both between authorities inside a country, and with authorities in other Member States. As Table 9 shows, most market surveillance authorities use a wide range of communication tools and channels. In all countries, market surveillance authorities regularly exchange information, conduct meetings and informally cooperate with their counterparts at other authorities (often on basis of a joint national market surveillance programme or plan, and slightly less frequently on basis of a formal agreement). The information systems RAPEX and ICSMS are also very common cooperation channels. Authorities from slightly more than half of Member States (15) report having joint training sessions. Cooperation through joint processes and a common use of a national market surveillance IT system is less frequent.

Table 9: MSAs cooperation with other relevant authorities in their own country with respect to product safety

	Cooperation with other relevant authorities through …							
	Exchange of information/ meetings/ informal cooperation	Common use of RAPEX	Inclusion in preparing nat. plan or programme	Common use of ICSMS	Joint training sessions	Through formal agreement.	Joint processes	Common use of MS IT system
Austria	✓	✓	✓	✓	✓			
Belgium	✓	✓	✓	✓		✓	✓	
Bulgaria	✓	✓	✓	✓				
Croatia	✓	✓	✓	✓		✓		
Cyprus	✓	✓	✓	✓				
Czech Republic	✓	✓		✓	✓	✓		
Denmark	✓							

[40] See GPSD implementation study, country report Spain.

[41] See GPSD implementation study, country report Germany.

[42] See GPSD implementation study.

Estonia	✓	✓	✓		✓	✓		
Finland	✓	✓	✓	✓				
France	✓		✓		✓	✓	✓	
Germany	✓	✓	✓	✓		✓		✓
Greece	✓		✓			✓	✓	
Hungary	✓	✓	✓	✓				✓
Ireland	✓	✓	✓	✓		✓		
Italy	✓	✓	✓					
Latvia	✓		✓		✓	✓		
Lithuania	✓	✓	✓	✓	✓	✓	✓	✓
Luxembourg	✓	✓	✓	✓	✓	✓	✓	✓
Malta	✓	✓		✓	✓			
Netherlands	✓	✓	✓	✓	✓	✓		
Poland	✓	✓	✓	✓				
Portugal	✓	✓		✓	✓		✓	
Romania	✓	✓	✓	✓	✓	✓	✓	
Slovenia	✓	✓	✓	✓	✓	✓		
Slovakia	✓	✓		✓	✓	✓	✓	
Spain	✓	✓	✓	✓				✓
Sweden	✓	✓		✓	✓			
UK	✓	✓	✓	✓	✓		✓	✓

Source: GPSD implementation study. Note: ✓= At least indicated by one authority in the country.

While frequency and degree of cooperation differs significantly between authorities and sectors, in most countries at least one of the interviewed authorities reported coordinating with other authorities in their country once per week or more often. In several countries, specific coordination bodies exist to bring all market surveillance authorities together, often also involving customs. For example, in Bulgaria, cooperation between surveillance bodies is institutionalised through a Coordination Council[43]. Coordination bodies for market surveillance also exist e.g. in Estonia[44], Ireland[45] and Germany[46].

In our interviews, market surveillance authorities typically characterised their cooperation with other authorities as being close and working well. This is true even for large and federally organised countries, such as Germany, where the country report concluded that the fragmentation of market surveillance competencies can be mitigated through cooperation between the competent authorities but also through coordination and support from the federal level. In some cases, however, authorities found that cooperation with other authorities could be more intensive.

[43] The Coordination Council in Bulgaria is formed by representatives of market surveillance authorities, but also includes representatives from Customs, the Criminal Police, the Directorate for National Construction Control, the Executive Agency on Vine and Wine, the Executive Agency of Fisheries and Aquaculture and the Executive Agency of Variety Testing, Field Inspection and Seed Control.

[44] In Estonia, each year the Ministry of Economic Affairs and Communications organises a meeting involving all authorities dealing with product safety surveillance (the Market Surveillance Board) with the objective to review the activities that have taken place during the year, to exchange experiences and practices, and to discuss current market surveillance issues.

[45] National Market Surveillance Forum, chaired by the Department of Business Enterprise.

[46] There are several coordination mechanisms in Germany. The most important actors in this regard are the Zentralstelle der Länder für Sicherheit (ZLS) and the Bundesanstalt für Arbeitsschutz und Arbeitsmedizin (see Part II Q 1). See country report Germany for more details.

When considering the cooperation of MSAs with other relevant authorities located in other EU Member States, the most common coordination tools are as presented in Table 10 below:

Table 10: Cooperation of MSAs with other relevant authorities located in other EU Member States

Country	Cooperation with relevant authorities located in other EU/EEA countries through …							
	RAPEX	ICSMS	Wiki con-fluence platform	Coordinated actions organised at EU level	Mutual assistance outside of RAPEX	Exchange of information/ meetings/ informal cooperation[a)]	Joint training sessions outside EU programmes	Formal coope-ration agreement
Austria	✓	✓	✓	✓	✓	✓	✓	
Belgium	✓	✓	✓	✓	✓			
Bulgaria	✓	✓	✓	✓	✓	✓		
Croatia	✓	✓	✓	✓				
Cyprus	✓	✓	✓	✓				
Czech Republic	✓	✓	✓	✓	✓			
Denmark	✓	✓	✓	✓	✓	✓	✓	
Estonia	✓	✓	✓	✓	✓	✓		
Finland	✓	✓	✓	✓	✓	✓	✓	
France	✓	✓	✓	✓	✓			
Germany	✓	✓	✓	✓	✓	✓		
Greece	✓	✓	✓	✓		✓		
Hungary	✓	✓	✓	✓	✓	✓		
Ireland	✓	✓	✓	✓	✓	✓		
Italy	✓	✓	✓					
Latvia	✓	✓	✓	✓		✓		✓
Lithuania	✓	✓	✓	✓	✓			[b)]
Luxembourg	✓	✓	✓	✓	✓	✓		
Malta	✓	✓	✓	✓	✓	✓		
Netherlands	✓	✓	✓	✓	✓	✓	✓	
Poland	✓	✓	✓	✓				
Portugal	✓	✓	✓	✓	✓	✓		
Romania	✓	✓	✓	✓	✓	✓	✓	
Slovenia	✓	✓	✓	✓	✓	[c)]		
Slovakia	✓	✓	✓	✓	✓	✓		
Spain	✓	✓	✓	✓				
Sweden	✓		✓			✓		
UK	✓	✓	✓			✓		
Iceland	✓	✓		✓	✓	✓		
Liechtenstein	✓	✓				✓		
Norway	✓		✓	✓		✓		

Source: GPSD implementation study. Notes: ✓= At least indicated by one authority in the country. a) Outside EU fora. b) Co-operation agreements on consumer rights, product safety and market surveillance activities. c) Cooperation in EU fora.

Table 10 shows that the rapid alert system is the main channel for market surveillance authorities when communicating and cooperating with other relevant authorities in the EU/EEA. RAPEX is the rapid alert system for dangerous non-food products, and

because of this limitation in scope it is complemented by two other IT tools that are used by MSAs in nearly all countries, namely ICSMS and Wiki confluence platform[47]. The ICSMS (Information and Communication System on Market Surveillance) aims at facilitating communication between market surveillance bodies in the different countries, including for information sharing on non-compliant products (which is a broader concept than 'dangerous products', as there are many non-compliant products that are not necessarily dangerous). The third common IT tool is the Wiki confluence platform (or Confluence Wiki), which is a collaborative online platform made available by the Commission, to make accessible practical information, such as documentation that are relevant for MSAs, and to facilitate communication.

MSAs use these tools frequently, with authorities from 22 countries indicating that they cooperate with relevant authorities in other EU/EEA countries once a month or more often. Apart from RAPEX and ICSMS, cooperation with other EU/EEA authorities may take place through bilateral cooperation, the Wiki confluence platform and through coordinated and joint actions on the safety of products organised at the EU level.

Traceability as precondition of effective market surveillance

The extent to which actions by market surveillance authorities against dangerous products are effective depends on how easy, how quickly and how precisely these products can be identified and traced back to specific producers, importers, distributors, sellers and consumers. More specifically, traceability has several dimensions, such as:

- Traceability of the product itself (information on manufacturer, batch number, brand, model/type);
- Traceability of product composition (e.g. list of ingredients for cosmetics);
- Traceability of the supply chain (who are the other economic operators involved, such as importers, distributors, online marketplaces, etc.);
- Traceability of final customers (buyers of unsafe products).

An adequate system of product traceability allows market surveillance authorities to determine if an unsafe product is on their market, to trace the economic operators who made the product available, and to enforce the appropriate corrective actions. From the perspective of the economic operator, traceability is fundamental for effectively and efficiently managing product risks; increased traceability enables more targeted and less costly corrective actions, e.g. by limiting the size of withdrawals or recalls. Finally, traceability is also important for consumers because if an unsafe product is already purchased, clear product identification is necessary for consumers to respond to a recall (see below, EQ 6).

With regards to traceability, the GPSD has generally succeeded in directing the Member States to adopt traceability requirements for products. However, it appears that at present, the GPSD provisions are not sufficiently explicit to guarantee that complete information on supply chains and distribution of the product is gathered. Initially because, as it is explained below, the GPSD does not contain detailed traceability requirements and secondly because some issues pertaining to the present-day trade conditions e.g. regarding online marketplaces, could not have been anticipated in 2001 when the GPSD entered into force and are therefore not specifically addressed in the GPSD. A third shortcoming of the GPSD relates to the downstream tracing of products to distributors and sellers up to the final consumer.

[47] These are the main EU IT tools used by MSAs. In certain areas, e.g. with respect to chemicals, other EU IT tools are also relevant. For example, the European chemical Agency (ECHA) provides enforcement authorities with the Portal Dashboard for National Enforcement Authorities (PD-NEA) that allows them to access the subset of REACH and CLP data submitted by the industry to ECHA.

The GPSD does not contain detailed traceability requirements. Article 5(1) of the GPSD contains a general obligation for producers to provide the necessary information for tracing a product, without asking for specific or minimum identification information. According to article 5(1) of the GPSD, this information may for example include "an indication, by means of the product or its packaging, of the identity and details of the producer and the product reference or, where applicable, the batch of products to which it belongs, except where not to give such indication is justified". Apart from producers, distributors are also required to keep and provide documentation necessary for tracing the origin of the products (article 5(2) GPSD).

Given the lack of specific product information requirements in GPSD, it is up to the Member States to adopt concrete measures to implement the traceability obligation. This has resulted in Member States taking different approaches with regards to traceability of products falling within the scope of GPSD, i.e. non-harmonised consumer products and harmonised products for which EU legislation does not provide specific traceability requirements. Consequently, producers' obligations with regards to traceability can differ from one Member State to another. Table 11, derived from the GPSD implementation study, shows the traceability requirements implemented in each EU/EAA country according to national legislation.

Table 11: Overview of transposition of Art 5 (1) GPSD regarding traceability

	Requirements to indicate on the product or its packaging			***Product-specific and other***	
	Name and contact details of the producer	Product reference or, where applicable, the batch of products to which it belongs	Barcode or use other machine-readable identification	Product-specific traceability requirements	Other requirement related to traceability
Austria					g)
Belgium	✓	✓			
Bulgaria	✓	✓a)			✓a)
Croatia	✓	✓			
Cyprus	✓	✓			
Czech Republic	✓	✓			
Denmark	✓	✓			
Estonia	✓	✓			
Finland	h)				✓h)
France	b)	b)			
Germany	✓	✓n)			
Greece	✓c)				
Hungary	✓i)	i)			i)
Ireland	✓l)	✓l)			
Italy	✓	✓			
Latvia	✓d)	✓d)			
Lithuania	✓	✓			
Luxembourg	✓	✓			
Malta					m)
Netherlands	✓	✓			
Poland	✓	✓			
Portugal	✓e)	✓e)			
Romania	✓	✓			
Slovenia	✓	✓			
Slovakia	✓	✓			
Spain	✓	✓			
Sweden	✓	✓			

UK	k)	k)			
Iceland	✓	✓			
Liechtenstein	✓				
Norway				✓f)	✓f)

Notes: ✓= mandatory requirement

a) The Bulgarian legislation states "the name of the manufacturer, other information about manufacturer or the batch of goods to which the goods belong should be given", but what is to be understood by other information is not specified. The Bulgarian legislation also imposes on producers the duty to store and make available upon request from the control authorities all documentation necessary for tracing the origin of the goods to the producer.

b) The general obligations in respect of producers providing the necessary information for tracing the origin of a product, such as an indication of the identity and details of the producer and the product reference or the batch of products to which it belongs is applied in a contextual way in France, depending upon the products concerned. As was stated by the DGCCRF, the traceability obligations are "determined in respect of the characteristics of the products: potential risks, and modalities / extent of the distribution, on a case-by-case basis."

c) The national implementation legislation of the GPSD in Greece transposes the content of the GPSD with identical wording, it does therefore not contain any further specification of the traceability requirement. For non-harmonised consumer products, a general requirement to indicate name of the product, as well as name and contact details of the producer is applicable that pertains to the labelling of the product and is not conducive to the traceability of the product.

d) In Latvia, article 8(5) of the Law on the Safety of Goods and Services provides that the distributor is under obligation to keep and ensure the necessary documentation for tracing the origin of the goods. Article 2 (2) generally requires that a manufacturer shall indicate (mark) the goods, their packaging, in the technical documentation or the technical registration of the goods his or her name (firm), given name, surname, trademark or other distinctive mark, or the person who has reconditioned the goods in order to put them into circulation.

e) In Portugal, article 6 (3) (a) of Decree-Law no. 69/2005 of 17 March obliges the producer to make available, on the packaging or on the product, the identity and full address of the producer and the person responsible for placing the product on the market. In addition, the manufacturer must also include instructions for use and product references, including the name, model, and type or batch of products to which it belongs.

f) The national legislation of Norway only specifies a general requirement to give the customer the relevant information.

g) No concrete measures are foreseen in the Austrian product safety act (Produktsicherheitsgesetz 2004 - PSG 2004). Companies are free to choose the means to guarantee traceability.

h) Requirement to indicate the name of the producer or importer

i) The Hungarian law requires indication of the name and contact details of the producer on the product or on the package of the product and in addition the product reference, where applicable. Indication of the batch of products to which it belongs on the product or on its packaging is also required in Hungary. Article 15(1) of Law LXXXVIIII obliges the business entities to provide the Market Surveillance Authority with information on its suppliers and its customers.

k) In general terms, in the UK there is an obligation on distributors to take measures to keep themselves informed of risks associated with products so as to be in a position to choose to take any appropriate action to avoid such risks, including warnings, or withdrawing or recalling the product. Such action will entail measures to assist in enhancing the traceability of products, as by identifying the producer and the product's batch number, and measures to test samples of the product and generally monitor its use and keep distributors informed of such monitoring. These measures are not detailed specifically in the implementing legislation. There are also product-specific traceability requirements.

l) The Irish Regulations from 2004, and in particular those Regulations in relation to traceability, transpose the GPSD almost verbatim. Therefore, the measures referred to in Regulation 6(4) are examples of a more general traceability obligation.

m) In the case of Malta the applicable legislation does not provide specific traceability requirements and as long as the producers include some form of identification as a link between themselves and the product in question, the obligation is satisfied. The form that this identification may take is left up to the producer/importer. The responsible Authority advocates the inclusion of the name and contact details on the product or its packaging. However, in view of the discretionary language of the PSA in this respect, various forms of traceability information are accepted e.g. even just model numbers as long as the link between the product and the producer/importer can be established through reference to the documentation presented.

n) The German Product Safety Act requires in Article 6(1)"to affix unambiguous markings allowing the identification of the consumer product".

Most common traceability requirements, in line with GPSD, are the indication on the product or its packaging of the name and contact details of the producer and a product reference or the batch of products. Despite similarity of requirements, their application is not uniform across EU/EEA countries. In France for instance, traceability obligations are applied on a case-by-case basis, depending on the products concerned, creating uncertainty for businesses[48]. In the Netherlands, and in other countries that have transposed GPSD *verbatim*, the circumstances under which it is justified to omit product indication are not clear, resulting again on a case-by-case assessment[49].

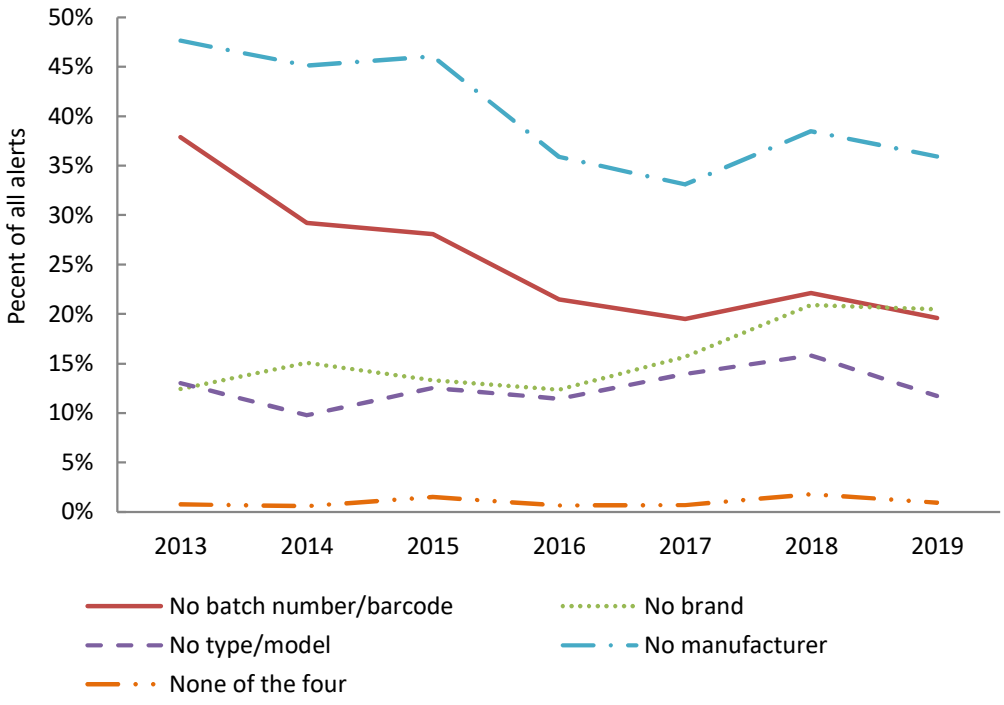
[48] See GPSD implementation study, country report France where the responsible authority 'Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes', stated that the traceability obligations are "determined in respect of the characteristics of the products: potential risks, and modalities / extent of the distribution, on a case-by-case basis".

[49] See GPSD implementation study, country report on the Netherlands.

Other countries extend the traceability obligation also to the importer of the consumer good[50] or require additional information about the producer[51]. A minority of countries rely on very broad general obligations without indicating that there should be a product reference or mark[52]. In none of the Member States does national legislation require the use of barcodes or other machine-readable identification on the product or its packaging.

The extent to which these requirements based on the GPSD achieve adequate product traceability, can be demonstrated through the data available in Safety Gate/RAPEX. From 2013 to 2019 a significant share of the alerts that were submitted for dangerous consumer products, involved products with unknown product information items. In 2019 for instance, 36% of alerts for dangerous consumer products did not include information on the manufacturer, 20% did not include information on brand or batch number/barcode, and 12% did not provide type or model information. Figure 7 below based on alerts registered in the EU Safety Gate shows that, only the provision of information on manufacturer and batch number/barcode shows a clear improvement (i.e. a decrease of the number of alerts that did not provide such information). For the rest of the traceability information there is no clear trend of improvement over time.

Figure 7: Share of RAPEX alerts with unknown product information items (2013-2019)



Note: Indicated is the share of alerts with unknown brand, unknown type/number of product, and unknown batch number/barcode as percentage of total alerts. Source: Civic Consulting, based on Safety Gate/RAPEX data (number of alerts concerning consumer products with serious risks 2013-2019). Note that this information was not consistently available for previous years.

[50] See GPSD implementation study, country reports on Germany and Malta.

[51] See GPSD implementation study, country report on Bulgaria.

[52] See GPSD implementation study, country reports on Austria and Norway.

The same data also reveal that missing product information is more typical for specific types of products such as laser pointers, lighters, jewellery, decorative articles, etc. What these products have in common is that they all fall within the scope of GPSD and are not subject to sector-specific harmonisation rules. It follows that product categories under the GPSD are more likely to lack relevant information items that are essential to trace them in case they are notified on Safety Gate[53].

The findings pertaining to lack of traceability information were also confirmed by participants of a recent survey according to which four out of ten market surveillance authorities (MSAs) and approximately 34% of stakeholders consider the 'lack of sufficient information to trace notified products' as one of the most important problems when using the information from RAPEX alerts[54]. They also indicated that they experience other practical issues with regards to the GPSD requirements regarding traceability.

One of the reported shortcomings relates to online sales and online marketplaces. MSAs in Spain and in France noted that there have been many difficulties concerning traceability of products sold on online marketplaces[55]. These issues are also corroborated from RAPEX data, according to which products sold online are twice as likely to lack information items that are essential to trace them in case they are notified on Safety Gate. The GPSD does not explicitly contain traceability obligations for online marketplaces.

Another important issue relates to non-EU suppliers. Importers are not always aware of their obligation to ensure that imported products comply with traceability requirements. After all, according to GPSD, this obligation for importers is only activated when there is no representative of the producer in the EU. The problem is even more pronounced with regards to products manufactured outside the EU that are sold through online marketplaces, for which online marketplaces may be the sole intermediaries between the non-EU producers/sellers and the consumers. In such cases, the availability of the necessary traceability information for the effective implementation of corrective actions may depend on the information held by online marketplaces[56] (see also EQs 3, 16 and 18).

A final issue pertaining to traceability is the difficulty to keep track of the supply chain and locate or identify buyers of unsafe products as was reported by several MSAs[57] (see EQ 6 below for a detailed discussion). Often, the majority of affected consumers are not aware that they own e.g. a recalled product. Not only (in particular in the case of offline purchases) it is difficult to identify the owners of recalled products but even in situations where such data is available (e.g. due to customer registration, loyalty schemes or online purchases), the GPSD contains no provision that would oblige economic operators to use it for recall purposes. As a consequence, companies may decide to not use customer data at their disposal for recall notifications due to data protection concerns, which affects the effectiveness of recalls.

Effectiveness of the rapid alert system

The EU Rapid Alert System for dangerous non-food products was established in 2003 in accordance with Article 12 GPSD. Related IT tools include the RAPEX application for indicating notifications and reactions, and the Risk Assessment Guidelines (RAG) application, which assists authorities in applying the risk assessment guidelines for

53 See GPSD implementation study, p 32.

54 See GPSD implementation study, p 30.

55 See GPSD implementation study, country reports Spain and France.

56 See GPSD implementation study, country report France.

57 See GPSD implementation study, e.g. country reports Spain, Netherlands.

non-food consumer products. Over the years, RAPEX has also become an important source of information for businesses. The Business Application for manufacturers and distributors is a specific IT tool to voluntarily report dangerous products and the measures that have been taken to eliminate the risks they pose. In the previously mentioned Product Safety Pledge, a number of online marketplaces have committed to consult information on recalled/ dangerous products available on RAPEX, and to take action based on this information. RAPEX is a comprehensive system with a large number of features and stakeholder groups. RAPEX also has a role in cross-border cooperation with authorities in non-EU/EEA countries. A specific module of RAPEX has been created to allow for swift flagging of notifications concerning unsafe products from China. The Chinese authorities investigate these cases in order to trace back the manufacturers, exporters and businesses concerned with the aim of making them aware of product safety rules in Europe. Where necessary, they take further measures to ensure that those products are no longer produced and shipped to Europe. More recently, Canada has also received a partial and indirect access to RAPEX data. The OECD global portal on product recalls also uses the weekly overview reports of RAPEX notifications by the European Commission[58].

The effectiveness of RAPEX can be assessed at several levels:

- The extent to which it functions as envisaged in the GPSD as a rapid alert system for dangerous consumer products;
- The extent to which is achieves its objectives as set out for the system by the Commission it its Consumer Programme 2014-2020, the financial instrument under which the system is funded;
- The extent to which stakeholders consider the system to be effective;

All three levels will be explored in the following.

The GPSD differentiates two types of notifications, which are commonly known as 'Article 11 notifications' and 'Article 12 notifications'. Notifications sent in accordance with Article 11 of the GPSD (or Article 23 of Regulation (EC) 765/2008) are generally considered as notifications for products posing a less than serious risk and are non-mandatory. Notifications of such products, contrary to notifications for products presenting a serious risk, also do not necessarily involve an obligation for follow-up activities by other Member States unless the nature of the product or of the risk so requires. Member States may also make use of the Safety Gate/RAPEX application to notify measures taken against products for information purposes. Such notifications are classified in RAPEX as 'Notifications for information'. Notifications according to Article 12 of the GPSD (and Article 22 of Regulation (EC) 765/2008) concern mandatory notifications of serious risks to the Commission, where a Member State considers that the effects of the risk(s) posed by a product go or can go beyond its territory ('cross-border effects' or 'international event').

In the period 2005 to 2019, the 25 560 notifications concerning consumer products that are publicly available through the EU Safety Gate are distributed across these three categories as follows:

- 24 769 Article 12 notifications (products with serious risks);
- 730 Article 11 notifications (products with other risk levels);
- 61 notifications of "other types of alerts".

This distribution reflects the mandatory character of serious risk notifications, and also implies that the number of Safety Gate/RAPEX notifications does not provide a full picture of product safety related measures in the Member States, as products where a

[58] https://globalrecalls.oecd.org/#/

Member State considers that the effects of the risk do not or cannot go beyond its territory are not necessarily notified. Also, for products posing a less than serious risk, notification is encouraged but not mandatory in the case of voluntary measures taken against products covered by the General Product Safety Directive (2001/95/EC) and in the case of both voluntary and compulsory measures taken against products subject to EU harmonised legislation. This explains that the number of product recalls in Member States is often higher than the number of recalls notified through the rapid alert system, see EQ 6 below.

The fact that 25 560 notifications concerning consumer products were submitted through the rapid alert system in the 2005 to 2019 period (or close to 5 on average per day during this period) illustrates that the system fulfils its function, and detailed analysis of the data also shows that all Member States have submitted notifications during this period. On average, each EU Member State (EU28 as of 2019) submitted 60 notifications concerning consumer product per year, with the numbers differing widely, reaching from Luxembourg (in total 125 notifications), Croatia (in total 167 notifications, but only since 2013), Belgium (181), and Romania (198) to Spain (2 431), Hungary (2 667) and Germany (3 223).

Safety Gate/RAPEX is financed under the Consumer Programme 2014-2020, which defines indicators that relate to particular activities, as well as associated baselines and targets to measure progress for each of its objectives[59]. For its Objective I, which relates to product safety, the two indicators provided relate to the rapid alert system, and concern the percentage of notifications entailing at least one reaction by other Member States (or follow-up notification), as well as the ratio of the number of reactions to the number of notifications for serious risks. In Table 12 we present both indicators for the baseline period 2011-2013, and the period 2014 to 2019 (data concerning preceding years is not consistently available).

Table 12: Overview of progress made during evaluation period (indicators set in the Regulation - Objective I)

Indicator	Baseline (average 2011-2013)	2014	2015	2016	2017	2018	2019	Targets in Programme (by 2020)
% of RAPEX notifications entailing at least one reaction by other MS	39%	42%	40%	46%	46%	56%	49%	Increase of 10% [47.5%]
Ratio number of reactions/ number of RAPEX notifications (serious risks) [a)]	1.03	1.28	1.56	1.80	1.66	1.97	2.16	Increase of 15% [1.23]

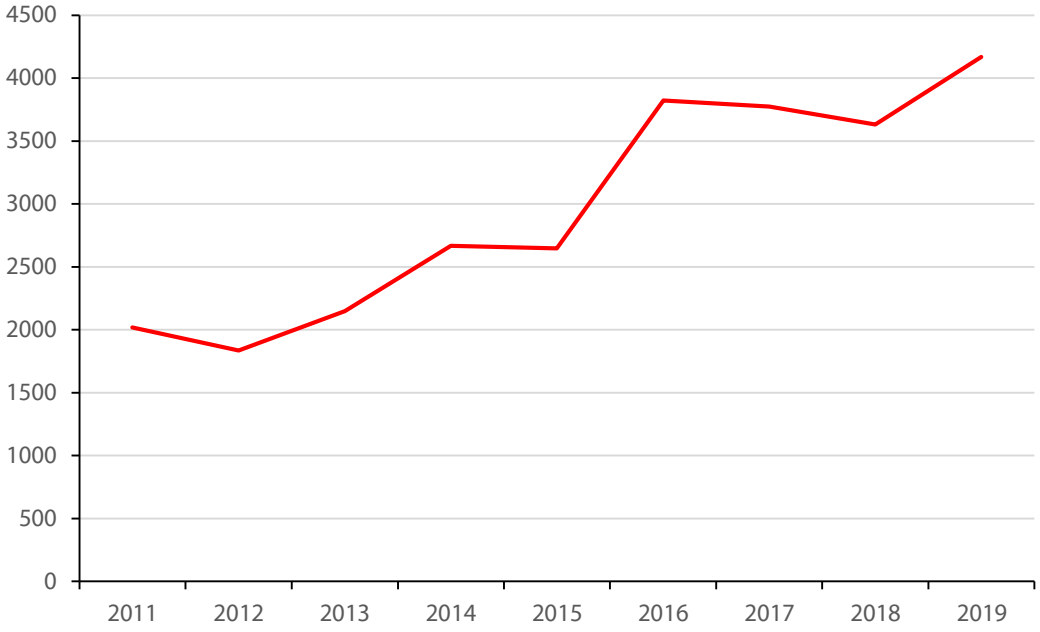
Source: Data provided by DG JUST. Notes: Regulation targets from Annex II of the Regulation (EU) No 254/2014 of 26 February 2014 on a multiannual Consumer Programme for the years 2014-20. a) A notification can trigger several reactions from authorities of other Member States.

Table 12 above shows for both indicators a positive trend and confirms that the targets set for both indicators concerning RAPEX have been reached. The increase of the number of follow-up notifications by Member States as an indicator for increased

[59] Annex II, Regulation (EU) No. 254/2014 of the European Parliament and the Council of 26 February 2014 on a multinational consumer programme for the years 2014-20.

responsiveness of the rapid alert system is also illustrated by Figure 8 below, which shows the evolution in absolute terms:

Figure 8: Number of follow-up notifications by Member States as reaction to Safety Gate/RAPEX notifications concerning consumer products with serious risks (2005-2019)



Source: Civic Consulting, based on RAPEX notifications 2011-2019. Information for previous years was not available.

Another important requirement for an effective functioning of RAPEX concerns the timeline for the notification of dangerous products, as late notifications of products involving serious risks may lead to consumer detriment in other Member States, if the relevant products remain on the market in these other countries. The RAPEX Guidelines therefore provide timelines for the different types of notifications, that are presented in Table 13.

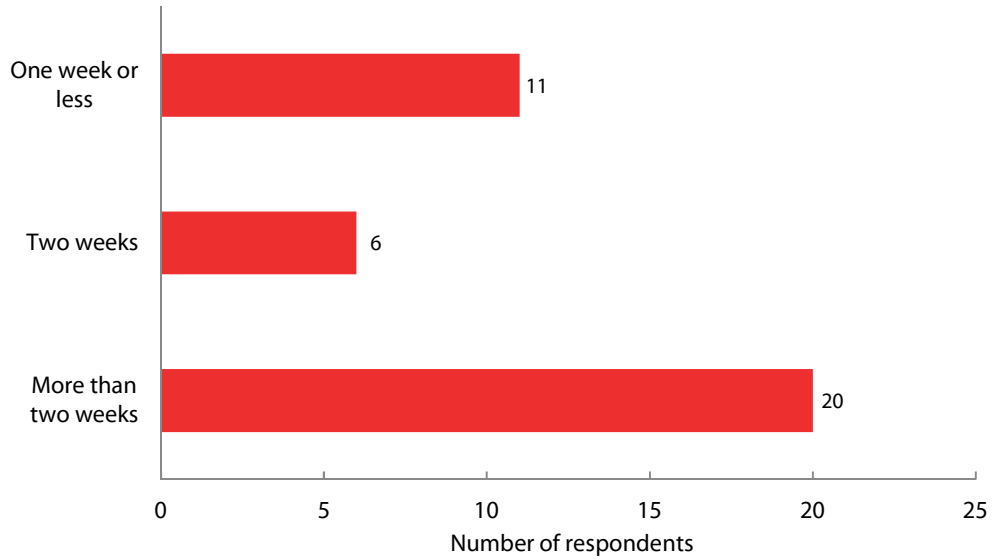
Table 13: Deadlines stipulated in the RAPEX Guidelines

Action	Notification "for information"	Article 11 notification	Article 12 notification	A12 notification requiring emergency action
MSA: Compulsory measure is adopted or information about voluntary measure is received	Day 0			
MSA: Notification sent to RAPEX		+10 days	+5 days	+3 days
COM: Validation of notifications and follow-up notifications by RAPEX	+10 days	+10 days	+5 days	+3 days
MSA: Deadline for following up			+45 days	+20 days
MSA: Notification of follow-up activities sent to RAPEX	+5 days	+5 days	+5 days	+3 days
MSA: Confirmation of measures sent to RAPEX (if applicable)	+45 days			
MSA: Updates to notifications and follow-up notifications sent to RAPEX (if applicable)	+5 days			

Source: Commission Implementing Decision (EU) 2019/417 laying down guidelines for the management of the European Union Rapid Information System 'RAPEX' established under Article 12 of Directive 2001/95/EC on general product safety and its notification system.

The recent GPSD implementation study analysed the average duration between the detection of a dangerous product and its notification to RAPEX in each Member State. As Figure 9 indicates, in most cases this duration is two weeks or more.

Figure 9: Average duration between the detection of a dangerous product and its notification to RAPEX (reported by MSAs, in calendar days)



Source: GPSD implementation study. Note: N=37 (MSAs). Based on MSA survey Q8. Not included are MSAs that indicated Don't know/No answer.

Where market surveillance authorities indicated shorter durations than two weeks, these were often authorities that elaborate notifications and then send them to their national RAPEX contact point. This means that even in some of these cases the duration was likely longer than indicated, as the RAPEX contact point also needs time for its validation. Several authorities emphasised that the duration between detection of a dangerous product and its notification to RAPEX depended on the type of product, the risk, the required testing and the behaviour of the economic operator (objections by the relevant economic operator is in some cases reported to lead to significant delays)[60]. For example, in Sweden, section 32 in the Product Safety Act provides that, where measures must be implemented in order to avoid injury to a person caused by a product or service, the supervisory authority shall commence negotiations with the undertaking in order that the latter shall voluntarily undertake the measures required. The aforesaid shall not apply, however, where the matter is urgent or where the circumstances otherwise do not allow for the commencing of negotiations. In most circumstances, however, the authority needs to negotiate with the company regarding the necessary measures. If the authority deems the risk to be serious, the authority

[60] An example is Greece. On average, the duration between the detection of a dangerous product and its notification to RAPEX was reported to be one week. However, it was also noted that cases exist for which this time period may be much longer due to objections submitted by the economic operators or due to objective difficulties stemming from the legislative system in order to finalise the actions required. For instance, there has been a case for which the time that elapsed between the detection of the dangerous product and the notification to RAPEX was 1.5 years. See GPSD implementation study, country report Greece.

then must file a decision on compulsory measures. Because of the timeframes involved for the negotiation, the notification is not sent directly to RAPEX, and the average duration between the detection of a dangerous product and its notification to RAPEX is more than two weeks. As shown Figure 9 above, this seems to be a rather typical situation. Some of the MSAs that indicated they needed more than two weeks provided more details: For example, the average duration in Cyprus is reportedly 20 days, and in another country an authority estimated it to be 60 days.

From Poland, it was reported that there is a specific administrative procedure in place which is supposed to guarantee a timely notification; however, in practice, it can be quite prolonged. Namely, the administrative procedure of declaring a good dangerous may take approximately four weeks, as the trader is given a chance to question the test results, and even after the conclusion of this procedure, the trader may still appeal the decision. Unfortunately, only the final decision in the procedure would be notified to RAPEX. The responsible market surveillance authority, the Office for Competition and Consumer Protection (OCCP), would appreciate a possibility to make notifications earlier, before the administrative decision becomes final, but in order for them to be able to do so, they would need to be indemnified from any potential harm occurring to the trader as a result of an earlier notification[61]. Liability concerns were also noted in the German country report, as incorrect notifications (for example notifications that are based on insufficient risk assessment) may lead to state liability. Other issues that were reported from Germany as affecting timely notification in RAPEX included the scarcity of (public) testing laboratories. Before a RAPEX notification can be made, testing in a laboratory may be necessary, and due to a scarcity of laboratories – some *Länder* do not have any themselves – it may take a while until the tests can be conducted and a 'serious risk' can be ascertained, which is required for the use of the Article 12 procedure under RAPEX.

The complexity of the coordination process between RAPEX and the national market surveillance system is also illustrated by the example of the Czech Republic. Coordination between Czech market surveillance authorities and RAPEX is clarified by the Czech Government Regulation No. 396/2004[62]. According to this procedure, the national authorities have to comply with the format in the RAPEX application and submit notifications to the RAPEX National Contact Point, which is located at the Ministry of Industry and Trade, in due time, in about two weeks, maximum one month. The procedure mainly consists of two steps: first the national market authority enters the information into the system of the National Contact Point, and then the NCP will enter the dangerous product into the Safety Gate/RAPEX system without delay, within 48 hours. However, depending on the internal organisation of the national authority, the notification in the NCP system can require further steps. In the case of Regional Hygiene Stations, there is a four-step system: first an RHS informs the Main Hygiene Station at the Ministry of Health, which informs the RAPEX contact point at the Ministry of Health, which finally contacts the National Contact Point at the Ministry of Industry and Trade. The duration of the notification to the Safety Gate/RAPEX system depends on several factors, e.g. time needed for testing, type of risk and difficulties with risk assessment, e.g. in case of laboratory testing it could last even longer, just because of the duration of microbiological tests. Experts from Czech authorities added that the current legal framework sets a relatively high investigative burden on these authorities, because before entering a dangerous product in Safety Gate/RAPEX, they should be absolutely certain of a violation of a legal requirement; the laboratory tests must therefore be positive, and these tests takes approximately a

[61] See GPSD implementation study, country report Poland.

[62] The Czech Government Regulation No. 396/2004 on Procedures, Content and Form of Information on the Occurrence of Dangerous Non-Food Products follows the administrative procedure of the new Guideline for the National RAPEX Network, which was updated by Commission Implementing Decision (EU) 2019/417 of 8 November 2018 laying down guidelines for the management of the European Union Rapid Information System RAPEX.

month to be confirmed. The CEI reported that they also take the cross-border effect into account and only if a dangerous product is distributed in other Member States will they deliver the product notification to the RAPEX NCP.

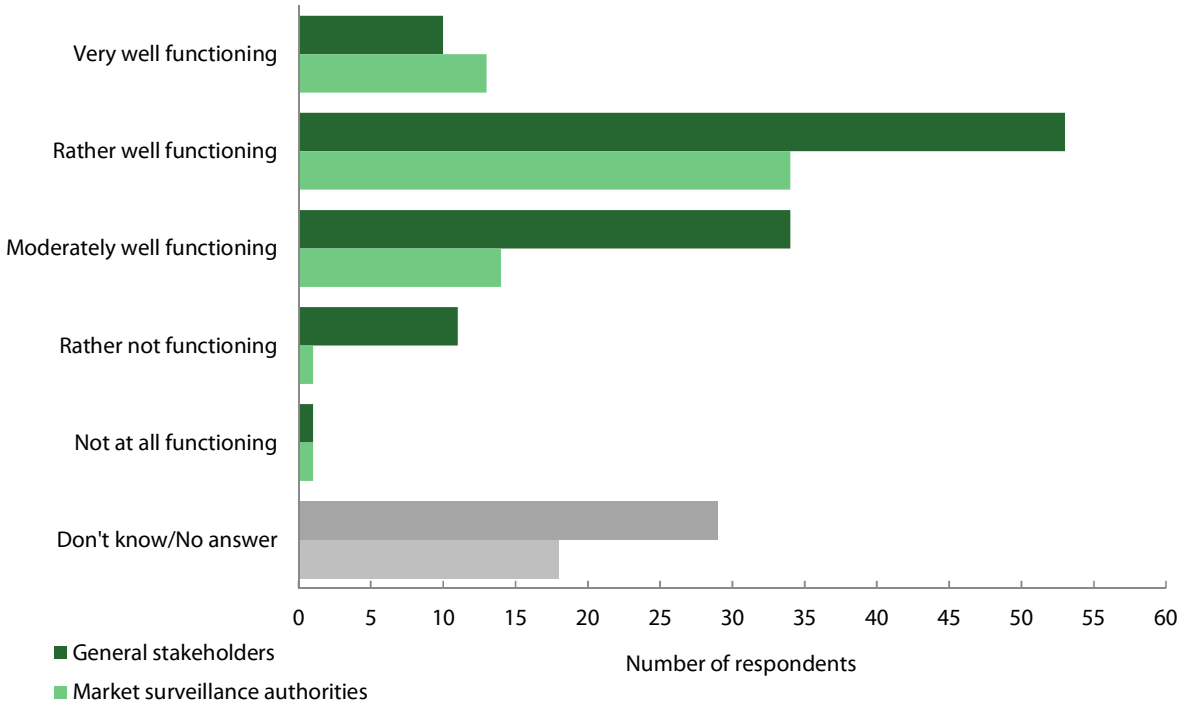
It would appear plausible that smaller countries and/or countries with one main Market Surveillance Authority for consumer products (which typically hosts the RAPEX National Contact Point) have simpler procedures and might therefore have more rapid notification procedures. For example, as market surveillance responsibilities are centralised in Malta under the Market Surveillance Directorate of the Technical Regulations Division of the Malta Competition and Consumer Affairs Authority (MSD-TRD), all Safety Gate/RAPEX notifications are initiated, submitted and notified by the same directorate. MSD-TRD has indicated that it takes on average one week from detection to notification of a dangerous product to Safety Gate/RAPEX. This notification period varies predominantly due to the availability of officers to conduct the necessary assessment. Notification is carried out as soon as MSD-TRD determines that the product is likely to pose serious risk. In the more serious cases notification is carried out in a matter of hours[63]. While some countries therefore seem to have notification procedures that are simpler and shorter than in other countries, on basis of the available data it is not possible to draw general conclusions with respect to the influence of the institutional model for market surveillance on the procedures for and duration of the Safety Gate/RAPEX notification process. Legal and liability aspects, as well as the specific circumstances of each case in which a potentially dangerous product is identified appear to be additional key factors affecting the duration of the notification process. It can therefore be concluded that significant delay in notification of serious risks may occur, even though this technically is not necessarily in violation of the RAPEX guidelines, as the time is often used to formally adopt a measure. And only the adoption of the measure is considered as the starting point of the timeline provided in the RAPEX guideline.

In the surveys for this evaluation, stakeholders were asked to assess the effectiveness of Safety Gate/RAPEX, among other elements of the GPSD. Authorities considered the system on average to be "rather effective", while companies/business associations and other stakeholders assessed the system to be between "moderately effective" and "rather effective" (see EQs 7/8/9 below). Previous research also considered the functioning of Safety Gate/RAPEX: For example, in the country level interviews conducted for the 2018 evaluation of the Consumer Programmes[64], nearly two in three of the interviewed stakeholders that had an opinion (61%) considered Safety Gate/RAPEX to be effective or very effective in consolidating and enhancing product safety through market surveillance, a view especially voiced by ministries and national authorities (that are the direct users of the system). The recent GPSD implementation study asked market surveillance authorities and other stakeholders how well Safety Gate/RAPEX is functioning. Figure 10 presents the results.

[63] GPSD implementation study, country report Malta and interview questionnaire from MSD-TRD.

[64] Civic Consulting, Ex-post evaluation of the Consumer Programme 2007-2013 and mid-term evaluation of the Consumer Programme 2014-2020, Part 1.

Figure 10: In your view, how well is Safety Gate/RAPEX functioning, considering the needs of your country/your organisation/your members? – Assessment of MSAs and general stakeholders

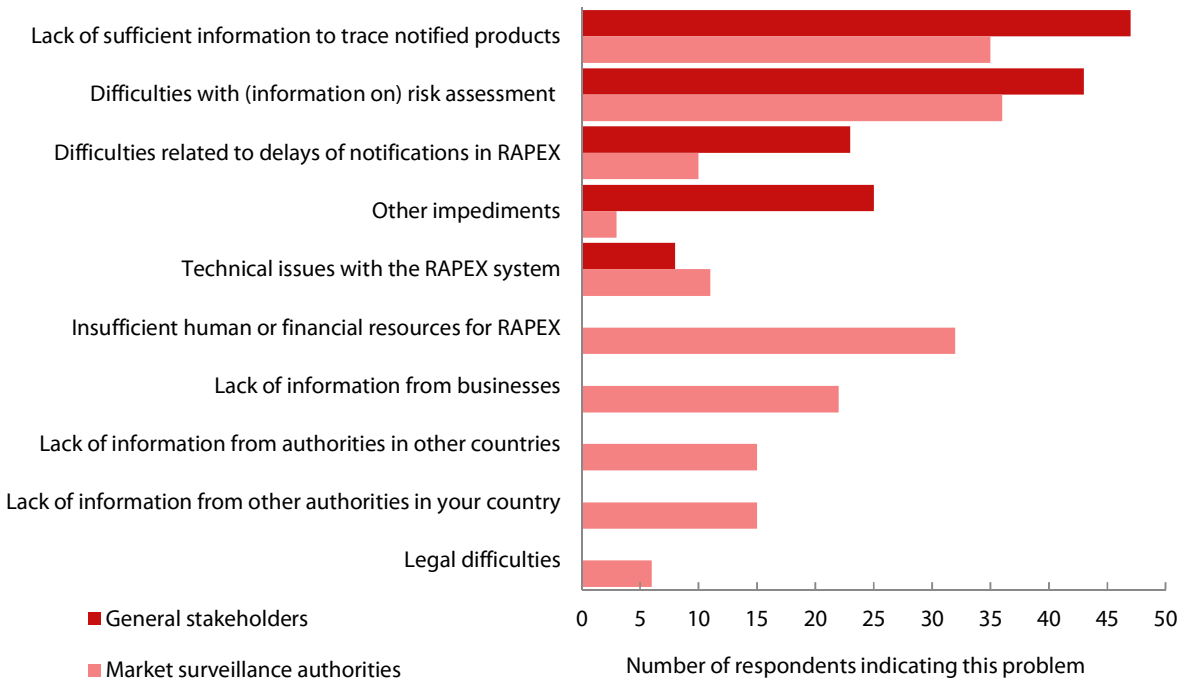


Source: GPSD implementation study. Note: N=81 (MSAs); 138 (general stakeholders). The question for MSAs referred to the "needs of your country", the question to stakeholders to the "need of your organisation/members)".

Figure 10 shows that MSAs to a large extent appreciated the functioning of Safety Gate/RAPEX, with 65% considering the system to function at least 'moderately well' (48% considered it to be 'rather' or 'very well' functioning). General stakeholders were even more positive, with 70% finding the system at least 'moderately well' functioning (46% considered it to be 'rather' or 'very well' functioning). Only a small minority provided a negative assessment ('rather not' or 'not at all' functioning).

Despite this general satisfaction with the rapid alert system, there are also issues that impede its operation. In the surveys of MSAs and general stakeholders, respondents were asked whether they had encountered impediments when using Safety Gate/RAPEX. Figure 11 below summarises the results.

Figure 11: Impediments encountered when using Safety Gate/RAPEX – Assessment of MSAs and general stakeholders



Source: GPSD implementation study. Note: Based on MSA survey Q11, stakeholder survey Q4. The question for stakeholders was worded slightly different and referred to impediments when "using the information from Safety Gate/RAPEX".

The lack of sufficient information to trace notified products was one of the highest-ranking problems. Many authorities and stakeholders experienced that notifications sometimes do not contain enough information to identify the products, for example, no information about the brand, manufacturer/importer/distributor, type/model, batch number, sales channel are indicated, pictures of products are sometimes missing or of poor quality[65]. MSAs also noted a lack of information about measures taken by other EU/EEA authorities in relation to Safety Gate/RAPEX notifications, and/or the failure of other national authorities to take action.

Several authorities and stakeholders complained about inaccurate information. Industry association found that sometimes the notification was not accurate and the failure against the standard incorrect, that the notifying body had misinterpreted the safety standard, or that product category or standard reference were not correct. In some cases, the overall information provided was considered to be too vague to be actionable, and that it was not easy to understand what to do for retailers.

Many comments made by MSAs and stakeholders concerned the risk assessment. Often this referred to a perceived lack of information on the risk/hazard. Stakeholders suggested that the description of the hazards was not always clear and lacked context, or that based on the information provided it was not always possible to fully understand the technical reasons which have led to the notification, or to assess the problem in detail.

[65] The analysis of RAPEX data confirmed that information regarding brand, type/number of model, batch number or barcode is often not available (see EQ 6 below).

Finally, other issues that were identified by stakeholders related to delays of notifications appearing in Safety Gate/RAPEX, procedural issues and insufficient human or financial resources for Safety Gate/RAPEX, due to the overall limitations in financial and staff resources encountered by MSAs.

Conclusion on the extent to which the GPSD market surveillance system – and in particular the rapid alert system – has been effective

It can be concluded that the rapid alert system achieves its objective of providing a platform for exchange of information concerning products posing a serious risk to consumers. Since its establishment in 2003 in accordance with Article 12 GPSD it has become a cornerstone of the EU market surveillance and product safety framework. Safety Gate/RAPEX ensures that information about dangerous products withdrawn from the market and/or recalled from consumers anywhere in Europe is circulated between Member States and the European Commission, so that appropriate action can be taken by market surveillance authorities in all EU Member States (and the EEA countries Iceland, Liechtenstein and Norway). During the period 2013 to 2019 a total of 13 445 Article 12 notifications were submitted (or more than 5 notifications on average per day), with all Member States participating in the system on a regular basis. The essential character of Safety Gate/RAPEX is emphasised by the diversity of institutional approaches for market surveillance and the high degree of fragmentation of market surveillance authorities according to sectoral and/or administrative considerations in many in Member States, which requires quick and effective information exchange and distribution, for which the system is a key channel. Market surveillance authorities and other stakeholders therefore consider Safety Gate/RAPEX mostly to be well functioning and effective.

Still, certain issues currently impede its operation, such as delays between the detection of a dangerous product in a Member State and its notification to Safety Gate/RAPEX. The objective of providing a rapid exchange system for dangerous non-food products is therefore only partially achieved. At a more general level, the market surveillance system under the GPSD (consisting of market surveillance activities by authorities in the Member States, information exchange through Safety Gate/RAPEX and coordination and support measures) appears to be operating under considerable resource constraints. It is widely acknowledged that the staff and financial resources of market surveillance authorities are often insufficient, with the above-mentioned fragmentation of responsibilities leading to inefficiencies due to a lack of economies of scale in some cases, and contradictory measures and approaches for risk assessment between authorities in others. Also, the number of inspections is low, with a median of roughly 400 inspections of consumer products per year and million population, based on data from those Member States that provided such information. While the framework set by the GPSD, Safety Gate/RAPEX and the related coordination measures at EU level contribute to better and more coordinated market surveillance, fragmentation of responsibilities as well as resource constraints limit the effectiveness of the overall system.

6.1.3. Effects of e-commerce on GPSD effectiveness

EQ3. How has the development of ecommerce affected the effectiveness of the GPSD?

The way products are sold to consumers have changed considerably over the last two decades, with online sales channels increasing in importance, new online business models emerging, and consumers gaining opportunity and trust to engage in cross-border shopping over the internet. This includes cross-border shopping in the EU, but also with non-EU/EEA countries, such as China. The effects of e-commerce, and especially online sales and direct imports by consumers from non-EU/EEA countries on the effectiveness of the GPSD has been a major point of concern by stakeholders and market surveillance authorities, as has been pointed out in the answer to EQ1 (see

above). This is in spite of the fact that in line with the broad, horizontal approach of the GPSD the Directive covers consumer products regardless of the selling method, i.e. it applies equally to brick-and-mortar shops as well as to e-commerce. Effects of e-commerce on GPSD effectiveness therefore mostly relate to problems of enforcement and questions of jurisdiction, as is elaborated in this section. Before presenting evidence in this respect, we will describe the development of e-commerce since the GPSD was adopted in 2001, and potential implications that this change of context brings for the safety of consumer products and the application of the Directive.

6.1.3.1. Development of e-commerce and the role of online marketplaces

Measuring e-commerce trends is complex, as an OECD report recently pointed out[66], and a large variety of estimates in terms of size of the B2C online markets and the shares of specific market players exist. In the following, we rely on Eurostat data and terminology[67], complemented by other sources, where relevant.

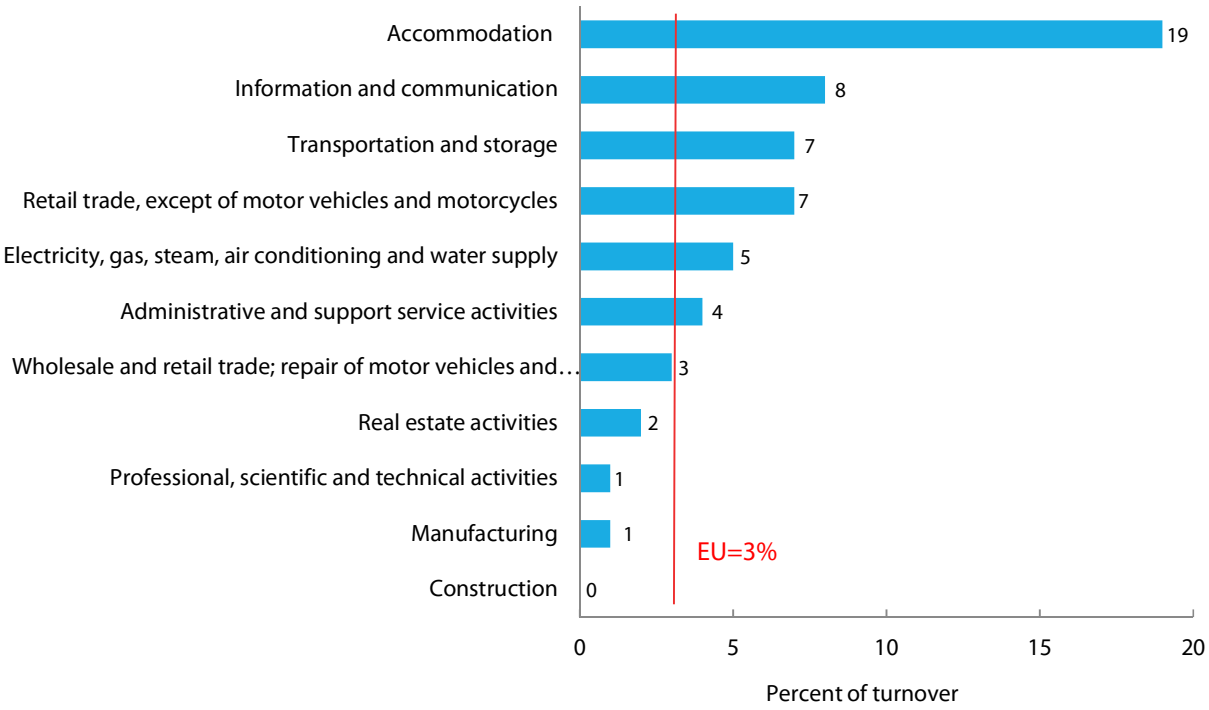
In the EU, e-commerce via websites or apps (web sales) have steadily increased over the last decade. In 2019, web-sales accounted for 7% of turnover of EU enterprises. This figure includes sales to other businesses and to consumers carried out via websites or apps. At 3%, the share of turnover of enterprises in the EU28 from B2C web sales was slightly less than half of this amount (in 2019, average across all economic activities)[68]. In the retail sector (except motor vehicles and motorcycles), which is most relevant for this study, the share of B2C web sales was 7%, lower than for accommodation (19%) and information and communication (8%), and similar to transportation and storage (also 7%), see Figure 12 below.

[66] With a reference to an earlier study, the OECD pointed out that "part of the problem arises because economic data typically does not record how firms do business. E-commerce breakdowns, particularly with respect to quantities such as shipment volumes or values, are therefore often not available and must be estimated. One approach used by several government agencies is to include specific questions on e-commerce in firm, household and individual surveys. However, in practice these surveys often relate to participation only. Information on quantities is more difficult to obtain from surveys because firms often do not record turnover by sales channel and because individuals might not recall how much or how often they have bought online." See: OECD (2019). Unpacking E-commerce - Business models, trends and policies.

[67] According to the Eurostat definition, e-commerce sales include sales in an automated way via EDI (electronic data interchange) and sales carried out via websites or apps (web sales) to other businesses and consumers. We focus mostly on web sales, which include sales through own website or apps and marketplaces, and on web sales targeted at consumers (B2C sales). For more background data, see Eurostat 2020, E-commerce statistics.

[68] Eurostat, Value of e-commerce sales [isoc_ec_evaln2]. All enterprises, without financial sector. The share of turnover of SMEs (10 to 249 employees) from B2C web sales in the EU28 was slightly lower as the average, at 2% (in 2019). No data available for companies with lower number of employees. The OECD also confirms that "SMEs still lag behind in terms of e-commerce participation. This is true despite the emergence of web-based and standardised solutions specifically targeting these firms. In many cases, this is related to high costs of delivery and returns, a problem that SMEs face significantly more often than other firms", see OECD (2019). Unpacking E-commerce - Business models, trends and policies.

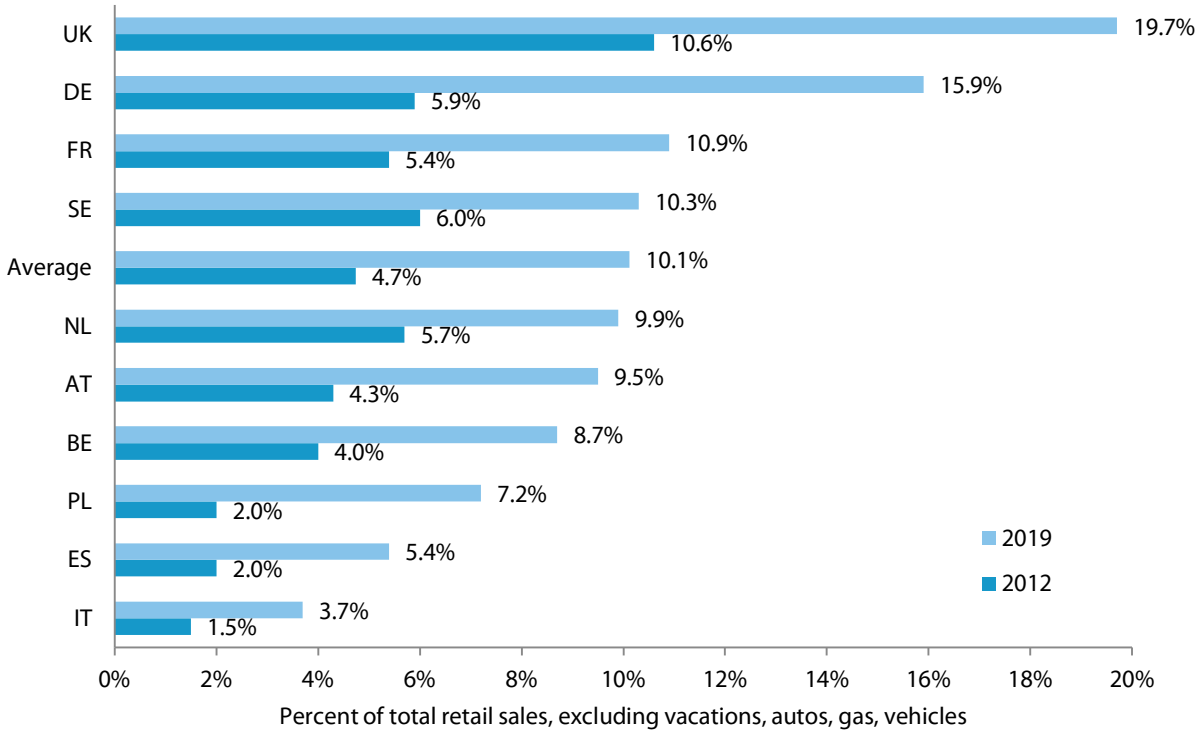
Figure 12: Turnover of EU enterprises from B2C web sales in 2019, by economic activity *(as % of total turnover)*



Source: Eurostat, Value of e-commerce sales [isoc_ec_evaln2]. Companies 10 persons employed or more

Depending on the definition of the retail turnover used, other sources come to higher figures regarding the share of online sales in total retail. The following figure provides an overview of the online share in total retail in 2012 and 2019 (defined as total retail sales, excluding vacations, autos, gas and tickets). In all 10 countries covered, the share increased considerably, with the highest share reported from the UK (with close to 20% in 2019). In the selected countries, the share was also above 10% in 2019 in Germany, France and Sweden.

Figure 13: Online share of retail trade *(as % of total retail sales, selected countries)*



Source: Centre for Retail Research. www.retailresearch.org/online-retail.html, last accessed in Nov 2020.

In absolute terms, the B2C e-commerce turnover in Europe was forecasted by E-commerce Europe (which represents companies selling goods and services online to consumers) to be 621 billion Euro in 2019, close to double the 329 billion Euro estimate for 2014[69]. Depending on the geographical scope and the market definition used, other sources provide lower figures: Statista estimated B2C e-commerce revenue in Europe (concerning the sale of physical goods via a digital channel to a private end user) for 2019 to be 312 billion Euro, up from 260 billion Euro in 2017[70]. While the COVID-19 pandemic is expected to lead to declines in overall retail sales, e-commerce sales are expected to increase by 16.9% in 2020 in Western Europe, according to a recent forecast[71]. This trend is expected to deflate in 2021 as brick-and-mortar stores reopen and recover some share. However, the boost in new spending in 2020 is expected to leave e-commerce permanently ahead of its previous

[69] Ecommerce Europe, European Ecommerce Report (2019 edition). The geographical definition of Europe used by the report is wider than the EU, and covers the following countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russia, Serbia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom.

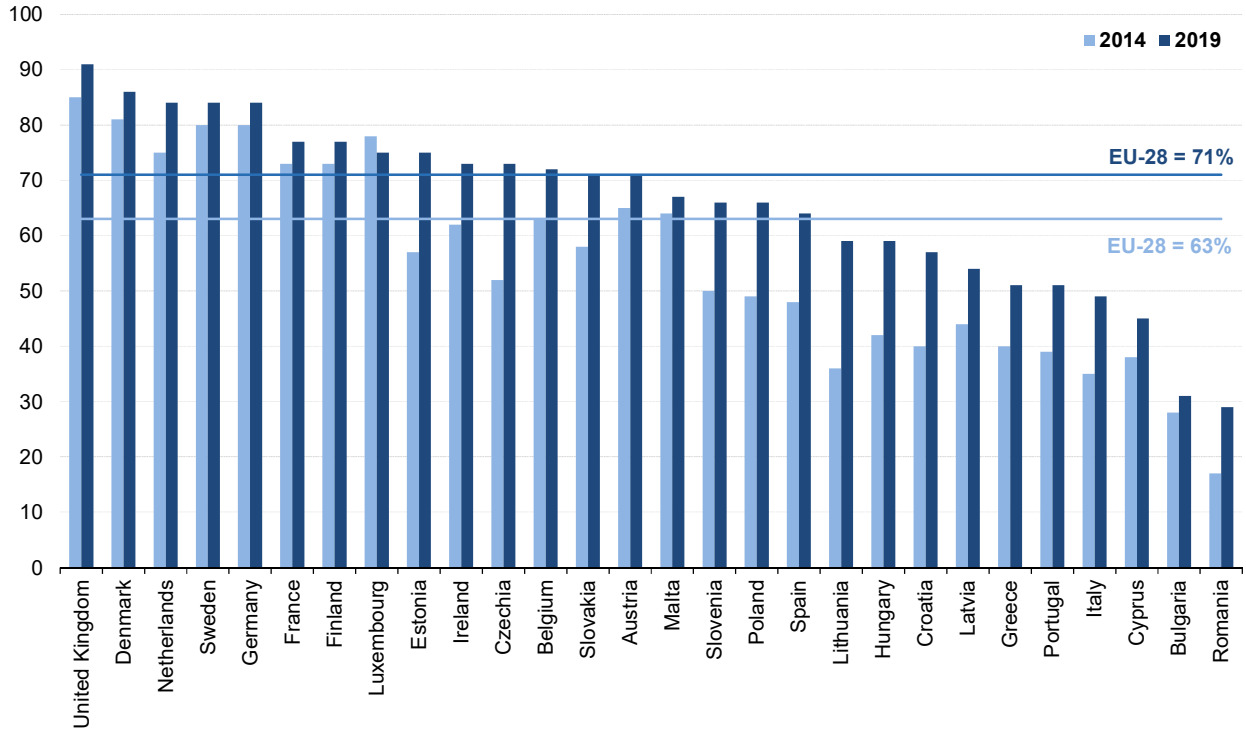
[70] Again, the geographical definition of Europe used by the report is wider than the EU and comprises a total of 44 countries, including the EU Member States, Norway, Iceland and the UK (which are by far the largest markets in the sample). In the Statista definition, the e-commerce market encompasses the sale of physical goods via a digital channel to a private end user (B2C). Incorporated in this definition are purchases via desktop computer (including notebooks and laptops) as well as purchases via mobile devices such as smartphones and tablets. The following are not included in the Statista definition of the e-commerce market: digitally distributed services, digital media downloads or streams, digitally distributed goods in B2B markets nor digital purchase or resale of used, defective or repaired goods (e-commerce and C2C). See https://www.statista.com/outlook/243/102/ecommerce/europe?currency=eur, last accessed on 29.07.2020.

[71] See: https://www.emarketer.com/content/western-europe-see-10-83-billion-more-ecommerce-sales-than-expected

pace, with higher sales figures than it otherwise would have through 2023. According to the estimate, retail e-commerce will account for 13.8% of total retail in 2023[72].

Between 2014 and 2019, the number of internet users who bought or ordered goods or services for private use increased from 63% to 71%, in five EU Member States even to more than 80% (see Figure 14).

Figure 14: Internet users who bought or ordered goods or services for private use in the previous 12 months, 2014 and 2019 *(% of internet users)*

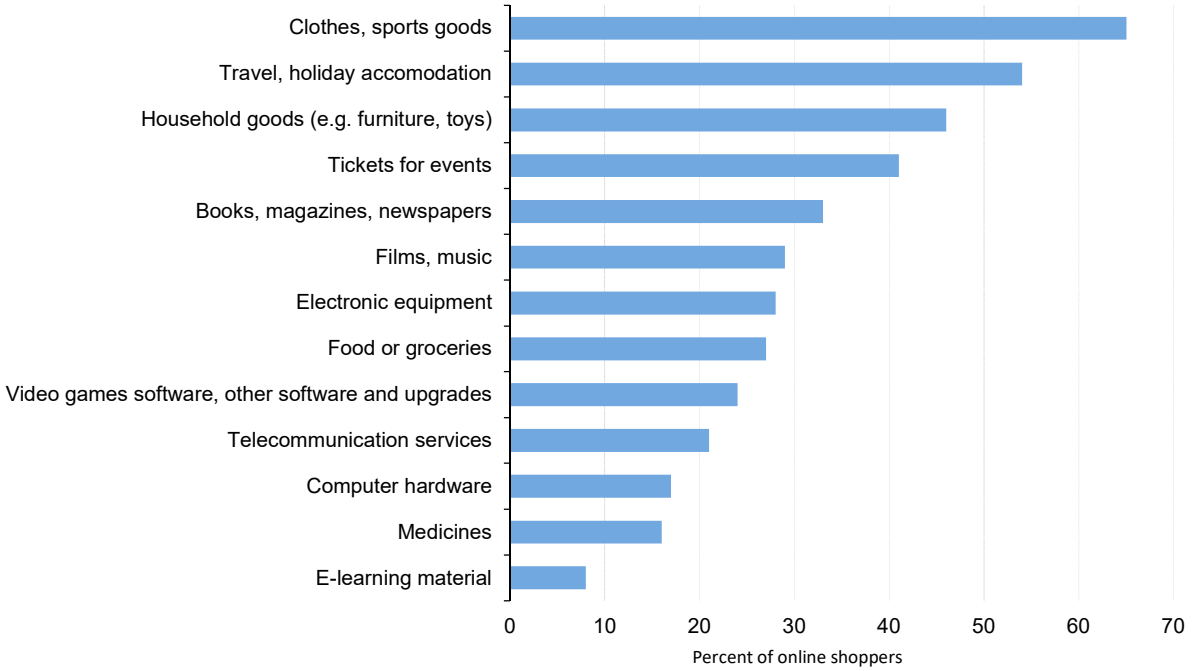


Source: Eurostat (online data code: isoc_ec_ibuy), EU 28

The main product categories bought over the Internet are clothes, household goods (e.g. furniture, toys), books, magazines, newspapers and electronic equipment, as shown in Figure 15.

[72] Ibid.

Figure 15: Type of online purchases in the EU 2019 *(% of individuals who bought or ordered goods or services over the internet for private use in the previous 12 months)*



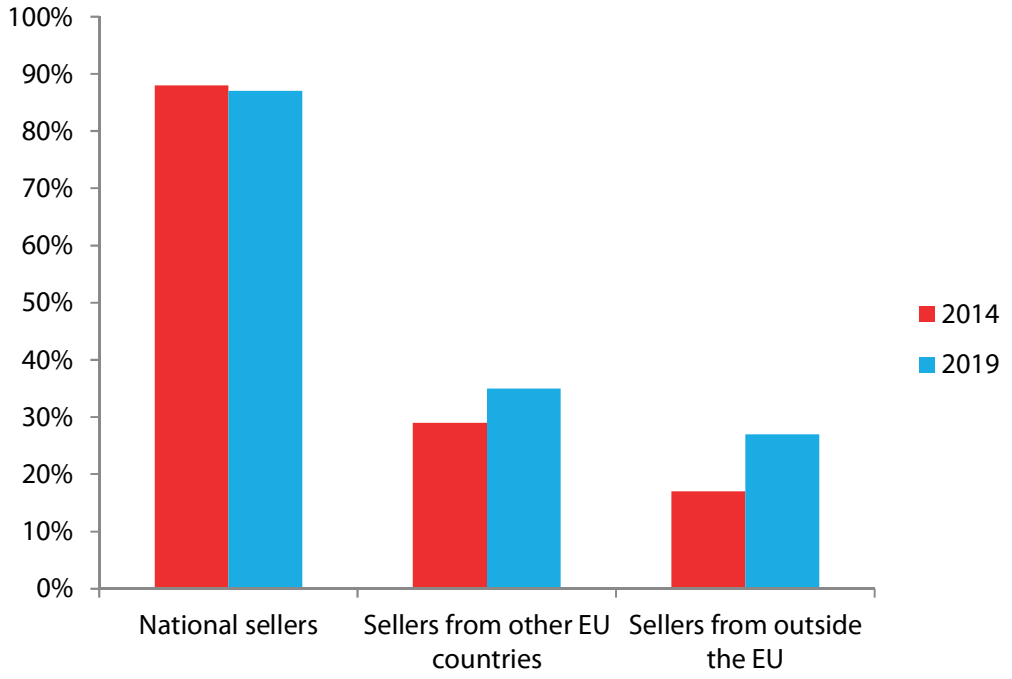
Source: Eurostat

This data indicates that non-harmonised products (for which the GPSD is especially relevant) such as clothing, sports goods and furniture are among the items most commonly purchased by consumers online, as are some harmonised products such as toys and electronic equipment (e.g. communication and media equipment, electrical appliances falling under the Low Voltage Directive).

As mentioned above, cross-border shopping is getting more relevant in the EU. While the largest group of e-shoppers made online purchases from sellers in their own country (87% in 2019), this figure is down by 1 percentage point from 2014. In contrast, an increase can be observed for purchases from sellers in other EU countries (from 29% in 2014 to 35% in 2019) and from sellers outside the EU (from 17% in 2014 to 27% in 2019)[73].

[73] Eurostat (2020). E-commerce statistics for individuals - Statistics Explained. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=E-commerce_statistics_for_individuals&oldid=417477

Figure 16: National and cross-border purchases by e-shoppers *(% of individuals who bought or ordered goods or services over the internet for private use in the previous 12 months)*



Source: Eurostat

Cross-border shopping is dominated by e-retailers in a relatively small number of countries that attract most consumers that want to shop abroad (hereafter 'e-commerce export countries'). According to a recent survey-based report on E-commerce in Europe 2019, this list of countries was topped in 2019 by China, UK, USA and Germany, with the importance of China increasing considerably over the last decade. Close to two thirds of cross-border shoppers indicated China as country from which they had purchased. According to the report, companies from China "mainly attract with inexpensive products, while the UK, Germany and the US are more appealing with respect to brands, good service and unique products"[74]. A survey conducted a year before came to similar conclusions: It concluded that the number of e-commerce export countries (with focus on B2C e-commerce) is relatively low, while most EU Member States tend to be importers of cross-border e-commerce purchases. In 23 of the 30 surveyed European countries (EU28 plus Norway and Iceland) China was the first ranked country from which the most recent online purchase abroad was ordered. In total, more than one third of e-shoppers (35%) declared that their most recent purchase abroad originated from an e-retailer located in China. The second most important non-EU/EEA country in which European consumers shopped online was the USA with a share of 7%. The main B2C e-commerce export countries in the EU were Germany and the UK (around 30% of e-shoppers' most recent cross-border purchases originated from e-retailers and marketplaces located in these countries)[75].

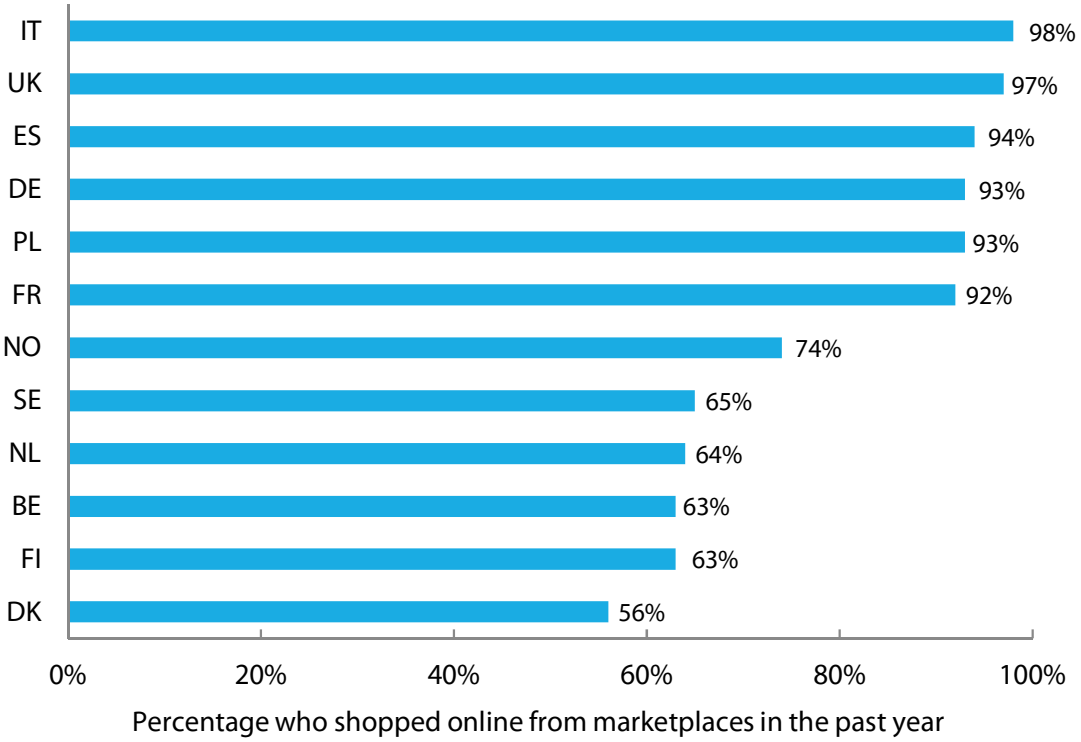
[74] PostNord. (2019). E-commerce in Europe 2019. Note that the report is based on interviews with a total of about 11,000 consumers in Belgium, Denmark, Finland, France, Germany, Italy, the Netherlands, Norway, Poland, Spain, Sweden and the UK, and refers to these countries. PostNord is the name of a holding company owned by the Swedish and Danish state, which combines the two postal companies Posten AB and Post Danmark that were merged in 2009.

[75] WIK. (2019). Development of Cross-border E-commerce through Parcel Delivery. https://ec.europa.eu/growth/sectors/postal-services/studies_en, p.49 to 51. The survey was conducted in 2018 and the relevant question covered 8212 consumers.

It is of interest to note that already a 2011 consumer market study conducted for the European Commission concluded that the same four countries were the main e-commerce export countries. However, the order was then quite different, with two European countries leading the list: Germany (from where 27% of EU cross-border online shoppers had purchased), UK (24%), USA (23%) and China (17%)[76]. The percentage values of the three surveys cannot directly be compared, due to differences in geographical scope and methodology. However, the results clearly show that while B2C e-commerce is becoming increasingly global, the importance of different e-commerce export countries has dramatically shifted over the last decade, with China becoming the undisputed number 1 destination for European e-shoppers when making purchases from abroad.

A key reason for this shift is the growing importance of online marketplaces. Between 56% (Denmark) and 98% (Italy) of surveyed e-shoppers have shopped online from marketplaces in the past year[77] (see Figure 17).

Figure 17: Percentage who shopped online from marketplaces in the past year (selected EU countries, 2019)



Source: PostNord. (2019). E-commerce in Europe 2019. Note: The term "marketplaces" refers to Amazon, Wish, eBay, Zalando, Etsy, Alibaba, JD, or Allegro. The basis is the number of consumers that have shopped online.

The figure shows a notable difference between larger and smaller countries: According to the E-commerce in Europe 2019 report, international marketplaces are common in large countries, and less common in small countries, as some marketplaces have deliberately focused on the largest markets in Europe. The report concludes: "Access

[76] Civic Consulting 2011, Consumer market study on the functioning of e-commerce and Internet marketing and selling techniques in the retail of goods, p. 35.

[77] PostNord. (2019). E-commerce in Europe 2019. In this study, the term "marketplaces" referred to Amazon, Wish, eBay, Zalando, Etsy, Alibaba, JD, or Allegro. Also note the limitations in country coverage, see footnote 74.

to international marketplaces will probably increase in the smaller countries over the next few years. Most likely, the major market participants will expand, or less likely, a domestic participant will succeed in positioning itself …"[78]. While several EU players are also among the top ranked online marketplaces (such as Allegro in Poland and Zalando in most covered EU countries), non-EU marketplaces such as Amazon, eBay, Wish, and Alibaba/Aliexpress play a decisive role. In all countries covered by the report, non-EU marketplaces took three of the top four places in terms of frequency of use by the surveyed consumers[79]. These marketplaces are an important tool for small and medium-sized enterprises (SMEs) to expand internationally particularly not only from Europe but also from countries outside of Europe (including from Asia). A recent study for the European Commission on the development of cross-border e-commerce through parcel delivery explained the reasons for this: "[g]enerally, online marketplaces reduce cross-border complexities for sellers and are able to make international expansion more scalable since they support payment processes, localise marketing activities and may support logistical processes. […] Online marketplaces offer a wide variety of products from multiple retailers and brands at competitive prices, by means of a uniform service, adding trust and making customers feel secure about their purchases. […] online marketplaces are available in different languages, have developed localised marketing strategies, and offer customer services in multiple languages. Moreover, they also support retailers in their logistical operations offering fulfilment services aimed at reducing time of delivery, both shipping internationally and delivering the last mile locally"[80].

Particularly traders from China have used this opportunity, also facilitated by the low postal rates for shipping from China[81]. For example, on the Amazon marketplaces based in Europe (Amazon.nl/de/es/fr/it/uk), the share of active sellers that are based in China is reportedly between 37% and 47%, with the share of Chinese sellers in the Top10000 sellers even being higher in some places (up to 57% for Amazon.es)[82]. The share of Top Amazon Sellers based in China across all sixteen Amazon marketplaces increased from 23% in January 2017 to 47% in December 2019[83], with the success of businesses from China being enabled by the use of fulfilment services[84] and by the fact that the company actively recruits sellers in China[85].

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78 Ibid. p 17.

79 See ibid, p54/55.

80 WIK. (2019). Development of Cross-border E-commerce through Parcel Delivery. P 35/36.

81 International shipments are governed by agreements under the Universal Postal Union (UPU), a UN agency. The UPU international agreements include rules capping the cross-border postal rates (terminal dues) that can be charged to the foreign sending postal company for inbound mail. As shipment prices for domestic e-retailers are not governed (or directly affected) by the UPU rules, the UPU influences the price differential between shipment options available to domestic vs foreign e-retailers. A recent study concluded that "after the necessary adjustments, the average fee for a domestic shipment in Finland is 46 per cent larger than the terminal dues on inbound mail. For Sweden, the differential is +57 per cent". See Copenhagen Economics (2019), International delivery prices: effects on national post an e-commerce - Impact of UPU terminal dues on Finland & Sweden. See also WIK. (2019). Development of Cross-border E-commerce through Parcel Delivery. More details on the agreement are available on the UPU website, www.upu.int.

82 Data from Marketplace Pulse for 2020, see: https://www.marketplacepulse.com/amazon/china-sellers, last accessed on 27.07.2020.

83 https://www.marketplacepulse.com/marketplaces-year-in-review-2019#china, last accessed on 28.07.2020.

84 Fulfillment service providers are entities that provide services to other economic operators. They generally store products and, after receiving the orders, package the products and ship them to customers. They may also deal with returns, see European Commission (2017), Notice on the market surveillance of products sold online.

85 Ibid. According to Marketplace Pulse, more than ten thousand sellers attended the 5th annual Amazon Global Store Cross-Border Summit (2019亚马逊全球开店跨境峰会) held in Shanghai on December 11-12th, with twice as many participating in the live online broadcast because the event was sold out.

While increasing, the share of e-commerce purchases of goods originating outside the EU was estimated at 5.6% of total retail e-commerce in the EU in 2015, accounting for 11.8 billion Euro[86]. In the same year, the overall turnover of retail trade (except of motor vehicles and motorcycles) in the EU was 2 842.9 billion Euro[87]. This would imply that in 2015, e-commerce purchases of goods originating outside the EU were equivalent to about 0.4% of total retail turnover. This share is likely to have increased since then, in light of relative stable overall retail turnover[88] and increasing e-commerce with non-EU countries (see below).

In 2015, the number of parcels imported to the EU from third countries due to e-commerce purchases of EU consumers that do not exceed the customs threshold of 150 Euro[89] was estimated by the European Commission to be 187 million consignments (see Table 14), for a total value of 4.65 billion Euro.

Table 14: Estimated volume and value of parcels imported to the EU from third countries due to B2C e-commerce purchases of EU consumers (2015)

Product category	Volume (million)	Value (billion Euro)
Small value consignments[a)]	144.07	2.97
Parcels between EUR 10-22 and EUR 150[b)]	43.22	1.69
Total	***187.29***	***4.65***

Adapted from European Commission SWD (2017) 466 final Part 3/4, p. 647/648. a) Updated estimate for 2015 by the European Commission, based on 2013 estimates from: EY (2015): Assessment of the application and impact of the VAT exemption for importation of small consignments. The 2013 figure of 115 million consignments has been increased in line with the growth in e-commerce. b) VAT is not due when the total value of all goods in a consignment (value not inclusive of customs duties or transport costs) is less than a threshold. The threshold may vary from 10 Euro to 22 Euro. For goods with a value over this threshold, but not exceeding the customs threshold, VAT is due, but not customs duty.

No more recent data on parcels imported to the EU has been identified. While postal statistics on international parcel services is available for most EU countries, this concerns the sum of intra-EU traffic, and traffic with third countries, so that the number of parcels imported into the EU cannot be deducted. The data available for 20 of the EU28 countries shows a growth of 44% between 2015 and 2018 (total number of parcels for all countries)[90]. If this growth rate (which is for both intra EU and extra-

[86] This figure includes both B2C and B2B trade. See European Commission SWD(2017) 466 final Part 3/4, p. 644 and SWD(2015)274. Estimate based on the results of the "Consumer surveys identifying the main cross-border obstacles to the Digital Single Market and where they matter most", GfK, 2015, http://ec.europa.eu/consumers/consumer_evidence/market_studies/obstacles_dsm/docs/21.09_dsm_final_report.pdf. In another estimate concerning the same year, the value of e-commerce merchandise (online retail) purchased by European consumers and imported from outside Europe was estimated at 10.8 billion Euro. See Copenhagen Economics 2016, E-commerce imports into Europe: VAT and customs treatment, quoting Forrester (2015), Western European Online Cross-Border Retail Sales Forecast.

[87] See Eurostat, Annual enterprise statistics for special aggregates of activities (NACE Rev. 2) [sbs_na_sca_r2], last accessed on 30.07.2020.

[88] See e.g. SWD(2018) 236 final, Commission staff working document accompanying the Commission communication on a European retail sector fit for the 21st century, p. 10.

[89] The threshold indicates that customs duty is not due for goods, provided directly to the buyer when their value does not exceed 150 euros.

[90] See https://webgate.ec.europa.eu/grow/redisstat/databrowser/view/POST_CUBE1_X$POST_ITR_1/default/time?lang=en&category=GROW_CURRENT, data retrieved on 30.07.2020. The total volume of international inbound parcel services for the 20 EU Member States for which data was available was calculated for 2015 (756 million parcels) and 2018 (1086 million parcels), and the growth rate calculated on this basis. It is notable that the growth rate of 44% for the period 2015 to 2018 is similar to the growth rate of the number of online shoppers that purchased from sellers outside the EU (which increased from 18% to 26% of all online shoppers), see Eurostat, Internet purchases by individuals [isoc_ec_ibuy].

EU parcel services) is applied to the figure estimated above for 2015, the resulting rough estimate for 2018 would be 269 million parcels imported to the EU from third countries with a value of 150 Euro or less[91]. Taking into account the growth in cross-border e-commerce over the last years, it is likely that the number of small consignments entering the EU from abroad will continue to grow[92].

6.1.3.2. Implications of e-commerce for product safety

E-commerce poses challenges for market surveillance and enforcement of the GPSD and other product safety legislation in the Member States[93]. In our surveys, a key problem for market surveillance identified by MSAs and general stakeholders concerned online markets, and in this context specifically B2C transactions with operators in non-EU/EEA countries, in which products from those countries are delivered on an individual basis[94]. The lack of effective control of product safety at the borders was emphasised by several MSAs and business and consumer stakeholders, but also issues of jurisdiction and practical difficulties in establishing the identity and the location of a trader in non-EU/EEA countries were considered to be problems (see EQ6, below). In the following we provide the available evidence concerning the safety of products sold online, including with respect to their traceability.

Evidence regarding safety of products sold online

In light of the growth in B2C e-commerce it is not surprising that the number of Safety Gate/RAPEX notifications of products that are (also) sold online is increasing. Table 15 below provides data on notifications that refer to the online sales channels for the years 2018 and 2019 (for previous years, this information is not available). Almost all notifications concern products with serious risk (94%). Only 29 of the notifications with sales channel online indicated concern products with less-than-serious risk or other types of alerts.

[91] An increase of international e-commerce shipments is also experienced in other jurisdictions. The US Consumer Product Safety Commission (CPSC) stated in a recent report that in 2018 an estimated 36 million shipments were e-commerce purchases under its jurisdiction. That number is expected to rise to 60 million in 2023. The estimates do not account for e-commerce that arrives via international mail. U.S. Customs and Border Protection (CBP) estimates that 475 million total mail shipments arrived in the United States in 2018. See United States Consumer Product Safety Commission, Office of Import Surveillance, CPSC e-Commerce Assessment Report, November 2019.

[92] See GPSD implementation study. Note, however, that a recent study by the Committee for the Coordination of Statistical Activities (CCSA), which is situated at the United Nations Statistics Division, on the consequences of the COVID-19 crisis concluded that "overall, even if domestically the demand for deliveries and online sales has surged, international mail has been decreasing. Estimates gathered from high-frequency data indicate that the drop of international mail due to the emergence of the pandemic is 23%. This is just one of the symptoms of the extent to which COVID-19 has impacted international economic flows". See CCSA 2020, How COVID-19 is changing the world: a statistical perspective. However, it appears unlikely that this drop of the volume of international mail will affect the long-term trend, which is clearly the increase in cross-border shopping.

[93] See footnote 11.

[94] See GPSD implementation study.

Table 15: Total number of notifications and number of notifications indicating that product has been available online 2018 – 2019

	2018	2019
Number of notifications, total	2 064	2 159
Of which notifications of products with sales channel online indicated	95	210
Share of notifications of products with sales channel online indicated	4.6%	9.7%

Source: Civic Consulting, based on Safety Gate/RAPEX data. Notes: The sales channel online has been indicated since 2018. Provided is the number of alerts in which the description contained the term 'online'. It therefore includes products that were "sold online" or "(also) sold online". The actual share of products (also) sold online is likely higher, as not all MS responsible for a notification provide this information.

Table 15 shows that approximately 5% of all notifications in 2018 concerned products purchased from an online trader. This figure doubled to almost 10% in 2019. Main categories of notified products that were (also) sold online were toys (33%) and electrical products (24%).

As indicated before, the frequency of Safety Gate/RAPEX notifications is influenced by a variety of factors, and can therefore not indicate whether products in a particular sales channel tend to be more often safe or unsafe than products sold in other sales channels. In the surveys for this evaluation, we therefore asked market surveillance authorities, companies/business associations and other stakeholders to provide their best estimate of the share of unsafe products on the market in their respective area of activity, both for consumer products sold in brick-and-mortar shops and for consumer product sold online by traders targeting consumers in their country. The average assessment for each stakeholder group is presented Table 16.

Table 16: In your view, what is the best estimate of the share of unsafe products on the market in your area of activity (i.e. the estimated number of unsafe products per 100 products sold on the market)? – average assessment by stakeholders

Sales channel	Companies/ Business associations	Authorities	Other stakeholders	Average
Brick-and-mortar shops	3%	4%	5%	**4%**
Online	10%	7%	10%	**9%**

Source: Civic Consulting surveys of authorities, businesses, business organisations and other stakeholders. Average assessments by stakeholder group, not considering responses of 'Don't know/no answer'. For detailed results by stakeholder group, see Annex. Note: The average figures are calculated based on 100 (brick-and-mortar)/105 (online) stakeholders that had an opinion (53/48 indicated Don't know or provided no answer).

Each respondent provided an assessment on the following scale:

- Almost impossible to find unsafe products (0.01% or less of products)
- Difficult to find unsafe products (0.1% of products)
- One has to search to find unsafe products (1% of products)
- Unsafe products are relatively common (2% to 5% of products)
- Easy to find unsafe products (10% of products)
- Very easy to find unsafe products (15% or more of products)

The results presented in Table 16 clearly show that respondents tended to see a higher incidence of unsafe products in the online sales channel[95]. However, authorities and other stakeholders often provided very differentiated answers in the surveys conducted for this study and in complementary interviews during our case studies, which show a more complex picture than the average values would indicate. For example, an interviewee from a market surveillance authority stated that "most of the economic operators have become pretty skilled when it comes to placing products on the market, in particular those who have a valuable brand to protect. The biggest issues are found with the small 'occasional' sellers without a brand name." The Authority conducted a campaign in 2019 concerning Christmas lighting. Here, no significant difference was seen between the conformity level of online and offline traders. Some authorities have specifically controlled online marketplaces, e.g. in France. The DGCCRF reports that specific control plans on the safety of products sold on Internet marketplaces in 2018 and 2019 have on average found 25% of dangerous products. The level of dangerous products reportedly varied a lot depending on the product category: high rates of dangerous products were found for example in low priced jewellery (74%) and some electrical products (66%), while for toys it was 21% and for leather articles 10%. The situation may also vary greatly considering the marketplace on which the samples were taken (in 2018, ranging for example from 22% to 50% of dangerous products). The authority concluded that it found a significantly higher share of unsafe products on online marketplaces compared to products sampled across all distribution channels. On average, the share of dangerous non-food products found in DGCCRF samples was 13% (average data for 2019).

Previous research has indicated that products that have been banned by authorities or by economic operators have in some cases continued to be sold by e-retailers. In a follow-up question, we therefore asked whether survey respondents have observed that recalled products continued to be sold or reappeared on the market, again considering both brick-and-mortar shops and online traders. The answers are presented in Table 17:

Table 17: Have you observed that recalled products continued to be sold or reappeared on the market? Please consider both brick-and-mortar shops and online traders – assessment by stakeholders (average of all stakeholder groups)

Answer	In brick-and-mortar shops in your country	Online by traders targeting consumers in your country
Yes	20%	37%
No	34%	17%
Don't know/No answer	46%	46%

Source: Civic Consulting surveys of authorities, businesses, business organisations and other stakeholders. Total of all stakeholder groups. For detailed results by stakeholder group, see Annex. N=153

While a large group of respondents could not provide an assessment, the percentage of respondents having observed recalled products that were continued to be sold or reappeared on the market online (37%) is considerably more frequent than the percentage of those that have made a similar observation regarding brick-and-mortar shops (20%). This assessment was consistent across all stakeholder groups, although

[95] This is also confirmed by the most frequent assessment chosen for each sales channel: For 'brick-and-mortar' shops the most frequent assessment was 'Unsafe products are relatively common (2% to 5% of products)', which was chosen by 31 of the 100 respondents that had an opinion in this respect. In contrast, for 'online' shops the most frequent assessment was 'Very easy to find unsafe products (15% or more of products)', which was chosen by 49 of the 103 respondents.

other stakeholders and authorities saw a less significant difference between sales channels than businesses (see detailed results in the Annex).

There has also been research conducted concerning the incidence of recalled products online. In 2015, the OECD conducted a sweep, in which 25 countries including 15 EU Member States[96] undertook a coordinated inspection of 1 709 products sold online[97]. One of the focus points of the exercise was whether banned or recalled products were available online. 693 products were inspected for the purpose of detecting banned and recalled products. In each jurisdiction, a wide variety of banned and recalled products were identified, including small high-powered magnets, sky lanterns and novelty lighters. More than two-thirds (68%) of these products were available for sale in the participating jurisdictions. During the OECD sweep, 136 products were inspected for the purpose of identifying products that do not meet voluntary or mandatory safety standards. Among those products, as much as 76 products were examined online, while 60 additional products were purchased and tested. These included bunk beds and lighters. Among the 136 products, about one-fourth (26%) were assessed as compliant with relevant voluntary or mandatory product safety standards and more than half (54%) were assessed as not complying to such standards. It is notable that the OECD sweep revealed a much higher rate of non-compliance with safety standards at cross-border level (44% at domestic level; and 88% at cross-border level[98]). In contrast, with respect to banned and recalled products, the magnitude of problems encountered was relatively similar at domestic and cross-border levels (affecting about 70% of inspected products[99]).

More recent research focused specifically on products available from online marketplaces. The Danish Chamber of Commerce (*Dansk Erhverv*) purchased 50 products, mainly toys, from third party sellers on the three large online platforms Wish, Alibaba and Amazon and found that almost none of the products complied with EU product safety law, including the Toy Safety Directive[100]. In early 2020, the European consumer organisation BEUC released a press release in which it described the findings of a study for which six consumer groups from the BEUC network tested 250 electrical goods, toys, cosmetics and other products bought from online marketplaces such as Amazon, AliExpress, eBay and Wish. Two thirds of the products (66%) did not meet the European safety requirements, according to the press release[101]. The non-compliances included:

- Power banks and chargers that can overheat or cause electric shock.
- Plastic toys with phthalates.
- Children's clothing with long cords or drawstrings.
- Smoke and CO alarms that did not detect deadly concentrations of the gas.

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96 Austria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungry, Latvia, Malta, Poland, Portugal, Slovenia, Spain, and Sweden.

97 All results quoted from OECD (2016-11-03), "Online Product Safety: Trends and Challenges", OECD Digital Economy Papers, No. 261, OECD Publishing, Paris. http://dx.doi.org/10.1787/5jlnb5q93jlt-en

98 Non-compliance rates measured by determining what number of inspected products were assessed as non-compliant or partially compliant.

99 Non-compliance rates measured by determining what number of suppliers would supply banned and recalled products to the participants.

100 Dansk Erhverv, memos, provided to the European Commission.

101 Press release "Two-thirds of 250 products bought from online marketplaces fail safety tests, consumer groups find", can be downloaded from https://www.beuc.eu/publications/two-thirds-250-products-bought-online-marketplaces-fail-safety-tests-consumer-groups/html. The tests were conducted through the International Consumer Research and Testing (ICRT) network, on behalf of a consortium led by Test Achats/Test Aankoop (Belgium) and which includes Altroconsumo (Italy), Consumentenbond (Netherlands), Forbrugerrådet Tænk (Denmark), Stiftung Warentest (Germany) and Which? (United Kingdom). DECO (Portugal) and OCU (Spain) are also publishing the results.

- Teeth whiteners containing excessive amounts of hydrogen peroxide.

These results of both studies support the other evidence provided above. When interpreting the research presented in the previous paragraphs, it is important to recall that all quoted studies are based on risk-based sampling, i.e. they focused on products with a high probability for having non-compliances. While this is a standard approach used by market surveillance authorities, it means that results are not necessarily representative of the overall market, but provide insights into specific problem areas. While these problems clearly seem to exist with the tested product groups sold online, especially by third-party traders on online marketplaces, significant problems have also been reported with specific types of sellers in the 'offline' environment[102].

Tracing of products sold online

Notified products that were sold online are more likely to lack specific information items that are essential to trace them (manufacturer, brand, type/model, batch number/barcode), as Table 18 below with data from Safety Gate/RAPEX illustrates. It provides data on online sales channels for the years 2018 and 2019 (for previous years, this information is not available). The table shows that while the overall share of notifications in which 'sold online' is indicated is 7% (average 2018/2019), the share of products 'sold online' among products in which one of the four information items was missing was between 11% and 17% (depending on the item), i.e. the share of products sold online was roughly twice as high among notified products lacking the information, indicating that such products were more likely to miss a relevant information item essential to trace the product. Interestingly, the share of products 'sold online' was even higher among notifications where all four information items were missing, namely 67% (or 35 of 52 such alerts in the two-year period).

[102] For example, in the GPSD implementation study, it is reported that MSAs from several countries and other stakeholders frequently referred to the problem of rogue traders. According to the Czech authorities, issues related to traceability and emerging safety issues in this country are mainly connected with non-EU/EEA products and dangerous products sold by smaller rogue firms in markets. In these cases, distributors use fake invoices and false addresses and either do not cooperate with the authorities or submit insufficient accompanying documents, according to which the products cannot be correctly identified, e.g. incomplete invoices. See GPSD implementation study, p. 33.

Table 18: Number and share of Safety Gate/RAPEX notifications concerning unsafe consumer products with unknown product information items (by sales channel, 2018-2019)

	Total number of notifications	Number of notifications regarding products not indicating 'online'	Number of notifications regarding products indicating 'online'	Share of notifications regarding products indicating 'online'
Total number of notifications for consumer products 2018-19	3 864	3 590	274	7%
Notifications in which information item is missing:				
- No manufacturer[d)]	1437	1 280	157	11%
- No brand[a)]	800	700	100	13%
- No type/model[c)]	531	451	80	15%
- No batch number/barcode[b)]	805	667	138	17%
- None of the four	52	17	35	67%

Source: Civic Consulting. Based on Safety Gate/RAPEX data, number of alerts concerning consumer products with serious risks (2018-2019). Notes: The sales channel online has been indicated since 2018. The column 'online' contains the number of alerts in which the description contained the term 'online'. It therefore includes products that were "sold online" or "(also) sold online". a) Brand 'unknown' or database field blank b) Batch number/barcode 'unknown' or field blank c) Type/model 'unknown' or field blank. d) Information on manufacturer 'No', N/A or field blank.

A large number of stakeholders and several MSAs again identified particular problems with online marketplaces. For example in Spain, authorities noted that it is increasingly common to find alerted or potentially unsafe products offered on online marketplaces where an identification of sellers is not always possible, and also from France it was reported that there have been many difficulties concerning traceability with respect to products purchased via online platforms[103]. A related issue for market surveillance authorities noted by the French authorities is that online platforms are often the entities which hold the most relevant information to be able to organise recalls effectively (e.g. customer names and contact details)[104].

Sampling and testing of products sold online

Another problem related to products sold online is the sampling and testing of unsafe products sold online. Traditionally, market surveillance officers have collected products for testing purposes in shops. Today, many products are not sold in stationary shops at all but only online; which makes it more difficult for market surveillance authorities to get hold of samples. The established way of retrieving samples of products would be mystery shopping (i.e. the purchase of products under a cover identity for subsequent testing); which is however subject to legal as well as financial limitations in Member States. In terms of legal limitations, mystery shopping is not an explicit competence of market surveillance authorities that is required by the GPSD, and it is not an explicit competence of many market surveillance authorities at the national level[105]. Moreover, mystery shopping entails financial risks. Where samples from shops can usually be seized free of charge, products bought by way of mystery shopping

[103] See GPSD implementation study, country reports Spain and France.

[104] See GPSD implementation study, country reports France and Spain.

[105] Reported e.g. from Austria, Bulgaria, Denmark, Iceland. In Poland, the OCCP can only conduct mystery shopping with judicial permission, which will be obtained only if some evidence already indicates that a given trader is breaching consumer protection rules. In Germany, the power to conduct mystery shopping is not explicitly mentioned in the legal basis (the ProdSG). See relevant country reports in the GPSD implementation study.

must be paid; which causes problems for market surveillance authorities with low budgets. In most Member States, there is no law according to which the producer has to reimburse the purchase cost. An exception is the Czech Control Code, according to which a business entity is required to reimburse the purchase cost of the sample if the test shows discrepancies from the requirements (e.g. the product does not comply with the requirements of a safe product). Still, there is a certain risk not to be able to obtain reimbursement of the purchase costs, in particular where the producer is abroad[106]. A related practical problem is the lack of a credit card of the MSA to conduct online purchases[107].

A practical difficulty for MSAs is to hide their identity when making mystery purchases, for example, by creating a new web or postal address[108]. In some cases, there are also explicit rules that require officials to disclose their identity when conducting inspections[109]; which defeats the very idea of mystery shopping.

Overall, less than half of MSAs (from 12 countries) conduct mystery shopping regarding products sold online, and an even smaller number of authorities do so frequently. Six of the interviewed authorities (from the Czech Republic, Spain, Hungary, Lithuania, Latvia, Slovakia) conduct mystery shopping activities at least once every three months[110].

Where products are directly sent from third countries to consumers, the only other way to detect unsafe products is at customs. Customs has a key role in safeguarding the safety of consumer products on EU/EEA markets, as a large share of dangerous products notified on Safety Gate/RAPEX originate in non-EU/EEA countries (accounting in 2018 for 76% of notifications)[111]. The capacities of customs authorities are, however, limited, in particular when it comes to small consignments that are typical for the direct delivery to consumers of products from third countries.

6.1.3.3. Conclusion on the extent to which increasing e-commerce has affected GPSD effectiveness

The analysis presented in the previous sub-sections shows that e-commerce has rapidly gained importance globally and in the EU. Major shifts have happened over the last decade, with more e-commerce crossing borders, and China emerging as the main destination of EU consumers that purchase goods online from abroad. This shift was facilitated by online platforms and low shipping rates[112], which reduce the transaction costs for e-retailers and their customers. While the importance of cross-border e-commerce with non-EU countries is still limited in absolute terms (accounting for less than one percent of retail turnover[113]), this share is increasing. E-commerce traffic to the EU from third countries due to purchases by EU consumers comprises already now several hundred million parcels every year (with a rough estimate of 269 million e-commerce parcels imported to the EU from third countries in 2018 with a value of 150 Euro or less elaborated for this study, see above).

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106 Reported e.g. from the Czech Republic.

107 Reported e.g. from Austria, Czech Republic (not all authorities have access to a credit card).

108 Reported e.g. from the Czech Republic.

109 Reported e.g. from Greece and Spain (Valencia).

110 Czech Trade Inspection (Czech Republic); Agencia Catalana del Consumo (Spain); Budapest Consumer Protection Department (Hungary); State Consumer Rights Protection Authority (Lithuania); Consumer Rights Protection Center (Latvia); Slovak Trade Inspection (Slovakia).

111 See RAPEX annual report 2018.

112 See footnote 81, above.

113 Based on 2015 data, e-commerce purchases of goods originating outside the EU were estimated to be equivalent to about 0.4% of total retail turnover. This share is likely to have increased since then, see above for more details.

Both market surveillance authorities and other stakeholders find that sales by third parties on online marketplaces pose specific problems in terms of product safety and the effectiveness of the GPSD, which relate to the (re-)emergence of recalled and unsafe products, the lack of traceability information and the lack of effective control of product safety at EU borders. Their view is supported by the available research conducted by the OECD and stakeholder organisations, and results of research in Member States[114].

Multiple measures have been taken by the European Commission and market surveillance authorities, reaching from the clarification of the complex legal situation regarding online market surveillance, to the voluntary agreements with selected online marketplaces, and measures financed under the Consumer Programme. Also, the online environment brings certain improvements, as it allows a better tracing of customers for recalls (due to availability of customer data in the online environment), and also makes it possible to use electronic tools (web-crawlers) for market surveillance. While these measures and improvements likely had beneficial effects, where they have been applied, they have not been able to change the trajectory described above: Via cross-border e-commerce with non-EU countries, a growing flow of consumer products (both those falling under the GPSD and those falling under harmonised legislation) enters the EU market, which is not effectively controlled, includes unsafe and recalled products, with traders and products being often not traceable. While these problems also do occur in the 'offline' environment (e.g. facilitated by rogue traders or businesses that lack knowledge and awareness concerning product safety rules), they are more relevant in the online environment. Also, due to the direct relationship between e-retailers in non-EU countries and EU consumers, no intermediaries are involved that would have responsibilities for ensuring or monitoring product safety and could therefore act as gatekeepers that prevent unsafe products from reaching the market (as is often the role of EU importers and retailers). It can therefore be concluded that on balance, the emergence of e-commerce has negatively affected the effectiveness of the GPSD in terms of enforcing the general safety and traceability requirements, but also with respect to effective market surveillance by the Member States (see also EQ2 above).

6.1.4. Effects of new technologies on GPSD effectiveness

EQ4. How has the development of new technologies, such as Artificial Intelligence, Internet of Things and connected devices, affected the effectiveness of the GPSD?

Since the GPSD was adopted in 2001, new types of products have entered the market, or are about to enter the market, which have changed our understanding of what products are and how they function, blurring in some cases the borderline between goods and services. While the GPSD is technology-neutral, i.e. the general safety requirement applies independent from which technology is used in a consumer product, in practice the effects of new technologies on GPSD effectiveness can be manifold. This is because the coverage of the GPSD depends on the interpretation of key notions, such as "safety" and "product", which may be ambiguous for certain new technologies, and therefore create difficulties for the application of the GPSD and market surveillance, as elaborated below.

6.1.4.1. New technologies in consumer products

While 'new technologies' is a very broad concept, which would also include e.g. nanotechnology or the use of new synthetic materials in consumer products, the term is here used for referring to digital technologies, such as Internet of Things (IoT),

[114] See GPSD implementation study.

autonomous vehicles/drones, artificial intelligence (AI)/machine learning, robotics, 3D-printing, augmented reality (AR)/virtual reality (VR) etc. These technologies are often interrelated, in that several of the listed technologies are used at the same time. For example, an autonomous vehicle will typically be linked to the internet (so be part of the Internet of Things), and may use pattern recognition algorithms that apply or are based on artificial intelligence/machine learning. In the following, we will therefore discuss these technologies and their potential impact on product safety together, in line with the scope of a recent Commission report on the implications of key digital technologies, including Internet of Things and artificial intelligence[115].

The Internet of Things is defined as "a global infrastructure for the information society, enabling advanced services by interconnecting (physical and virtual) things based on existing and evolving interoperable information and communication technologies", with 'things' being defined as "an object of the physical world (physical things) or the information world (virtual things), which is capable of being identified and integrated into communication networks"[116]. In the context of consumer products examples that are often provided include autonomous vehicles, internet connected refrigerators or smart home appliances, i.e. they refer to hardware devices or products linked to the internet.

Artificial intelligence applications can be embedded in a device/product, or run on external servers and be linked to the product through the internet. A Commission communication differentiates between AI-based systems that are purely software-based, such as voice assistants, image analysis software, search engines, speech and face recognition, and AI embedded in hardware devices, such as advanced robots, autonomous cars, drones or Internet of Things applications[117].

In 2019, the High-Level Expert Group on Artificial Intelligence that was set up by the European Commission elaborated a definition of artificial intelligence, which is provided in the following box, and which was also referred to in the recent White Paper on Artificial Intelligence[118]:

Box 1: Definition of 'artificial intelligence' by the High-Level Expert Group on Artificial Intelligence

Artificial intelligence (AI) systems are software (and possibly also hardware) systems designed by humans that, given a complex goal, act in the physical or digital dimension by perceiving their environment through data acquisition, interpreting the collected structured or unstructured data, reasoning on the knowledge, or processing the information, derived from this data and deciding the best action(s) to take to achieve the given goal. AI systems can either use symbolic rules or learn a numeric model, and they can also adapt their behaviour by analysing how the environment is affected by their previous actions.

As a scientific discipline, AI includes several approaches and techniques, such as machine learning (of which deep learning and reinforcement learning are specific examples), machine reasoning (which includes planning, scheduling, knowledge representation and reasoning, search, and

[115] European Commission, Report on safety and liability implications of AI, the Internet of Things and Robotics, COM(2020) 64 final.

[116] The definition of the Internet of Things, to which the Commission report refers, is provided by the Recommendation ITU-T Y.2060, see: www.itu.int/ITU-T/recommendations/rec.aspx?rec=y.2060

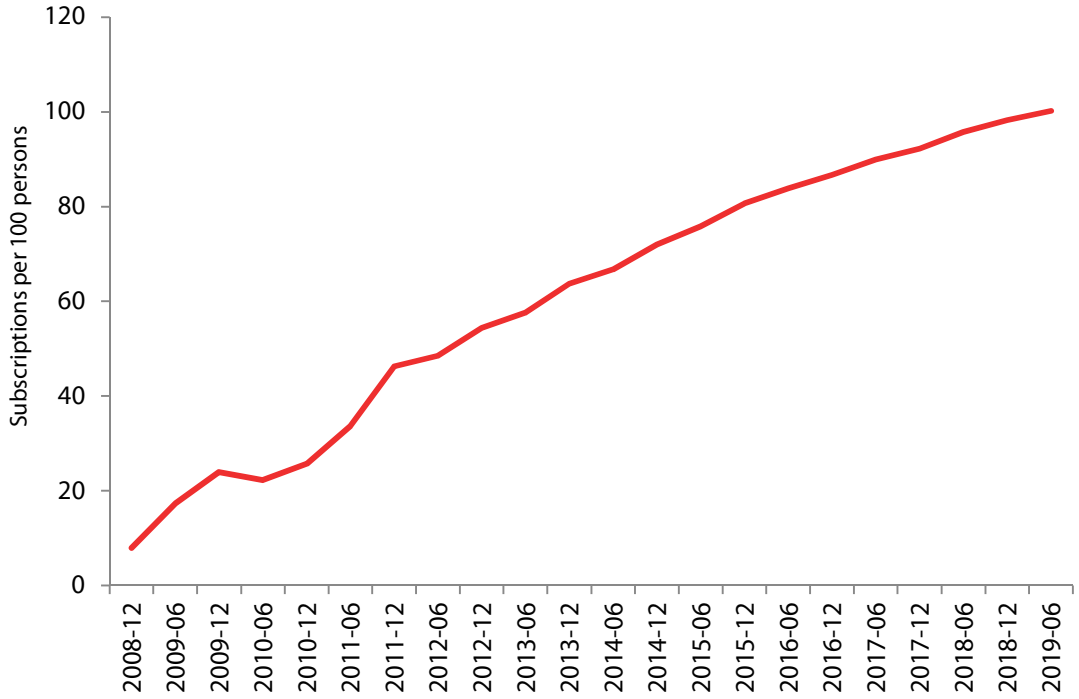
[117] See Communication from the Commission on Artificial Intelligence for Europe, Brussels, 25.4.2018 COM(2018) 237 final.

[118] White Paper on Artificial Intelligence - A European approach to excellence and trust. Brussels, 19.2.2020, COM(2020) 65 final

optimization), and robotics (which includes control, perception, sensors and actuators, as well as the integration of all other techniques into cyber-physical systems)[119].

Taking these broad definitions into account, consumer products that are connected to the internet and use or potentially use artificial intelligence are ubiquitous in the form of mobile phones, tablets and computers that are connected to the internet, most of which also use software-based AI systems such as voice assistants, image analysis software, search engines, speech and face recognition. Due to the broad application of software-based AI systems in mobile devices that are connected to the internet, mobile broadband take-up can be used as an indicator for this development. According to the Digital Economy and Society Index 2020, there are 100.2 active mobile broadband SIM cards per 100 people in the EU.

Figure 18: Mobile broadband penetration in the EU (subscriptions per 100 people), 2008 to 2019



Source: COCOM, European Commission, Digital Economy and Society Index (DESI) 2020. Data retrieved from https://digital-agenda-data.eu/datasets/digital_agenda_scoreboard_key_indicators/visualizations

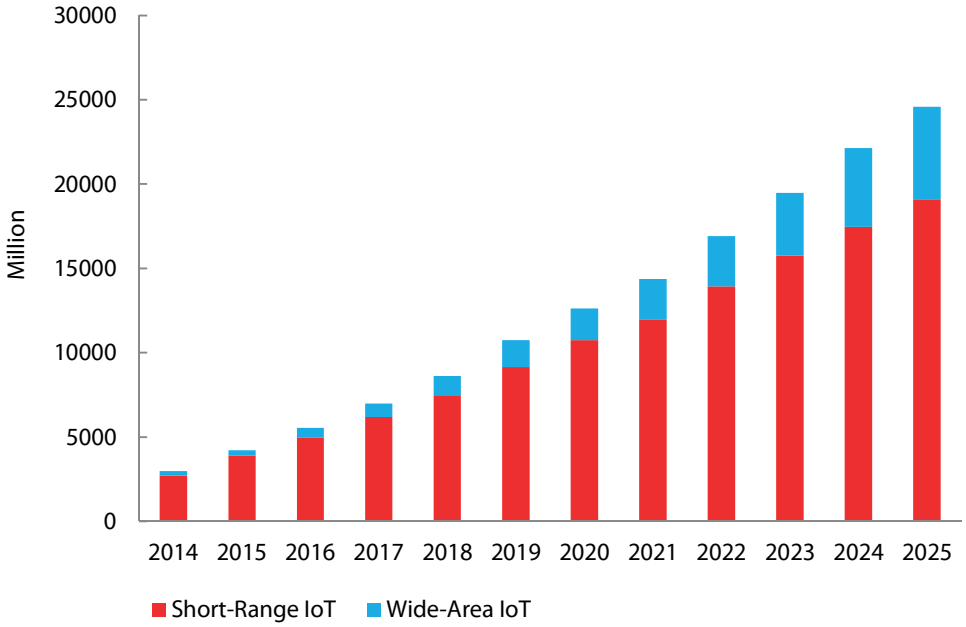
The mobile broadband penetration rate more than doubled over the last 7 years (from 48% in mid-2012), and increased fivefold over the last 10 years (from less than 20% in mid-2009). In some countries (Poland, the Nordic countries, Estonia, Latvia and Luxembourg) there are already more than 120 subscriptions per 100 people, while in Hungary the take-up rate is the lowest, with 70 subscriptions per 100 people. Most

[119] High-Level Expert Group on Artificial Intelligence, 2019. A definition of AI: Main capabilities and scientific disciplines, see https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=56341

mobile broadband subscriptions are used on smartphones rather than on tablets or notebooks[120].

Considering only connected IoT devices, the increase since 2014 is also considerable. These devices include connected cars, machines, meters, sensors, point-of-sale terminals, consumer electronics and wearables. There were around 1.5 billion IoT devices with cellular connections worldwide at the end of 2019, up from 245 million in 2014 (see Figure 19). In 2025, the number of IoT devices with cellular connections is expected to reach 5.2 billion.

Figure 19: Connected IoT devices (worldwide, in million)



Source: Ericsson Mobility Report, June 2020. Data retrieved through Ericsson Mobility Visualizer, www.ericsson.com/en/mobility-report/mobility-visualizer

In total, about 25 billion connections will be related to the IoT by 2025, including both wide-area IoT and short range IoT. The wide-area segment consists of devices using cellular connections, as well as unlicensed low-power technologies. In contrast, short-range IoT concerns devices connected by radio technologies with a typical range of up to 100 meters, such as Wi-Fi and Bluetooth[121]. These forecasts show that the number of connected IoT devices targeted at consumers is expected to grow rapidly, likely to be boosted by the roll-out of high speed 5G mobile broadband networks in Europe.

6.1.4.2. Implications of new technologies for product safety

The increase in IoT devices and the use of artificial intelligence has led to challenges to product safety[122]:

[120] European Commission, Digital Economy and Society Index (DESI) 2020, Connectivity, p18/19.

[121] Ericsson Mobility Report, June 2020.

[122] This summary is to a large extent based on the mentioned report by the European Commission, Report on safety and liability implications of AI, the Internet of Things and Robotics, COM(2020) 64 final, pp 5-11.

- **Connectivity** is challenging the traditional concept of safety, as connectivity may directly compromise the safety of the product and indirectly when it can be hacked leading to security threats and affecting the safety of users;

- A certain degree of **autonomy** in the execution of tasks is one of the features of many AI applications. AI based unintended outcomes could cause harm to the users and exposed persons;

- **Data dependency** is considered an essential characteristic of AI-based products and systems. Data **accuracy** and **relevance** is essential to ensure that AI based systems and products take the decisions as intended by the producer;

- **Opacity** may result from the fact that for some of the AI based products and systems, the rules governing the functions of the product or system are not explicitly programmed, but generated by automated means. This may lead to a decision-making process of the system difficult to trace ('black box-effect');

- **Complexity** of the products and systems may impact safety, as various components, devices and products can be integrated and have influence on each other's functioning (e.g. products that are part of a smart home ecosystem).

The report also emphasises that complex systems often involve software, which when updated could substantially modify the product in which it is downloaded.

While these are clearly identifiable challenges, the number of practical cases in which these new technologies are relevant in a consumer safety perspective appear to be limited so far, according to the evidence collected for this evaluation. Only two relevant Safety Gate/RAPEX notifications have been identified – a smart watch for children (lacking a minimum level of security), and a passenger car in which the radio in the vehicle may have certain software security gaps allowing unauthorised third-party access to the interconnected control systems in the vehicle (RAPEX notifications A12/0157/19 and A12/1671/15). During the interviews conducted with non-EU/EEA market surveillance authorities, few additional examples could be identified so far: One concerned an internet connected sensor for carbon monoxide, which malfunctioned (but not due to the fact that is was connected to the internet), and a mobile phone which would not properly call the emergency phone number (and was recalled for this reason).

Other examples for safety and/or security concerns related to digital technologies, and in particular regarding connected consumer products that are documented include:

- The doll 'My Friend Cayla', a connected toy using speech recognition technology. The doll was removed from the market in countries such as Germany due to security concerns[123]. It was argued that the child's security was placed at risk due to a security breach, as a stranger could speak to the child through a Bluetooth connection;
- Several consumer groups asked ethical hackers to test smart home appliances, and frequently found flaws. In one case the hackers managed to install a malicious app on a children's tablet in less than a minute. This allowed them to monitor the images of the tablet's camera, eavesdrop through its microphone and control its Internet browser function. Another example

[123] See e.g. www.bbc.com/news/world-europe-39002142.

concerned wireless cameras that hackers were able to manoeuvre, allowing them to monitor activity in the house[124].

In our interviews with market surveillance authorities in the EU and selected non-EU countries, it was also widely recognised by the interviewees that AI, IoT products, and software-based products in general may pose complex product safety issues, which go beyond cybersecurity issues and may affect the effectiveness of the GPSD. Relevant aspects are discussed in the following sub-section.

6.1.4.3. Effects on GPSD effectiveness

When considering the effects of new technologies on GPSD effectiveness, several aspects are relevant, which have been identified based on country research, stakeholder interviews and the analysis conducted for this evaluation. These are:

- Coverage of software as product under the GPSD;
- Definition of safety in the GPSD;
- Effects of AI use, including machine learning after placing of products on the market;
- Market surveillance of products containing new technologies.

These aspects are elaborated in more detail in the following sub-sections.

The coverage of software as product under the GPSD

In the country research, there was a great deal of uncertainty expressed as to how the national implementation legislation transposing the GPSD covers emerging threats related to new technologies, such as cybersecurity and malfunctioning of software affecting the safety of products. From Slovenia, it was reported that some emerging threats relating to new technologies are considered to be covered by the existing legislation, such as the malfunctioning of software which is embedded in a product, malfunctioning of non-embedded software in a product (e.g. downloadable as an application), and products with AI/machine learning capabilities that can affect the safety of consumers[125]. These three particular risks are covered by the national implementation legislation of the GPSD as reported by MSAs in Estonia, France and Lithuania. From Denmark it was also reported that although market surveillance authorities express some doubts as to whether these emerging risks are adequately covered, it is most likely that the safety of new technologies is subject to the general rule on the definition of safety in the Sec. 4 in the 2019 Consolidation Act on Product Safety[126]. In contrast, in Belgium, the interviewed authorities either expressed doubts whether threats related to products utilising new technologies were covered, or were normative in stating that these were not[127].

This uncertainty often results from the fact that the GPSD only applies to "products", and the extent to which this includes software is currently not fully clear. While it is obvious that products with embedded software, such as a smart car[128] or television, lie within the scope of application of the GPSD, the leading interpretation for most Member States of the current regime is that stand-alone software is not covered by the GPSD[129]. Stand-alone software includes updates for software that is embedded in

[124] BEUC, FACTSHEET, How the EU can make smart products consumer-proof, 2018.

[125] See GPSD implementation study, country report Slovenia.

[126] See GPSD implementation study, country report Denmark.

[127] See GPSD implementation study, country report Belgium.

[128] See, for example, Borges, Haftung für selbstfahrende Autos, Computer und Recht 2016, 272, 275

[129] In Germany, there is some academic debate as to whether standalone software is a product in the terms of the GSDP. In favour of the classification of software as a product: Runte and Potinecke,

a product. The general opinion appears to be that safety problems related to subsequently embedded software are thus neither attributed to the software producer nor to the producer of the product that is later upgraded[130]. As indicated above, only in Slovenia, Estonia, France, and Lithuania, the malfunctioning of non-embedded software in a product (e.g. downloadable as application) appears to be covered by the national legislation implementing the GPSD[131]. This certainly leaves a gap, as not only smart products become ever more frequent on the market but also the separation between the producer of the "hardware" and the provider of related software.

In this context, it is worth noting that Member States may deal with the issue of products becoming unsafe through their combination with other products or with software under other legal concepts. For example, under German tort law (going beyond the requirements of the Product Liability Directive), producers have to observe the performance of their products after they have placed them on the market. This includes observing their interaction with accessories that users can expect to add to the product[132]. This case law would also apply to software that is added subsequently, and it would place the burden on the producer to make sure that no unsafe software can be applied to the product[133]. Otherwise, the producer may incur liability for damages.

In fact, in other areas of consumer law, the EU legislator has already reacted to the technological development. The new Sale of Goods Directive 2019/771/EU does not only apply to goods including goods with embedded software but also to digital content or digital services which are incorporated in or inter-connected with goods and are provided with the goods under the sales contract. This is irrespective of whether such digital content or digital service is supplied by the seller or by a third party.[134] This means that, ultimately, the seller is responsible for the functioning of such digital content or digital services and, if they are provided by third parties, will have to sort out the problem with these third parties internally[135]. Thus, the consumer's sole addressee is the seller, and it is not for the consumer to find out in whose sphere exactly the non-conformity originated. The issue is also being discussed in product liability law.

The definition of safety in the GPSD

Art. 2(b) of the GPSD provides that "safe product" shall mean "any product which, under normal or reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation and maintenance requirements, does not present any risk or only the minimum risks compatible with the product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons". Of course, the malfunctioning of embedded software can affect the safety and health of persons, for example, if it leads to overheating and therefore inflammation of a product, or if it stops an emergency mechanism from

Software und GPSG, Computer und Recht 2004, p. 725, at pp. 726 f.; Zscherpe and Lutz, Geräte- und Produktsicherheitsgesetz: Anwendbarkeit auf Hard- und Software, Kommunikation & Recht 2005, p. 499 at p. 500; Gärtner, Die Rolle von Betriebssystemen im Konformitätsbewertungsprozess, Medizinprodukterecht 2014, p. 187 at p. 188. Against: Klindt and Schucht, in: Klindt (ed.), supra n. 6, § 2 para. 164. In practice, anyway, the market surveillance does not deal with software "as such".

130 See also the Commission Report on safety and liability implications of AI, the Internet of Things and Robotics, COM(2020) 64 final, at 10 f.

131 See See GPSD implementation study.

132 See Bundesgerichtshof, 9/12/1986, Neue Juristische Wochenschrift 1987, 1080.

133 See also Weisser and Färber, MMR 2015, 506 ff.; Droste, CCZ 2015, 105, at 107 f.; Rott, Peter, Gutachten, at 53 f.

134 See Art. 3(3) sent. 2 of Directive 2019/771/EU.

135 For details, see G. Spindler and K. Sein, MultiMedia und Recht 2019, 415 ff.

exercising its very function. These cases are clearly covered by the definition of safety of the GPSD.

During the interviews with market surveillance authorities, legal uncertainty was mainly reported in relation to cybersecurity risks and to the type of potential damage that shall be avoided by the GPSD. The main issue is to what extent cybersecurity risks are related to the protection of the "safety and health of persons", Article 2(b) GPSD.

Indeed, cybersecurity risks related to consumer products can affect consumers in many different ways. They can affect their privacy when personal data of a private, internet-connected video camera are illegitimately accessed. They can affect their economic interest and wellbeing when, for example, hackers get access to their bank accounts or credit card data, or when a smart front door is unsafe and allows third parties to enter the house. They can, however, also directly affect their health and safety when, for example, hackers can manipulate a smart car from the outside, thereby causing an accident[136]. For this reason, in the area of harmonised product legislation, there is relevant work ongoing in relation to the Radio Equipment Directive, the Machinery Directive, and the Low Voltage Directive.

In principle, health-related cybersecurity risks are also likely to be relevant under the GPSD. The above-mentioned Cayla doll (a connected toy using speech recognition technology) may serve as an example. Given that the child's security was placed at risk due to a security breach that could allow a stranger to speak to the child through a Bluetooth connection, there seems to be no reason why the GPSD could not be used to address this threat[137]. This was also considered to be the case by the Consumer Agency in Iceland (an EEA country applying the GPSD), where market surveillance activities cover products containing new technologies e.g. as the case of children's safety regarding a smart watch illustrates (the ENOX Safe-Kid One). The Consumer Agency reported to have initiated a recall activity of this product in coordination with other responsible market surveillance authorities in Iceland (namely the post and telecommunications authority and the personal data protection authority). The investigation of the product led to a notification in the rapid alert system and recall of the product due to lack of security measures[138]. However, not all Member States agree to this reading of the GPSD. For example, legal advice sought by authorities in Malta suggested so-called 'connected toys' or 'electronic devices', such as smart watches which are susceptible to hacking presented risks related more to 'security' or 'privacy' rather than to 'safety'. Notwithstanding this interpretation, notifications relating to these products, such as in the case of the children smartwatch, were followed up as per the procedure applicable in the case of other products and it resulted in no such products being present in the Maltese market[139]. Equally, from the Netherlands it was reported that it is uncertain whether risks regarding the loss of data, pure economic loss, breaches of data protection and privacy and damage to honour and good name are covered by the Commodities Act (the Act implementing the GPSD) though they might be covered by other measures. These uncertainties and resulting differences in interpretation have the potential to significantly affect GPSD enforcement.

Effects of AI, including machine learning, after placing of products on the market

A special problem relates to the fact that software and therefore the feature of products with embedded software may be changed over time through updates or certain types of machine learning, where a machine learning application would be

[136] See ibid., at 5.

[137] The doll 'My Friend Cayla' was removed from the market in countries such as Germany due to these security concerns, see e.g. www.bbc.com/news/world-europe-39002142.

[138] See GPSD implementation study, country report Iceland.

[139] See GPSD implementation study, country report Malta.

automatically re-trained while it is in use. Currently, such systems are used in virtual environments (e.g. in online learning for content recommendation or for targeting advertisements) or in controlled experimental environments. Thus, a product may be, or seem, safe when it is put on the market but then change into a risky product[140]. In addition, software that is based on machine learning might be safe in certain contexts, but not in others. Risks might emerge when the environment in which the software is used does not correspond to the environment reflected in the training data that was used to create the software.

At the same time, "safety" in the terms of the GPSD means that a product is designed in such a way that it is not only safe on day one or in a limited set of environments and conditions.

Currently, systems that "learn" while in use are a very small minority, such as in the case of online learning for recommender systems for video streaming services, where the labels for new training data are generated automatically based on the viewing actions of users, or such as reinforcement learning, which has few use cases outside the realm of simulations or controlled experimental environments. For the large majority of AI systems that make use of machine learning techniques, the training, validation and deployment phases are separated and the machine learning model does not change during the use phase until it is updated by the developers.

The producer must make sure that a product remains safe during its expected lifetime. This also applies to products with embedded machine-learning software; which means that the producer must ensure that the software does not learn features that render the product unsafe. Thus, the software must be designed in such a way that it cannot become unsafe if it is used as intended, and even in the case of foreseeable misuse[141]. Only characteristics that are learned through unforeseeable misuse cannot be attributed to the producer[142].

The problem is, again, of a practical nature. The very idea of machine-learning systems is that the development cannot be predicted entirely at the outset, which makes appropriate tests necessary. Market surveillance authorities do not have the expertise to assess the safety of a machine learning / AI system proactively.

Even if a product with embedded machine-learning software causes harm, it may be difficult to establish what exactly caused the problem. Was it the original product or some other software it interacted with? And if so, was the interaction and the problem resulting thereof foreseeable and the original product and/or the software embedded therein therefore unsafe? From the perspective of market supervision, effective control is only possible if the producers of the product and of the software are subject to relevant documentation obligations as well as subject to the obligation to (be able to) explain the changes that the software has undergone after the product was placed on the market[143].

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[140] A process so called 'product hazardisation', and discussed specifically in the context of IoT See e.g. Recap of the International Consumer Product Health and Safety Organization (ICPHSO) 2019 International Symposium: Trinity College, Dublin 24 – 25 October 2019. https://icphso.org/resource/resmgr/intl_2019newfolder/intl_recap.pdf

[141] See also Rott, Gutachten, at 34; Pieper, Die Vernetzung autonomer Systeme im Kontext von Vertrag und Haftung, Zeitschrift zum Innovations- und Technikrecht (InTer) 2016, 188, at 193.

[142] See also Wendt and Oberländer, Produkt- und Produzentenhaftung bei selbständig veränderlichen Systemen, InTer 2016, 58.

[143] Note that in this area there is also relevant work ongoing in relation to the Machinery Directive, and the new horizontal instrument on AI.

Market surveillance of products containing new technologies

Market surveillance authorities in 14 Member States (see Table 19 below) reported to conduct market surveillance activities with respect to the safety of products containing new technologies (such as Internet of Things, connected devices). In countries that conduct market surveillance of products containing new technologies, this was partly due to the fact that they are inspected like any other kind of products if they fall in a product group that is targeted by market surveillance activities[144].

Table 19: Market surveillance regarding new technologies

Countries	Market surveillance regarding safety of products containing new technologies (e.g. IoT)
Austria	
Belgium	✓
Bulgaria	
Croatia	
Cyprus	✓
Czech Republic	✓
Denmark	✓
Estonia	
Finland	✓
France	✓
Germany	✓
Greece	
Hungary	
Ireland	
Italy	✓
Latvia	
Lithuania	✓
Luxembourg	✓
Malta	✓
Netherlands	✓
Poland	
Portugal	
Romania	✓
Slovenia	
Slovakia	✓
Spain	
Sweden	
UK	

Source: GPSD implementation study. Notes: ✓= At least indicated by one authority in the country. Frequency of related activities once per year or more often.

New technologies are considered by many market surveillance authorities to be comprehensive problem areas in need of more attention. However, related market surveillance activities pose specific difficulties: Authorities in the Czech Republic considered that no adequate legal basis is available, and therefore the right to conduct control activities in this field is not considered to be sufficiently certain. In a similar vein, Polish authorities concluded that while there have not been reports of any safety issues regarding new technologies yet, there is also no knowledge on what risks should be checked for in such products or which national or local authority would be

[144] See, e.g. GPSD implementation study, country report Denmark.

competent to control their safety. From several countries it was reported that products containing new technologies required clarifications of responsibilities between the market surveillance authorities in a country. As products containing new technologies may pose different types of risks (e.g. related to safety, data protection, privacy and cybersecurity), clarity is required as to whether a particular modern technology product would then need to be monitored by one or more authorities[145].

Problems at the institutional level can specifically arise in Member States where the competences for market surveillance under the GPSD and market surveillance under the Radio Equipment Directive lie with different authorities. In Germany, the competence for monitoring their safety lies with the Bundesnetzagentur (Federal Network Agency), as products with embedded software usually use radiocommunication. However, this mainly deals with risks related to, for example, radiation. If the Bundesnetzagentur instead finds some risk in a smart product that is related to its physical properties, such as sharp edges in a smart washing machine, it will pass the product on to the competent market surveillance authority or a competent laboratory to deal with this issue. From the Netherlands it was reported that it was not always clear which authority is competent. The example was given of a refrigerator which fell under different regulators depending on whether it used WIFI[146].

6.1.4.4. Conclusion on the extent to which consumer products using new technologies have affected GPSD effectiveness

The example of consumer products using new technologies illustrates both the strengths and the weaknesses of the general safety requirement of the GPSD. It confirms the advantage of a general requirement that products are safe independent from the technology used, i.e. of the safety requirement being technology-neutral. However, it also has shown its weakness in that certain key definitions, such as "safety" and "product", which need to be broad and unspecific to apply in all situations, can be ambiguous in the context of new technologies, and therefore create practical difficulties for the application of the GPSD, which reduce its effectiveness. These difficulties relate to several areas.

As software is at the core of new digital technologies, a key uncertainty is to what extent software updates and standalone software are considered products under the GPSD. Currently, only a few Member States explicitly include software that is only subsequently embedded in a product in the scope of application of their national legislation implementing the GPSD, whereas other Member States do not apply product safety law to such software. This certainly creates legal uncertainty, as not only smart products become ever more frequent on the market but also the separation between the producer of the "hardware" and the provider of related software. This also creates a new uneven level of protection between Member States as regards such software, or the products in which it is embedded.

A second uncertainty relates to the definition of safety, as it is not clear to which extent risks are covered that not directly affect consumer health and safety, but may do so indirectly (e.g. the issue of cybersecurity of a smart home smoke detector, which may lose its functionality due to interference from hackers), or that may affect other aspects of well-being (including mental health, as elaborated in the recent Commission Report on safety and liability implications of AI, the Internet of Things and Robotics[147]).

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145 See GPSD implementation study, country report Poland.

146 See GPSD implementation study, country report Netherlands.

147 COM(2020) 64 final.

A third area is a lack of clarity regarding a product's potential behaviour due to embedded software that applies machine learning and AI. Thus, a product may be, or seem, safe when it is put on the market but then change into a risky product if it is updated or if machine-learning components are re-trained during the use. This process of a potential 'product hazardisation' in the context of smart devices and IoT is frequently discussed and potentially relevant for consumer safety, although examples outside the area of self-driving vehicles so far seem to be rare[148].

Finally, consumer products using new technologies frequently lead to issues related to the enforcement of the GPSD in terms of market surveillance (what to check for? how to assess risks?), but also may lead to institutional issues due to the unclear allocation of responsibilities. A market surveillance authority may be competent to deal with IT security but does not look at safety, whereas another relevant authority may have the required expertise in safety, but lack the expertise regarding other relevant product dimensions. In essence, this leads to a situation where market surveillance authorities cannot act proactively but only once an incident, or a series of incidents, have occurred; which reduces the effectiveness of the GPSD that aims at the detection of unsafe products before they cause harm to consumers.

6.1.5. Standardisation

EQ5. How effective has been the development and use of the standards supporting the implementation of the GPSD?

The GPSD requirement for producers to put "only safe products" on the market is often difficult to apply for businesses and national authorities because of the lack of a common benchmark on what constitutes a "safe" product. Standards therefore play an important role in EU product safety law. In the framework of the GPSD, they serve a double purpose: they facilitate market access and they ensure the safety of products.

According to Article 3(2) of the GPSD, a product shall be presumed safe as far as the risks and risk categories covered by relevant national standards are concerned when it conforms to voluntary national standards transposing European standards, the references of which have been published by the Commission in the Official Journal of the EU in accordance with Article 4 of the GPSD. Compliance with a referenced European standard provides means for producers that they minimise the risk of enforcement measures by national market surveillance authorities. In that sense, standards contribute to the uniform application of the GPSD in the Member States. This would imply that the greater the number of standards is the more does the GPSD contribute to the uniform application of product safety law in the Member States.

The first indicator for the effectiveness of the development and use of the standards under the GPSD is therefore the number of standards referenced. Since the adoption of the GPSD, a total of 80 standards were referenced under the GPSD by the European Commission[149]. These standards concern the following products types:

[148] In the area of self-driving vehicles or vehicles using advanced autopilot systems several relevant accidents are documented, see e.g. https://www.nytimes.com/2020/02/25/business/tesla-autopilot-ntsb.html, and https://towardsdatascience.com/another-self-driving-car-accident-another-ai-development-lesson-b2ce3dbb4444. Note that these examples may also concern systems that were updated by developers, not systems that were set up to re-train during use.

[149] As of 31.10.2019. Some of the standards have been withdrawn in the meantime. See also the Commission Implementing Decision (EU) 2019/1698 on European standards for products drafted in support of Directive 2001/95/EC of the European Parliament and of the Council on general product safety, OJ 2019 L 259/65. In this Decision, a total of 17 standards were withdrawn and replaced by revised standards. The withdrawn standards have been indicated in the Annex table of the GPSD

- Outdoor furniture
- Paragliding equipment
- Appliances, solid fuels and firelighters for barbecuing
- Roller sports equipment
- Decorative oil lamps
- Gymnastic equipment
- Stationary training equipment
- Child use and care articles
- Bicycles
- Internal blinds
- Lighters
- Children's clothing
- Floating leisure articles
- Cigarettes (ignition propensity)
- Child protective products
- Audio, video and similar (safety requirements)
- Information technology equipment (safety - general requirements).

Standards to be referenced are elaborated on basis of a mandate/standardisation request[150] by the European Commission, which contains the reference to safety requirements to be met by standards. Several standards may be elaborated under one mandate. Mandates/standardisation requests under the GPSD[151] include:

- M/253 Baby walking frames
- M/259 Consumer Safety for oil lamps
- M/264 Childcare articles
- M/266 Safety of consumers and children – lighters
- M/285 Ladders
- M/309 Draw strings on children's clothing
- M/372 Floating leisure products
- M/425 Fire safety
- M/427 Cigarettes lighters
- M/452 Safety of music players
- M/464 Safety of child-care articles
- M/465 Safety of locking devices
- M/497 Childcare articles 'risks in the sleeping environment'
- M/505 Window blinds
- M/506 Stationary training equipment
- M/507 Gymnastic equipment
- M/508 Bicycles
- M/527 Children's seats'
- M/531 Laser products
- M/538 Alcohol-powered flueless fireplaces

The list above indicates that the development of standards under the GPSD has been effective in the sense that standardisation requests were elaborated under the GPSD and these mandates led in most cases to standards that can be applied by producers. The list of standards above shows the importance of the GPSD in this respect, as most of the above listed products have a high potential for consumer harm. This is true in

implementation study. All remaining standards were re-referenced, but included in the new Decision, to "create a complete list of references" (according to recital 26 of the Implementing Decision).

[150] The terminology changed during the evaluation period, and what was referred to as "mandate" is now referred to as "standardisation request".

[151] M/253 to M/285 were issued under the earlier General Product Safety Directive dating from 1992 (Council Directive 92/59/EEC of 29 June 1992 on general product safety).

general (e.g. bicycles, floating leisure articles, training equipment), and also true for products targeted at or with specific risks for vulnerable consumer groups (e.g. child use and care articles, window blinds, lighters, children's clothing, child protective products).

Referenced standards are widely used by manufacturers, as a conforming product shall be presumed safe. Even a brief Internet research on a major e-commerce website indicates that products falling under the GPSD (such as gymnastic equipment, bicycles, carry cots and stands etc) are regularly advertised as conforming to the relevant standards, thereby providing evidence of their application in practice.

A final consideration in evaluating the effectiveness of standards under the GPSD is the standardisation process itself (including the work of the committees involved). If the standardisation process does not function sufficiently well, this would impact on the effectiveness of the GPSD in securing market access and establishing a uniform application of product safety law in the Member States.

The current procedure as laid down in Article 4 of the GPSD consists of four steps:

(1) First, the requirements intended to ensure that products which conform to these standards satisfy the general safety requirement shall be determined in accordance with the procedure laid down in Article 15(4) of the GPSD. This includes the involvement of the GPSD Committee (see Article 15(1) of the GPSD).

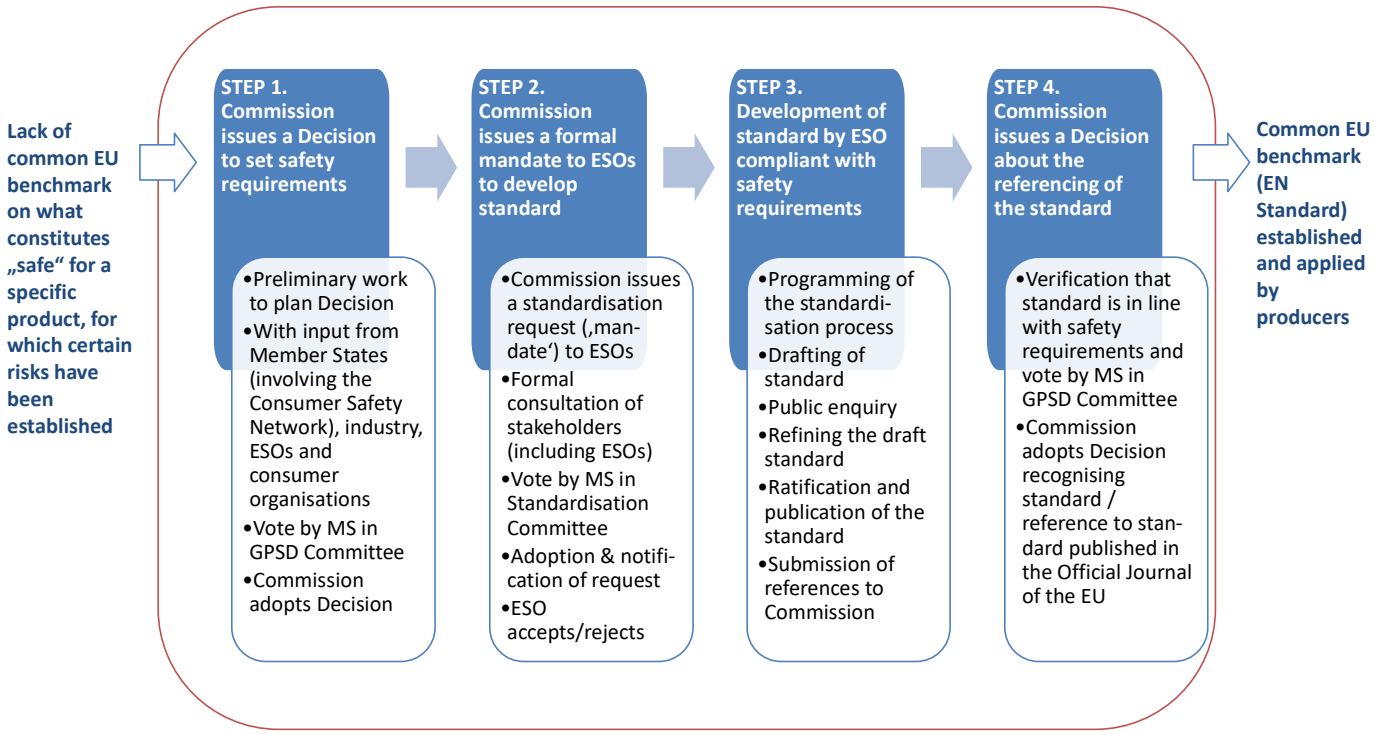
(2) Second, on the basis of these requirements, the European Commission calls on the European standardisation bodies to draw up standards which satisfy these requirements. This involves a decision by the Standardisation Committee.

(3) Third, on the basis of those mandates, the European standardisation bodies shall adopt the standards in accordance with the principles contained in the general guidelines for cooperation between the Commission and those bodies.

(4) Fourth, the Commission assesses, with the assistance of the GPSD Committee, whether the standards meet the requirements set out in step (1) and if so, references the standards in the Official Journal.

Figure 20 describes the process in more detail, also indicating the intended outcome of the process, namely a European standard which serves as benchmark, and is intended to lead to a reduction of the identified risks to the minimum compatible with the product's use.

Figure 20. Steps of the standardisation process established under the GPSD



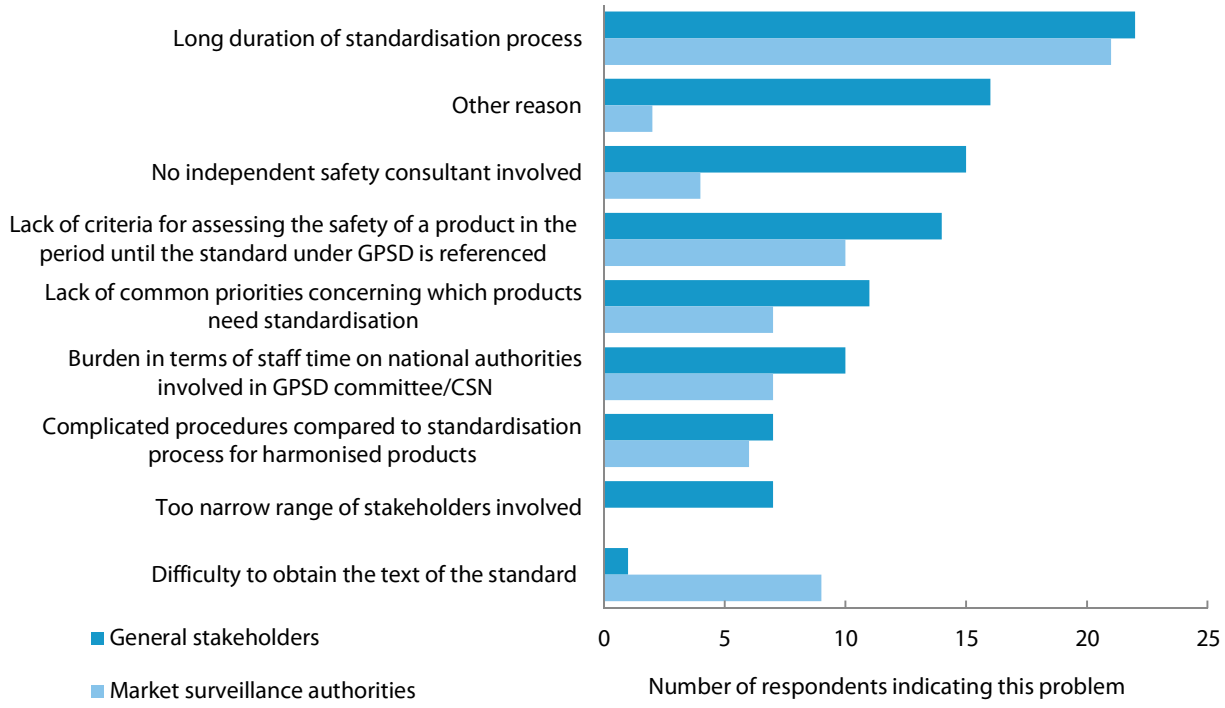
Source: Civic Consulting. Note: simplified overview.

Stakeholders responding to the survey for this evaluation assessed the effectiveness of the standardisation process, which includes the work of the relevant Committees, as indicated in the figure above. Authorities considered development and use of standards (according to Art 3(3) and 4 GPSD) on average as being close to "rather effective" (4). Companies/business associations and other stakeholders provided a slightly less positive assessment, but still found the effectiveness of standard development and use to be on average considerably above "moderately effective" (3). Detailed results are provided in Figure 25 in the section concerning EQs 7/8/9.

In a previous survey, in which the standardisation process was explored in more detail, market surveillance authorities and general stakeholders considered the standardisation process to be functioning on average close to 'rather well-functioning', whereas general stakeholders assessed the process as 'moderately well-functioning'[152]. An exception is Step 3 – Development of Standard by ESO–, where the assessment of general stakeholders was more positive than the assessment of MSAs. Respondents were then asked to provide reasons if they had considered the standardisation process under the GPSD to not function well or to have certain weaknesses. Those that indicated an issue answered as depicted in Figure 21:

[152] See GPSD implementation study.

Figure 21: If you consider the standardisation process to not function well or to have certain weaknesses: What are the reasons? – Assessment of MSAs and stakeholders



Source: GPSD implementation study. Note: Based on MSA survey Q43b, stakeholder survey Q19b. Note that the item 'Too narrow range of stakeholders involved' were only asked to general stakeholders, not to MSAs.

In the following sub-section, key issues identified in Figure 21 above are summarised separately[153].

Long duration and complicated procedures

The long duration of the standardisation process was the most commented-upon weakness. As noted above, GPSD standardisation involves four steps, and whilst delay may occur within any or all of the four steps, the fact that there is a multi-stage procedure inevitably risks building up delays. Hence the delay and complicated procedures may be seen as intertwined to some extent and are considered here together. An important difference between the standardisation process under the GPSD and standardisation in harmonised areas is that the harmonisation directives contain essential safety requirements on which the standards can be based. There is therefore no need for the first step required under the GPSD procedure of establishing a Commission Decision to set safety requirements. However, due to the wide range of products for which no harmonisation legislation exists and that fall therefore under the GPSD – reaching from jewellery and furniture to ladders and bicycles – concretisation of essential safety requirements (as required in Article 4 of the GPSD) is needed as guidance for the standardisation process. The GPSD also brings into play a parallel EU

[153] For a more detailed overview, see GPSD implementation study, section 7.2. The item 'other reasons' referred to some aspects that are covered in the subsequent paragraphs, as well as a to a diverse list of issues, covering e.g. the lack of injury data as source for the standardisation process, a low national interest in standardisation, the lack of a procedure that allows Member States to express a formal objection to a standard, problems with too prescriptive standardisation mandates/requests, etc.

committee regime. The GPSD Committee is involved in the front and back end of the process establishing the safety requirements in a Decision (Step 1) and ensuring that the standard formulated complies with the Decision (Step 4). The Standardisation Committee provided for by the Standardisation Regulation (EC) No 1025/2012 is, however, the one that needs to approve the Commission's proposal for the standardisation request to ESOs before the Commission can adopt a decision on this. This means that two separate EU committees are involved in the process and that requires time for both committees to become familiar with and work through the issues, as often different people work in the committees. This topic will be further discussed in the context of coherence, see EQ21 below. In terms of delay, Step 3 came under particular criticism. The procedure of elaborating a European standard by the ESO was said to take too long. The elaboration of a standard is usually lengthy, although there are also examples where the revision of a European Standard has been carried out in a relatively short time. This process of elaborating a European Standard is inherently complex, and does not differ for standards elaborated under harmonisation directives and for standards under the GPSD. Some stakeholders therefore suggested that in practical terms there is not much difference, and saw a need for improving the process of elaborating a European Standard in general, including by streamlining procedures and by safeguarding a better representation of stakeholders other than large manufacturers (see below).

Stakeholders' involvement and related burdens

The standardisation process established under the GPSD not only needs a long time, but also demands considerable efforts of participants. Stakeholders consider the involvement in the elaboration of a European Standard to be burdensome. Time spent attending meetings, travel time and money and time reviewing and commenting on documents require resources and impacts on day-to-day workload. The lack of funding not only affects who can participate, but also was said to contribute to a lack of continuity derived from the lack of funding to participate in the working group meetings. A national consumer organisation with a long track record in standardisation noted that as the GPSD covers a lot of products, they had identified many areas where the presence of consumer representatives is important. Even with prioritisation, they could, however, not participate in all cases.

While in principle the standardisation process is open to all interested parties, several comments suggested that meetings for the elaboration of a standard by ESOs were not balanced and equal. The example was given of a group which was comprised of one market surveillance authority staff member and eight representatives from manufacturers. Several stakeholders considered that the elaboration of a standard by the ESO was mainly industry-dominated with a need for greater involvement of laboratories as well market surveillance authorities to help improve safety standards while further building the foundations for effective implementation of standards from the start. More participation of SMEs, consumer organisations and other NGOs, as well as universities, was also called for[154].

Standards in line with evidence and technical progress

In the same consultation, there were several comments about the absence of EU accident data that was said to be needed to develop a good standard. Knowing what accidents have happened with a particular product could help, among other things, to define the dangers of foreseeable use. There was also criticism that the current process of standardisation cannot keep up to date with the speed of product development and innovation, i.e. does not adapt to technical and scientific progress as fast as it should.

[154] See GPSD implementation study.

Transitional confusion

There is a considerable time period between the beginning and end of the standardisation process under the GPSD. i.e. from the beginning of Step 1 (identification of a need to develop a standard) to the end of Step 4 (publication of the reference of the adopted standard in the Official Journal of the EU). During this period, stakeholders emphasised that there continues to be a lack of criteria for assessing the safety of a product and a resulting uncertainty for economic operators and market surveillance authorities.

Extent to which the development and use of the standards supporting the implementation of the GPSD has been effective

The evaluation concludes that the development and use of the standards supporting the implementation of the GPSD has been effective as follows:

- A significant number of standards have been developed under the GPSD concerning products with a high potential for consumer harm, both regarding products used by the general public, and products targeted at or with specific risks for vulnerable consumer groups, such as children;

- These standards are used in practice and producers of relevant products regularly advertise their products as conforming to the standard.

Standards developed and used under the GPSD have therefore likely contributed to improved product safety in the EU (and possibly beyond, considering the relevance of EN standards in a global perspective).

However, the effectiveness of the standardisation process is hampered by several procedural issues, which may reduce its effectiveness:

- The process if considered to be long and complicated, and is said to be in some cases to slow to adapt to technical and scientific progress[155];

- The standardisation process established under the GPSD not only needs a long time, but also demands considerable efforts of participants, which reduces the possibilities for participation of MSAs, SMEs, consumer organisations and other NGOs, as well as universities;

- The lack of easily accessible data on accidents in the EU is considered to affect the standardisation process, as such data provides essential input for developing consumer safety standards;

- The time period between the beginning and end of the standardisation process under the GPSD – in most cases several years – provides uncertainties for MSAs and businesses, as there continues to be a lack of criteria for assessing the safety of a product during this period.

In conclusion, most issues revolve around the long duration of the standardisation process and its complexity in comparison to the standardisation process that applies to harmonised products under specific product safety legislation[156]. It should, however, be mentioned at the outset that the standardisation process must strike a balance between speed and the quality of the outcome, thus, of the standard.

[155] In a statement provided in the framework of this study, CEN and CENELEC therefore suggested to establish an open and transparent mechanism allowing the speedy update of a standardization request. In the statement, it was also suggested that a reference to 'people with disabilities' should be taken into consideration in the definition for a safe product.

[156] See GPSD implementation study, at section 7.2.

The process under the GPSD includes one step more than the procedure applied in relation to standards for harmonised products. The reason is that the harmonisation directives contain essential safety requirements on which standards can be based. In contrast, the wide coverage of the GPSD calls for some specification of the safety requirements for a specific product, which then serves as a guideline for the work of the European standardisation bodies[157]. The addition of Step 1 of the process under the GPSD therefore seems to be justified and unavoidable. As the European standardisation organisations attempt to achieve consensus, the duration for elaborating the standard by the ESO (Step 3) also seems to be justified by the nature of the process; while this takes time, the consensus-principle has always been regarded to be an essential element of standard setting procedures. Step 4 already requires only one Commission decision. This leaves Step 2 as potential area of improvement, which could involve a simplified procedure to update the standardisation mandate should it become outdated during the standardisation process, due to technological developments. Also, there seems to be room to streamline the process that currently requires the involvement of two different committees, the GPSD Committee (established under Article 15(1) of the GPSD) and the Standardisation Committee, which is the one that needs to approve the Commission's proposal for the standardisation request to ESOs before the Commission can adopt a decision on this. This appears to duplicate work, and leads to inefficiencies, as the members of the two committees are not necessarily the same. This topic is further elaborated in EQ21 below.

6.1.6. Corrective actions, in particular recalls

EQ6. How well is GPSD adapted to ensure efficient corrective actions to be taken, in particular recalls?

A fundamental obligation that derives from the GPSD is the obligation of producers and distributors to notify the authorities and take the necessary actions for consumer protection, once one of the products that they have placed on the market is identified as dangerous[158]. Corrective measures to be taken by producers may include withdrawing products from the supply chain, adequately and effectively warning consumers and, as a measure of last resort, recalling products that have already been supplied to consumers[159]. Distributors have to act "with due care" and must not supply products which they know are unsafe. They also have to pass on information on product risks and cooperate in the action taken by producers and competent authorities to avoid the risks[160]. In parallel, the GPSD requires Member States to ensure that the appropriate corrective measures are being taken and inform the Commission without delay through Safety Gate/RAPEX (Articles 8 and 11(1) GPSD). Member States can encourage, oversee or even cooperate with producers and distributors for the implementation of product withdrawals and recalls but they also have the power to impose them as well as take additional measures such as ban the marketing of the products, reject imports at border and/or order the products' destruction.

No other guidance, detail or requirement is provided by the GPSD with regards to the choice of corrective measure and its implementation, apart from the guiding principle that the measures should be proportional to the seriousness of the risk and should aim at preventing consumer harm (Article 8(2) GPSD). According to Article 5(1) recalls are the most critical measure, implemented as a last resort to protect consumers, as

[157] See the GPSD implementation study, at section 7.2.1.

[158] GPSD Art 5 (3).

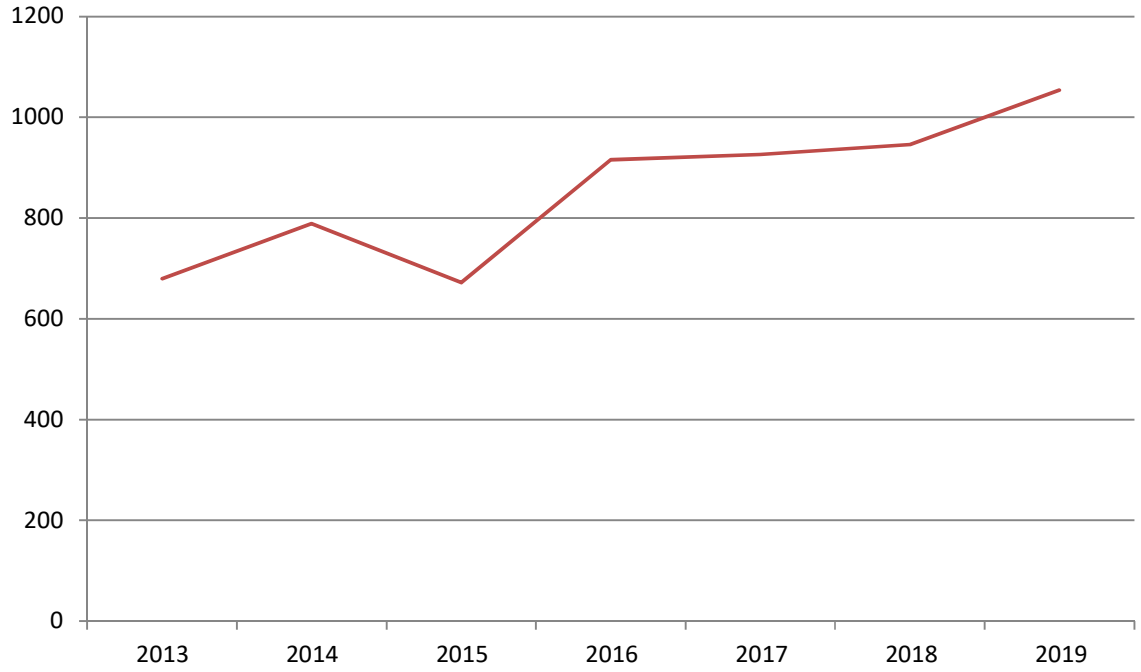
[159] See GPSD Art 5 (1), (b) of the third subparagraph, and last paragraph.

[160] GPSD Art 5 (2).

indicated before. The extent to which GPSD is adapted to ensure effective recalls, is therefore an important aspect for its evaluation.

According to the data retrieved from Safety Gate/RAPEX, a total of 5 983 recalls took place from 2013 to 2019, taking into account notifications concerning products of serious risks and other risk levels. During this period an overall increase of recalls of approximately 35% occurred, with the annual number of recalls being highly variable but increasing on average by more than 8% (see Figure 22). These figures may well be an underestimation, as not all recalls in a country are necessarily notified at EU level[161].

Figure 22: Number of recalls registered in the EU Safety Gate 2013-2019 (total, by year)



Note: Safety Gate/RAPEX data for the period 2013 to 2019. Considered are all notifications concerning products with serious risks and products with other risk levels, where at least one of the measures included a recall.

The increasing trend can to a large extent be attributed to the increase in the number of recalls concerning motor vehicles, which grew by a factor of more than 3 from 159 recalls in 2013 to 507 in 2019. Apart from motor vehicles, the five more frequently recalled product categories according to Safety Gate/RAPEX alerts were toys, clothing and textiles, electrical appliances and equipment, lighting equipment, childcare articles and children equipment, of which toys, electrical appliances and lighting equipment are subject to sector-specific harmonisation rules, while the rest are non-harmonised consumer products. According to the data from country research, presented in Table 20, recalls in Member States were mostly implemented for harmonised products, although the number of recalls for non-harmonised products was also considerable.

[161] See above, EQ2. As indicated, Member States are required to notify corrective measures in cases where the effects of the product risk can go beyond the territory of the Member State, implying that not all recalls in a country are necessarily notified at EU level. In addition, as regards products posing a less than serious risk, notification is encouraged but not mandatory in the case of voluntary measures taken against products covered by the GPSD and in the case of both voluntary and compulsory measures taken against products subject to EU harmonised legislation.

Table 20: Number of recalls of consumer goods (last available year, mostly 2018)

Country	Number of voluntary recalls reported		Number of mandatory recalls reported		Most common type of recall (according the data presented)	Most common type of recalled product (according the data presented)
	Harmonised (e.g. toys, cosmetics etc)	Non-harmonised products under GPSD	Harmonised (e.g. toys, cosmetics etc)	Non-harmoni-sed products under GPSD		
Austria	:	:	:	:	:	:
Belgium	62	54	0	0	Voluntary	Harmonised
Bulgaria	:	:	:	:	:	:
Croatia[a)]	173	22	10	18	Voluntary	Harmonised
Cyprus	:	:	:	:	Voluntary	:
Czech Republic[e)]	130	2	23	4	Voluntary	Harmonised
Denmark[c)]	44	18	3	0	Voluntary	Harmonised
Estonia[d)]	:	:	10		:	:
Finland	:	17[o)]	:	17[o)]	:	:
France[f)]	:	100	:	:	Voluntary	:
Germany[g)]	119	49	:	:	Voluntary	Harmonised
Greece[h)]	:	130	:	0	Voluntary	:
Hungary	:	:	:	:	:	:
Ireland	122				:	:
Italy	:	:	:	:	:	:
Latvia[i)]	9	2	14	2	Mandatory	Harmonised
Lithuania	5	0	59	0	Mandatory	Harmonised
Luxembourg	:	:	:	:	:	:
Malta[k)]	44		0		Voluntary	:
Netherlands	:	:	:	:	:	:
Poland[l)]	234		37		Voluntary	:
Portugal[m)]	895	26	71	10	Voluntary	Harmonised
Romania[n)]	31/4	0/24	0/n.a.	0/n.a.	Voluntary	Harmonised
Slovenia	18	7	:	:	:	:
Slovakia	:	:	:	:	:	:
Spain	:	:	:	:	:	:
Sweden[b)]	7	15	0	1	Voluntary	Non-harmonised
UK	:	:	:	:	:	:

Notes: Data provided for last available year, mostly 2018. See country reports for more details. a) Data for 2018-2019 (until July 2019). b) From 1 Jan 2019 to 12 November 2019. c) Figures for the Danish Safety Technology Authority only d) Ministry of Economic Affairs and Communications (2019), Market Surveillance Programme 2019. Estonia. Statistical data is available for the first 9 months of 2018. e) Ministry of Industry and Trade f) Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes. It stated in an interview that voluntary measures are prioritised, see country report. g) The statistic does not distinguish between voluntary and mandatory recalls. The figures relate to recalls that have been made public. BAuA, Gefährliche Produkte 2018 h) Ministry of Development and Investments i) Consumer Rights Protection Center k) Malta Competition and Consumer Affairs Authority l) Office of Competition and Consumer Protection (OCCP) m) Based on data provided by the Directorate-General for Consumers Affairs, by the Economic and Food Safety Authority and by the National Authority for Medicines and Health Products. n) The first figure refers to the National Authority for Consumer Protection, the second to the National Environmental Guard. o) The total number of product recalls based on GPSD was 17. p) There were 122 Recall Notices published by the CCPC in 2018. This figure relates to total number of Recall Notices posted on the CCPC website in 2018 including voluntary, mandatory and RAPEX for GPSD, Toys, LVD, PPE (recreational & leisure) and Appliances Burning Gaseous Fuel (domestic). ':' = no data available

The GPSD does not contain any specific rules for recall procedures and timelines, communication or the remedies to be offered to consumers. Producers undertake voluntary action to organise recalls but authorities can also order a recall on the basis of notifications of dangerous products from other countries or the results of their own market surveillance activities or if producers' actions are deemed insufficient. Each Member State follows its own approach with regards to recalls, with some common elements, but also diverging practices[162]. Product recalls can be organised both on a voluntary basis and on a mandatory basis after an order of the competent authorities. Country research showed that the most common type of product recalls is voluntary, which is in line with the results of previous studies[163]. Collaboration of the economic operators is crucial to ensure the effectiveness of both voluntary and mandatory recalls[164].

A recall, whether conducted by the producer or the authorities, generally aims at locating all already sold unsafe products and removing them from the possession of consumers by providing comprehensible information to the public with regard to the product flaw, the related risk(s), the way to participate in the recall and the remedy offered[165].

However, given that GPSD does not specify how recalls should be carried out, differences are observed between Member States approaches with regard to the involvement of different actors (e.g. authorities' collaboration with businesses or the involvement of online marketplaces in the recall process), the choice of information channels[166] and content of recall information for consumers. Table 21 (below) shows that in many Member States, businesses and authorities agree on the information channels to inform consumers, while the involvement of online marketplaces in the recall process is less common.

Table 21: Organisation of recalls and other corrective measures[167]

Country	Types of measures used			
	Businesses and MSA agree on information channels to inform consumers of a recall	Businesses required to use all available information for recalls and other measures	Recalls and other measures organised by MSA if no operator can be found	Online marketplaces are involved in the recall process
Austria	✓		✓	
Belgium	✓	✓		✓
Bulgaria	✓		✓	
Croatia	✓	✓	✓	
Cyprus	✓	✓		
Czech Republic	✓			
Denmark	✓	✓	✓	✓
Estonia	✓	✓	✓	

[162] For example, in a response to the consultation on the GPSD roadmap it was highlighted that some countries still demand printed advertising as part of the recall process. In other countries, this is reportedly not the case.

[163] See e.g. OECD, Enhancing Product Recall Effectiveness Globally, 17 December 2018.

[164] See GPSD implementation study, country report Spain.

[165] US Consumer Product Safety Commission (2012), 'Recall Handbook', p. 18, available online at: https://www.cpsc.gov/s3fs-public/8002.pdf.

[166] In this context it is notable that in some countries MSAs have centralised recalls portals or publish recall information on their social media accounts, while in other countries this is not the case.

[167] Other measures include restrictions for placing products on the market or bringing products into compliance, stopping products being placed on the market, withdrawal of products etc.

Finland		✓	✓	
France		✓	✓	✓
Germany	✓	✓	✓	✓
Greece	✓	✓		
Hungary		✓		✓
Ireland		✓		✓
Italy		✓		
Latvia	✓			
Lithuania	✓	✓	✓	✓
Luxembourg	✓	✓	✓	✓
Malta	✓	✓	✓	✓
Netherlands	✓	✓	✓	✓
Poland		✓		
Portugal		✓	✓	
Romania	✓	✓	✓	
Slovenia	✓	✓	✓	
Slovakia	✓	✓	✓	✓
Spain	✓	✓	✓	✓
Sweden	✓		✓	
UK	✓	✓	✓	✓

Source: GPSD implementation study, country reports/MSA survey. Note: ✓= At least indicated by one authority in the country.

The increase in the number of product recalls over time and the fact that most recalls take place voluntarily, seem to indicate that producers have become more proactive with regards to monitoring and safeguarding their products' safety in line with their obligations under the GPSD. On the other hand, the lack of minimum requirements for example regarding the level of involvement of different actors, how to inform consumers or what remedies consumers are entitled to, are problematic, especially because recalls are difficult procedures to implement and there can be uncertainty as to what is required.

As Table 21 above indicates, MSAs may provide advice to or instruct businesses regarding the details of the recall process (such as the information channels to be used), to enhance the effectiveness of recalls. The GPSD in fact encourages MSAs to develop codes of good practice for conducting product recalls (article 8(2) GPSD). However, few of such comprehensive guidance documents currently exist at the European level. One such guide on recalls and corrective actions in general was developed in 2004 for businesses on behalf of the UK Consumers Association, and fed into a 2011 guide, which is being used by some MSAs (e.g. Denmark, Germany, Ireland) as a reference point[168]. In Member States where written guidance is provided, it is mostly in the form of short descriptions of the recall process as is the case for example in Belgium, Sweden and Norway. One notable case of comprehensive guidance regards the UK 'Code of practice on consumer product safety related recalls'. The code of practice was drawn up in 2018 between the Office for Product Safety and Standards and the National Standards Body and provides detailed instructions on how to conduct product recalls for both businesses and MSAs. Table 22 provides an overview of identified guidance on product recalls. The fact that no updated guidance is available at EU level is not conducive to the effectiveness of recalls, and several

[168] Product safety in Europe – a Guide to corrective action including recalls (2004), available at: https://ec.europa.eu/consumers/archive/cons_safe/action_guide_en.pdf and PROSAFE (2011), 'Guidelines for businesses to manage product recalls and other corrective actions', available at: http://www.prosafe.org/images/Documents/EMARS/Corrective_Action_Guide_Final-published.pdf.

MSAs have expressed the need for additional guidance to provide greater clarity on how recalls could be carried out[169].

Table 22: Guidance provided by MSAs on recalls

Country	Good practice guide or information relevant for recalls provided by MSAs	Website
Austria	Provides e.g. that information has to be published on public recall website	https://www.sozialministerium.at/Themen/Konsumentenschutz/Produktsicherheit/Gefaehrliche-Produkte-und-Rueckrufe.html
Belgium	Two guidance documents are available: One for economic operators who are selling products directly to end-users and one for those who do not	https://economie.fgov.be/fr/themes/qualite-securite/securite-des-produits-et/rappel-dun-produit-ou-autre
Denmark	The Danish Safety Technology Authority has a section on its website about recalls and how to conduct them. The Authority refers to the Blue Guide and the website has links to the Prosafe Corrective Action Guide. Moreover, the Authority links to the Business Alert Gateway and runs campaigns for businesses on how to recall an unsafe product	https://www.sik.dk/erhverv/produkter/vejledninger/generelle-vejledninger-om-produkter/tilbagetraekning-og-tilbagekaldelse-produkter
Finland	The Finnish Safety and Chemicals Agency provides information on its website	https://tukes.fi/en/products-and-services/dangerous-products
France	A guide to product recalls for professionals is being developed by the DGCCRF	
Germany	The Federal Institute for Occupational Safety and Health (BAuA) has recommendations on its website on how to organise recalls, which summarises the key points of the Prosafe Corrective Action Guide	https://www.baua.de/DE/Themen/Anwendungssichere-Chemikalien-und-Produkte/Produktsicherheit/Rueckrufmanagement/Rueckrufmanagement_node.html
Ireland	The authority provides economic operators with a copy of the Prosafe Corrective Action Guide	http://www.prosafe.org/index.php/best-practice/item/corrective-action-guide
Luxembourg	The CRPC has developed and translated different guidelines for businesses and businesses consult them	
Spain	There are no codes of good conduct as such, but agreements with certain distribution associations to prevent dangerous products from reaching consumers and to inform final consumers about recalls (informational posters, social networks, etc.)	
Sweden	The Swedish Consumer Agency provides guidance on its website	https://www.konsumentverket.se/for-foretag/produktsakerhet/salt-farlig-vara/
The Nether-lands	An internal working document on recall (*werkvoorschrift*) is available at the NVWA, but it is not publicly available. A reference is also made in the country report to a corrective action guide from 2005 which is still available on the EU website and provides some guidance for industry. It was produced by Intertek Research and Testing Centre on behalf of the UK Consumers Association, and its production	https://ec.europa.eu/consumers/archive/cons_safe/action_guide_nl.pdf (in Dutch) https://ec.europa.eu/consumers/archive/cons_safe/action_guide_en.pdf (in English)

[169] See eg. country reports Greece, Luxemburg, Slovenia.

	supported by the EC	
Norway	National Guideline on recalls (*Veileder om meldeplikt ved farlige produkter*)	https://www.dsb.no/lover/produkter-og-forbrukertjenester/veiledning-til-forskrift/veileder-om-meldeplikt-ved-farlige-produkter/
*Australia**	*Consumer product safety recall guidelines*	*https://www.productsafety.gov.au/publication/consumer-product-safety-recall-guidelines*
*Canada**	*A guide for voluntary recall of consumer products or cosmetics in Canada*	*https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/industry-professionals/recalling-consumer-products-guide-industry.html#a1.*
UK	*There is a Code of practice on consumer product safety related recalls and other corrective actions (BSI PAS 7100:2018)*	*https://www.bsigroup.com/en-GB/pas7100-supporting-better-product-recalls/*
*US**	*Recall Handbook- A Guide for Manufacturers, Importers, Distributors and Retailers*	*https://www.cpsc.gov/s3fs-public/pdfs/blk_pdf_8002.pdf*

Note: *Included for reference purposes from: OECD, Enhancing Product Recall Effectiveness Globally, 17 December 2018

Customer traceability and recalls

Being able to identify and contact buyers of unsafe products has been reported by MSAs as a challenging task[170], which is however crucial for achieving high return rates by consumers following the launch of a product recall. The GPSD does not contain any specific rules on the traceability of end product users/owners. Depending on the case, businesses operating in the European Union may have access to some sources of customer data, which enable reaching up to the final consumer. These include:

- Registration of the product;
- Data from loyalty programmes and other (e.g. delivery) data held by retailers;
- Data provided in the context of online purchases.

However, for most recalled products, customer data is not available or even if it is available, it is not used to inform affected consumers. Apart from motor vehicles (whose registration with public authorities is mandatory) registration schemes are only available for few higher-value product categories like domestic electric appliances and communication devices, and even in these sectors actual registration rates tend to be rather low[171]. In addition, economic operators are hesitant about using customers' information collected for other purposes (e.g. in the loyalty programmes or online sales) in the event of a recall because of a possible legal uncertainty about the compliance with the General Data Protection Regulation[172].

In addition to the above channels, a number of government agencies have engaged in sharing information about recall campaigns on their websites and social media. Central national recall databases which serve as information centres for consumers regarding recall notices exist in only some EU/EEA countries[173].

[170] See GPSD implementation study, e.g. country reports Spain, Netherlands.

[171] European Commission, 2021, Behavioural study on strategies to maximise recall effectiveness, February 2021.

[172] European Commission, Notes from EU Workshop on strategies to maximise the effectiveness of product recalls, 23rd October 2019, p. 2.

[173] European Commission, 2021, Behavioural study on strategies to improve the effectiveness of product recalls.

Factors affecting consumers' response to a recall

The extent to which a product recall will be successful and will achieve the recovery of a high proportion of unsafe products, depends also on whether consumers will respond once they become aware of a recall procedure for a product they own. An EU-wide survey on recall effectiveness by the European Commission found that over a third of consumers (35%) did not react to a recall that was relevant to them; 31% continued using the product with extra caution, while 4% took no action whatsoever[174]. Lack of consumer responsiveness was also pointed out by several MSAs, according to which, even when consumers are aware that a product they have is unsafe and is recalled, they still do not return it[175]. The high percentage of no reaction to recalls is concerning as it means that too many dangerous products still remain in the hands of consumers. Similar findings were reported in a recent OECD report, according to which the effectiveness of product recalls from consumers is low since products that have been recalled in the past, remain in the possession of consumers[176].

There exist several factors that have been found to influence consumers' responses to a recall hence consequently affecting the recalls' success. The price of the product is consistently emphasised as one of these factors[177] and has also been stressed during interviews conducted with MSAs. The US CPSC has likewise reported that unsafe product return rates increase steadily as the product price increases[178]. This finding was also corroborated in a recent survey by the European Commission in which the shares of consumers declaring to have contacted the recalling company ranged from 73% for motor vehicles and 63% for furniture to 39% for clothing and footwear and 31% for children's toys[179]. Interviews conducted with MSAs[180] also indicated that consumers seem to take into account the price and type of product when deciding how to respond to a recall. In effect, recalls for low priced products, e.g. low-priced products from Asia, which are distributed on open-air markets, Asian shops and online marketplaces, were reported to be very ineffective. On the contrary more consumers were inclined to return expensive products such as cars.

Short product lifespan has also been reported to affect consumers in a negative way by reducing their motivation to respond to a recall. The timespan between the purchase and the recall of the product is also a determinant to the consumers' response as underlined by an automotive company, according to which the newer the product the more likely it is that the consumer will respond to the recall[181]. Accounting for both factors of product value and longevity, a consumer protection authority indicated in a European Commission study that products of low value with a short lifespan remain in consumers' possession by approximately 80%[182].

One factor behind consumers' motivation to respond or not to a product recall, pertains to the attractiveness and timeliness of remedies offered to consumers. Tardy or insufficient remedies have been reported to reduce consumers' propensity to act

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174 European Commission (2019). Survey on consumer behavior and product recalls effectiveness, p. 20, available at: https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/repository/tips/Product.Recall.pdf.

175 See e.g. country report Portugal.

176 See OECD (2018), Enhancing Product Recall Effectiveness Globally, p. 5.

177 OECD (2018), Enhancing Product Recall Effectiveness Globally, p. 17.

178 CPSC (25th July 2017), Recall effectiveness workshop meeting minutes, p. 41.

179 European Commission, 2021, Behavioural study on strategies to improve the effectiveness of product recalls.

180 See GPSD Implementation study.

181 European Commission, 2021, Behavioural study on strategies to improve the effectiveness of product recalls.

182 Ibid.

upon a product recall[183]. The Sale of Goods Directive (EU) 2019/771 provides consumers with contractual remedies (repair, replacement, price reduction, full refund) for a lack of conformity of goods that existed at the time of delivery and became apparent within two years. However, many recalls take place after a longer period.

Complex and unclear recall information and other costs associated with recall participation may also lead to a lack of consumer responsiveness. These costs may include financial costs (e.g. of shipping back the product), opportunity costs/loss of time, loss of product use, required effort etc. which may prevent consumer response if they outbalance perceived benefits. It has therefore been suggested to make the recall procedure as simple as possible in order to entice consumers participation to the recall. Likewise, standardising key elements to be included in a recall notice has been suggested as a way to increase consumer understanding and engagement in recalls[184].

A study by US CSPC has indicated that consumers' perception of the risk or severity of an injury that can potentially be caused by a product, is another important factor influencing consumers participation in recalls[185]. Yet, the majority of recall notices in the EU have been found to use terms that could minimise consumers' perception of risk, such as "voluntary/precautionary recall", "in rare/specific cases", "in rare cases"/"in specific conditions", or emphasised the lack of reported injuries[186].

Several other factors have been pointed out by MSAs to affect consumers with respect to recall participation. In Portugal, for instance, a large proportion of consumers do not return recalled products, due to either a lack of information or of due diligence[187]. So, many products that are considered unsafe stay on the market, with the obvious risks that this situation entails.

Consumer behaviour and related biases affecting recalls

In addition to the issues already identified in the previous section, behavioural research suggests that cognitive biases and heuristics may also influence consumers to take suboptimal decisions regarding how to respond to product recalls and may lead them not to take action.

The following box includes some of the most common biases that could potentially affect consumers' responsiveness to recalls. The behavioural insights lead to the conclusion that enhancing the effectiveness of product recalls depends, among others, on overcoming consumer biases. The way this can be achieved is currently the topic of several ongoing experiments and studies in the European level and in other jurisdictions[188].

[183] European Commission (2019), EU Workshop on strategies to maximize the effectiveness of product recalls, Background document, p.1-5. OECD (2018), Enhancing Product Recall Effectiveness Globally, p. 21.

[184] European Commission, 2021, Behavioural study on strategies to improve the effectiveness of product recalls.

[185] CPSC, XL Associates and Heiden Associates (2003), 'Recall effectiveness research: a review and summary of the literature on consumer motivation and behavior', p. 17 ff, available at: https://www.cpsc.gov/s3fs-public/RecallEffectiveness.pdf.

[186] European Commission, 2021, Behavioural study on strategies to improve the effectiveness of product recalls.

[187] See GPSD implementation study, country report Portugal.

[188] See also OECD (2018), Enhancing Product Recall Effectiveness Globally, p. 36.

Box 2: Cognitive biases affecting product recalls

Bounded rationality and information overload: consumers, like all human beings, have finite cognitive capacity. If recalls contain too much information, they confuse consumers and decrease the extent to which consumers can assess them and make optimal decisions. Apart from failing to take action, information overload may lead to recall fatigue, i.e. to consumers tuning out even when recall alerts are relevant to them or inertia, namely to refuse to take any decision at all[189].

Over-optimism: consumers tend to underestimate the possibility that a negative outcome will occur to them especially if they have already been using a product without having problems.

Endowment effect: consumers attribute higher values to products that are already in their possession, which makes implementation of recalls difficult as the compensation consumers are willing to accept for returning the product in case of a recall is higher than the amount they paid to acquire it in the first place[190].

Framing effect: consumers are affected by the way the various options are presented which plays an important role with regards to how product risks should be communicated in recalls in order to induce better consumer responses.

Conclusion on the extent to which to which the GPSD adapted to ensure efficient corrective actions to be taken, in particular recalls

As elaborated above and in EQ 2, the GPSD is not fully adapted to ensure adequate traceability[191], which put a strain in the implementation of corrective measures, in particular recalls. With regards to the effectiveness of product recalls, it follows from the previous sections that it is rather challenging to evaluate, as it depends on multiple factors including but not limited to method of sale, product type and characteristics. Nevertheless, existing evidence collected through surveys of MSAs and general stakeholders as well as from other studies indicates that the effectiveness of product recalls from consumers is relatively low. In our interviews with MSAs, few of them were able to estimate recall effectiveness in terms of the percentage of the recalled consumer products that were actually collected. Several MSAs also suggested that even though they collect related data, it is difficult to determine the effectiveness of product recalls. At a recent EU workshop, it was concluded that there is no systematic approach by MSAs to monitor recall effectiveness[192]. Finally, in surveys of MSAs and general stakeholders the answers in the question 'how effective are product recalls in your country', of the stakeholders that had an opinion, ranged from not at all effective to very effective with the answer 'moderately effective' being the most frequent[193]. The detailed results are presented in the following figure.

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189 See Bernstein A. (2013), 'Voluntary Recalls', University of Chicago Legal Forum, 1: 394 ff., available at: http://chicagounbound.uchicago.edu/uclf/vol2013/iss1/10 and Jacoby J. (1984), 'Perspectives on Information Overload', Journal of Consumer Research, 10(4), pp. 432-435.

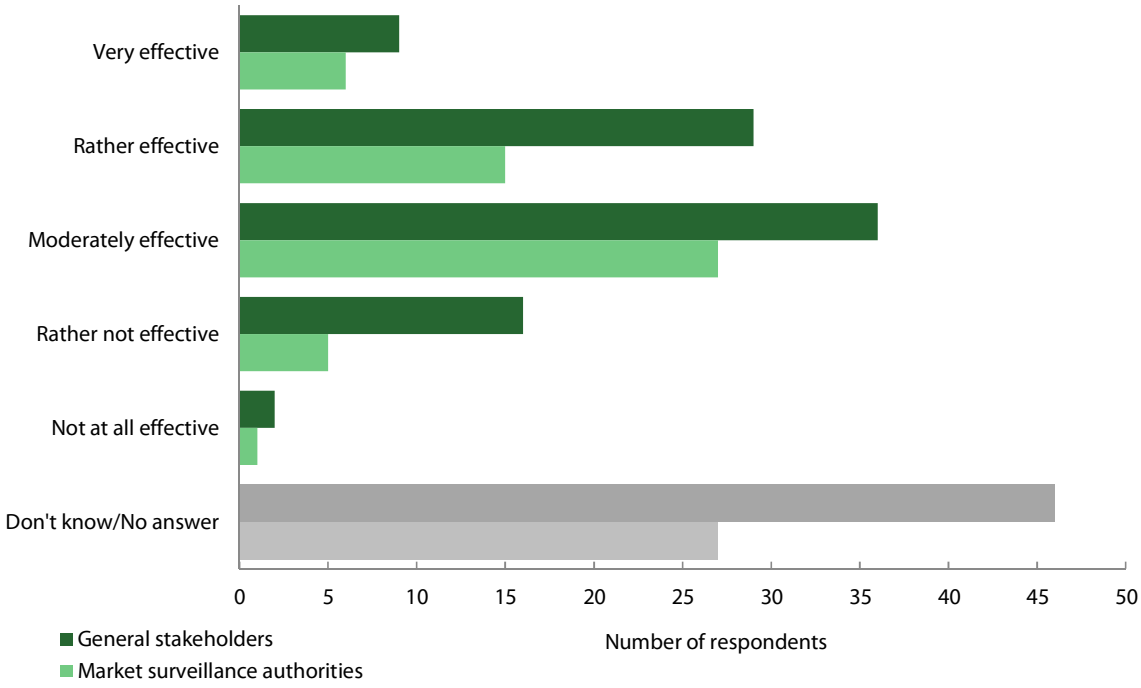
190 For the endowment effect in general see Kahneman D., Knetsch J. L. and Thaler, R. H. (1990), 'Experimental Tests of the Endowment Effect and the Coase Theorem', Journal of Political Economy, 98(6), pp. 1325 ff. and Kahneman D., Knetch J.L. & R.H. Thaler (1991), 'Anomalies: the Endowment Effect, Loss Aversion and Status-quo Bias', Journal of Economic Perspectives, 5(1), pp. 193-206.

191 Problematic aspects regarding traceability include: The lack of specific/mandatory traceability requirements; The difficulty in tracing products sold in online marketplaces; The lack of traceability information for products manufactured outside the EU and the reluctance, in some cases, of importers to observe traceability requirements; The difficulty to keep track of the supply chain and locate or identify sellers and buyers of unsafe products in the supply chain; and, finally the difficulty in tracing the final costumers i.e. the buyers of the unsafe products. See EQ2 for more details.

192 EU workshop on strategies to maximixe the effectiveness of product recalls, p. 11, 23 October 2019.

193 See GPSD implementation study.

Figure 23: How effective are product recalls in your country? - Assessment of MSAs and general stakeholders



Source: GPSD implementation study. The general stakeholder survey includes businesses/business organisations, and other stakeholders (such as consumer organisations/NGOs).

The increase in the number of product recalls over time and the fact that recalls are currently for most part organised on a voluntary basis can be considered as indications that the GPSD has contributed in making recalls more widely used as a corrective measure. However, EU-wide general requirements regarding recall procedure, communication or remedies are missing. This is a significant shortcoming, suggesting that existing GPSD requirements are in themselves currently not sufficient to ensure effective recalls. The resulting limited effectiveness of recalls may negatively affect consumer safety and the degree to which there is a level playing field for businesses in the internal market, affecting therefore the extent to which the objectives of the GPSD are achieved in practice.

6.1.7. Factors influencing the effectiveness of the GPSD, including with respect to market surveillance

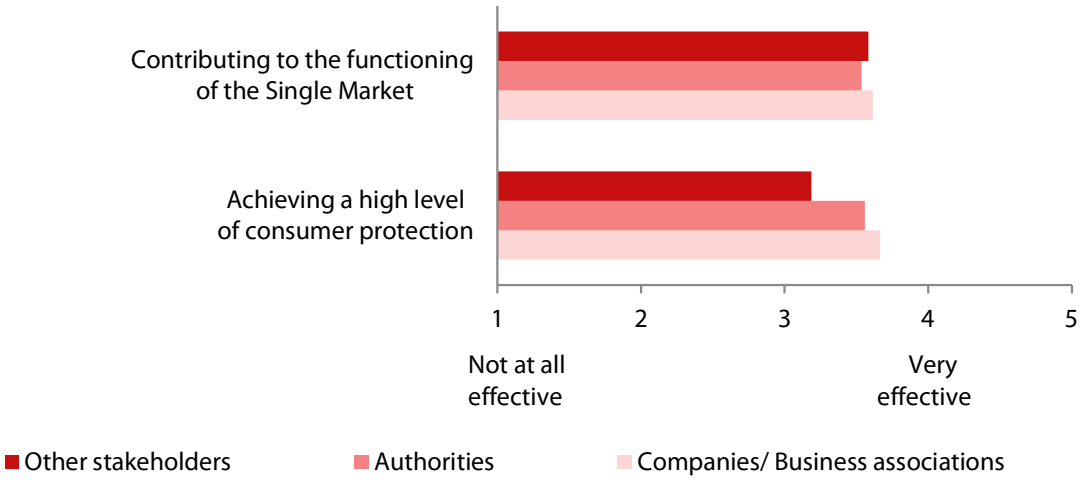
EQ7/8/9. Are there any aspects/means/actors that render certain aspects of the Directive more or less effective than others (including product recalls), and if there are, what lessons can be drawn from this? How well is the GPSD adapted to ensure effective market surveillance? What are, if any, the consequences or effects (either positive or negative) that were not originally planned?

6.1.7.1. Assessment of stakeholders concerning factors influencing the effectiveness of the GPSD

Generally speaking, stakeholders agree that the GPSD has been between "moderately effective" and "rather effective" in reaching its overall objectives. On a scale of 1 (not at all effective) to 5 (very effective), all groups of stakeholders rated the effectiveness of the GPSD on average between 3 and 4, whereby authorities and companies/business associations considered the GPSD equally effective in fostering

the internal market and in achieving a high level of consumer protection. Other stakeholders rated its effectiveness in contributing to the functioning of the Single Market higher than the effectiveness in achieving a high level of consumer protection (see Figure 24).

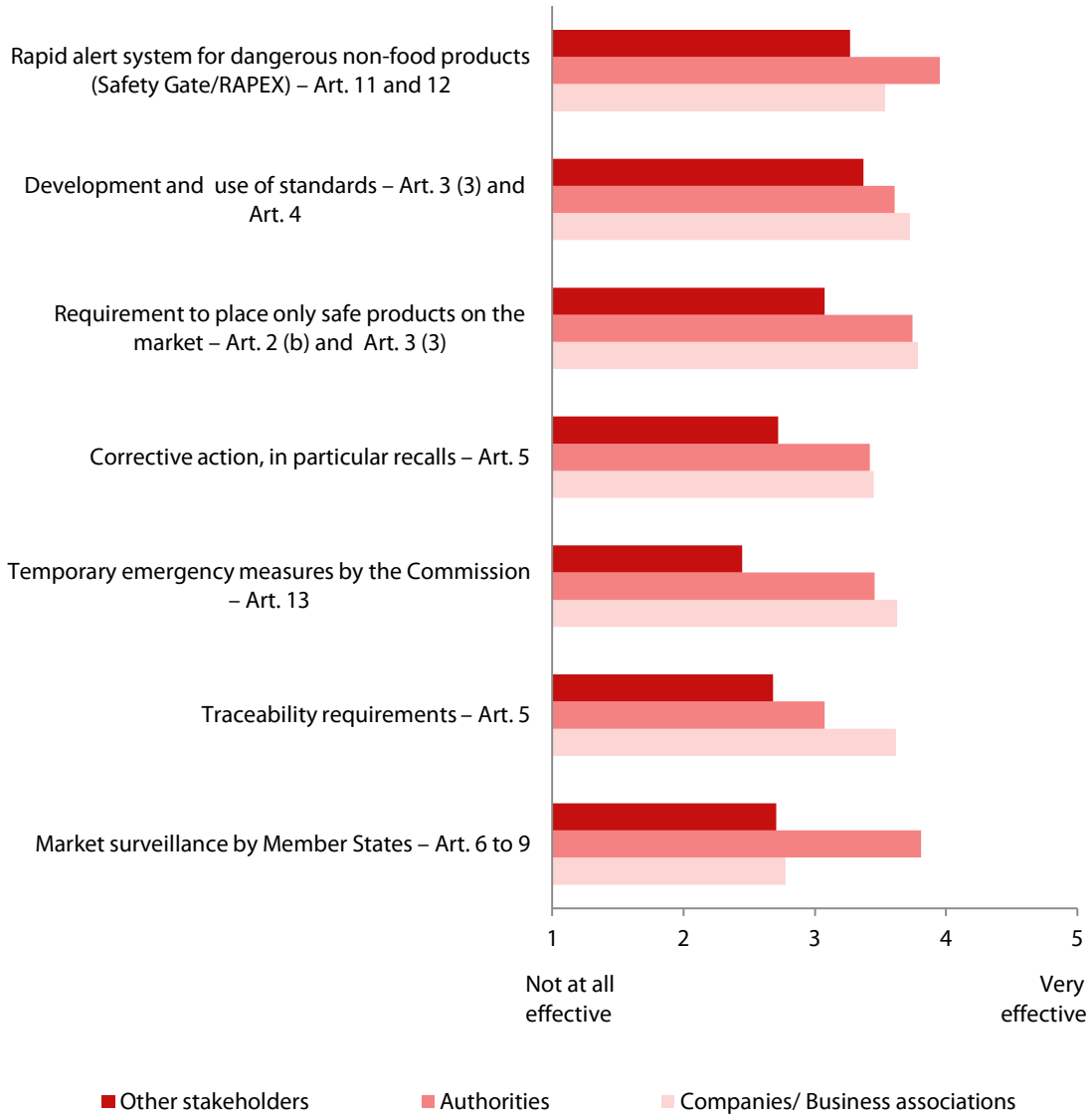
Figure 24: In your view, to what extent has the GPSD been effective in reaching its overall objectives? Please assess.



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. The average assessments are calculated based on N=135 and N=142 respondents that had an opinion (not included are respondents who indicated Don't know or provided no answer).

When asked about individual features of the GPSD, the assessments differed more between these features but also between stakeholder groups. This is illustrated in Figure 25:

Figure 25: In your view, to what extent have the following elements of the GPSD been effective?



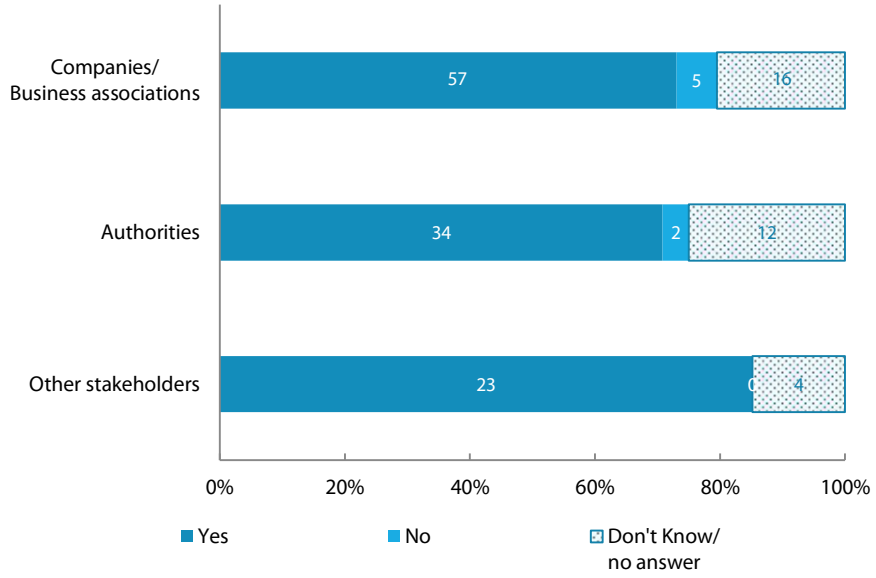
Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. The average assessments are calculated based on between N=129 and N=140 respondents (emergency measures only N=96 respondents) that had an opinion (not included are respondents who indicated Don't know or provided no answer).

Authorities and companies/business organisations considered all elements of the GPSD to be more effective than other stakeholders, which included consumer organisations. The latter provided less favourable assessments concerning market surveillance by Member States, temporary emergency measure under Article 13 GPSD, traceability requirements, and corrective action, in particular recalls, which they found on average to be less than "moderately effective" (i.e. average assessment below 3). Companies/business organisations only rated market surveillance below 3 but found the other elements "rather effective" (4) on average. MSAs considered most GPSD elements as effective or closely as effective as businesses, except traceability requirements, which only companies found to be close to "rather effective" (4) on average.

6.1.7.2. Factors affecting the effectiveness of the GPSD

In our surveys, practically all stakeholders agreed that there were certain factors that made the GPSD less effective, as can be seen from Figure 26.

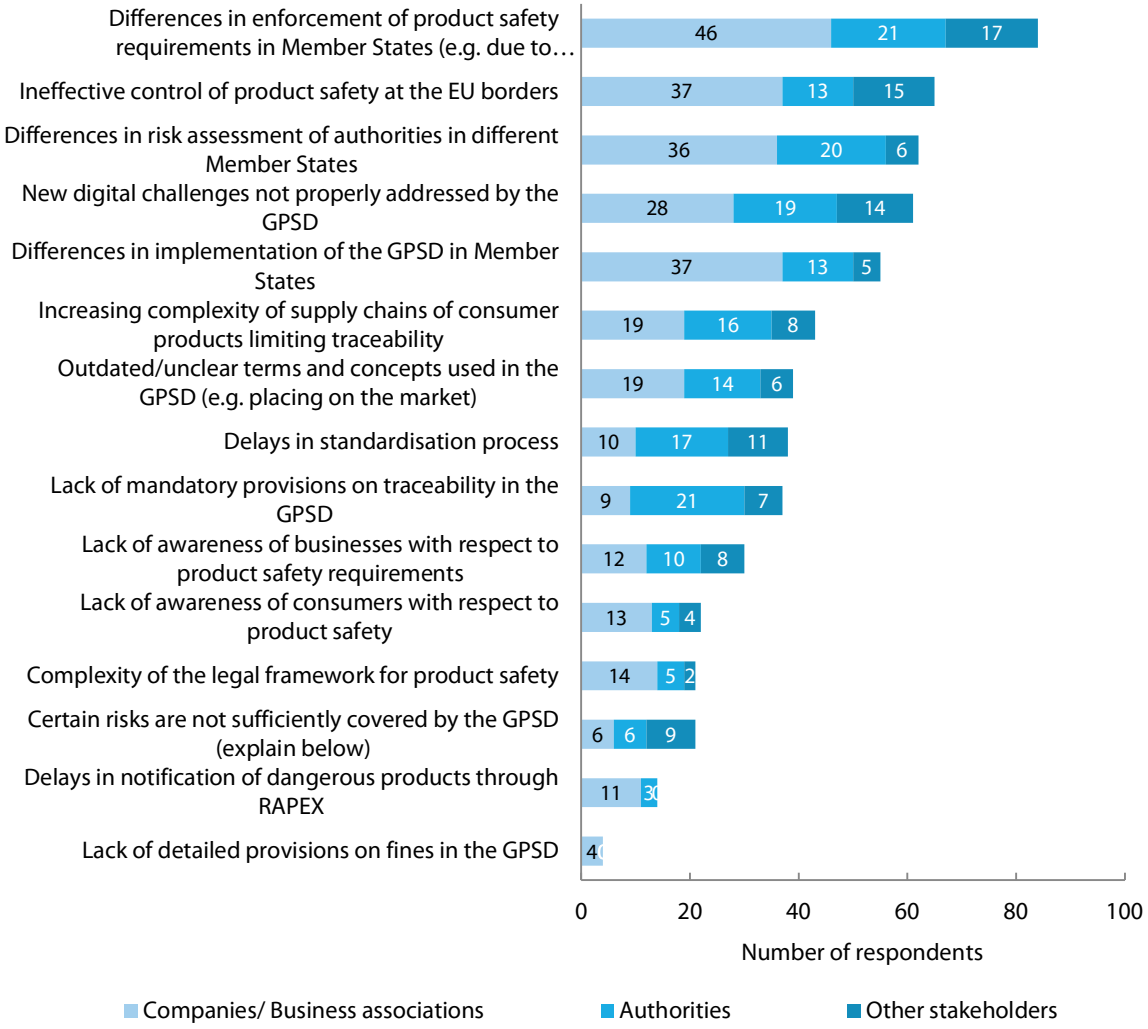
Figure 26: Are there any factors that have affected (i.e. negatively influenced) the effectiveness of the GPSD since its adoption in 2001 in terms of consumer health protection?



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153.

Asked about the five most relevant factors in their view, stakeholders provided the following assessments:

Figure 27: If YES: Please mark up to five most relevant factors affecting GPSD effectiveness (negatively)



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153 (shown in the figure is the number of respondents that indicated a specific factor)

The factors indicated by stakeholders are not mutually exclusive but are partly directly related. For example, differences in the implementation of the GPSD in Member States (ranked 5th in Figure 27 above) and differences in risk assessment (ranked 3rd) are likely to cause differences in enforcement of product safety requirements (ranked 1st). The same applies to new digital challenges (ranked 4th) that may trigger different reactions in the Member States, and therefore again lead to differences in enforcement of product safety measures (ranked 1st). In the following, we therefore analyse relevant factors that have negatively affected the effectiveness of the GPSD according to several cross-cutting themes, which are: legal uncertainty; electronic commerce; technological development; insufficient enforcement; complicated procedures. It is unavoidable that this consideration of relevant factors partly overlaps with previous evaluation questions. The analysis therefore concludes on key aspects and provides cross-references to the detailed evaluation questions answered before, where relevant.

Legal uncertainty

One such cross-cutting factor that has made the Directive less effective than it could have been is its lack of precision in certain key concepts, which led to uncertainty on

part of MSAs, and therefore to differences in enforcement (ranked 1). While the core idea of the GPSD is entirely clear, MSAs as well as businesses have expressed uncertainty in specific cases. This includes elements of the GPSD that have been present from the outset but mostly its interpretation in relation to developments that had not been foreseen, or had even not been foreseeable, in 2001 when the GPSD was adopted.

Uncertainty about the correct interpretation of the Directive has been expressed, for example, in relation to the notion of "safety" in general as well as to the notion of "serious risk" for the purposes of Safety Gate/RAPEX. More specifically, the qualification of environmental risks as risks in the context of the GPSD for non-harmonised products is unclear. Another example is the concept of "placing on the market" in relation to the treatment of second-hand goods, in particular when they have been refurbished and in relation to each instance of a product being supplied along the supply chain.

With the rise of new technologies, additional legal uncertainty has emerged in relation to a number of key elements of the GPSD. For example, in relation to the scope of application of the Directive, it is not entirely clear whether stand-alone software is covered, at least when it is capable of changing the functionality of goods. In relation to marketing on the internet, stakeholders have expressed uncertainty as to whether this already constitutes "placing on the market". The same notion causes problems in relation to products whose functionality is changed after they have been first placed on the market. Importantly, technological development also challenges the notion of safety: does it include cyber-risks?

Legal uncertainty has two negative effects. First, it may prevent MSAs from taking action for perceived lack of competence or perceived lack of the fulfilment of relevant requirements for taking action, in particular the lack of safety of a product; which may lead to a lack of enforcement of the GPSD (as implemented in national law). Second, it may lead to an uneven application of the GPSD by MSAs of different Member States, or even within a Member State where enforcement is decentralised; which does not only impact on the level of consumer protection but also on the free movement of goods within the internal market.

Certainly, the European Commission has made an effort to mitigate legal uncertainty by issuing a number of guidance documents that explain the key concepts of the GPSD and its interpretation under the new circumstances, including market surveillance related to products sold online, as well as the functioning of Safety Gate/RAPEX in great detail. Also, joint and coordinated market surveillance actions that were organised and financed by the Commission have clearly improved the national MSAs' understanding of the GPSD. Evidently, though, this has not solved the problem entirely, not least as enforcement action of MSAs may require clear legal provisions.

Risk assessment is also facilitated by clear thresholds of, in particular, chemical substances in products[194]. However, it was criticised that too few thresholds have been elaborated until now in EU legislation, and that national thresholds for chemical substances in products may differ, as well as the related risk assessment methods (see below, EQ 19).

In this context it should finally be noted that the subsequent legal development with the New Legislative Framework of 2008 and following legislation on harmonised products has, despite its obvious benefits in the related specific sectors, caused some confusion for MSAs as well as producers that had to deal with different sets of rules,

[194] E.g. a limit value the limit of 5 mg/kg benzene applies for toys, which must not be exceeded, see EQ19 below for more details.

with deviating definitions of the same notions or slightly different notions for similar phenomena; which is one reasons why stakeholders in their comments call for an alignment of the rules of the GPSD with those of more recent sector-specific legislation.

Aspects related to legal uncertainty have been considered in detail in EQs 3 and 4 above, and are further discussed below in the EQs concerning relevance and coherence (EQs 15 to 21).

Electronic commerce

The second key factor is the development of e-commerce towards direct B2C sales and deliveries, often in small consignments. As explained in detail above (EQ3), these developments had not been catered for when the GPSD was adopted in 2001.

In relation to e-commerce, it is mainly the factual difficulties of controlling products that are only sold online, or when they appear to be sold offline and online, to verify that both are actually the same products with the same safety features. These difficulties are complemented by different competences of MSAs in Member States, in particular their competence to engage in mystery shopping (which is not possible for MSAs in all Member States).

In addition to that, measures against unsafe products are sometimes impossible due to the lack of a responsible economic operator that would be in reach of MSAs of EU Member States when products are sent directly from a producer or distributor outside the EU to consumers in the EU; a situation that the new Regulation (EU) 2019/1020 has now catered for regarding harmonised products[195].

This situation has also increased the importance of customs authorities that are, however, mostly not yet sufficiently effective in controlling the large number of parcels entering the EU with respect to their safety.

Again, it must be stressed that the European Commission has introduced a number of measures to mitigate the problems caused by the rise of e-commerce. For example, it has made efforts to come to enforcement agreements with third countries so that they may enforce product safety measures against economic operators that are out of reach of the MSAs of EU Member States. It has also negotiated the Product Safety Pledge by which seven major online platforms have committed themselves to take action against unsafe products, although the GPSD does not oblige them to do so. Finally, measures are under way to fully integrate customs into the information systems of Safety Gate/RAPEX and ICSMS. Still, the development of e-commerce has opened an enforcement gap that is yet to be closed.

[195] Not all stakeholders are, however, convinced that the approach of requiring an authorised representative in the EU will solve these problems. In a joint statement provided by the consumer organisations BEUC and ANEC to the consutation for the Roadmap, they stated that the obligation to establish an authorised representative in the EU does not lead to optimal enforcement, and provided the example of the cosmetics sector, where such a requirements exists yet the number of non-compliant products from outside the EU remains reportedly high. Issues identified with the concept include: The legal representative does not have possession of the products compared to importers which could be seized by market surveillance authorities to check compliance; the indicated authorised representative may not exist in reality, or the mandate for their representation may have been terminated in the meantime and no successor can be found by market surveillance authorities when carrying out enforcement actions. Finally, the organisations state that a non-EU/EEA producer may not even be aware that their products are being sold online by an intermediary and that they are being shipped to the EU.

Technological development

Besides the above-mentioned challenges to the interpretation of key concepts such as product and placing on the market, technological development has also created new risks, in particular cybersecurity risks. Cybersecurity risks can be related to health and safety in the individual case, and therefore be covered by the GPSD. They can also, perhaps in the future, create risks to mental health, with the rise of AI, which can still be interpreted as relevant risks under the GPSD but could be clarified.

However, they may also threaten the privacy and the economic interests of consumers, which have not been covered by the GPSD until now. This may be seen as a gap of product safety law or rather of EU law in general, and stakeholders are divided in their views on whether these issues should be integrated into the GPSD or regulated elsewhere.

Insufficient enforcement

Beyond legal uncertainty and e-commerce, there are also enforcement problems that are due to insufficient resources that Member States have allocated to the enforcement of the GPSD (rank 1 in Figure 27 above) and also to customs (rank 2). Moreover, our analysis has shown that Member States do not necessarily sanction the violation of the GPSD (or its national implementation) sufficiently, thus not deterring potential offenders. This is not exactly a shortcoming of the GPSD, as Member States are of course under an obligation to care for effective enforcement of EU law generally, but the reform of the GPSD offers an opportunity to enhance the enforcement efforts of Member States. The same has been done recently in other areas where the European Commission has noted insufficient enforcement, for example with the so-called Omnibus Directive (EU) 2019/2161 in the areas of unfair commercial practices law and unfair contract terms law. Here, the EU legislator has introduced minimum standards relating to sanctions for the breach of the law.

Insufficient enforcement would also seem to be the cause of the lack of awareness and businesses and of consumers with respect to product safety requirements (ranked 10th and 11th in the figure above). Notably, if violations of product safety law were enforced with sufficient deterrent effects, businesses would normally be well aware of the precise risk they take. Moreover, effective enforcement would include information campaigns to increase consumer awareness; which is often not done due to the lack of resources.

Complicated procedures and lack of data

The GPSD provides for certain procedures that have proven complicated and lengthy in practice and that could be rendered more efficient (which would likely also increase their effectiveness).

One such procedure is the standardisation as envisaged under Article 3 of the GPSD. While all stakeholders agree that European standards are among the most positive elements of the GPSD, creating legal certainty for all involved, they would also wish more standards to be adopted, and more speedily. Several stakeholders (especially MSAs) also pointed to the difficulty to access referenced European standards, due to their high prices and related problems. To shorten the overall duration of the standardisation process, a reduction of the two involved Committees (Standardisation Committee and GPSD Committee) to only one appears to be an option for streamlining (see below, coherence). In that context, one should also mention that standardisation most sensibly focuses on the riskiest products; which is, however, often unknown as comprehensive and updated statistical data on accidents and injuries are only available to a limited extent. One frequent suggestion to make standardisation more effective is therefore an obligation on Member States to systematically collect relevant

data from hospitals and to combine that data at EU level. As mentioned above (EQ1), injury data is currently collected in the European Injury Database IDB, which suffers, however, from a lack of resources, and its evidence base has eroded[196]. Also, while in other jurisdictions (e.g. in Australia) business operators have to report serious injuries involving their products through an online web form to authorities, a similar duty does not exist in the EU context[197]. This considerably weakens the evidence base for standardisation, but also for product safety in the EU in general, and related trends are difficult to determine due to a lack of objective data.

Secondly, while the emergency procedure of Article 13 was considered an essential element of the GPSD, it was assessed as being a comparatively less effective element[198]. A reason is that emergency measures are limited in duration to only a year at a time. In practice, due to the lengthy procedures involved to decide on an emergency measure, this means that once an emergency measure is decided upon, work on its renewal after one year has to be initiated at the same time, which makes the instrument cumbersome. Several interviewees considered it therefore important to allow for longer emergency measures, and the possibility to take permanent measures as well, where this is justified.

6.1.7.3. Factors affecting the effectiveness of the GPSD positively

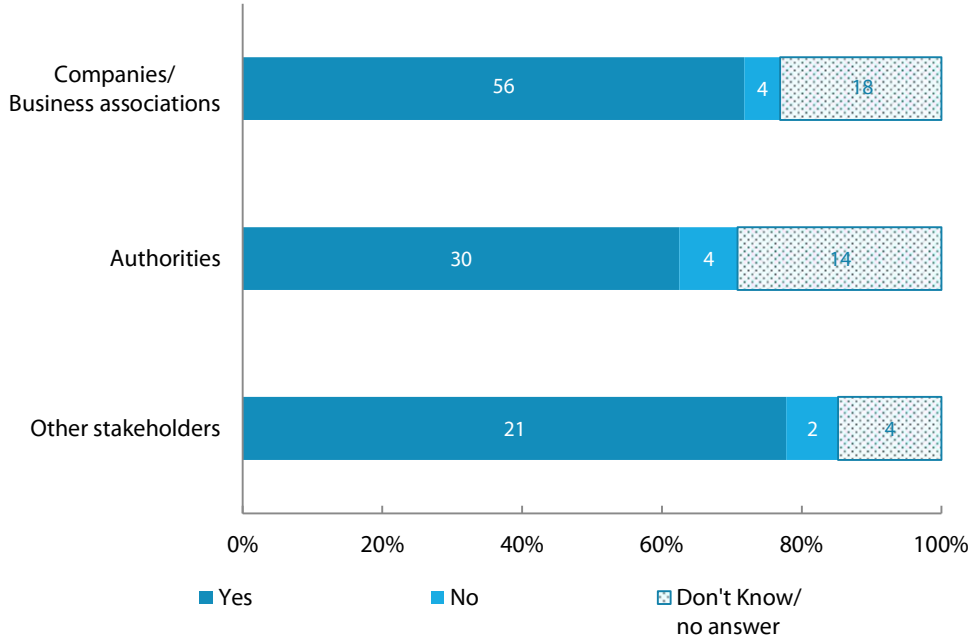
At the same time, in particular technological development has also been beneficial for the enforcement of the GPSD, as again stakeholders confirmed nearly unanimously.

[196] In 1997, 14 of 15 EU Member States collected and shared data on injuries related to products in the framework of the IDB, but this number had dropped to seven (of 28 Member States) by 2019. The joint sample of reported cases in the IDB is considered to be no longer representative for the Single Market of now 32 countries (EU-27 plus CH, IS, NO, LI & UK), and calls to reactivate the system have been made, see joint position paper of ANEC and EuroSafe, European Consumer Safety needs solid injury data, November 2020. The collection of injury data and other data sources for consumer product safety is further discussed in Radovnikovic, A. et al. (2020), 'Assessment of the opportunities for increasing the availability of EU data on consumer product related injuries', Injury Prevention 0, p. 8.

[197] Under Australian Consumer Law, suppliers are required to report any product-related death, serious injury or serious illness associated with a consumer product in Australia, and there is a related mandatory injury report form on the website of the Australian Competition and Consumer Commission (ACCC). Both serious injuries that are documented and serious injuries that are alledged by consumers to have happened have to be reported (see https://www.productsafety.gov.au/contact-us/for-retailers-suppliers/mandatory-injury-report#product-details).

[198] Overall, temporary emergency measures (Art 13 GPSD) were considered on average between ‚moderately' and ‚rather effective' by authorities and business stakeholders, wheras other stakeholders considered them to be less than ‚moderately effective'.

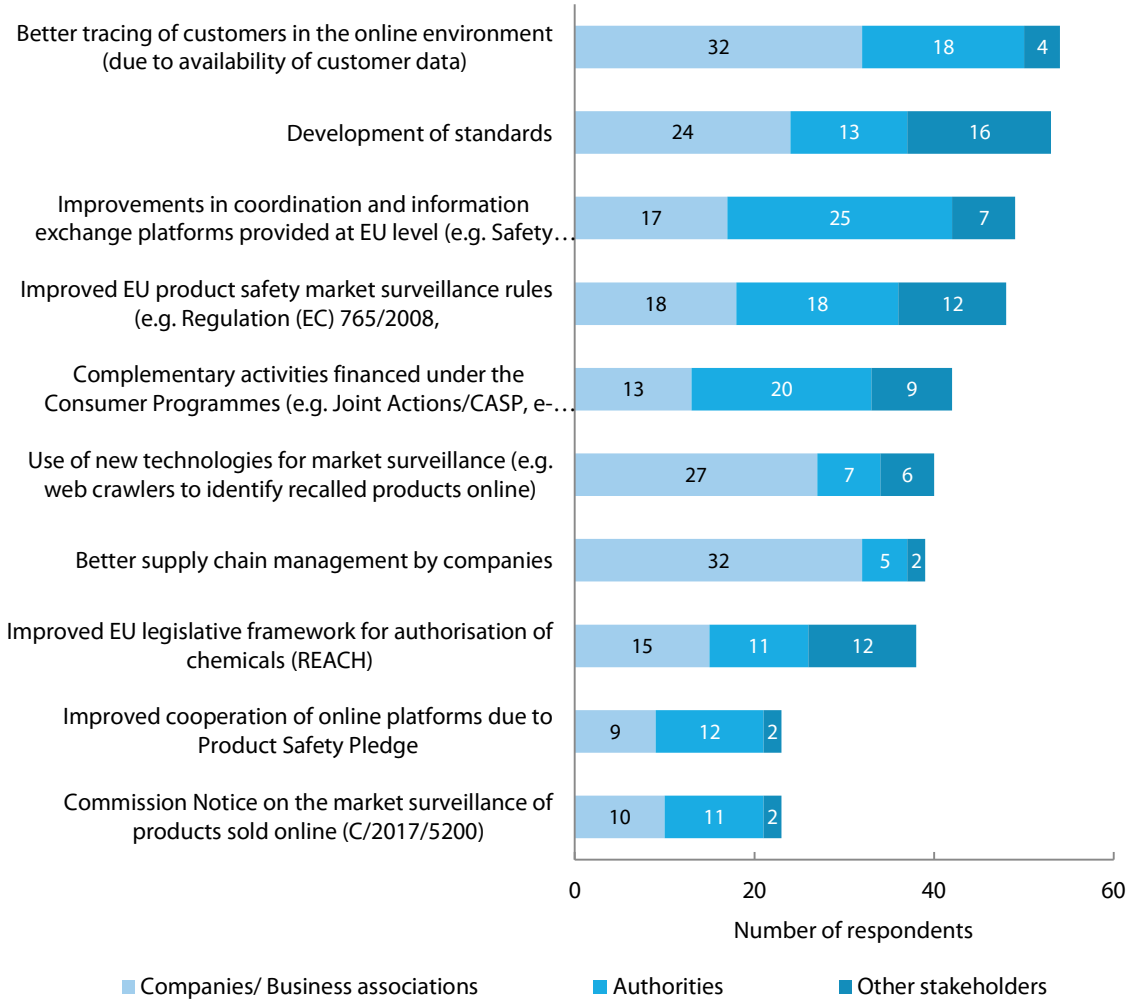
Figure 28: In your experience, are there any factors (e.g. new technologies, new digital business models etc.) that have enhanced (i.e. positively influenced) the effectiveness of the GPSD since its adoption in 2001?



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153.

Asked for the five most relevant factors that positively affect GPSD effectiveness, stakeholders named the following factors, whereby the figure again indicates considerable differences in the assessment between different groups of stakeholders.

Figure 29: If YES: Please mark up to five most relevant factors affecting GPSD effectiveness (positively)



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153 (shown in the figure is the number of respondents that indicated a specific factor)

Stakeholders considered most frequently a better tracing of customers in an online environment, the development of standards, and a better exchange of information and coordination through Safety Gate/RAPEX and ICSMS as most relevant factors affecting GPSD effectiveness positively. Businesses stress their better supply chain and customer management, which should allow easier identification of the sources of unsafety as well as facilitate recalls. However, few other stakeholders indicated this potential benefit. Likewise, new IT tools for the detection of unsafe products, such as web crawlers, are still in their infancy and have not yet improved enforcement of the GPSD in e-commerce on a wider scale; but they may in the future.

The Product Safety Pledge is also generally regarded to be a helpful tool. At the same time, it only somewhat mitigates a much greater gap in enforcing the GPSD in situations where goods are sold online and delivered directly to consumers from third countries and where online platforms do not have legal obligations themselves.

6.2. Efficiency

6.2.1. Costs of the GPSD

EQ10. What are the regulatory (including administrative) costs of the GPSD for the different actors involved (Member States authorities, businesses, consumers) and for the society overall? In particular, what is the economic cost for businesses to comply with the GPSD?

The current costs of compliance with the GPSD are directly accruing to businesses (hereafter interchangeably used with the term 'companies') and market surveillance authorities, and only indirectly to consumers in the form of costs of consumer goods (which may be influenced by product safety legislation) and taxes (of which a very small part are used for market surveillance). The following section analyses these costs in more detail.

6.2.1.1. Businesses

Assessing the costs of compliance of businesses with the GPSD is challenging due to a number of factors:

- As mentioned before, the GPSD applies fully to consumer products for which no specific EU harmonised legislation exists (non-harmonised products such as childcare articles, furniture, clothing etc.). It does not apply to industrial/ professional products. While the GPSD is also applicable to harmonised consumer products (such as toys) to the extent that there are no specific provisions with the same safety objective in the EU harmonised legislation (for example type of risk), the significance of this 'residual effect' of the GPSD depends on several factors, most notably on the extent to which EU harmonised legislation reflects the same level of protection. In practice, the residual effect of the GPSD for harmonised products is not possible to separate from the effects of the harmonised legislation itself. As the residual effects of the GPSD on manufacturing and distribution of harmonised products are in any case expected to be very minor compared to the effects in the area of non-harmonised products, this assessment focuses on the latter. In other words, the following assessment considers the current costs of compliance with the GPSD for manufacturers and distributors of non-harmonised consumer products. This focus of the cost assessment is illustrated in the following matrix (left quadrant, marked in green).

Table 23: Area of application of the GPSD with focus on cost assessment (marked in green)

	Consumer products	Industrial/professional products
Non-harmonised products	**GPSD fully applies**	GPSD does not apply
Harmonised products	Residual effect of the GPSD	GPSD does not apply

Source: Civic Consulting.

- Companies often manufacture or distribute both harmonised and non-harmonised products. Our research established early on that it is not feasible for companies to differentiate their compliance costs for product safety legislation in the harmonised area vs those in the non-harmonised area. The reason is that the workflow to safeguard product safety is not differentiated according to this

criterion, and often embedded in the broader framework of regulatory compliance. The following assessment therefore considers company costs to safeguard the safety of consumer products manufactured, imported or sold/distributed by the surveyed companies. Respondents to the cost survey were asked to consider all costs for ensuring product safety of both harmonised and non-harmonised consumer products (excluding pharmaceuticals, medical devices or food). Costs for product design and development were excluded, as well as costs for tasks related to the compliance with other regulation, such as environmental legislation. These costs were then allocated according to turnover due to harmonised vs. non-harmonised products at a sector level, based on the share of harmonised products circulating within the European Single Market provided in the 2017 impact assessment for the new Market Surveillance Regulation[199]. This allowed us to subtract the costs accruing due to manufacture or distribution of harmonised products from those costs that are relevant for non-harmonised products (see below for further details).

- To extrapolate data collected at the company level through our cost survey, there is a need to have data on overall turnover and/or number of companies for the relevant sectors of the EU economy. This is not trivial: Eurostat data does not differentiate between industrial/professional products and consumer products on the one hand, and harmonised and non-harmonised products on the other hand (and also does not provide the number of companies according to these criteria). As GPSD compliance costs may accrue throughout the supply chain, our assessment considers the costs for manufacturers, wholesalers and retailers in those areas where the GPSD fully applies (see the matrix above). For the estimation of relevant sector data, we have applied an innovative approach, which combines data from national accounts (consumption expenditure for non-food products) with data from turnover of EU companies manufacturing/selling consumer products, by company size class.

Our methodological approach and the results derived are explained in the following sub-section. We first focus on the estimation of the baseline market size, i.e. the total turnover of EU businesses from manufacturing and/or selling non-harmonised consumer products in the EU[200], before presenting the company level compliance cost data, and extrapolating it to EU level, based on the estimated baseline market size.

6.2.1.2. Estimation of total turnover of EU businesses from manufacturing and/or selling non-harmonised consumer products in the EU

The estimation of the baseline market size, i.e. the total turnover of EU businesses from manufacturing and/or selling non-harmonised consumer products in the EU, is based on the following three steps:

Step 1: Estimation of EU companies' total annual turnover from the production and/or sales of non-harmonised consumer products in the EU

In this step, we take into consideration manufacturing sectors (NACE Rev. 2, B-E), wholesale services sectors and retail sectors (NACE Rev. 2, G) in which both harmonised and non-harmonised products are either produced or sold. Based on NACE

[199] SWD(2017) 466 final PART 2/4 Commission Staff Working Document Impact Assessment Accompanying the document COM(2017) 795 final Proposal for a Regulation of the European Parliament and of the Council laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products and amending Regulations (EU) No 305/2011, (EU) No 528/2012, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2017/1369 of the European Parliament and of the Council, and Directives 2004/42/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council

[200] All estimates in this section refer to the EU27 as of 2020.

industry codes and sector descriptions, we identified those sectors in which consumer products are produced and/or sold, i.e. we excluded sectors that clearly focus on the production and sales of industrial products. Note that sectors related to motor vehicles have been excluded, in line with the focus on non-harmonised consumer products.

On basis of a review of the relevant NACE definitions, we have identified the following sectors as being relevant:

Table 24: Relevant manufacturing sectors (NACE Rev. 2, B-E), wholesale services sectors and retail sectors (NACE Rev. 2, G)

Manufacturing sectors	Wholesale services sectors and retail sectors
• Manufacture of textiles • Manufacture of wearing apparel • Manufacture of leather and related products • Manufacture of products of wood, cork, straw and plaiting materials • Manufacture of articles of paper and paperboard • Manufacture of paints, varnishes and similar coatings, printing ink and mastics • Manufacture of soap and detergents, cleaning and polishing preparations, perfumes and toilet preparations • Manufacture of rubber and plastic products • Manufacture of glass and glass products • Manufacture of other porcelain and ceramic products • Manufacture of cutlery, tools and general hardware • Manufacture of other fabricated metal products • Manufacture of computer, electronic and optical products • Manufacture of electrical equipment • Manufacture of other general-purpose machinery • Manufacture of metal forming machinery and machine tools • Manufacture of transport equipment n.e.c. • Manufacture of furniture • Manufacture of jewellery, bijouterie and related articles • Manufacture of musical instruments • Manufacture of sports goods • Manufacture of games and toys • Manufacturing n.e.c.	• Wholesale on a fee or contract basis • Wholesale of household goods • Wholesale of information and communication equipment • Retail sale in non-specialised stores[201] • Retail sale of information and communication equipment in specialised stores • Retail sale of other household equipment in specialised stores • Retail sale of cultural and recreation goods in specialised stores • Retail sale of other goods in specialised stores • Retail sale via stalls and markets • Retail trade not in stores, stalls or markets

While retail sale can be assumed to be largely related to consumer products (although retailers may also sell to professional users, and may sell services), the wholesale and manufacturing in the listed areas clearly also contain industrial/professional products, an issue that will be considered in Step 3 below.

[201] In sector "G47.1 Retail sale in non-specialised stores", sales of food, beverages or tobacco is predominating (which are all excluded from the scope of the GPSD). Activities mainly include activities of general stores that have, apart from their main sales of food products, beverages or tobacco, several other lines of merchandise such as wearing apparel, furniture, appliances, hardware, cosmetics etc. Precise numbers for the share of food and non-food items in this category are not available. Given that this category is best described by the above activities, we have assumed that 10% of the turnover in G47.1 is related to non-food consumer products.

To arrive at the share of non-harmonised products produced and/or sold in these sectors, we apply the estimate provided in the 2017 EU impact assessment for the new Market Surveillance Regulation, which estimated that about 54% of products circulating within the European Single Market are harmonised products and 46% are non-harmonised products[202]. It should be noted that the share of non-harmonised products may have declined in recent years due to greater product coverage of harmonised legislation. Still the above estimate is broadly in line with the estimates provided by two large EU online business operators which both indicated in their response to our company survey relative shares of 60% for harmonised products and 40% for non-harmonised products offered by them.

Based on this approach, the total EU turnover from non-harmonised products in the selected sectors amounts to EUR 773 billion for EU manufacturers, EUR 750 billion for EU wholesalers and EUR 581 billion for EU retailers (see Table 25).

Table 25: Annual turnover of EU companies manufacturing, wholesale and retail of products, by company size class, in million EUR, based on 2017 values

	Total of harmonised and non-harmonised products[a)]			**Non-harmonised products only[b)]**			
Company size (employees)	*From 0 to 49*	*50 – 249*	*250 or more*	*From 0 to 49*	*50 – 249*	*250 or more*	***Total***
Total of manufacturing	362 944	493 730	824 523	166 954	227 116	379 280	**773 351**
Total of wholesale	603 713	425 061	602 593	277 708	195 528	277 193	**750 429**
Total of retail	673 651	129 742	458 904	309 879	59 681	211 096	**580 657**
Total	**1 640 308**	**1 048 533**	**1 886 020**	**754 542**	**482 325**	**867 569**	**2 104 436**

Source: Civic Consulting, based on most recent Eurostat data. a) In sectors in which consumer products are produced and/or sold (see Annex tables, Part 2). b) Based on estimate that 46% of harmonised products circulating within the European Single Market are non-harmonised (in value terms). Note that this estimate also includes industrial/professional products, see SWD(2017) 466 final PART 2/4, p166.

Step 2: Deduction of extra-EU export

A part of the turnover estimated in Step 1 is generated through export to non-EU countries. We exclude this share, as we are interested in estimating the costs of the GPSD for products sold on the EU market. Also, exported consumer products have to comply with the laws of the destination countries, which may or may not be similar to EU requirements. Accordingly, we reduce the annual turnover derived in Step 1 by export sales to non-EU countries (extra-EU exports). It should be noted that imports from non-EU countries represent costs, which are reflected in companies' turnover data, so that imports do not have to be specifically considered.

To calculate the net turnover for non-harmonised consumer products that are only sold in the EU, we therefore deducted the share of extra-EU exports from the total turnover of EU companies. The calculation is based on an approximation of sector-specific export shares. The extra-EU trade by enterprise characteristics data provided by Eurostat do not exactly match the sector classification of turnover data by

[202] SWD(2017) 466 final PART 2/4 Commission Staff Working Document Impact Assessment Accompanying the document COM(2017) 795.

enterprise size class[203]. We therefore approximated the extra-EU export shares of manufacturing, wholesale and retail sectors on the basis of those sectors for which we found full concordance in the two datasets[204]. Based on this approximation, we arrive at the extra-EU export share estimates outlined in Table 26 below.

Table 26: Estimated extra-EU export shares of manufacturing, wholesale and retail sectors

	From 0 to 49 persons employed	50 – 249 employees	250 or more employees
Estimated export shares applied for manufacturing sectors	10.0%	15.2%	17.7%
Estimated export shares applied for wholesale and retail sectors	6.6%	8.3%	3.4%

Source: Own estimation, based on Eurostat data.

These estimated extra-EU export shares of manufacturing, wholesale and retail sectors are subtracted from the annual turnover of EU companies with non-harmonised products in the selected sectors (calculated above). The resulting estimates excluding exports are presented below.

Table 27: Annual turnover of EU companies manufacturing, wholesale and retail of non-harmonised products, by company size class, excluding exports, in million EUR, based on 2017 values

	Turnover by company size			Total turnover
Company size (employees)	*From 0 to 49*	*50 – 249*	*250 or more*	**All size categories**
Total of manufacturing	150 335	192 666	311 959	**654 960**
Total of wholesale	259 516	179 372	267 706	**706 595**
Total of retail	289 580	54 750	203 871	**548 202**
Total	**699 431**	**426 789**	**783 536**	**1 909 757**

Source: Own calculation, based on Eurostat data.

We therefore estimate an annual EU turnover related to non-harmonised products of EUR 655 billion for EU manufacturers, EUR 707 billion EUR for EU wholesalers and approx. EUR 548 billion EUR for EU retailers (see Table 27).

Step 3: Deduction of industrial and professional products

As indicated before, the EU turnover data for non-harmonised products in the selected sectors include turnover from industrial products and professional products sold in business-to-business (B2B) markets. We therefore corrected the EU turnover derived

[203] In the Annex of Part 2, we provided detailed trade volumes of extra-EU exports by NACE Rev. 2 activity and enterprise size class.

[204] These sectors are: "Manufacture of textiles, Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials", "Manufacture of paper and paper products", "Manufacture of computer, electronic and optical products", "Manufacture of electrical equipment", "Manufacture of furniture", "Wholesale trade, except of motor vehicles and motorcycles", and "Retail trade, except of motor vehicles and motorcycles". In the Annex of Part 2, we provide shares of extra-EU exports in key consumer products sectors broken-down by enterprise size class.

in Step 2 by the percentage shares of turnover that can be attributed to the production and/or sales of consumer products in manufacturing, wholesale and retail sectors.

For this purpose, we draw on a different dataset, namely the final consumption expenditure of households by consumption purpose[205]. We again correct for the share of harmonised products, so that we arrive at an estimate for total household consumption of non-harmonised products.

Table 28: Estimated household consumption in the EU, in million Euro (2018)

	Total consumption
Total EU27 household consumption	7 115 852
Total EU27 household consumption of services	4 344 391
Total EU27 household consumption of non-food goods, ex medical products, ex vehicles (harmonised and non-harmonised consumer products)	931 878
Total EU27 household consumption of non-food goods, ex medical products, ex vehicles (non-harmonised consumer products only) [a)]	**428 664**

Source: Civic Consulting, based on most recent Eurostat data. Notes: a) Based on estimate that 46% of harmonised products circulating within the European Single Market are non-harmonised (in value terms). Note that this estimate also includes industrial/professional products, see SWD(2017) 466 final PART 2/4, p166.

As indicated in Table 28 above, EU27 households spend approximately EUR 932 billion annually on non-food, non-services consumer products, both harmonised and non-harmonised. Applying the same approach as above, we calculate that the estimated consumption of non-harmonised consumer products for which the GPSD fully applies is approximately EUR 429 billion. For the following analysis we assume that this consumption of non-harmonised consumer products is equivalent to the total turnover from non-harmonised consumer products sold by EU retailers. The estimated retail turnover from non-harmonised products indicated before was adjusted accordingly, and the amount of EUR 429 billion was allocated between the three enterprise size classes (see Table 29 below).

Due to data limitations, the same methodology cannot be applied for manufacturing and wholesale sectors[206]. For manufacturing and wholesale sectors, we estimated the share of turnover that can be attributed to consumer products on the basis of the share of "consumer-oriented" wholesale services in total wholesale services[207]. Based on the list of consumer-oriented wholesale services, we estimate that 44.3% of the total turnover across all wholesale services that distribute consumer as well as professional/industrial products can be attributed to the sales of consumer products[208].

[205] Eurostat, Final consumption expenditure of households by consumption purpose (COICOP 3 digit) [nama_10_co3_p3].

[206] Eurostat data do not allow to extract "pure" consumer products for manufacturing and wholesale sectors, i.e. final products that are consumed by households.

[207] For a similar breakdown of consumer-oriented wholesale services, see AIT-IS-Report (2016), EU wholesale trade: Analysis of the sector and value chains, vol. 128, June 2016.

[208] For "wholesale of computers, computer peripheral equipment and software", which includes many professional ICT products sold to businesses and the public sector, we approximated the share of products sold to consumers on the basis of EU27 household spending on "audio-visual, photographic and information processing equipment), which accounts for 10.2% of total consumer products spending (excl. audio-visual, photographic and information processing equipment). Accordingly, the share of 10.2% was applied on the total of such consumer-oriented wholesale services, resulting in "wholesale of

It is assumed that the same share reflects the portion of consumer products produced and/or sold by manufacturers. Based on this approach, EU companies' annual EU turnover from non-harmonised consumer products amounts to EUR 290 billion for manufacturing sectors and EUR 313 billion for wholesale sectors.

Table 29: Annual turnover of EU companies manufacturing, wholesale and retail of non-harmonised consumer products, by company size class, excluding exports, in million EUR, based on 2017 values

	Turnover by company size			Total turnover
Company size (employees)	*From 0 to 49*	*50 – 249*	*250 or more*	**All size categories**
Total of manufacturing[a)]	66 650	85 417	138 305	**290 373**
Total of wholesale[a)]	115 055	79 524	118 686	**313 265**
Total of retail[b)]	226 436	42 812	159 416	**428 664**
Total	**408 141**	**207 753**	**416 407**	**1 032 301**

Source: Own calculation, based on Eurostat data. a) Manufacturers' and wholesalers' annual turnover that can be attributed to consumer products (approx. 44.3%, estimate based on share of consumer-oriented wholesale services in total wholesale services) b) Retailers' turnover that can be attributed to consumer products (approx. 45% of total retail turnover, calculated on basis of household consumption for consumer goods).

As a result, the total annual EU turnover of EU companies from non-harmonised consumer products is estimated at EUR 1032 billion EUR. This figure includes sales along the consumer products value chain, i.e. manufacturing, wholesale and retail services (including imports)[209]. In other words, this figure does not equal the size of the EU's consumer product market that is often represented by retail sales numbers.

6.2.1.3. Estimation of compliance costs, based on firm level data

The estimation of compliance costs and their extrapolation to the EU is again discussed step-by-step as follows:

Step 4: Derivation of empirical estimates for companies' product safety-related costs on the basis of survey responses

In our company costs survey and the complementary interviews conducted with selected companies, businesses were asked to indicate staff time used for the following activities to comply with safety requirements for (harmonised and non-harmonised) consumer products[210]:

- *Managing product safety* (e.g. checking that only safe consumer products are marketed/distributed, checking of Safety Gate/RAPEX, removing/taking down notified products, addressing product safety related consumer complaints, preparing safety instructions, safeguarding traceability and keeping related documentation)
- *Testing for product safety* (e.g. testing safety of materials and samples of marketed consumer products regarding safety, preparing product safety certifications etc.)

computers, computer peripheral equipment and software" that can be attributed to consumers of approx. EUR 63 billion.

209 Note that direct imports by consumers from traders in non-EU countries are not included.

210 Business stakeholders were asked to provide estimates expressed in person-days per month.

- *Recalls* (including withdrawal of unsafe consumer products from the market, warnings and recalls)
- *Other consumer product safety related activities* (e.g. staff training on product safety, communicating with authorities, consumers, or sellers/suppliers etc.)

As mentioned above, we asked respondents to consider all costs for ensuring product safety of both harmonised and non-harmonised consumer products (excluding pharmaceuticals, medical devices or food), as the identification of costs for non-harmonised products only was not considered to be feasible. In addition to staff requirements, companies were asked to provide estimates for other costs to comply with safety requirements for consumer products (e.g. costs for external legal advice, costs for external safety testing, costs for certification of safety of products etc.)[211]. The cost estimates provided by the respondents also include business-as-usual costs, which would incur even in absence of product safety regulation (see Step 6).

A total of 36 companies provided quantitative estimates for staff time used (in person-days per month) and other costs (in EUR). These estimates were used to estimate companies' annual regulatory compliance costs in Euro terms. The calculation of Euro-denominated costs for staff is based on the EU's (weighted) average wage for the business economy, which in 2019 was 27.50 Euro per hour[212]. To account for overhead costs, a 25% mark-up was added to staff-related costs. Subsequently, the costs for each company were related to the EU turnover for consumer products, i.e. we expressed companies' annual cost resulting from activities to comply with safety requirements for (harmonised and non-harmonised) consumer products as a share of the related turnover.

We then analysed the full sample data by company size and by the type of respondent (manufacturer vs retailer/wholesaler). The results were as follows:

- The sample data suggest a negative correlation between companies' relative compliance costs and companies' size, both for annual turnover and the number of employees. In other words, companies' product safety compliance costs in percent of annual turnover from producing and/or selling consumer products in the EU tend to decrease with increasing company size (see below for more details).
- The data also suggest that retailers and wholesalers indicated relatively lower compliance costs compared to companies that were (also) involved in manufacturing.

With respect to the first result, which is plausible due to scale effects, it should be noted that only five companies with less than 50 employees participated in the consultation and only six companies that had between 50 to 249 employees. At the same time, the cost estimates provided by some of these respondents should be treated with caution, as the estimates were partly unrealistically high (see maximum values in Table 30).

Due to a larger and more representative sample size for each group, we therefore chose to extrapolate companies' product safety-related compliance cost on the basis of the empirical median value for two groups of companies: distributors (importers[213], wholesalers, retailers including online retail, excluding online marketplaces) and manufacturer/producers (including manufacturers that also import). This approach

[211] Business stakeholders were asked to estimates average costs per month in EUR.

[212] Labour cost for LCI (compensation of employees plus taxes minus subsidies), provided by Eurostat.

[213] Note that according to Art 2 GPSD, the term 'producer' includes importers, if there is no representative of the manufacturer established in the Community. However, here we have included importers into the distributor categories, in line with the methodological approach chosen for the extrapolation.

allows us to capture distinct differences in the relative compliance cost between manufacturers (0.59% of annual EU turnover from consumer products in the EU), on the one hand, and wholesale and retail services (0.14% of annual EU turnover from consumer products in the EU) on the other. A shortcoming of this approach is that we may underestimate the product safety-related cost incurred by small companies (in our analysis: companies with 0 to 49 persons employees), which due to economies of scale effects tend to show higher relative costs for every unit of turnover. The sample statistics concerning the cost data provided by the responding companies is provided in Table 30. The estimated level of compliance costs is broadly in line with the findings of impact assessments of similar policy measures[214].

Table 30: Sample statistics for product safety-related compliance cost of companies, as percent of turnover related to consumer products

	Distributors (import, wholesale, retail)[a)]	Manufacturer/ producer [b)]
Number of responses	11	25
Min	0.00%	0.00%
Max	132.00%	14.14%
Average	12.44%	2.13%
Q1	0.07%	0.10%
Q2 (median)	**0.14%**	**0.59%**
Q3	0.44%	1.96%
Q1 to Q3 (middle 50% of values)	0.07% - 0.44%	0.10% - 1.96%

Source: Civic Consulting, based on company survey. Notes: Detailed sample statistics are provided in the Annex, Part 2. a) Distribution including online retail, excluding online marketplaces. b) Manufacturers/producers may also be involved in wholesale and retail.

Step 5: Extrapolation of EU companies' annual costs related to the GPSD incl. business-as-usual costs that occur also in absence of regulation

For each enterprise size class, we multiplied the empirical median values for companies' relative product safety-related costs, which were derived in Step 4, with the annual turnover of EU companies that can be attributed to the production and/or sales of non-harmonised consumer products in the EU (Step 3). We applied the median cost estimate of 0.59% for all manufacturing sectors and the median cost estimate of 0.14% for all retail and wholesale services sectors. The results of this calculation, which still include business-as-usual costs, are presented in Table 31 below. Accordingly, EU companies' activities costs to comply with safety requirements for non-harmonised consumer products amount to EUR 2.7 billion, of which EUR 1.7 billion accrue to EU manufacturers, EUR 428 million to EU wholesalers and EUR 585 million to EU retailers. When considering the results by company size class, the extrapolation indicates that small size companies (with less than 50 employees) bear slightly more than a quarter of these costs (28%). This may be an underestimation, due to the above-mentioned scale effects.

[214] CSES (2014), for example, finds similar numbers for administrative and substantive costs for harmonised consumer products. See CSES (2014), Evaluation of the Internal Market Legislation for Industrial Products, Final report, 13 January 2014, p. 81. In most cases, total annual estimated compliance costs do not exceed 1% of annual turnover.

Table 31: Estimated annual product safety-related costs of companies producing and/or selling non-harmonised consumer products in the EU, by company size class, in million EUR

	Costs by company size			Total costs
Company size (employees)	*From 0 to 49*	*50 – 249*	*250 or more*	***All size categories***
Total of manufacturing	393	504	816	**1 713**
Total of wholesale	157	109	162	**428**
Total of retail	309	58	218	**585**
Total	**859**	**671**	**1 196**	**2 726**

Source: Own calculation, based on company costs survey and Eurostat data, see previous tables.

Step 6: Deduction of business-as-usual costs and extrapolation of EU companies' annual compliance cost related to the GPSD

In our company survey and interviews, we asked businesses to indicate the share of the total product safety-related costs that they would incur anyway (i.e. even in absence of product safety legislation, e.g. because these costs relate to due diligence), hereafter referred to as business-as-usual costs, BAU. The sample statistics of the responses are provided in Table 32.

Table 32: Sample statistics for the share of product safety-related costs that companies would incur anyway (i.e. even in absence of product safety legislation, e.g. because these costs relate to due diligence)

	Distributors (import, wholesale, retail)[a)]	Manufacturer/ producer [b)]
Number of responses	10	21
Min	0%	10%
Max	100%	100%
Average	42%	76%
Q1	7%	70%
Q2 (median)	**25%**	**80%**
Q3	84%	100%
Q1 to Q3 (middle 50% of values)	7.25% - 83.75%	70% - 100%

Source: Civic Consulting, based on company survey. Notes: a) Distribution including online retail, excluding online marketplaces. b) Manufacturers/producers may also be involved in wholesale and retail.

As indicated in Table 32 above, for manufacturers, the empirical median estimate for business-as-usual costs is 80%. For distributors (importer, wholesaler and retailers), the empirical median estimate for business-as-usual costs is 25%. These estimates reflect the self-assessment of the companies that are part of the sample, and are therefore subjective in nature. However, as concerns differences between manufacturers, on the one hand, and wholesalers and retailers, on the other, we consider the estimates to be in line with expectations. Manufacturers have to consider product safety as a key precondition for their work, while wholesalers and retailers have to comply with consumer safety legislation that may go beyond the due diligence activities that they would conduct in absence of product safety legislation.

In a final step, we applied the empirical median values of these shares to the product safety-related cost estimates derived in Step 5. Excluding business-as-usual costs, we

obtain compliance costs of EU companies that can be attributed to non-harmonised consumer products, i.e. the costs for businesses to comply with the GPSD. The results are shown in Table 33.

Table 33: Estimated annual cost for businesses to comply with the GPSD, by company size class, in million EUR (excluding business-as-usual costs)

	Cost by company size			Total costs
Company size (employees)	*From 0 to 49*	*50 – 249*	*250 or more*	**All size categories**
Total of manufacturing	79	101	163	**343**
Total of wholesale	118	81	122	**321**
Total of retail	232	44	163	**439**
Total	428	226	448	**1 102**

Source: Own calculation, based on company costs survey and Eurostat data, see previous tables.

As indicated in the table, the estimated costs for businesses to comply with the GPSD amount to EUR 1.1 billion per year, of which EUR 343 million accrue to EU manufacturers, EUR 321 million to EU wholesalers and EUR 439 million to EU retailers.

6.2.1.4. SMEs

For the purpose of this analysis, we differentiate between small companies (1–49 employees) and medium-sized companies (50–249 employees). For small distributors and manufacturers with less than 50 employees, the median value for consumer product safety-related costs in total annual turnover from consumer products is found to be 1.96% (5 respondents provided estimates). For medium-sized distributors and manufacturers with 50 to 249 employees, the median value for consumer product safety-related costs is found to be 0.68% (6 respondents). In contrast, for large companies (25 respondents) this value is only 0.13%, as shown in Table 34. The pattern of decreasing relative compliance costs with increasing company size is generally robust when staff is replaced by annual turnover.

Table 34: Sample statistics for product safety-related compliance cost of companies, as percent of turnover related to consumer, by enterprise size

	1 – 49 employees	50 – 249 employees	250 or more employees
Number of responses to cost survey	5	6	25
Min	0.24%	0.14%	0.00%
Max	132%	7.92%	14.14%
Average	28%	2.01%	1.56%
Q1	1.68%	0.45%	0.02%
Q2 (median)	**1.96%**	**0.68%**	**0.13%**
Q3	3.33%	7.92%	0.61%
Q1 to Q3 (middle 50% of values)	1.68% - 3.33%	0.45% - 7.92%	0.02% - 0.61%

The negative correlation between companies' relative compliance costs and companies' size is plausible due to scale effects, as indicated before. The relative

impact of regulatory obligations is generally higher for SMEs than for large companies. Due to their size (e.g. size in terms of annual turnover, annual profits and total staff), SMEs generally bear a larger relative cost burden resulting from due diligence costs that are not related to legal obligations, regulatory requirements and regulatory differences in national markets. This general pattern is confirmed by SMEs replies to the business stakeholder survey, and by previous research[215].

Due to the small sample size, we cannot distinguish between distributors and manufacturers for the assessment of SMEs' consumer product safety-related compliance cost. Yet, based on the overall pattern in the full sample data, we expect consumer product-safety costs to be generally higher for SME manufacturers of consumer products than for SME distributors of consumer products. Unlike distributors, manufacturers need to account for multiple product safety related issues (technical and legal) in the design, production and distribution of products as well as in the communication with suppliers of intermediate products, which is causing costs that typically do not arise on the side of wholesale and retail companies[216].

As concerns SMEs' estimated annual cost to comply with the GPSD, companies with less than 50 employees[217] are estimated to have GPSD-related costs (after business-as-usual costs such as costs related to general due diligence activities have been subtracted) of approx. 428 million EUR per year, and companies with 50 to 249 employees are estimated have GPSD-related costs of approx. 226 million EUR per year (see Table 33 above). Accordingly, SMEs account for 59% of the total of GPSD-related compliance costs in the EU. It should be noted that due to the relatively high number of EU SMEs that engage in wholesale and (particularly in) retail sectors compared to manufacturing sectors (and compared to large EU companies which are more engaged in manufacturing activities), GPSD-related measures that impact on the distribution chains of non-harmonised consumer products can be expected to have a higher aggregate impact on EU SMEs, than measures that impact on manufacturers.

6.2.1.5. Member States

Assessing the costs of compliance of MSAs with the GPSD is complicated by institutional differences across EU Member States:

- EU Member States' market surveillance systems for consumer products differ in the extent to which market surveillance is conducted by MSAs with broader or with narrower sectoral responsibility. For example, in some countries there is only one (main) market surveillance authority for all non-food products, complemented by a small number of other MSAs in specific sectors (e.g. telecommunications, chemicals). In other countries there are several MSAs with sectoral responsibilities for consumer products, with no clear lead agency for consumer products.

[215] See, for example CSES (2014), Evaluation of the Internal Market Legislation for Industrial Products, Final report, 13 January 2014, p. 82, which concluded: "There were differences between firms in the level of compliance costs (administrative, substantive) by firm size, although this was difficult to substantiate based on the limited numbers of SMEs that agree to take part in the study. SMEs were found to experience significantly higher costs / unit for regulatory compliance compared with large firms that are better able to spread the costs across a high number of units. SMEs also appear to have a higher percentage of staff involved in compliance-related activities (familiarisation, testing) than large firms, although few are able to have individual staff members working full-time on compliance".

[216] In practice, distributors (i.e. wholesalers and retailers who are to a large extent SMEs) are aware of the relevance of compliance, but they rely mostly on documentation made available from the product manufacturer or the importer. See SWD(2017) 466 final PART 2/4 Commission Staff Working Document Impact Assessment Accompanying the document COM(2017) 795.

[217] Our data do not allow to draw separate conclusions for micro businesses (less than 10 employees, less than 2 million EUR in annual turnover). Only two companies with less than 10 employees repsonded to the business stakeholder survey. These companies only provided rudimentary data with regard to impacts, costs and benefits.

- Also, EU Member States' market surveillance systems for consumer products differ in the extent of centralisation. In some countries, responsibility for market surveillance is centralised, with no sub-national administrations being involved. This is true for small markets such as Malta, but also Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, Ireland, Netherlands, Latvia, Luxembourg, Sweden, Slovenia, and Slovakia follow this model. In contrast, other (often larger) countries also rely on sub-national administrations or regional networks for enforcement, in line with their overall administrative structure. This is the case in France, Croatia, Greece, Lithuania, Poland, Austria, Czech Republic, Germany, Hungary, Italy, Portugal, Romania, and Spain. For more details, see Table 7 in the problem analysis, above.

These organisational features affect how market surveillance of non-harmonised consumer products is organised, and in some cases the share of staff working on market surveillance of non-harmonised products (to which the GPSD fully applies) is not known. MSA respondents to our survey therefore found it frequently difficult to allocate costs to GPSD-related activities. For example, MSAs stated that they did not keep statistics of staff time, or that there was "no reliable estimate possible due to [the] complex structure of market surveillance".

As responsibilities of national and sub-national MSAs differ significantly in terms of product categories, both for harmonised and non-harmonised product categories, MSA respondents also provided a very broad range of estimates for the share of their activities/resources that is devoted to non-harmonised products. MSAs' answers range from 0% to 100% (with a median of 34%), depending on the type of organisation and the competences in terms of actual product coverage and assigned market surveillance activities[218].

The differences in MSAs' product coverage, the degree of centralisation within their jurisdictions as well differences regarding the responsibilities for market surveillance activities resulted in a high variation of survey data on staff time requirements related to MSAs market surveillance activities (e.g. external testing). We therefore based our estimate of MSAs costs on comprehensive staff data for 20 EU Member States collected in the framework of the 2020 GPSD implementation study, which is based on country reports and interviews with MSAs in all countries.

6.2.1.6. Estimation of annual staff-related baseline costs

The estimation of MSAs' staff-related costs related to market surveillance activities for non-harmonised consumer products in the EU is based on the following three steps:

Step 1: Identification of MSAs annual FTEs for market surveillance activities related to non-harmonised consumer products

As described above, for our estimate we use the number of full time equivalent (FTE) staff for market surveillance of consumer products as provided in the country research. Twelve of the available country estimates relate to the market surveillance of non-harmonised consumer products, which was directly used in the calculation. For eight countries, the estimates relate to the total staff for market surveillance of both harmonised and non-harmonised consumer products (Estonia, Ireland, Latvia, Malta, the Netherlands, Poland, Portugal, Romania). For these countries, we allocated staff according to the 54%/46% ratio for harmonised/non-harmonised products circulating within the European Single Market to derive an estimate for related market

[218] Overall, we received 42 replies from MSAs in 25 Member States. 24 MSAs provided person-day estimates for costs under the current legislation. 10 MSAs provided estimates for other costs related to market surveillance activities under the current regulation.

surveillance activities[219]. It should be noted that a share of 46% in staff time for market surveillance of non-harmonised consumer products is 12 percentage points higher than the empirical median share indicated by MSAs for activities devoted to non-harmonised products in the stakeholder survey (34%), potentially causing an estimate at the higher end of MSAs' actual costs that can be attributed to market surveillance activities for non-harmonised consumer products. For seven countries, no information on staff numbers was available at all. The staff data in FTEs is outlined in Table 35.

Table 35: Estimated number of staff for market surveillance of non-harmonised consumer products, in FTEs by Member State

Country	Number of FTEs, market surveillance of non-harmonised consumer products	Number of FTEs per million population
Austria	19.0	2.1
Belgium	9.3	0.8
Bulgaria	69.0	9.9
Croatia**	:	:
Cyprus	4.0	4.5
Czech Republic	227.0	21.2
Denmark	32.5	5.6
Estonia*	22.5	17.0
Finland	2.0	0.4
France	57.5	0.9
Germany**	:	:
Greece	60.0	5.6
Hungary**	:	:
Italy**	:	:
Ireland*	4.6	0.9
Latvia*	12.4	6.5
Lithuania	10.0	3.6
Luxembourg	1.0	1.6
Malta*	3.7	7.2
Netherlands*	43.7	2.5
Poland*	216.2	21.0
Portugal*	33.6	3.3
Romania*	234.6	12.1
Slovenia**	:	:
Slovakia**	:	:
Spain**	:	:
Sweden	5.0	0.5

Source: GPSD implementation study and own calculations. Data provided for last available year, either 2019 or 2018. *Number of FTEs for market surveillance activities related to non-harmonised products calculated on basis of total staff (FTEs) for market surveillance activities multiplied by the share of non-harmonised consumer products circulating in the

[219] As mentioned before, the 2017 EU impact assessment for the new Market Surveillance Regulation estimated that about 54% of products circulating within the European Single Market are harmonised products and 46% are non-harmonised products. See SWD(2017) 466 final PART 2/4 Commission Staff Working Document Impact Assessment Accompanying the document COM(2017) 795.

EU Single Market (46%). **Number of staff for market surveillance activities not available (neither harmonised nor non-harmonised products). '.' = no data available.

Step 2: Approximation of annual FTEs for market surveillance activities related to non-harmonised consumer products for countries for which data was not available

For the seven countries, for which no staff data was available (Croatia, Germany, Hungary, Italy Slovenia, Slovakia, and Spain) we estimated the number of FTEs on the basis of the empirical data for the remaining 20 Member States. To account for institutional differences with regard to the level of centralisation, we considered two clusters of countries, in line with the characteristics of the respective market surveillance systems as described above:

- Cluster 1: responsibility for market surveillance is centralised (no sub-national administrations involved);
- Cluster 2: responsibility for market surveillance is (partly) delegated to or competence of sub-national administrations, in line with the administrative structure of the country.

To derive estimates for the number of FTEs per million population for Slovenia and Slovakia (more centralised market surveillance), we applied the sample median of 3.5 FTEs per million population. To derive FTE estimates for the number of FTEs per million population for Croatia, Germany, Hungary, Italy and Spain (more decentralised market surveillance), we applied the sample median of 4.6 FTEs per million population (see Table 36). The differences in estimates are in line with expectations, as a more centralised structure could be expected to be somewhat leaner in terms of staff resources, as the need for coordination activities across levels of government is reduced.

Table 36: Sample statistics for number of staff for market surveillance of non-harmonised consumer products, in FTEs by country cluster

Country cluster	Sample statistics	Number of FTEs for market surveillance of non-harmonised consumer products	Number of FTEs per million population
Cluster 1: Responsibility for market surveillance is centralised (no sub-national administrations involved)	Number of countries	12	12
	Min	1.0	0.4
	Max	69.0	17.0
	Average	17.5	4.8
	Q1	3.92	0.9
	Q2 (median)	**7.15**	**3.5**
	Q3	25.03	6.7
	Q1 to Q3 (middle 50% of values)	3.92 - 25.03	0.9 - 6.7
Cluster 2: Responsibility for market surveillance is (partly) delegated to or competence of sub-national administrations, in line with the administrative structure of the country	Number of countries	8	8
	Min	10.0	0.9
	Max	234.6	21.2
	Average	107.2	8.7
	Q1	29.94	3.0
	Q2 (median)	**58.75**	**4.6**

	Q3	218.9	14.4
	Q1 to Q3 (middle 50% of values)	29.94 - 218.9	3.0 - 14.4

Step 3: Calculation of annual staff costs for market surveillance activities related to non-harmonised consumer products

In the final step, we calculated the EUR equivalent of the estimated number of staff required for market surveillance of non-harmonised consumer products by multiplying the number of FTEs per million population by:

- The size of population for each country (in million);
- The number of person-hours per year (1 720) [220]; and
- The average wage of 28.00 EUR, which corresponds to the EU27 average wage of "administrative and support service activities" (18.70 EUR) and "professional, scientific and technical activities" (37.30 EUR) for 2017 (latest figure available in Eurostat database).

The results of this calculation are provided in Table 37 below. Total EU27 staff-related costs for market surveillance of non-harmonised consumer product amount to approximately EUR 122 million per year. Of this amount, EUR 14 million accrue in countries where responsibility for market surveillance is centralised and EUR 108 million in countries where responsibility for market surveillance is (partly) delegated to or competence of sub-national administrations.

[220] Following EU Horizon 2020 guidelines, one person year corresponds to 1 720 person-hours per year. See, e.g. the H2020 Programme: User's Guide for the Personnel Costs Wizard.

Table 37: Annual staff-related costs for market surveillance of non-harmonised consumer products in EU Member States, in million EUR

Country cluster	Countries	Number of FTEs per million population	Total staff costs
Cluster 1: Responsibility for market surveillance is centralised (no sub-national administrations involved)	Malta	7.2	**14.2**
	Belgium	0.8	
	Cyprus	4.5	
	Denmark	5.6	
	Estonia	17.0	
	Ireland	0.9	
	Netherlands	2.5	
	Finland	0.4	
	Latvia	6.5	
	Luxembourg	1.6	
	Sweden	0.5	
	Bulgaria	9.9	
	Slovenia	3.5	
	Slovakia	3.5	
Cluster 2: Responsibility for market surveillance is (partly) delegated to or competence of sub-national administrations, in line with the administrative structure of the country	France	0.9	**108.2**
	Croatia	4.6	
	Greece	5.6	
	Lithuania	3.6	
	Poland	21.0	
	Austria	2.1	
	Czech Republic	21.2	
	Germany	4.6	
	Hungary	4.6	
	Italy	4.6	
	Portugal	3.3	
	Romania	12.1	
	Spain	4.6	
Total			***122.4***

6.2.1.7. Other costs for market surveillance of non-harmonised consumer products

Approximately four in ten MSAs report incurring costs other than staff costs for market surveillance activities related to consumer products, with the rest either not incurring other costs, or providing no information in this respect[221]. While the figures provided by MSA respondents show a relatively high variation, their absolute size compared to staff-related costs (see Table 37 above) are nevertheless overall small. Sample statistics are provided in Table 38 below.

[221] When asked about the actual occurrence of other costs, 18 MSA reported "Yes"[221], with nine of them providing numerical estimates in EUR. 14 MSA reported "No" (i.e. EUR 0), and 10 MSAs did not know or did not answer this question. See Annex for survey details.

Table 38: Sample statistics of MSAs' other costs to comply with product safety legislation, in EUR per year

Sample statistics	Other costs for harmonised and non-harmonised consumer products	Other costs for non-harmonised consumer products
Number of respondents	23	23
Min	0	0
Max	211 200	168 000
Average	29 835	12 880
Q1	0	0
Q2 (median)	**0**	**0**
Q3	27 000	4 200
Q1 to Q3 (middle 50% of values)	0 – 27 000	0 - 4 200

Note: The estimate for other costs related to surveillance of non-harmonised products is calculated on basis of the respondents' share of overall market surveillance activities related to non-harmonised consumer products.

According to the European Commission "[t]here are over 500 distinct market surveillance authorities (from 1 to over 200 per Member State) policing one Single Market for specific products." This number includes MSAs that share responsibility for harmonised and non-harmonised as well as consumer and non-consumer products[222]. Therefore, the number of authorities responsible for non-harmonised consumer products is considerably smaller. Based on the official list of national market surveillance authorities published by the European Commission, about 100 relevant authorities are in charge of "other consumer products under the GPSD"[223]. Based on the median value, non-staff related costs of market surveillance activities for non-harmonised consumer products in the EU can be considered negligible (EUR 0). But even when taking the 3rd Quartile value (Q3 in Table 38 above) of EUR 4 200 per organisation as basis for the extrapolation (to account for the fact that not all organisations that indicated costs provided a numerical estimate), the EU total would only amount to EUR 0.42 million. EU27 total annual non-staff related costs of market surveillance activities for non-harmonised consumer products would therefore at most account for the equivalent of 0.34% of total staff costs. This estimate is consistent with the results of the country research, in which authorities and stakeholders considered a lack of resources for market surveillance (including for testing) to be a major problem for enforcement.

6.2.2. Benefits of the GPSD

EQ11. What are the benefits of the GPSD for the different actors involved (Member States authorities, businesses, consumers) and for the society overall?

Based on our interviews and the research conducted, we identified the following potential benefits of the GPSD:

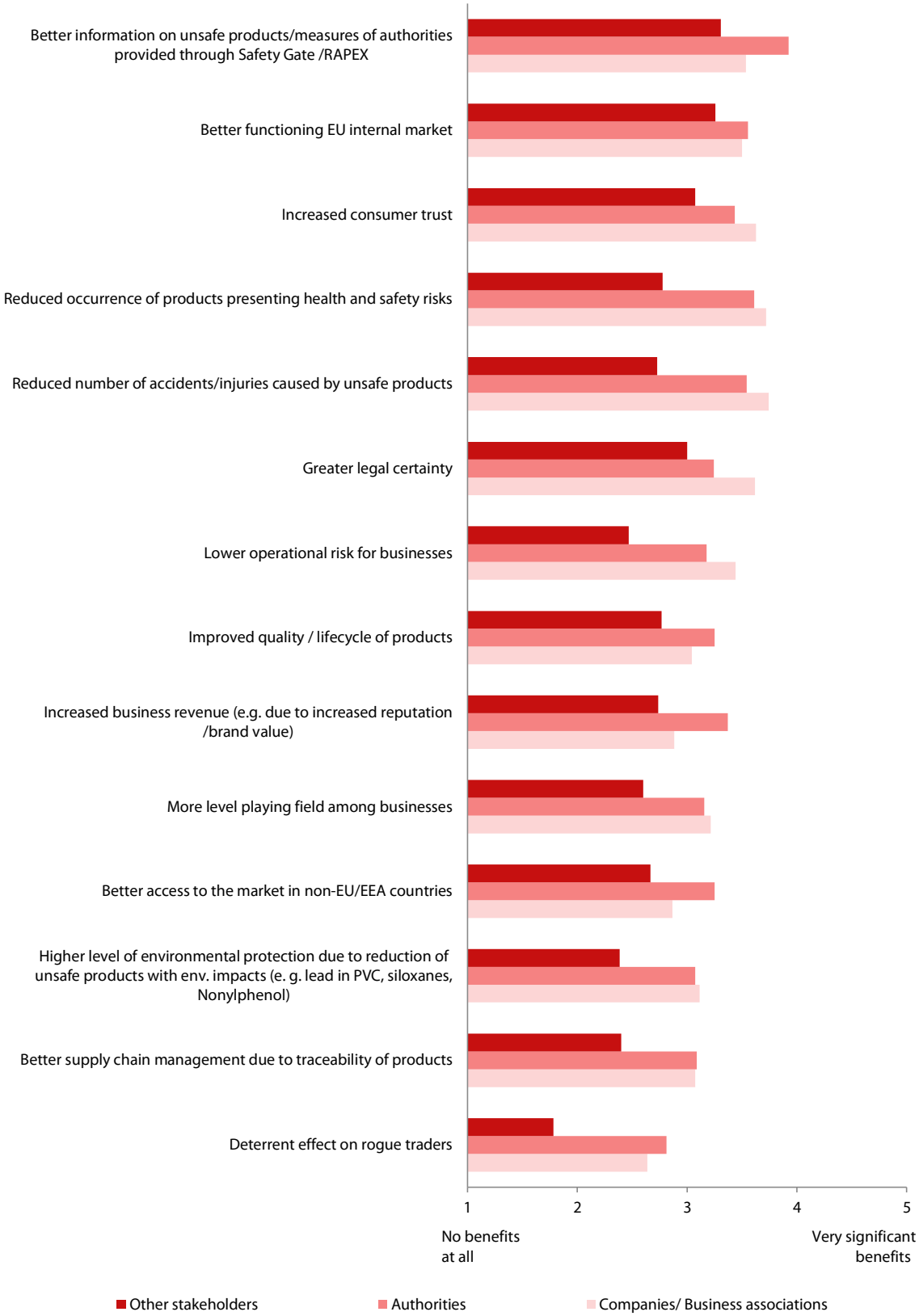
[222] COM(2017) 787 final. European Commission Communication „The Goods Package: Reinforcing trust in the single market.

[223] European Commission, List of national market surveillance authorities by sector, see sector „30. Other consumer products under GPSD".

- Increased consumer trust;
- Increased business revenue (e.g. due to increased reputation /brand value);
- Improved quality / lifecycle of products;
- Better information on unsafe products/ measures taken by authorities provided through Safety Gate /RAPEX;
- Better supply chain management due to traceability of products;
- Greater legal certainty;
- Lower operational risk for businesses;
- Deterrent effect on rogue traders;
- More level playing field among businesses;
- Better functioning EU internal market;
- Reduced occurrence of products presenting health and safety risks, including products originating outside the EU;
- Reduced number of accidents/injuries caused by unsafe products;
- Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in PVC, siloxanes, Nonylphenol);
- Better access to the market in non-EU/EEA countries, due to the high level of safety achieved in the EU.

In our interviews and surveys, we asked stakeholders to assess in their perspective the significance of potential benefits result from the product safety requirements of the GPSD. The results are presented in Figure 30:

Figure 30: In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD?



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. The average assessments are calculated based on the assessment of respondents that had an opinion (not included are respondents who indicated Don't know or provided no answer).

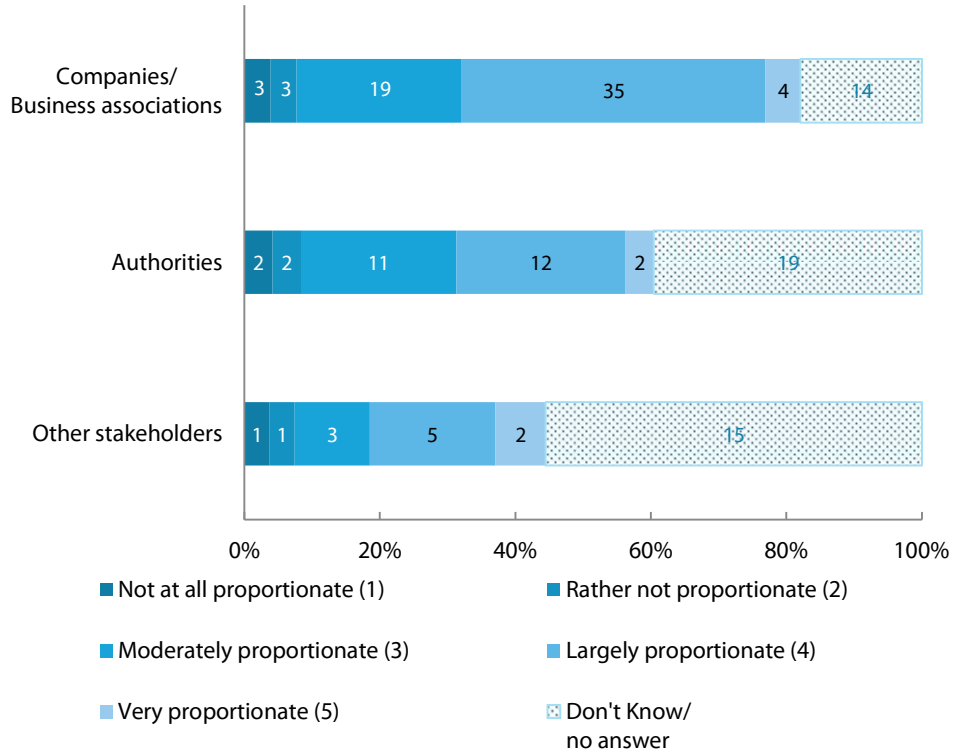
Figure 30 above indicates that authorities and companies/business associations tended to see moderate to significant benefits that result from the product safety requirements of the GPSD across the board, with better information on unsafe products/ measures taken by authorities provided through Safety Gate /RAPEX, a better functioning internal market and increased consumer trust highest ranked on average. These and other listed benefits have been discussed in depths under the relevant EQs concerning effectiveness (see above). We have also analysed problems regarding market surveillance and enforcement, which are mirrored in the least positively assessed benefit: the deterrent effect of the GPSD on rogue traders, which is see as minor (or minor to moderate) by all stakeholder groups. It is also notable that other stakeholders were in general less positive than authorities and businesses, and saw mostly moderate or less than moderate benefits of the Directive.

6.2.3. Balance of costs and benefits

EQ12. To what extent are these costs proportionate to the benefits?

In the surveys conducted for this study, we asked all stakeholder groups to what extent they considered the costs due to product safety requirements of the GPSD to be proportionate to the resulting benefits. The results are presented in Figure 31:

Figure 31: To what extent do you consider the costs due to product safety requirements of the GPSD to be proportionate to the resulting benefits (identified in the previous question)?



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153.

About nine in ten respondents that had an opinion considered the costs due to product safety requirements of the GPSD to be at least "moderately proportionate" to the resulting benefits. Close to six in ten respondents that had an opinion even found these costs to be "largely proportionate" or "very proportionate", including respondents from companies and business associations.

This largely positive assessment is consistent with the results of this evaluation in terms of benefits and the analysis of compliance costs presented in EQ10. Key costs and benefits are summarised in Table 39.

Table 39: Balance of costs and benefits

Type	Assessment of cost/benefits	Analysis
Costs		
Companies' compliance costs	Consumer product safety-related compliance costs are estimated at 0.59% of turnover for manufacturing sectors and 0.14% for retail and wholesale services sectors. Subtracting costs that companies would incur anyway (i.e. even in absence of product safety legislation, e.g. because these costs relate to due diligence), the estimated costs for businesses to comply with the GPSD amount to **EUR 1.1 billion** per year, of which EUR 343 million accrue to EU manufacturers, EUR 321 million to EU wholesalers and EUR 439 million to EU retailers[b)]	See EQ10
Member States' costs for market surveillance costs	Total EU27 staff-related costs for market surveillance of non-harmonised consumer product amount to approximately **EUR 122 million** per year. Of this amount, EUR 14 million accrue in (smaller) countries where responsibility for market surveillance is centralised and EUR 108 million in (often larger) countries where responsibility for market surveillance is (partly) delegated to or competence of sub-national administrations	See EQ10
Benefits[a)]		
Better information on unsafe products through Safety Gate /RAPEX	In the period 2005 to 2019, a total 25 850 publicly available notifications were transmitted through Safety Gate/RAPEX, including **25 051 notifications** concerning products with serious risks. In a 12 months period 2019/20, the analysed notifications affected some **41.8 million items** in total	See EQ1
A better functioning internal market	The aim of free movement of (non-harmonised) goods within the internal market has been achieved. There were only few cases where Member States prohibited or hindered the import of products from other Member States that had been certified in line with EU product safety law, and these cases all related to specific harmonised legislation but not to the GPSD. There is **no indication that Member States try to stop imports** from other Member States for reasons of their insufficient level of safety. Standardisation has contributed to the uniform application of product safety law in the Member States. So far, a total of **80 standards** were referenced under the GPSD	See EQ1, EQ5
Increased consumer trust	Consumer trust in product safety in the EU has shown a **slight increase over time**, with the proportion of consumers agreeing that essentially all non-food products in their country are safe (or that only a small number are unsafe) increasing from 65% in 2008 to 78% in 2016, before decreasing again to 70%. The largest increase (9 percentage points) occurred between the 2014 and 2016 surveys, before returning in 2018 to slightly above the 2014 level	See EQ1
Reduced occurrence of products presenting health and safety risks & reduced number of accidents/injuries caused by unsafe products	Based on data from the European Injury Database (IDB) an estimated **11 million product-related injuries**, in which consumers visited a hospital emergency department due to the injury, occur in the EU each year. The related detriment is estimated at EUR 76.6 billion per year. This is the sum of detriment caused by non-fatal product-related injuries, and the cost of premature death due to fatalities caused by mechanisms relevant for product safety (such as tools, strangulation, electric current, or fire) occurring outside of work-related locations. The preventable detriment suffered by EU consumers and society due to product-related accidents can be estimated at **EUR 11.5 billion** per year. It is reasonable to assume that in absence of the general safety requirement of the GPSD, and the standards referenced under the Directive, detriment suffered due to product-related accidents would be considerably higher.	See EQ1 and Annex I of Part 2

Source: Civic Consulting. Note: a) The table lists the results of the evaluation for the top 5 benefits identified by stakeholders, see Figure 30 above. b) The extrapolation of companies' compliance costs captures distinct differences in the relative compliance costs between manufacturers, and wholesale and retail services. However, product safety-related costs incurred by small companies (with 0 to 49 persons employees) may be underestimated, as small companies tend to show higher relative costs for every unit of turnover due to scale effects (see section 6.2.1 above).

Table 39 considers the key benefits as assessed by stakeholders and analysed in this evaluation. The analysis of compliance costs indicated that a large part of costs related EU product safety legislation for consumer products are business-as-usual costs (BAU), i.e. costs that companies would incur anyway (i.e. even in absence of product safety legislation, for example because these costs relate to their due diligence procedures). Compliance costs due to the safety requirements of the GPSD that exclude business-as-usual costs are therefore limited, compared to the benefits the Directive brings, including in terms of better information on unsafe products through Safety Gate /RAPEX, a better functioning internal market, increased consumer trust, and other benefits. This evaluation therefore concludes that the costs of the GPSD are proportionate to the benefits it brings. This is also illustrated by our analysis of detriment due to product-related injuries and fatalities in the EU, in which we conclude that the preventable detriment suffered by EU consumers and society due to product-related accidents can be estimated at EUR 11.5 billion per year[224]. While it is not possible to estimate the detriment suffered by EU consumers and society avoided by EU product safety legislation, including the GPSD, it is reasonable to assume that in absence of the general safety requirement of the GPSD, and the standards referenced under the Directive, detriment suffered due to product-related accidents would be considerably higher, thereby outweighing the related costs for companies, market surveillance authorities and consumers[225].

6.2.4. Factors influencing efficiency of GPSD

EQ13. What factors influenced the efficiency of reaching the objectives which the GPSD sets out?

Several of the factors that affect the effectiveness of the GPSD (as discussed in EQ7 above) may also influence its efficiency. Based on our interviews and the research conducted, we identified the following factors potentially influencing the efficiency of the Directive:

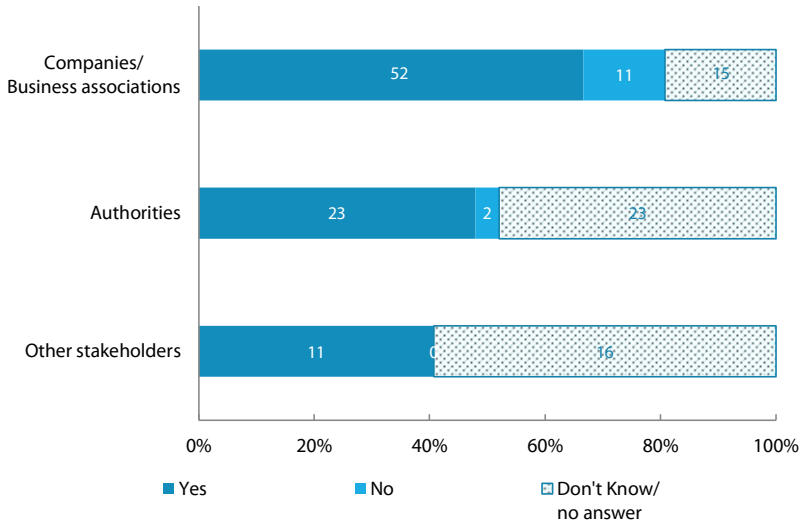
- Complexity of the legal framework for product safety;
- Differences in implementation of the GPSD in Member States;
- Differences in enforcement of product safety requirements in Member States;
- Differences in risk assessment of authorities in different Member States;
- Outdated/unclear terms and concepts used in the GPSD (e.g. placing on the market);
- Differences in the criteria used by Member States' authorities for notification of products through Safety Gate/RAPEX;
- Delays in notification of dangerous products through Safety Gate/RAPEX;
- Delays in standardisation process;
- Lack of understanding of GPSD requirements in non-EU/EEA countries.

In our interviews and surveys, we asked stakeholders whether they considered that any of these factors affects the balance of costs and benefits of the product safety requirements of the GPSD. The results are presented in Figure 32:

[224] Or 15% of the total detriment of EUR 76.6 billion per year. This includes health care utilization costs, productivity losses, loss of quality of life for hospitalised cases, and the cost of premature death. The estimate can be considered to be conservative, as is does not include product-related injuries in which the consumer did not visit a hospital emergency department, but was treated in primary health care facilities (e.g. a general practitioner). Also, productivity losses due to non-paid work (e.g. household work), and quality of life loss due to injuries that did not lead to hospitalisation are not considered. The analysis also excludes losses caused by work and transportation accidents.

[225] Of course, the same argument can be made for harmonised legislation, which often covers product groups that pose specific risks (e.g. toys).

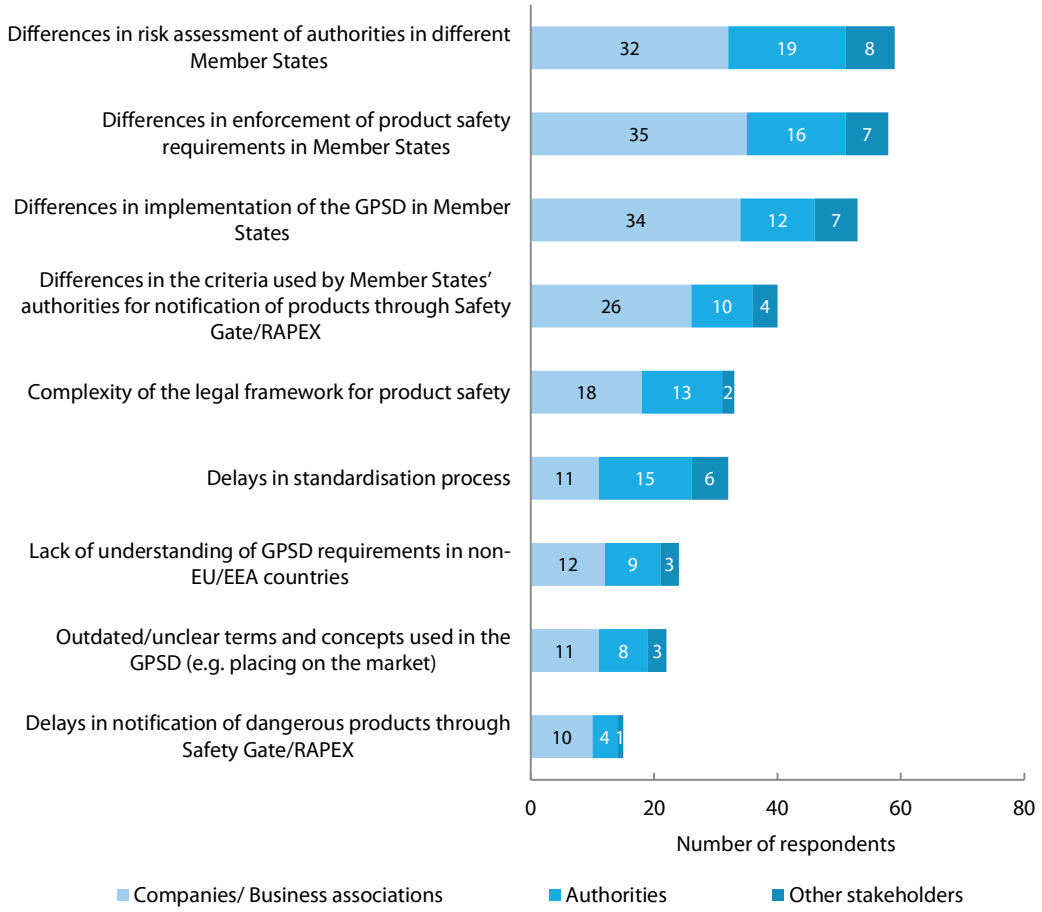
Figure 32: Are there any factors that are affecting the balance of costs and benefits of the product safety requirements of the GPSD?



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153.

A large number of respondents considered this to be the case (86), and only 13 stakeholders though otherwise. The remaining respondents did not know, or did not answer to this question. When asked to specify the factors (indicating the items listed above), respondents provided the following answers:

Figure 33: If YES, please mark the factors that are most relevant for you:



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153 (shown in the figure is the number of respondents that indicated a specific factor)

It is of interest to note that the four most frequently mentioned factors affecting the balance of costs and benefits of the product safety requirements of the GPSD are interrelated and refer to differences in the implementation of the GPSD, and the related enforcement, including concerning risk assessment and notification of products through Safety Gate/RAPEX. In other words, these factors do not relate to the provisions of the GPSD as such, but rather to its practical application. Aspects that have been discussed in the EQs related to relevance and coherence, such as the complexity of the legal framework and a lack of clarity in terms and concepts used in the GPSD rank comparatively lower, although a minority of respondents considers them also to be relevant in affecting efficiency of the GPSD. The assessment provided by stakeholders is consistent with the finding of the country research, which concluded that implementation differences and enforcement issues affected both the effectiveness and the efficiency of the GPSD[226].

[226] See GPSD implementation study.

6.3. Relevance

6.3.1. Correspondence of GPSD objectives with current needs and adaptation to online sales and new technologies

EQ14. To what extent the initial objectives of the GPSD correspond to the current needs?

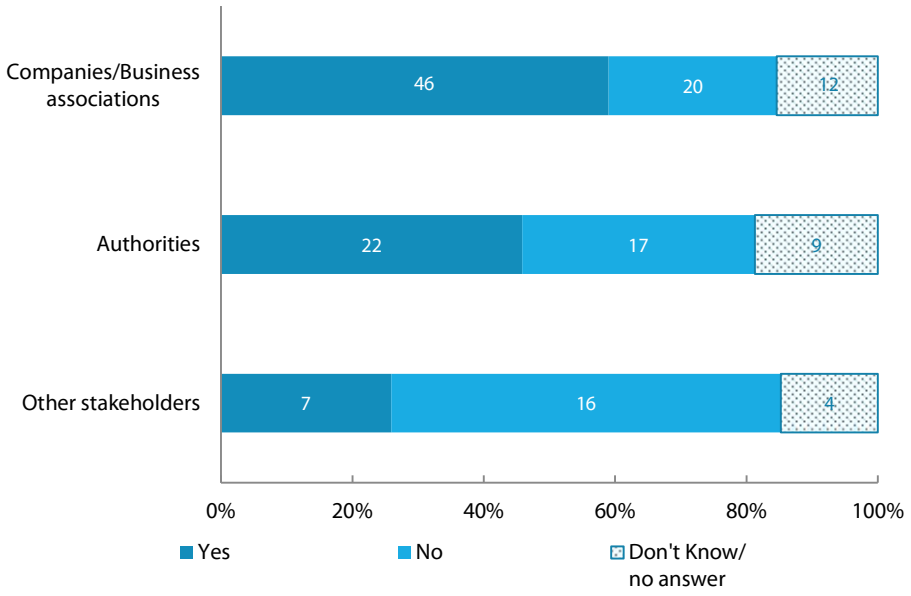
As mentioned before, the GPSD has a twofold objective: improving the functioning of the internal market and achieving a high level of consumer protection by introducing a general product safety requirement and other measures. In both areas, it has been successful in the past. Still, unsafe products keep being placed on the market (see above, EQ1), and the GPSD has therefore retained its relevance for taking measures against such unsafe products. Moreover, due to technological progress, in particular digitalisation, and due to digitalisation-related changes in distribution channels, gaps have opened and new uncertainties have arisen, which have led to new needs, discussed in this section.

6.3.1.1. Stakeholder views on relevance of initial objectives

Correspondence to current needs and emergence of new needs

Accordingly, many stakeholders have expressed their opinion that the objectives of the GPSD as adopted in 2001 only partly correspond to current needs and that additional needs have emerged since. While majorities of business and authority respondents considered the objectives of the GPSD as adopted in 2001 to correspond to current needs, sizable minorities in both groups disagreed, as did the majority of other stakeholders (which include consumer organisations). The detailed results are shown in Figure 34.

Figure 34: Please assess whether […] objectives of the GPSD as adopted in 2001 correspond to current needs



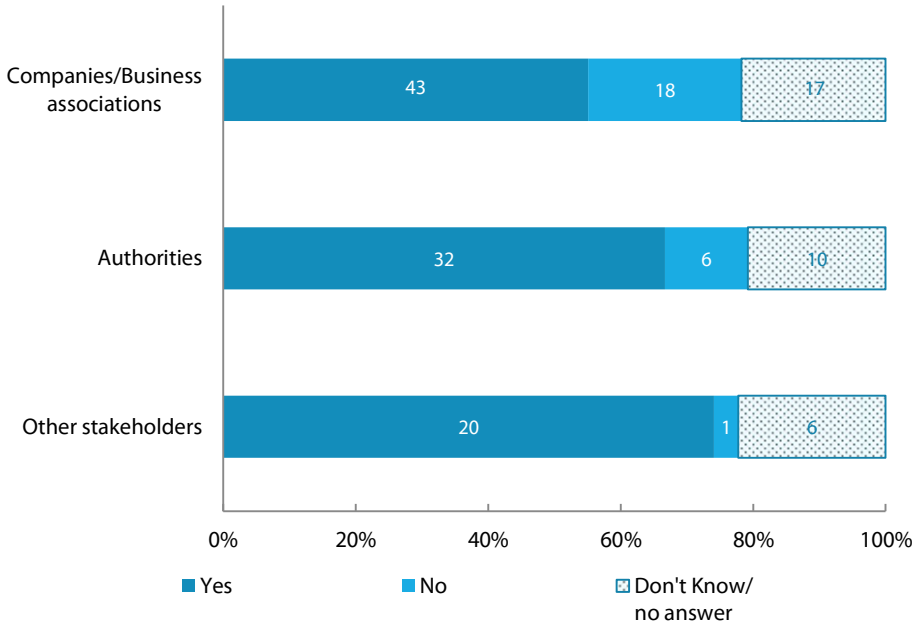
Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153.

Those that agreed to the continued relevance of the GPSD objectives indicated, for example, that there are still many products that are not covered by any harmonised legislation and therefore covered by this Directive, or they considered it vital to

preserve a general, universal safety requirement to function as a safety net, also for consumer product groups under the scope of harmonized product legislation (as one authority put it). Those that did not see a correspondence to current needs, mostly referred to new needs, which are elaborated below.

In a subsequent question, stakeholders were asked whether additional needs related to the safety of consumers have emerged since the adoption of the GPSD in 2001. Large majorities in all stakeholder groups confirmed that this is the case (see Figure 35).

Figure 35: Please assess whether […] additional needs related to the safety of consumers have emerged since the adoption of the GPSD in 2001



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153.

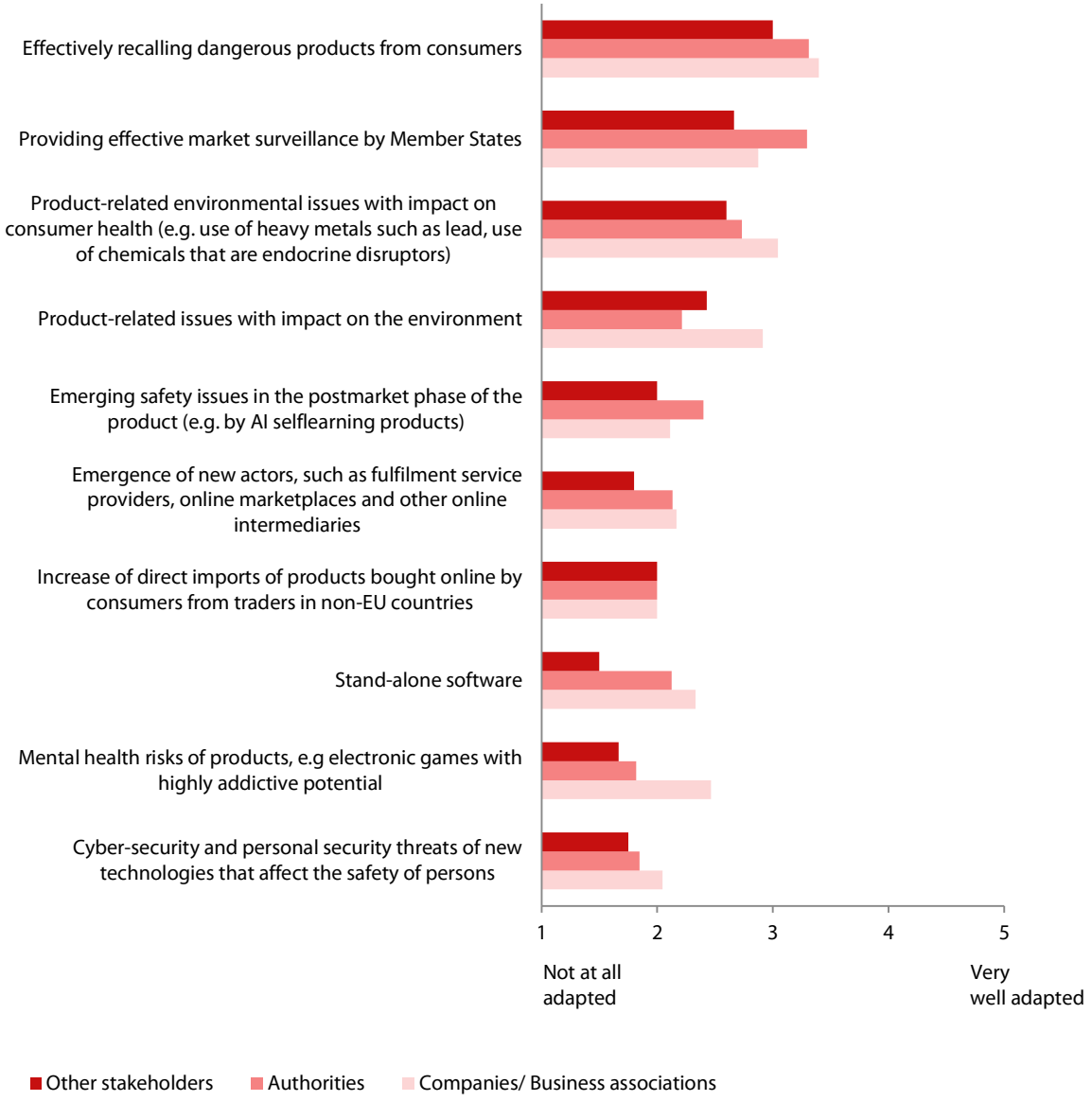
In their comments, many respondents in all stakeholder groups referred to the emergence of new sales channels and actors (online), and new technologies (such as IoT, AI), which are discussed in detail in the following sub-sections. Other additional needs that were indicated referred to the following developments:

- Circular economy and recycled products as well as the use of recycled materials/repaired products/second-hands products;
- Increased complexity of supply chains;
- Existence of outdated standards;
- Need to pay more attention to very vulnerable consumer groups.

Adaptation of the GPSD to existing challenges

To complement our understanding of the relevance of the GPSD, we asked stakeholders how well they considered the GPSD to be adapted to a list of existing challenges that were identified in previous research. Stakeholders provided their assessment on a scale of 1 (not at all adapted) to 5 (very well adapted). Figure 36 below presents average assessments per stakeholder group.

Figure 36: In your view, how well adapted is the GPSD to the following challenges? Please assess.



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. The average assessments are calculated based on N=78 to 139 respondents that had an opinion, depending on item (not included are respondents who indicated Don't know or provided no answer).

The figure indicates that stakeholders on average considered the GPSD to be moderately well adapted regarding effective recalls and effective market surveillance. However, on average all stakeholder groups considered the GPSD to be less than moderately adapted to all other challenges listed. The GPSD is considered least adapted to challenges related to online supply channels and actors, as well as to challenges related to new technologies, thereby confirming the previous answers.

Specific needs emerging as consequence of the COVID crisis

Only three stakeholders (two companies and one business association) indicated in their comments that the COVID crisis has led to emerging needs. One company referred to 'special needs' related to the 'COVID situation', without further specifying. The second company stated that "Consumer safety is a cardinal value, as the COVID

crisis has shown it once again", again without further elaboration. A retailer association emphasised that the world of retail has changed significantly, especially during the COVID crisis, with large shares of non-food purchases by consumers now taking place online, emphasising the related problems.

Further results from the interviews conducted with businesses to understand the impact of the COVID crisis are discussed in the impact assessment report (Part 2 of the report).

6.3.1.2. Extent of adaptation of the GPSD to online sales

EQ16/18. How well adapted is the GPSD to online sales? How well is the GPSD adapted to increased level of direct [online B2C] imports towards the EU?

In principle, the GPSD applies irrespectively of the mode of distribution. Thus, the safety requirement applies to online sales as much as to offline sales. However, all stakeholders agree, and there is evidence, that online sales have led to problems in enforcing the GPSD for mainly two reasons: difficulties in access to products sold online for the purposes of testing and unavailability of responsible economic operators that enforcement measures could be effectively addressed to.

Challenges for enforcement

Whereas traditionally, market surveillance inspectors have collected products for testing purposes in shops, today, many products are only sold online; which makes it more difficult for market surveillance authorities to collect samples. Mystery shopping, which would seem the only realistic way of solving the problem under the current regime of the GPSD, has its legal and financial limitations in many Member States. Problems include:

- The lack of clear competences for MSAs to engage in mystery shopping at the level of the GPSD as well as at the national level;
- The lack of financial resources for mystery shopping, or even the lack of credit cards to that end, combined with the lack of competence to ask traders for reimbursement of the product price; whereas in offline situations, MSAs can usually seize products free of charge; and
- Legal restrictions for MSAs in some countries that prevent them from hiding their identity when making inspections; which makes mystery shopping impossible.

Even where the (seemingly) same product is also available in 'brick-and-mortar' shops, there is no certainty that the product sold online presents the same safety risks as the product sold in physical shops[227].

The other problem relates to the fact that in the case of online sales, there is often no economic operator within the EU available that the national MSA could turn to for enforcement measures. As noted above, the GPSD (only) imposes obligations on the producer as well as on distributors. In practice this means:

- Where the producer is domiciled in a non-EU/EEA country, it is outside the reach of the market surveillance authorities of the Member States. MSAs may be able to cooperate with the authorities of the non-EU/EEA country where the

[227] Reasons for this may include that the product sold online belongs to another batch, or that the packaging and description online suggests an identical product, while in fact it is not.

producer is domiciled (which is the exception[228]) but they cannot take direct action.

- Moreover, if the producer sends products directly to the consumer, there is no (other) economic operator with product safety obligations involved. Or, the distributor may also be domiciled outside the territory of the EU.

The only supply chain actor that is often involved in the distribution is an online platform. Online platforms, however, do not fall under the definition of distributor under the GPSD and therefore do not have the related obligations under the current regime of the GPSD, and they are not subject to enforcement measures in a way that is foreseen for producers and distributors. Moreover, even where enforcement measures have been taken, recalled products are more likely to continue to be sold or to reappear on the market in online sales channels rather than in stationary shops (for a detailed discussion, see above, EQ3 on e-commerce).

The increased relevance of online sales

At the same time, the relevance of controlling online sales has increased drastically in recent years, for several reasons.

First, as shown above in detail, online sales have generally increased in the EU, although significant differences exist between Member States. Non-harmonised products to which the GPSD applies, such as clothing, sports goods and furniture are among the items most commonly purchased by consumers online (see EQ3 above).

Secondly, while the largest group of e-shoppers still made online purchases from sellers in their own country (87% in 2019), purchases from sellers in other EU countries have increased (from 29% in 2014 to 35% in 2019) as have purchases from sellers outside the EU (from 17% in 2014 to 27% in 2019). Of the exporting countries outside the EU, China was the most important, and its importance is increasing continuously.

Consequently, the number of reported safety problems with products sold online have increased as well (for details, see above EQ3). While this would seem logical as the total number of products sold online has increased, our research has also shown that both market surveillance authorities and other stakeholders find that sales by third parties on online marketplaces pose specific problems in terms of product safety and the effectiveness of the GPSD, which relate to the (re-)emergence of recalled and unsafe products, the lack of traceability information and the lack of effective control of product safety at EU borders.

Notified products that were sold online are more likely to lack specific information items that are essential to trace them (manufacturer, brand, type/model, batch number/barcode). Data from Safety Gate/RAPEX illustrates that notified products sold online were roughly twice as likely to miss a relevant information item essential to trace the product. Interestingly, the share of products 'sold online' was even higher among notifications where all four information items were missing, namely 67% (or 35 of 52 such alerts in the two-year period).

Although general data is missing, all stakeholder groups agree in their assessment that the share of unsafe products sold online is greater than offline (see above, EQ3).

[228] Direct cooperation of market surveillance authorities with other relevant authorities in non-EU/EEA countries is only done in a minority of countries. Authorities from only five countries (Germany, France, Ireland, Lithuania, United Kingdom) reported cooperating once every three months or more often with non-EU/EEA country authorities, see GPSD implementation study, p 105.

In conclusion, the combination of the increase of online trade generally, the higher share of unsafe products in the online sales channels (as observed by stakeholders) and the specific enforcement problems related to products sold online have opened a gap in the system of product safety established by the GPSD.

Measures already taken

Multiple measures have been taken by the European Commission and market surveillance authorities, reaching from the clarification of the complex legal situation regarding online market surveillance, to the voluntary agreement with several online marketplaces (in the framework of the Product Safety Pledge), and measures financed under the Consumer Programme. Also, the online environment brings certain improvements, as it allows better tracing of customers for recalls (due to availability of customer data in the online environment), and also makes it possible to use electronic tools (for example web-crawlers) for market surveillance. While these measures and improvements likely had beneficial effects, where they have been applied, they have not been able to change many of the salient issues described above, and in particular the difficulties in enforcing the GPSD, with no economic operator being available within the territory of the EU.

One notable attempt in this respect is the Product Safety Pledge, where so far seven online marketplaces have voluntarily committed to take action, among other things, in respect to unsafe products notified in Safety Gate/RAPEX or when informed by MSAs. The Product Safety Pledge, however, does not cover all platforms targeting EU consumers, and it does not provide for legal certainty as it is not legally binding.

In the area of harmonised products, the recent Regulation (EU) 2019/1020 on market surveillance and compliance of products has reacted to this situation by providing for certain harmonised products that these products may only be placed on the market if there is a responsible economic operator established in the Union, see Article 4(1).

According to Article 4(2), this economic operator could be the manufacturer, the authorised representative, the importer, or the fulfilment service provider. In other words, where the manufacturer is domiciled outside the EU and where there is no importer or fulfilment service provider involved in the EU, the manufacturer must mandate an authorised representative who is then responsible to fulfil the relevant obligations.

Fulfilment service providers that are one reason for the increase of online sales from third countries, are also economic operators in the terms of Regulation (EU) 2019/1920. Fulfilment service providers offer, 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, parcel delivery services and any other postal services or freight transport services (Article 3(11) Regulation (EU) 2019/1020). Thus, they facilitate online trade for sellers outside the EU. They have to cooperate with market surveillance authorities and can be the addressee of enforcement measures. A related question is to what extent obligations should be imposed on platform operators. This issue has until now been dealt with horizontally by the Electronic Commerce Directive 2000/31/EC, which is currently under review (see also below, EQ21). It is notable in this context that in other jurisdictions (California) legislation has been proposed that would make online marketplaces liable for the safety of the products sold on their platform[229].

[229] The proposed California product liability law would have required an electronic retail marketplace to be held strictly liable, subject to certain exceptions, for all damages caused by defective products placed into the stream of commerce to the same extent as a retailer. It was put on hold in September 2020. See https://openstates.org/ca/bills/20192020/AB3262/

Finally, in several countries (e.g. France and Finland) customs have been designated as market surveillance authorities in their own right, which increases their flexibility to conduct controls and set priorities. This is especially relevant in the case of direct selling to consumers from traders located outside the EU, as customs are the only authorities that have a realistic chance to stop consignments.

In conclusion, it can be noted that the GPSD is not adapted to the specific challenges posed by online sales, including the increased level of direct B2C imports towards the EU, facilitated by online marketplaces and fulfilment service providers. In contrast, the legislative framework for harmonised products has already been updated with the Market Surveillance Regulation (EU) 2019/1020, and many stakeholders have noted that it would be beneficial to adjust the GPSD in relation to these additional economic operators, to address the newly emerged needs related to the online environment.

6.3.1.3. Extent of adaptation of the GPSD to new technologies

EQ17. How well adapted is the GPSD to challenges posed by new technologies, such as cybersecurity risks in relation to safety, self-evolving products and stand-alone software or emerging safety issues in the post-market phase of the product?

While the relevance of the GPSD with respect to consumer products in general is unchanged, an increasing number of products is turned into "smart products". Considering only connected IoT devices, such as connected cars, machines, meters, sensors, point-of-sale terminals, consumer electronics and wearables, there were around 1.5 billion IoT devices with cellular connections worldwide at the end of 2019, up from 245 million in 2014. In 2025, the number of IoT devices with cellular connections is expected to reach 5.2 billion (worldwide). In total, about 25 billion connections will be related to the IoT by 2025, including both wide-area IoT and short range IoT (see above, EQ4). These forecasts show that the number of connected IoT devices targeted at consumers is expected to grow rapidly, likely to be boosted by the roll-out of high speed 5G mobile broadband networks in Europe.

Previous research[230] and the consultation conducted for this study confirm that the use of new technologies leads to new needs and related challenges.

Application of the GPSD to new technologies

While harmonising EU legislation such as the Radio Equipment Directive (2014/53/EU) and the Machinery Directive (2006/42/EC) applies to new technologies, the GPSD covers aspects not regulated by them, in line with its safety net function.

New technology products are not always placed on the market in one go. Not only will their original functions usually be updated, but products may also be sold as a kind of platform where the content and functions are yet to be added, including by third parties.

Through new digital technologies, the distinction between physical products, (digital) services and digital content that influences the safety of products has become blurred, and Member States have begun to interpret the scope of application of the GPSD and therefore of their national product safety laws differently. It has become clear that a narrow interpretation of the notion of "product" excludes many situations from the scope of application of the GPSD, and from EU health and safety legislation generally, thus leaving a regulatory gap (see below, EQ 15).

[230] See GPSD implementation study.

As noted before, the leading interpretation for most Member States of the current regime is that stand-alone software is not covered by the GPSD[231]. Crucially, software that is applied to products subsequently does not fall under the scope of application of the GPSD either, according to the interpretation of that Directive in most Member States.

Products, on their part, are only assessed for their safety when they are placed on the market but not when they are modified later by (potentially) third party software, or when they are connected with other products; which may create new risks. Even more, products that include software elements that rely on machine learning may become unsafe throughout their learning process. One could of course argue that products must be safe in the sense that adding software or connecting them to other products must not compromise their (initial) safety but that assessment seems to be currently beyond the capacities of the MSAs.

Overall, this leads to a situation where in certain situations, none of the components that may cause safety issues related to digital technology products come under the scope of application of the GPSD (or harmonised legislation), and their interaction is not sufficiently catered for by the GPSD (or harmonised legislation) either.

A different approach is taken by the new Sale of Goods Directive 2019/771/EU that does not only apply to goods including goods with embedded software but also to digital content or digital services which are incorporated in or inter-connected with goods and are provided with the goods under the sales contract. This is irrespective of whether such digital content or digital service is supplied by the seller or by a third party[232]. This means that, ultimately, the seller is responsible for the functioning of such digital content or digital services and, if they are provided by third parties, will have to seek redress from third parties if they have caused the problem[233]. The consumer's sole addressee is the seller, he or she does not need to deal with different suppliers[234] (see also the EQs related to coherence, below).

GPSD and harmonised legislation

It should be added that if products incorporate radio connectivity features, the Radio Equipment Directive (2014/53/EU) applies. Radio equipment in the terms of the Radio Equipment Directive means an electrical or electronic product, which intentionally emits and/or receives radio waves for the purpose of radio communication and/or radiodetermination, or an electrical or electronic product which must be completed with an accessory, such as antenna, so as to intentionally emit and/or receive radio waves for the purpose of radio communication and/or radiodetermination. It thus covers smart products operating via WiFi. Also, the Low Voltage Directive applies to electrical equipment designed for use with a voltage rating of between 50 and 1 000 V for alternating current and between 75 and 1 500 V for direct current.

For products that fall under the harmonised legislation, it is generally not entirely clear for stakeholders to what extent the GPSD has a residual role to play (on which see below, EQ21, coherence).

Covered risks

Smart products, or more generally products that include digital technology, may of course affect the health and safety or persons. This can happen directly, for example by way of manipulating a car that leads to an accident, or indirectly by manipulation a

231 See footnote 129 and GPSD implementation study.

232 See Art. 3(3) sent. 2 of Directive 2019/771/EU.

233 For details, see G. Spindler and K. Sein, MultiMedia und Recht 2019, 415 ff.

234 See also *Staudenmayer*, NJW 2019, 2889; id., ZEuP 2019, 663, 672 f.

person, for example a child through a speaking doll (see above, EQ4). New technologies have also created other risks. For example, the future "behaviour" of AI applications could potentially generate mental health risks for users deriving, for example, from their collaboration with humanoid AI systems, at home or in working environments[235]. The inclusion of mental health risks into the safety concept of the GPSD can, in principle, be achieved by interpretation of the notion of safety. It is generally recognised that "health" does not only refer to physical health but also to mental health. For example, the Constitution of the World Health Organization describes health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity"[236]. Nevertheless, mental health risks have clearly not been the focus of EU product safety law yet.

Beyond health and safety, cybersecurity risks can also affect personal security. For example, hackers may get access to a smart front door and this allows third parties to enter the house. Whether or not such cybersecurity risks are within the scope of application of the GPSD is unclear and has not only lead to legal uncertainty but also to differing approaches of Member States.

Market surveillance

A more practical issue is market surveillance when it comes to products with digital technologies. Institutionally, there are problems related to the mentioned multitude of potential risks involved. Thus, in the Member States the competence to deal with cybersecurity risks may be allocated to an authority that is not primarily concerned with product safety but rather with cybersecurity or privacy. Moreover, MSAs have reported that they do not know exactly how to assess safety when it comes to new technologies; which may be related to the fact that a number of risk sources, in particular software, seems not to be covered by the GPSD.

It can be concluded that while the GPSD is technology neutral, due to rapid technological progress over the last two decades (in particular digitalisation) gaps have opened, new uncertainties have arisen, and new needs related to digital technologies have emerged to which the Directive is not well adapted.

6.3.2. Need to clarify GPSD concepts

EQ15. To what extent is there a need to clarify concepts set out in the GPSD, such as "product", "safe product", "serious risk" and "placing on the market"?

The key purpose of the GPSD, as stated in Article 1(1), is "to ensure that products placed on the market are safe." Key concepts of the GPSD therefore relate to the notions of "product", "safety" and "placing on the market". Other relevant concepts are "dangerous products" as the counterpart to safe products, the "economic operator" as the person that is imposed obligations on, and tracing and recalls as the most important measures to remove unsafe products from the market.

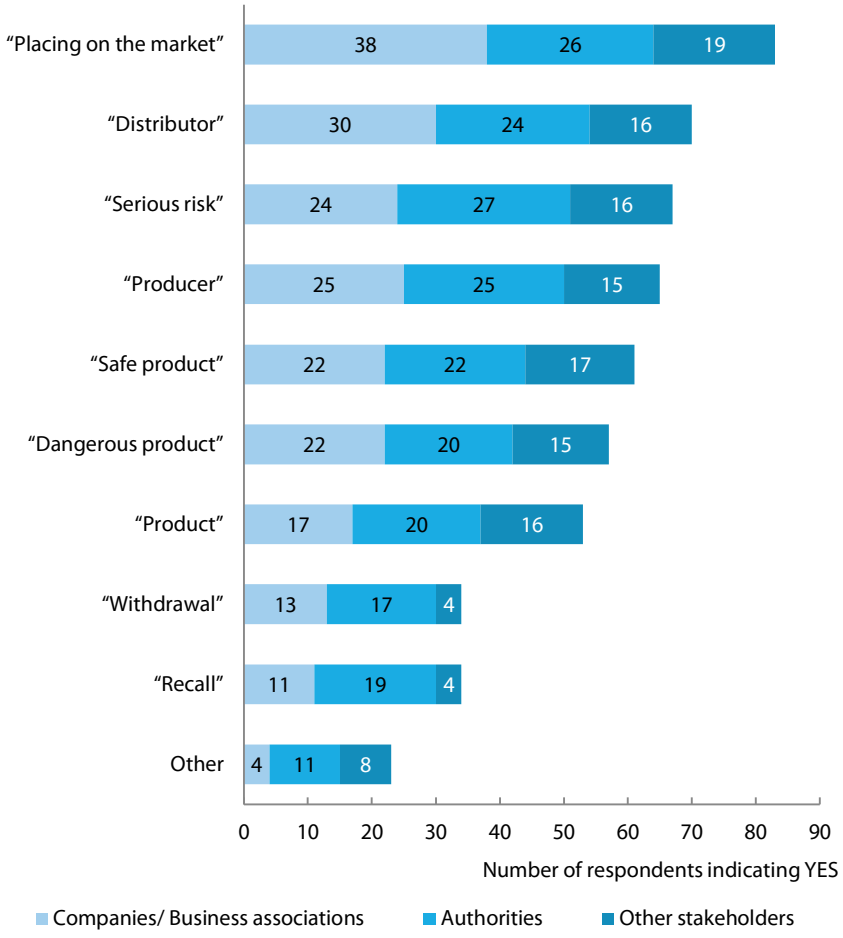
The key concepts of the GPSD stem from 2001, and some of them have been taken over from the predecessor of the GPSD, Directive 92/59/EEC. More recent legislation relating to harmonised products has modified some of these key concepts. This does not only cause confusion to business operators but also to market surveillance authorities, it also triggers the question as to whether the modified key concepts are better suited to address product safety. In the surveys conducted for this study, we

[235] See also European Commission, Report on the safety and liability implications of Artificial Intelligence, the Internet of Things and robotics, COM(2020) 64 final.

[236] https://www.who.int/about/who-we-are/constitution. See also Klindt, Produktsicherheitsgesetz, 2nd ed. 2015, § 3 para. 31.

asked stakeholders whether or not they considered these key concepts to be still relevant or whether they saw a need to be adapted to changed circumstances. We provided a list of nine key terms (see below), and regarding most concepts, stakeholders were rather divided in their opinion. Often, similar numbers of stakeholders even of the same group – companies/business associations, authorities and other stakeholders – suggested that a concept should be changed or kept as it is (see Annex for detailed survey results). Figure 37 below provides an overview of results, and indicates the number of respondents that considered that a specific concept needed to be clarified and updated:

Figure 37: Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update [the following] terms and concepts as currently used in the GPSD? – Number of respondents indicating Yes



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153 (shown in the figure is the number of respondents that indicated Yes)

As the figure above shows, for most concepts used in the GPSD there were 30 or more respondents that saw a need for updating, with the highest number of respondents considering this to be the case for the concept of "placing on the market". In the following sub-sections, we discuss the issues related to the key concepts of the GPSD, starting with the notion of "Product". As the reasons that concepts may be outdated are often related to the challenges posed by online sales and new technologies, a certain overlap with the previous section is unavoidable.

Products

More than 50 respondents to our surveys saw a need to clarify and update the concept of "product". According to its Article 1(2), the GPSD applies to products. Product is defined in Article 2(a) GPSD as "any product - including in the context of providing a service - which is intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them, and is supplied or made available, whether for consideration or not, in the course of a commercial activity, and whether new, used or reconditioned". Hitherto, this definition mainly served to distinguish products from services, and it was sufficiently clear.

As discussed above, new problems predominantly relate to new technologies where the safety of products, once they have been placed on the market, can be affected by new software they are equipped with, or by their interaction with other products. Thus, software that changes the safety of products is a new potential risk, that may not currently be covered by the GPSD and that may have to be included by extending the scope of application of the GPSD to such software.

Other software can also entail risks but more indirectly. In particular, software that is not related to the functioning of a product, such as accounting software, may allow third parties to get access to and compromise a device, such as a notebook or a mobile phone that is also used to control a product. Again, this situation may not be covered by the GPSD, nor by any other EU legislation, and stakeholders have expressed the need for regulation in whatever form, thus not necessarily within the GPSD.

Placing on the market

The notion of "placing on the market" was most frequently suggested to be in need for updating (83 of 153 respondents suggesting so, with 44 respondents considering that this was not needed, the rest had no opinion in this respect). It is currently not defined in the GPSD.

In contrast, when it comes to harmonised products, the notion of "placing on the market" is defined in Article 3(2) of Regulation (EU) 2019/1020 as "the first making available of a product on the Community market." This latter definition excludes further supply steps after the product has first been placed on the market, which come under the notion of "making available on the market", according to Article 3(1) of Regulation (EU) 2019/1020.

Stakeholders, first of all, expressed uncertainty about the exact meaning of "making available", in particular, whether the offer on a website already fulfils that requirement. The issue is certainly salient when it comes to online sales where the offer on the website is the only marketing activity before the product is sent directly to the consumer[237]. In the case of harmonised products, this is specifically addressed in Article 6 of Regulation (EU) 2019/1020, which specifies that a product offered for sale online to EU end-users is considered to be made available.

Second, uncertainty relates to the notion of "first" making available on the market. While it seems clear that first making available on the market excludes the sale of second-hand goods that had been placed on the EU market before, this had sometimes been interpreted broader under the GPSD where the term "first" is

[237] Note that a guidance document for the application of Article 4 of Regulation (EU) 2019/1020 is currently under preparation, which may clarify this and other issues. Article 4 of the regulation specifies that, for certain product categories, there should be an economic operator in the EU that can provide information to, and cooperate with the market surveillance authorities.

missing[238]. In contrast, repaired or refurbished products may become new products that are then made available on the market for the first time. According to the Blue Guide (which does not cover the GPSD but can be considered here as an analogy), "a product, which has been subject to important changes or overhaul aiming to modify its original performance, purpose or type after it has been put into service, having a significant impact on its compliance with Union harmonisation legislation, must be considered as a new product. This has to be assessed on a case-by-case basis (...)"[239]. Stakeholders have expressed difficulties with this assessment, and it was suggested to cover the sale of second-hand goods as a commercial activity generally. The topic is certainly relevant, given the increased importance of recycling and re-use of goods for sustainability.

Generally, most stakeholders expressed the view that the notion of "placing on the market" should be identical for harmonised and non-harmonised products, whereas they differed in their views of whether the notion of "placing on the market" as defined in Article 3(2) of Regulation (EU) 2019/1020 was sufficiently broad, taking into account the needs of the circular economy (for coherence aspects regarding the notion of "placing on the market", see also below EQ21)[240].

Safe products

Traditionally, safety was understood to be related to physical health and safety. This continues to be a highly relevant category, and certainly the most relevant. Recent societal and technological developments have, however, added, or may in the near future add new risks of products that could be considered under product safety law. This would entail the broadening of the safety concept of the GPSD, or at least of its interpretation. Where the latter is the case, the application of the GPSD could be improved by its clarification, the main example being risks for mental health and safety. Second, a number of risks would seem to be currently covered by the GPSD only where they can, indirectly, result in damage for health and safety. This includes cybersecurity risks as well as environmental risks. Stakeholders are divided in their views whether other risks should be integrated into the GPSD or whether they should be dealt with by separate legislation. This also explains why they are divided in their views as to whether or not the notion of "safe product" should be clarified and updated, with 61 respondents being of this opinion.

Currently, cybersecurity risks as such are not covered by the GPSD if they do not, at the same time, pose a risk to health and safety of persons. But even then, the extent to which cybersecurity and data breaches are covered is not always clear[241]. They are not covered by other legislation either at the moment. Although the newly adopted Cybersecurity Act (Regulation (EU) 2019/881) introduces a possibility of developing a European cybersecurity certification framework, it does not establish minimum cybersecurity requirements for consumer products (see EQ21 below).

Environmental risks and hazards are covered in sector-specific legislation. In particular, the horizontal legislation on chemicals – Regulation (EC) No 1907/2006 (REACH) and Regulation (EC) No 1272/2008 (CLP) explicitly have the purpose, according to Article 1, "to ensure a high level of protection of human health and the environment". However, the definition of safety in the GPSD covers environmental risks to the extent that they also affect human health and safety. This assessment of the risk for health and safety has caused difficulties in the past. The revised RAPEX

[238] For German law before 2010, see Klindt and Schucht, § 2 ProdSG, in Klindt, Produktsicherheitsgesetz, 2nd ed. 2015, para. 20.

[239] 'Blue Guide' on the implementation of EU products rules (2016/C 272/01), section 2.1.

[240] In EQ 21 we also elaborate on other EU legislation that includes slightly different concepts of "placing on the market".

[241] See GPSD implementation study.

guidelines clarify that in certain cases, the Commission may validate notifications that are submitted without a detailed and individual risk assessment, if a product contains a chemical substance either banned or in a concentration above the limit established by European legislation (see below, EQ 19, for more details). The situation is more complicated in absence of limits established by EU legislation, as it is much more difficult for a market surveillance authority not only to demonstrate an environmental risk but also its indirect risk for human health and safety. As Member States often use different methods of risk assessment for this purpose, and may have also different national threshold limits in place, this leads to a number of issues, which are explored in EQ 19. Thus, the relevance of the GPSD is affected due to the lack of clarity in the coverage of environmental risks.

Serious risk

A related issue is the different terminology used in the REACH Regulation (EC) No 1907/2006. As further elaborated in EQ21 below, there is a lack of coherence between the use of a concept of a "serious risk" in the GPSD and the assessment of an "unacceptable risk" pursuant to Recital 73 and Article 68(1) of REACH. The lack of harmonised notion of risk, and its gradients, may lead to practical problems. Regarding "serious risk", specifically, it has been mentioned that when the products' safety is assessed pursuant to both these legislations, it may lead to different outcomes as to what urgent measures, e.g. under the emergency procedure of Article 13 GPSD, should be taken to ensure the product safety on the market[242].

Dangerous products

"Dangerous products" are defined as products that do not meet the definition of "safe product". Accordingly, the related issues mirror the discussion above in relation to safe products. In addition, the notion of "dangerous" or "hazard" in REACH and CLP refers to substances /mixtures and articles, and not consumer products, and this has in the past reportedly led to confusion[243].

Economic operators

As explained above, the limitation of economic operators which are obligations imposed on and which can be subject to enforcement measures to producers and distributors has become insufficient, due to increasing online sales, in particular from producers and/or distributors in third countries directly to consumers in the EU.

There is therefore a high level of agreement between stakeholders that other players must be included, and an alignment with Regulation (EU) 2019/1020 is needed that includes authorised representatives and fulfilment centres. Overall, 65 respondents (producer) and 70 respondents (distributor) suggested that there is a need to update these concepts.

Moreover, many online platforms have become important players that are not entirely passive in only making a marketplace available but that take significant influence on the way in which parties interact, conclude contracts, perform payment and solve disputes. Many stakeholders, including market surveillance authorities, business associations and others stakeholders have therefore called to also impose obligations on online platform operators under the GPSD, whereas some other business

[242] Previously e.g. Norway called for clarifications as to the concept of a serious risk, see European Chemicals Agency (ECHA), 'Minutes of the 8th meeting of the Forum for Exchange of Information on Enforcement European Chemicals Agency' (12-14 October 2010) <https://echa.europa.eu/documents/10162/22749832/forum_8_minutes_en.pdf/481505da-67d4-40fd-a7dc-de734f1a0915> at 4.

[243] It was therefore suggested to replace the term „dangerous" with the term „unsafe" so as to avoid confusion with the terminology of the REACH Regulation

stakeholders see this as a horizontal issue that should be dealt with elsewhere, and in particular under the planned Digital Services Act.

Other concepts

Only a minority of respondents suggested an updating of the notions of recall and withdrawal, or related concepts such as "traceability". However, regarding these and the previously discussed notions it can be concluded that the any lack of clarity in the terminology used and especially the use of different concepts in different pieces of legislation to address the same factual situations leads to uncertainty which may affect the effectiveness, efficiency, relevance and coherence of the legislation in question. Any revision of the GPSD should therefore safeguard the greatest possible alignment with the terminology used in other relevant legislation. As mentioned before, this is further elaborated in EQ21 below.

6.3.3. Extent of adaptation of the GPSD to environmental issues with health impact

EQ19. How well adapted is the GPSD to environmental issues with health impact? In particular, how this health impact is considered by taking into account the assessment done under REACH related to chemicals?

The definition of safety in Art. 2(b) of the GPSD[244] covers all product-related risks that can affect the safety and health of persons. As elaborated in the previous section, this definition therefore also includes risks related to environmental pollutants in products that can affect human health (e.g. heavy metals such as lead and cadmium, phthalates etc.). A broader scope of risks to be considered in addition to those related to the health and safety of consumers, such as security and environmental risks, was only introduced with Regulation (EC) 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products. Since then, Safety Gate/RAPEX applies to measures which prevent, restrict or impose specific conditions on the marketing and use of products posing a serious risk to the health and safety of consumers or, in the case of products covered by Regulation (EC) 765/2008, to measures which prevent, restrict or impose specific conditions on the marketing and use of products posing a serious risk to the health, safety or other relevant public interests (for example, security or the environment) of the end-users[245]. Safety Gate/RAPEX notifications therefore can be based on environmental risks without necessarily implying a health impact.

Environmental risks notified in Safety Gate/RAPEX

RAPEX notifications include a data field "Risk type", in which one or more risks may be indicated. In 331 of the 14 244 notifications[246] that were reviewed for this aspect of the evaluation (2.3%) "Environment" is indicated among the risk types. Figure 38 below shows the development in the number of notifications mentioning "Environment" among the risk types over time. The figure shows how the number of notifications was slowly increasing until 2019, when the number of notifications

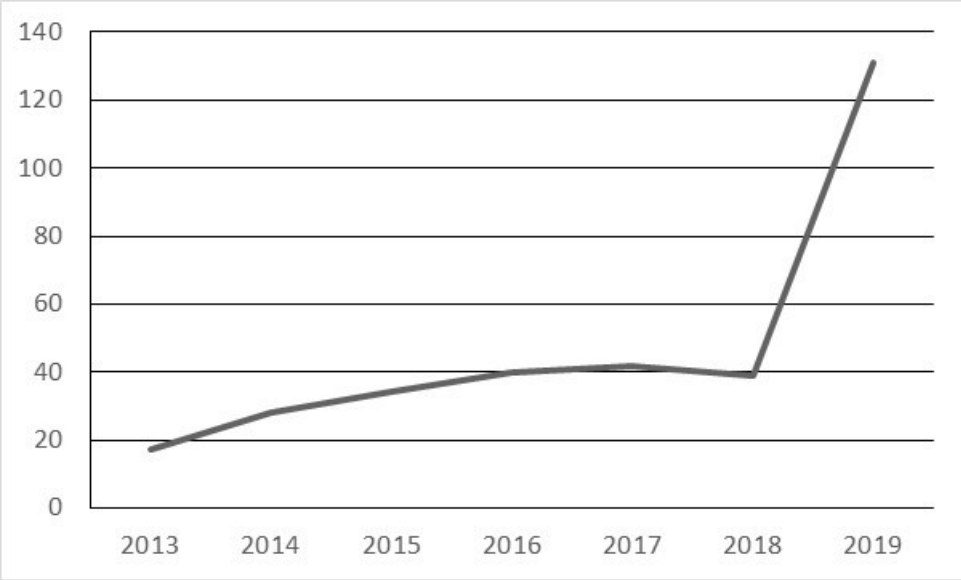
[244] As mentioned before, this Article of the GPSD provides that "safe product" shall mean "any product which, under normal or reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation and maintenance requirements, does not present any risk or only the minimum risks compatible with the product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons".

[245] Commission Implementing Decision (EU) 2019/417 of 8 November 2018 laying down guidelines for the management of the European Union Rapid Information System 'RAPEX' established under Article 12 of Directive 2001/95/EC on general product safety and its notification system (hereafter referred to as 'RAPEX guidelines'.)

[246] Covering the period 2013 to 2019.

suddenly more than tripled. This may be linked to the European Commission's 2018 update of the RAPEX guidelines (see below).

Figure 38: Number of notifications mentioning "Environment" among the risk types



Source: Civic Consulting, based on Safety Gate/RAPEX notifications 2013-2019.

Table 40 below provides more details regarding the notifications where "Environment" is indicated in the field "Risk type", and lists the other risk types indicated.

Table 40: Overview of risk types in the notifications that include the term "Environment" in the risk type

Risk Type	Number	Share
Environment	274	82.8%
Chemical, Environment	48	14.5%
Burns, Environment	2	0.6%
Environment, Fire	2	0.6%
Chemical, Choking, Environment	2	0.6%
Chemical, Choking, Environment, Strangulation	1	0.3%
Chemical, Environment, Injuries	1	0.3%
Electric shock, Environment	1	0.3%
Total	***331***	

Source: Civic Consulting, based on Safety Gate/RAPEX notifications 2013-2019.

Table 40 shows that the overwhelming part of the notifications – 82.8% – list "Environment" as the main risk type. Another 14.5% lists "Environment" and "Chemical" as the main risk types. These notifications often concern substances that have an adverse effect on the environment and on human health.

In some notifications the connection between the environmental risk and health is explicitly drawn. Examples are as follows:

- *"The plastic dolls contain short chain chlorinated paraffins (SCCPs) (measured value up to 2.01%). SCCPs persist in the environment, are toxic to aquatic organisms at low concentrations and bioaccumulate in wildlife and humans, posing a risk to human health and the environment." (A12/1724/19)*
- *"Wrong engine calibration tuning might cause the exhaust emissions' level of nitrogen oxides (NOx) to exceed regulated limits. Nitrogen oxides are harmful to human health and the environment. (A12/1594/19)*

In other cases, a direct link between environmental risk and health risk is not explicitly made in the notification, although they concern chemicals with well-known toxic properties (such as lead and cadmium):

- *"The solders in the USB charger adapter contain lead (measured value up to 55% by weight) and cadmium (measured value up to 0.9% by weight). Lead and cadmium pose a risk to the environment. The product does not comply with the requirements of the Commission Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS 2 Directive)." (A12/1710/19)*

Only nine notifications combine "environmental risk" with other risk types than "chemicals". These nine cases all concern products with multiple non-compliances that present different risks to consumers simultaneously:

- Seven cases concern electric toys or other electrical products where batteries or small parts are detachable. The batteries give rise to chemical risks, and the small parts cause risk of choking. The environmental risks are caused by excessive amounts of lead in the solder;
- Two notifications concern fuel pumps that leak gasoline. This causes a risk of fire because of the fuel is flammable and an environmental risk because the fuel goes into the environment.

The analysis of the Safety Gate/RAPEX dataset (for the most recent years 2013 to 2019) shows, that there seems to be a general tendency to identify the risk as "chemical" if the substance in the product poses a direct health risk to the consumer, e.g. acute poisoning. The dataset contains 3 606 notifications (approximately 25% of all notifications in the period 2013 to 2019) of products presenting a "Chemical" risk, more than ten times the number of notifications that indicate "Environment" as risk type. However, substances presenting a chemical risk will often also have an adverse effect on the environment, but it seems that this environmental aspect is often not specifically indicated as risk type. An example would be a skin whitening product containing mercury, which would be indicated as a chemical risk to health, although mercury is also an environmental pollutant. Lead in toys, cosmetics, jewellery etc, which poses an environmental risk is often not specified in notifications as such, as the health risk for consumers is typically primarily considered in the notification.

Risk assessment for notifications of unsafe products due to chemical risks

Member States have to submit a risk assessment for every notification on measures taken against a dangerous product. However, as indicated above, the revised RAPEX guidelines clarify that in certain cases, the Commission may validate notifications that are submitted without a detailed and individual risk assessment, particularly where scientific evidence supports that presence of substances above the established limits poses a risk to the health and safety of consumers. This is the case, for example for

notifications of products posing chemical risks because they contain chemical substances either banned or in a concentration above the limit established by European legislation[247]. The RAPEX guidelines also make reference to the fact that consumer products are often tested against limit values or requirements laid down in legislation and in product safety standards. They clarify that a product that complies with the limit value(s) or requirement(s) is presumed to be safe in terms of the safety characteristics covered by those value(s) or requirement(s) and give an example of a limit value of 5 mg/kg benzene in toys, which must not be exceeded[248]. This simplification has facilitated the work of authorities with regards to notifications covering chemical and environmental risks and clearly illustrates the linkage between Safety Gate/RAPEX (and by implication the GPSD) and relevant EU legislation on chemicals, including REACH. Relevant references are to be found, for example, in the:

- RoHS 2 Directive (RoHS=Restriction of Hazardous Substances in Electrical and Electronic Equipment)[249], which is only applicable to electrical waste and equipment;
- Mercury Regulation[250];
- Battery Directive[251];
- Regulation on persistent organic pollutants (POP Regulation)[252];
- REACH, which also provides restrictions concerning several substances with the exclusion of substances already covered by the ROHS or by the Batteries Directive.

Where legislative references for risk assessment and/or restrictions to the use of substances are not available in EU legislation, this is considered to lead to gaps regarding chemicals with environmental impact, and to reduce possibilities for referring to legal limits and related scientific reference data. Specific difficulties were also noted related to endocrine disruptors and mixtures of toxicities where several chemicals are involved.

As mentioned before, the RAPEX guidelines provide principles for risk assessment for chemicals, which Member States can apply, e.g. in cases where no limit or ban for a particular substance exists in EU legislation. The guidelines also refer to specific instructions under REACH on how to prepare a risk assessment for chemicals[253], and

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247 See RAPEX guidelines, L73/137.

248 As per point 5 of Annex XVII, to the REACH Regulation, as amended by Commission Regulation (EC) No 552/2009

249 EU legislation restricting the use of hazardous substances in electrical and electronic equipment (EEE) and promoting the collection and recycling of such equipment has been in force since February 2003. The objective of these schemes is to increase the recycling and/or re-use of such products. The legislation also requires certain hazardous substances (heavy metals such as lead, mercury, cadmium, and hexavalent chromium and flame retardants such as polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE)) to be substituted by safer alternatives. Waste EEE poses environmental and health risks if inadequately treated. The RoHS and WEEE directives on electrical and electronic equipment were recast in 2011 and 2012 to tackle the fast-increasing waste stream of such products. https://ec.europa.eu/environment/waste/rohs_eee/index_en.htm

250 Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008

251 Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (Text with EEA relevance)

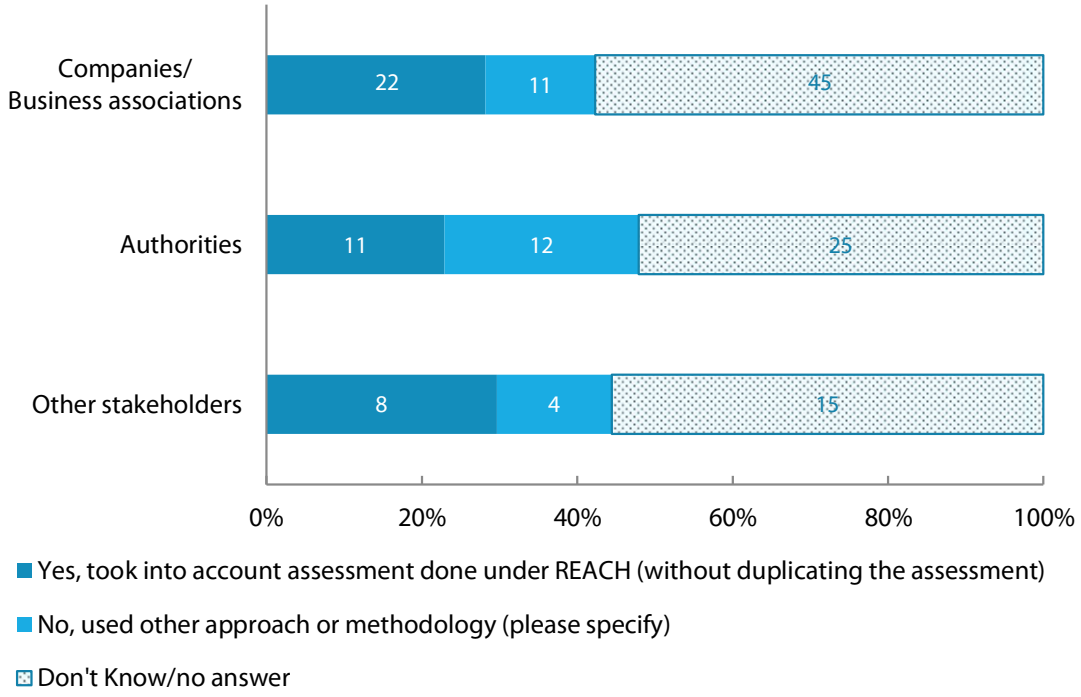
252 Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants

253 RAPEX guidelines, L73/163. The reference is to REACH Regulation and guidance documents on REACH, see http://echa.europa.eu/ European Chemicals Agency (2008). The Guidance on Information Requirements and Chemical Safety Assessment: http://guidance.echa.europa.eu/docs/guidance_ document/information_requirements_en.htm

"highly recommend" to use such specific guidance. However, Member States conduct their own risk assessment according to their own procedures, which not always follows the REACH requirements/guidance for risk assessment. It was therefore suggested that the risk assessment leading to Safety Gate/RAPEX notifications should be better aligned with the risk assessment under REACH (as is already suggested in the RAPEX guidelines). This view is supported by the results of a recent consultation, during which many comments by MSAs and other stakeholders concerned the risk assessment (both for risk regarding chemicals and other risks)[254].

In the surveys conducted for this evaluation stakeholders were specifically asked whether they take into account the risk assessment done under the REACH Regulation, when conducting risk assessments. Most stakeholders that provided an answer reported to take into account the assessment under REACH. In line with the technical nature of the question, the largest number of respondents from all stakeholders did not know, or did not provide an answer (see Figure 39).

Figure 39: If you have conducted or used risk assessments concerning adverse effects on human health (e.g. lead in jewellery or other consumer products), did you take into account the risk assessment done under the REACH Regulation?



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153.

[254] See GPSD implementation study. Specific comments related to problems experienced with risk assessment by MSAs included: The assessment of chemical risks was reported to be difficult, mainly for new compounds that have not been tested before, although the Guide published by the European Commission on chemicals was considered to be very helpful for authorities. Also, Safety Gate/RAPEX was said to be of limited use for long-term risks stemming from the toxicity of products where there is a breach of the Restriction of certain Hazardous Substances Directive 2011/65/EU but no imminent risk for health and safety; Risk assessments were considered to vary considerably from one Member State to another, partly due to cultural differences. For example, when it comes to the assessment of risks for children, some Member States were seen as being more protective than others; More technical comments referred to the difficulties with risk assessment because it was carried out through hypothetical assumptions on most products, and the assessment of risk probability with the help of the RAG tool prepared by the Commission to support the risk assessment process was not always considered to be very helpful.

Several authorities indicated that they used a 'pragmatic approach' (in line with the RAPEX guidelines), meaning that products are classified as dangerous without risk assessment, if established limits (including under REACH) are exceeded[255]. Another authority elaborated that the REACH assessment "provides the hazard analysis and potential for injury, so that only the probability of the causal vector requires estimation". Several business stakeholders confirmed to take into account the risk assessment done under the REACH Regulation, sometimes in combination with other points of reference, such as the RAG tool on the Commissions website, product-specific legislation (Toy Directive and Cosmetic Products Regulation), as well as standards.

Several large companies that responded to the survey reported to use REACH extensively. One company elaborated: "The use of hazardous substances in consumer products can be restricted or banned in REACH, therefore we need to take REACH into account in our risk assessment. In addition, we often use the information contained in REACH supporting documents, for example SVHCs, CLH reports (hazard assessments) and REACH restrictions (both hazard and risk assessments), in our risk assessments". Another company described their approach as follows: "While the risk assessment done under REACH sets the limit of exposure to certain chemicals, the risk assessment per the EU RAG provides additional opportunity to consider the critical path to injury. Within our organization, we have many subject matter experts who (during their careers in product safety) have applied both assessments to make determinations on the appropriate risk level and corrective action for products which are in the market and may present an excessive level of a substance."

Extent to which the GPSD is well adapted to environmental issues with health impact

It can be concluded that the clarifications provided in the revised RAPEX guidelines, which have enabled simpler notification if a substance in a product is already banned or restricted by Community legislation and this ban or restriction is backed up by scientific evidence, has simplified the risk assessment process for chemicals, including environmental pollutants with health impact. The result of the clarifications is an increasing number of notifications in Safety Gate/RAPEX that include the term "Environment" in the risk type. Also, many substances presenting a chemical risk will often also have an adverse effect on the environment, but it seems that this environmental aspect is often not specifically indicated as risk type in the Safety Gate/RAPEX notifications, which implies that the number of products posing relevant problems is higher than the number of notifications in which environment is explicitly mentioned.

The approach regarding risk assessment under the GPSD concerning chemicals in general, including environmental pollutants with health impact, has evolved during the last years. The RAG tool was originally primarily designed to deal with short-term effects on health. Since then, it has been emphasised by the Commission that it can and should also be used in the context of long-term risks posed by chemicals, which has become much simpler after the above mentioned clarifications provided in the RAPEX guidelines, which allow Art 12 notifications without full risk assessment regarding chemical substances in products that are either banned or in a concentration above the limit established by European legislation.

However, the above-mentioned limited scope of relevant EU legislation (in terms of limit values for chemicals that apply to or could be applied to products) reduces the possibilities to refer to legal limits and related scientific reference data. It is notable in this context that for this reason EU consumer organisations call for the possibility to adopt legally binding chemical safety criteria for product categories which are not

[255] This included authorities that answered "No" to the question above (probably because in this case no specific risk assessment was conducted).

covered by specific EU product legislation, such as clothing and textiles, construction materials/products, furniture, childcare articles and sports and playground equipment and surfaces[256]. A similar suggestion was made by a market surveillance authority. As described above, the existence of threshold values for chemicals in EU legislation greatly facilitates the notification of dangerous products and thereby enhances the relevance of the GPSD for environmental issues with health impact. Currently, differences in risk assessment approaches are considered to lead to inconsistencies between Member States (and even authorities in the same Member States) regarding notification of products posing a chemical/environmental risk, especially where products pose long-term risks stemming from the toxicity of environmental pollutant, even though no imminent (short-term) risk for health and safety exists. According to the Commission, this type of risk (e.g. carcinogenic risks) should be notified, but not all Member States are reportedly doing this, as the focus is in many cases on products that pose an immediate risk to consumers.

A problem in this context is that while the definition of safety of the GPSD is considered to cover risks related to environmental pollutants in products that can affect human health, this coverage is not explicitly stated. This leaves room for interpretation regarding substances that pose a chemical/environmental risk, where no relevant EU limits or bans exist, and especially regarding products posing long-term risks stemming from the toxicity of environmental pollutant. When the GPSD was adopted it was designed to address health and safety related impacts of products. However, while in many cases environmental risk pose a long-term threat to humans such as lead in the environment or micro-plastic (which was seen as an environmental pollutant but has now also been found in human tissue), the health impact is not always obvious. The extent to which the GPSD is well adapted to environmental issues with health impact therefore depends on the interpretation of the definition of safety in the GPSD, which is not consistent across Member States[257]. Also, stakeholders have frequently criticised the lack of consistency of the risk assessment process across Member States. In this context it is notable that no institution with an EU mandate exists in the product safety field that is designated to clarify technical and methodological questions regarding specific risk assessment methods and related tests (including in the area of chemicals), which could lead to more harmonised approaches across Member States. In other policy areas this role is taken by EU reference laboratories and reference centres, with good results[258]. The new Regulation (EU) 2019/1020 provides in Article 21 for Union testing facilities that include among their tasks to "provide independent technical or scientific advice". It could increase the relevance of the GPSD if these Union testing facilities would contribute to more uniform testing and risk assessment, including with respect to non-harmonised products concerning environmental issues with (short-term and long-term) health impact.

[256] Join statement ANEC, BEUC: Achieving a higher level of consumer safety through a revision of the General Product Safety Directive.

[257] For more details, see GPSD implementation study.

[258] E.g. in the policy areas of food safety, animal health and animal welfare. See Civic Consulting (2011), Evaluation of the EU-RLs in the field of food and feed safety and animal health and live animals.

6.4. Coherence

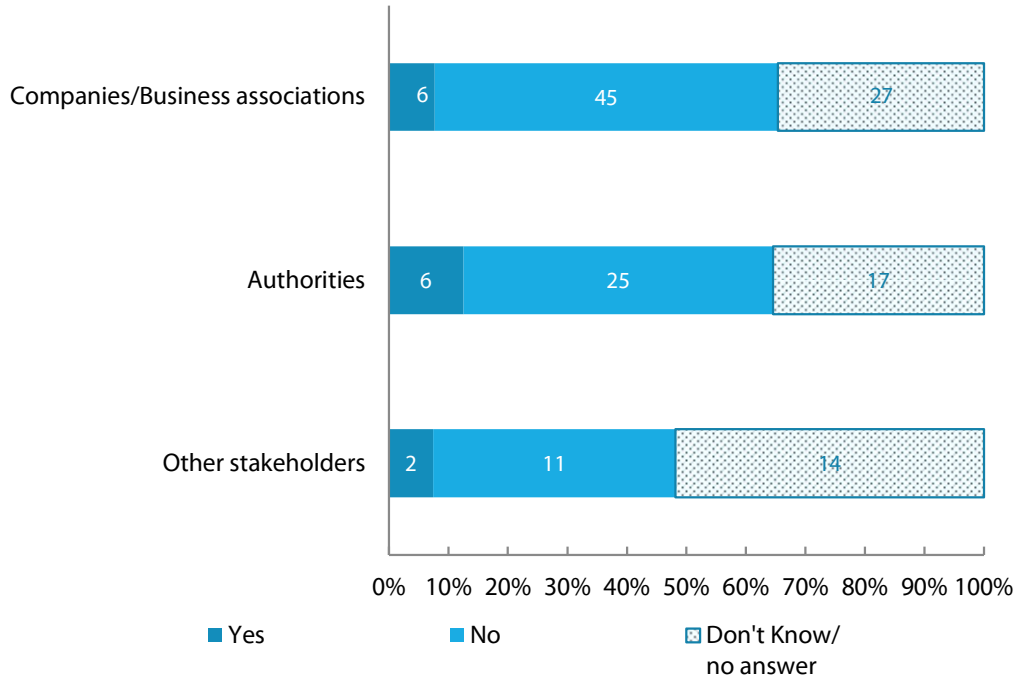
6.4.1. Extent of inconsistencies between the provisions of the GPSD

EQ20. Are there any discrepancies and/or inconsistencies between the provisions of the GPSD?

This evaluation did not identify discrepancies or inconsistencies between the provisions of the GPSD. Rather, as discussed in previous sections, certain notions in the GPSD appear to be outdated or lack clarity. For instance, according to Art 5(1) producers have to provide necessary information for tracing the origin of a product, including, "for example, an indication of the identity and details of the producer and the product reference or, where applicable, the batch of products to which it belongs, except where not to give such indication is justified". This type of vagueness has led to differences in implementation in Member States and a lack of certainty for operators.

When asked, most stakeholders that responded to our surveys also did not see any discrepancies or inconsistencies between the provisions of the GPSD (see Figure 40).

Figure 40: In your view, are there any discrepancies or inconsistencies between the provisions of the GPSD (i.e. between different rules, obligations etc.)?



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153.

The few stakeholders that answered in the affirmative and provided comments, often also referred a lack of clarity of certain provisions, or considered discrepancies or inconsistencies with other EU legislation, which are discussed in the following section[259].

[259] Other comments were rare and included a company that found it inconsistent that in "practice, unless and until faced with an accident, the authorities bear the burden of proof that the non-conforming product is unsafe, whereas the principle in the GPSD is that products not conforming should not be

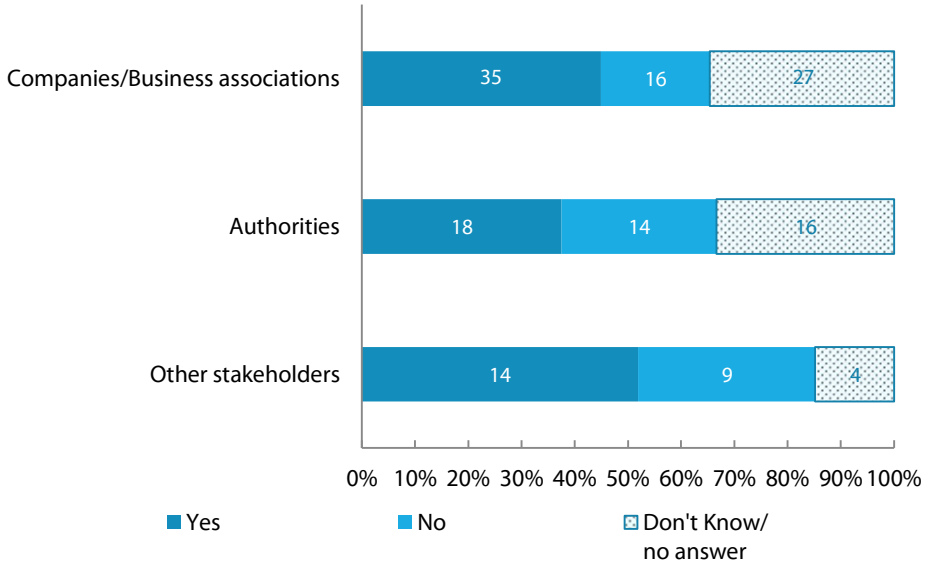
6.4.2. Extent of potential overlaps and complementarities with other EU legislation

EQ21. Are there overlaps and/or complementarities between the GPSD and any other Union legislation with similar objectives, in particular regarding market surveillance, product harmonisation legislation, including horizontal legislation on chemicals (REACH) and food contact materials legislation, standardisation, consumer protection law and product liability, and also other union legislation such as the E-commerce Directive?

As indicated before, the GPSD applies fully to consumer products for which no specific EU harmonised legislation exists (for non-harmonised products such as childcare articles, furniture, clothing etc.). In addition, Article 1(2) GPSD provides for a residual effect of the rules of the GPSD to harmonised products. According to this Article, the provisions of the GPSD shall apply in so far as there are no specific provisions with the same objective in rules of Community law governing the safety of the products concerned, e.g. if the relevant EU harmonised legislation does not address all of the same safety risks or categories of risks as the GPSD. This "safety net" function aims at avoiding any gaps in coverage and thereby providing a safe marketplace within the EU for all consumer products and related safety risks. This makes the GPSD a cornerstone of EU product safety law, but also means that the coherence of the GPSD with other related EU legislation is of great importance.

In the surveys conducted for this study, we asked stakeholders whether they considered there are overlaps or contradictory requirements between the GPSD and other related EU legislation. In all stakeholder groups, a clear majority of those respondents that had an opinion found this to be the case. The detailed results are provided in Figure 41.

Figure 41: In your view, are there overlaps or contradictory requirements between the GPSD and other related EU legislation?

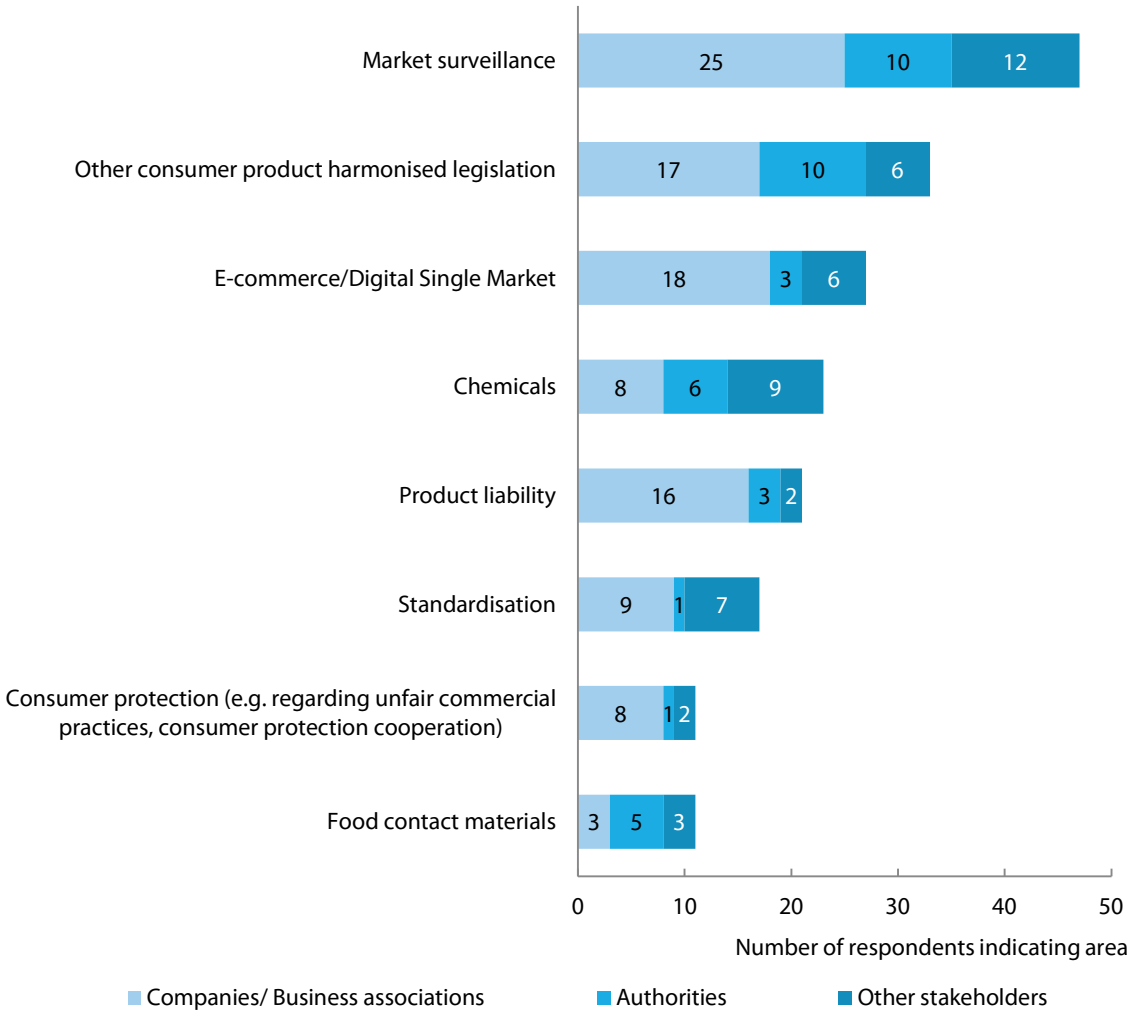


Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153.

presumed safe and therefore the burden of proof that the product is safe and complies with the GPSD should lie with the producer".

Those respondents that had answered "Yes", were then asked to indicate the area(s) of other EU legislation in which they saw overlaps or contradictory requirements with the GPSD. The results are shown in Figure 42.

Figure 42: In your view, are there overlaps or contradictory requirements between the GPSD and other related EU legislation? If Yes, please indicate the area(s) of other EU legislation. Mark all that apply:



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153 (shown in the figure is the number of times another area of EU legislation was indicated by those answering Yes)

In the following sub-sections, we discuss in detail potential overlaps or contradictory requirements with EU legislation in these areas.

6.4.2.1. Potential overlaps and complementarities regarding market surveillance and product harmonisation legislation

The two first listed areas in Figure 42 above are market surveillance and other consumer product harmonised legislation. Safety of increasingly more products is being regulated separately, in sectoral legislation (see EQ17, above). This limits the consumer product areas where the GPSD fully applies, and increases the number of areas where the residual effect of the GPSD is of relevance. The comments provided by stakeholders in surveys and interviews indicate that issues concerning the coherence between the GPSD provisions and the newer legislation regarding market surveillance and product harmonisation refer to: a) divergences with the common

framework, and b) scope of applicability of the GPSD and harmonised legislation. Below we analyse the relevant issues in both areas.

a) Divergences with the common framework

In 2008, the European Parliament and the Council issued Decision No 768/2008/EC on a common framework for the marketing of products. This followed the communication by the Commission on how to make the New Approach directives in the area of non-food harmonised products safety more effective[260]. Decision No 768/2008/EC provides a blueprint for the conformity assessment of products with safety or other product requirements[261]. In its Annex I, it contains definitions, e.g. "making available on the market" or "placing on the market", which have not been included in the list of definitions in Article 2 of the GPSD. Moreover, it also lists various obligations of economic operators regarding ensuring conformity of products, as well as the documentation related to them.

The divergent notions between Annex I of Decision No 768/2008/EC and GPSD are that of a: producer (called "manufacturer" in the Annex I Decision No 768/2008/EC), distributor, recall, and withdrawal (see Table 41).

Table 41: Comparison of key concepts in GPSD and Decision No 768/2008/EC

Concept	Directive 2001/95/EC (GPSD), Article 2 e-h	Decision No 768/2008/EC, Annex I, Article R1, points 3, 6, 14, 15
Producer	"producer" shall mean: (i) the manufacturer of the product, when he is established in the Community, and any other person presenting himself as the manufacturer by affixing to the product his name, trade mark or other distinctive mark, or the person who reconditions the product; (ii) the manufacturer's representative, when the manufacturer is not established in the Community or, if there is no representative established in the Community, the importer of the product; (iii) other professionals in the supply chain, insofar as their activities may affect the safety properties of a product;	'manufacturer' shall mean any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under his name or trademark;
Distributor	"distributor" shall mean any professional in the supply chain whose activity does not affect the safety properties of a	'distributor' shall mean any natural or legal person in the supply chain, other than the manufacturer or the importer,

[260] European Commission, 'Enhancing the Implementation of the New Approach Directives' (7 May 2003) COM(2003) 240 final.

[261] Recital 1 Decision No 768/2008/EC.

	product;	who makes a product available on the market;
Recall	"recall" shall mean any measure aimed at achieving the return of a dangerous product that has already been supplied or made available to consumers by the producer or distributor;	'recall' shall mean any measure aimed at achieving the return of a product that has already been made available to the end user;
Withdrawal	"withdrawal" shall mean any measure aimed at preventing the distribution, display and offer of a product dangerous to the consumer.	'withdrawal' shall mean any measure aimed at preventing a product in the supply chain from being made available on the market.

Source: Civic Consulting.

Table 41 above clearly indicates that these notions diverge between the GPSD and Decision No 768/2008/EC. This weakens the coherence of the overall product safety framework in the EU.

One of the crucial notions, which determines the moment at which safety requirements have to be met, and which has not been defined in the GPSD, but is defined in Decision No 768/2008/EC, is that of "placing on the market" (see also above, relevance). Annex I, Article R1 point 2 defines it as "*the first making available of a product on the Community market*", whilst point 1 specifies that "'*making available on the market' shall mean any supply of a product for distribution, consumption or use on the Community market in the course of a commercial activity, whether in return for payment or free of charge*"[262]. Contrarily, the GPSD does not differentiate between the notions of "placing on the market", "supply" and "making available"[263] (see also above, EQ 15).

As previously mentioned, the framework for market surveillance has recently been updated in Regulation (EU) 2019/1020, in order to better attune it to the needs of modern economic operators, e-commerce and to provide a framework for controls at the EU border[264]. For example, the notion of a "fulfilment service provider" was not yet present in the Decision No 768/2008/EU nor the directives and regulations based on it. It is also not a notion that was relevant at the time the GPSD was adopted. These differences in terms and concepts used contribute to the fragmentation of the EU legislative framework in this respect[265].

b) Scope of applicability of the GPSD and harmonised legislation

The "safety net" function of the GPSD in consumer product sectors that are subject to harmonised legislation is one of its main features. However, stakeholders commented

[262] The same definitions have been used in Article 3(1) and (2) of Regulation (EU) 2019/1020.

[263] See e.g. Articles 1(1), 2(a), 3(1), 5(2) and (3) GPSD. See also Commission Notice on the market surveillance of products sold online, [2017} OJ C 250/1, part A.1.1.

[264] See e.g. R Cana and E Mullier, 'New EU Regulation on Market Surveillance and Product Compliance Published' (28 June 2019) <https://www.steptoe.com/en/news-publications/new-eu-regulation-on-market-surveillance-and-product-compliance-published.html>.

[265] Therefore, stakeholders often suggested in their comments to update the framework of Decision No 768/2008/EU to the needs of e-commerce and new product risks, following the example of Regulation (EU) 2019/1020, as well as applying this framework for purposes of the product safety enforcement pursuant to the GPSD. This would simplify the tasks of market surveillance authorities, provide them with harmonised concepts and expectations as to the obligations of the economic operators regardless whether they placed non-harmonised or harmonised products on the market and regardless the types of risks that these products would bring about.

that the parallel applicability of the GPSD and harmonised legislation may lead to uncertainty. For example, as discussed above (see EQ15), if products incorporate radio connectivity features, the Radio Equipment Directive (2014/53/EU) applies. Also, the Low Voltage Directive applies to electrical equipment designed for use with a voltage rating of between 50 and 1 000 V for alternating current and between 75 and 1 500 V for direct current. Depending on the product in question, the GPSD may remain applicable with respect to safety risks not covered by the specific harmonisation legislation, such as the risk of hearing loss caused by a music player. Risks that are not covered by the harmonised legislation, but fall under the general safety requirement of the GPSD, have therefore to be determined by economic operators (and by authorities in their market surveillance activities), or, in case of litigation, by the courts.

On the other hand, the "safety net" function of the GPSD safeguards that no consumer products fall out of the scope of product safety legislation. This feature of the EU product safety framework is considered to be a major advantage, as evidenced in our interviews with market surveillance authorities in the EU and product safety authorities in non-EU/EEA countries. Also, consumer stakeholders consider this to be a key element of the EU legislative framework for product safety. For example, in the consultation conducted for the roadmap for the possible revision of the GPSD, EU consumer organisations emphasised that in their view in any such revision the "GPSD must continue to [f]unction as a safety net able to cover lacunae in sector specific legislation and for those consumer products for which no specific rules have been established"[266].

6.4.2.2. Potential overlaps and complementarities regarding horizontal legislation on chemicals (REACH) and food contact materials legislation

The complementary character of the GPSD extends, of course, in relation to the horizontal legislation on chemicals – Regulation (EC) No 1907/2006 (REACH). In this area we could also observe issues arising from the lack of consistency in the applied definitions and procedures.

Several respondents to our surveys have indicated the lack of coherence between the use of a concept of a "serious risk" in the GPSD and the assessment of an "unacceptable risk" pursuant to Recital 73 and Article 68(1) of REACH. As indicated before, the lack of harmonised notion of risk, and its gradients, may lead to practical problems. Regarding "serious risk", specifically, it has been mentioned that when the products' safety is assessed pursuant to both these legislations, it may lead to different outcomes as to what urgent measures, e.g. under the emergency procedure of Article 13 GPSD, should be taken to ensure the product safety on the market[267].

More notions defined in the GPSD could use a further clarification or harmonisation with the concepts of REACH. E.g. "product" has not been defined in REACH legislation (which rather uses the terms "article", "mixture" or "substance"). Some respondents suggested that this contributes to the lack of coherence between the GPSD and REACH, when these measures refer to, respectively a "dangerous product" (Article 2(c) and (g), Article 8(1)(e) and (f), Article 10(2)(a) and (d), Article 13(3) GPSD) and a "dangerous substance", "mixture" or "article" (mainly Title VIII REACH). The

[266] See Join statement ANEC, BEUC: Achieving a higher level of consumer safety through a revision of the General Product Safety Directive.

[267] Previously e.g. Norway called for clarifications as to the concept of a serious risk, see European Chemicals Agency (ECHA), 'Minutes of the 8th meeting of the Forum for Exchange of Information on Enforcement European Chemicals Agency' (12-14 October 2010) <https://echa.europa.eu/documents/10162/22749832/forum_8_minutes_en.pdf/481505da-67d4-40fd-a7dc-de734f1a0915> at 4.

uncertainty pertains to whether the presence of a dangerous substance would always lead to the finding of a dangerous product pursuant to the GPSD and whether products containing chemicals, which are not dangerous substances, could be classified as dangerous products.

REACH defines also "placing on the market" as "*supplying or making available, whether in return for payment or free of charge, to a third party. Import shall be deemed to be placing on the market*". This suggests that this notion is broader in REACH than in other product safety regulation, as it applies to every supply of the product along the supply chain, and not just the product's first entry on the EU market.

Further, it has been indicated that the national risk assessments leading to Safety Gate/RAPEX notifications pursuant to the GPSD, for products containing chemicals may vary between the Member States, when there is no set EU limit value for a given chemical. This raises the question of the alignment of such varied national assessments with REACH. Stakeholders believe that coherence between REACH and the GPSD could be strengthened if, e.g., there were clear references in the GPSD to REACH legislation, informing to what extent chemical/environmental risks are covered by the GPSD. The adoption of further EU standards for the presence of various chemicals in consumer products would be of help here, as well.

Regarding food contact materials (FCMs), it could be observed that these products generally fall under the purview of food law (Food Contact Material Framework Regulation (EC) 1935/2004 and the General Food Law Regulation (EC) 178/2002), however, some food contact materials may require an evaluation in line with the GPSD, with REACH, and possibly also with other product safety legislation, such as Directive 94/62/EC on Packaging and Packaging Waste. Also, certain risks, e.g. related to physical safety, are not covered by the FCM legislation, in contrast to chemical and microbiological risks. This may have implications, e.g. regarding which authority is responsible for a specific problem and also whether to notify the safety issue through Safety Gate/RAPEX or the Rapid Alert System for Food and Feed (RASFF), which is also relevant for FCMs. It was therefore suggested to provide further clarity as to when the GPSD could apply to food contact materials, and to increase the coherence of notification procedures and criteria for Safety Gate/RAPEX and RASFF concerning FCMs.

In this context it has to be mentioned that "placing on the market" is defined in Article 2(1)(b) Food Contact Material Framework Regulation (EC) No 1935/2004 as "*the holding of materials and articles for purposes of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution and other forms of transfer themselves*". Similarly to REACH then, the definition is broader and may apply to different stages of the supply chain. Instead of the notion of an economic operator, Article 2(2)(c) and (d) Food Contact Material Framework Regulation (EC) No 1935/2004 uses the notions "business" and "business operator" (although in practice these notions are used similarly). Article 2(1)(a) Food Contact Material Framework Regulation (EC) No 1935/2004 also defines "traceability", which is not yet defined in product safety legislation, as *"the ability to trace and follow a material or article through all stages of manufacture, processing and distribution"*.

6.4.2.3. Potential overlaps and complementarities regarding standardisation

As has been mentioned previously in this report on the role of standards (see EQ5 above), the GPSD provides a four-step standardisation process. This process has one step more than the procedure applicable in the case of harmonised products and regulated in Regulation (EU) No 1025/2012, which corresponds to the fact that the GPSD does not contain specific safety requirements. Considering the large number of products covered by the GPSD, it would not be feasible to adopt essential safety

requirements for all these different types of products in the legislation itself, contrarily to the case of harmonised products (where safety requirements are included in the harmonising legislation). Consequently, these procedures have to diverge on this point, and safety requirements for non-harmonised products are set by the GPSD Committee.

However, there is another aspect that affects the coherence of the standardisation process of the GPSD with the general framework for European standardisation provided by Regulation (EU) No 1025/2012. In line with this Regulation, after the decision on safety requirements by the GPSD Committee, the decision on the standardisation request ('mandate') is adopted by the Standardisation Committee, which is also the responsible Committee regarding standardisation procedures in case of harmonised products. This involvement of two Committees with Member States representatives is considered to be not efficient, and not as streamlined as the standardisation procedures for the safety of harmonised products.

6.4.2.4. Potential overlaps and complementarities regarding consumer protection law and product liability law

The Product Liability Directive 85/374/EEC (PLD), which is currently under review, provides the EU framework for product liability. Both directives apply a different notion of "product". Whilst the GPSD excludes from its scope of applicability second-hand products supplied for a repair or reconditioning, the Product Liability Directive 85/374/EEC applies to them. Contrarily, the GPSD applies to immovable products, whilst the Product Liability Directive 85/374/EEC does not. The respective definitions are provided in Table 42 below:

Table 42: Comparison of key concepts in GPSD and Product Liability Directive 85/374/EEC

Directive 2001/95/EC (GPSD), Article 2(a)	Product Liability Directive 85/374/EEC, Article 2
"product" shall mean any product - including in the context of providing a service - which is intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them, and is supplied or made available, whether for consideration or not, in the course of a commercial activity, and whether new, used or reconditioned. This definition shall not apply to second-hand products supplied as antiques or as products to be repaired or reconditioned prior to being used, provided that the supplier clearly informs the person to whom he supplies the product to that effect;	For the purpose of this Directive 'product' means all movables, with the exception of primary agricultural products and game, even though incorporated into another movable or into an immovable. 'Primary agricultural products' means the products of the soil, of stock-farming and of fisheries, excluding products which have undergone initial processing. 'Product' includes electricity.

Source: Civic Consulting

A recent evaluation of the Product Liability Directive by the European Commission found "the Directive to be consistent with […] EU product safety rules as laid down in the harmonised EU product safety rules and the General Product Safety Directive. The EU product safety rules describe the safety levels that products placed on the EU market must meet. In turn, they represent the safety levels for these products that an injured person is entitled to expect under the Directive. Producers are also exempt from liability if they can prove that a defect is due to compliance with these rules. As technological changes will bring about corresponding changes in EU legislation, this

consistency in the overall rules will need to be maintained"[268]. The same report also concludes that "effectiveness [of the Directive] is hampered by concepts (such as 'product', 'producer', 'defect', 'damage', or the burden of proof) that could be more effective in practice. As the evaluation has also shown, there are cases where costs are not equally distributed between consumers and producers. This is especially true when the burden of proof is complex, as may be the case with some emerging digital technologies […]. To remain relevant for the future, the Directive would benefit from clarification to address such issues".

As the role of the Product Liability Directive is to ensure compensation for damage suffered due to unsafe products, the definition of safety in the GPSD is very relevant for its application. This implies that if the definition of safety in the GPSD is adapted to new challenges and risks, this can be expected to help in the practical application of PLD. To improve the coherence between these two directives, it appears also important to re-think the exclusion of second-hand products to be repaired or reconditioned prior to being used from the GPSD, as the sustainability agenda argues for the increase in products' repair and refurbishment. This will undoubtedly lead to an increase in the amount of relevant second-hand products on the EU market, which should not compromise the safety standards of such products.

As elaborated in the answers to the evaluation questions on the effectiveness and the relevance of the GPSD (see above), there is an uncertainty as to the scope of the application of the GPSD to products containing digital content, or software more specifically. This uncertainty means that economic operators may not know whether they are responsible for ensuring the safety of a consumer product, which contains digital content or is a standalone software product, consumers may not know to whom direct their claims regarding such products, and market surveillance authorities may struggle with enforcing their compliance with safety norms. The issue arises from the lack of coherence of the notion of a "product" in different pieces of EU legislation[269]. Especially the more recently adopted EU consumer protection laws, such as the new Sale of Goods Directive 2019/771/EU, separately identify consumer goods, consumer goods with embedded software, or consumer goods with incorporated or integrated digital content or digital services[270]. This is not the case for GPSD so far, which leads to questions as to its applicability to such products.

Further, the concept of "product safety" differs between the GPSD and the PLD. Whilst the latter in its Article 6 defines when a product is defective, and therefore unsafe, it focuses on whether the product provides "*the safety which a person is entitled to expect*". The GPSD defines the 'safe product' as "*any product which, under normal or reasonably foreseeable conditions of use (…) does not present any risk or only the minimum risks compatible with the product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons (…)*". Whilst the first definition focuses, therefore, on defining safety by relying on reasonable societal expectations, the latter one determines safety through risk assessments. In the ongoing review of both these directives, this difference in the fundamental notion of product safety could be addressed, to increase coherence.

Stakeholders have also mentioned the lack of consistency between consumer rights under the GPSD and other EU consumer protection framework with respect to redress

[268] See Commission Report on the Application of the Council Directive on the approximation of the laws, regulations, and administrative provisions of the Member States concerning liability for defective products (85/374/EEC), COM(2018) 246 final

[269] See also the Commission Report on safety and liability implications of AI, the Internet of Things and Robotics, COM(2020) 64 final, at 14.

[270] See Article 3(3) Directive 2019/771/EU. Stand-alone software is also specifically regulated e.g. in Radio Equipment Directive 2014/53/EU, and also in the Medical Devices Regulation (EU) 2017/745.

options. Namely, the Unfair Commercial Practices Directive 2005/29/EC (UCPD)[271] and Consumer Sales Directive 1999/44/EC, as well as the newly adopted Sale of Goods Directive 2019/771/EU, award consumers who purchase unsafe, and therefore non-conforming, products, possibly sold as a result of an unfair commercial practice, with redress options, including a right to a termination of a contract and to a refund. The GPSD does not award such redress rights directly to consumers, which may not only limit the involvement of stakeholders in monitoring product safety, but weaken the coherence of the consumer protection framework against unsafe products. It should be noticed here that even if the same market surveillance authority monitors compliance with the GPSD and with other consumer protection legislation, e.g. with the UCPD, this does not necessarily mean that the finding of an unsafe product pursuant to the GPSD could result in consumers being advised to seek redress under the rules of the UCPD. Often, it would be different departments of a national market surveillance authority that would assess the compliance with different consumer protection legislation, and it would depend on their cooperation whether such a connection would be made. The European legislator already seeks to address this lack of coherence. Namely, the political agreement on a Directive of the European Parliament and of the Council on representative actions for the protection of the collective interests of consumers[272], includes the GPSD in the list of consumer legislation, a breach of which will entitle the qualified national entities to bring a representative action. The Directive on Representative Actions provides a procedural mechanism to enforce existing rights to redress, but it does not create new rights to redress as such. Such representative actions might aim to impose injunction measures but may also seek redress measures. As the breach of safety requirements from the GPSD is likely to harm collective interests of consumers, it will give the qualified entities (e.g. national consumer organisations) a new procedural mechanism to seek redress for consumers, when the text of new directive is adopted and transposed in the Member States.

As the Product Liability Directive 85/374/EEC is also undergoing a review at the moment, the coherence between this Directive and the GPSD may shortly increase.

6.4.2.5. Potential overlaps and complementarities regarding other union legislation such as the E-Commerce Directive

The E-Commerce Directive 2000/31/EC (which is currently under review) is the legal framework for online services in the Internal Market. The purpose of the Directive is to remove obstacles to cross-border online services in the EU and provide legal certainty to business and citizens. The Directive establishes harmonised rules on issues such as: transparency and information requirements for online service providers; commercial communications; and electronic contracts and limitations of liability of intermediary service providers. It also enhances administrative cooperation between the Member States and the role of self-regulation[273]. Article 15 of the E-Commerce Directive prevents national market surveillance authorities from imposing a general obligation on online platforms (intermediaries) to monitor the content they are hosting. This includes the prohibition of an obligation to monitor the safety of the products offered on online platforms or to seek dangerous products offered for sale on them[274].

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[271] As amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules, which added a new Article 11a to the UCPD on redress rights for consumers. This will be applicable as from 28 May 2022.

[272] See the amendments adopted after the first reading at the European Parliament on 26 March 2019, www.europarl.europa.eu/RegData/seance_pleniere/textes_adoptes/provisoire/2019/03-26/0222/P8_TA-PROV(2019)0222_EN.pdf.

[273] See https://ec.europa.eu/digital-single-market/en/e-commerce-directive.

[274] Ibid. This can be inferred from the case C-70/10 Scarlet Extended EU:C:2011:771.

Moreover, Article 14 of the Directive establishes a liability exemption, provided certain conditions are met, for information service providers who conduct hosting activities. This exemption may be interpreted as applying to a situation, in which the information service provider offers an unsafe and/or a non-compliant product on an online platform[275]. These two provisions have been adopted prior to the rise of online marketplaces and, more generally, online platforms facilitating sale and distribution of consumer products.

The broad interpretation of these two provisions allows online actors to limit their liability for unsafe products, which are being offered on their platforms. Further, these provisions, when broadly understood, also prevent online platforms from being obliged to monitor the safety of products offered on such platforms. Consequently, these provisions undermine the coherence of the EU product safety framework, creating an enforcement gap (see also EQ15 above). However, these provisions could also be interpreted in a narrower way, that is as not applying to online platforms in the context of product safety, especially if the notion of placing products on a market would be interpreted broadly and applied to such online actors[276].

6.4.3. Coherence of GPSD with wider EU policy

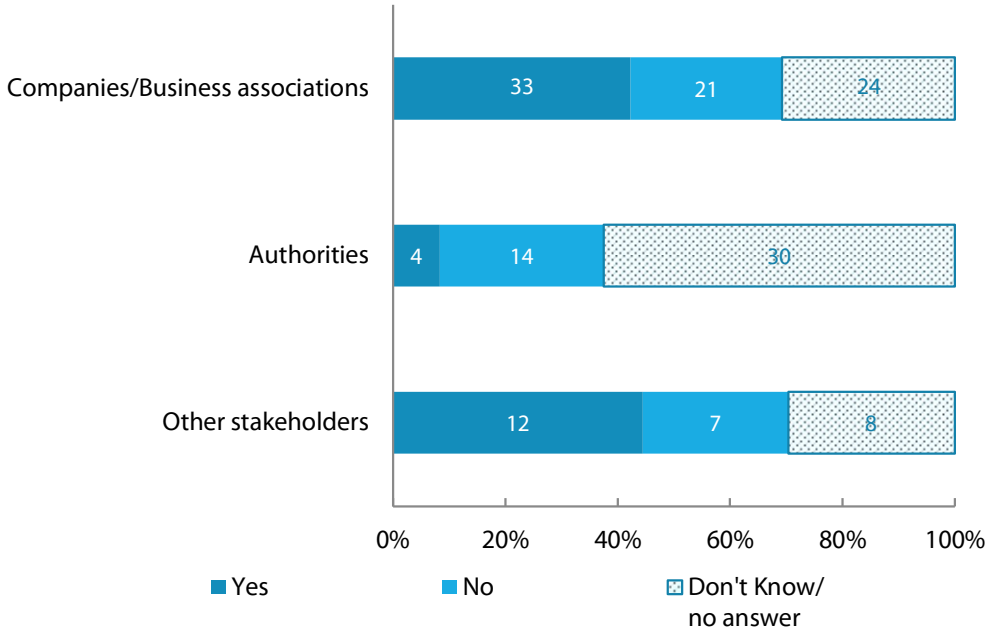
EQ22. To what extent is the Directive coherent with wider EU policy, such as rules on free movement of goods, mutual recognition, customs, competition, industrial policy, sustainability (environmental protection) and trade?

In our surveys, we asked stakeholders whether they considered there are overlaps or contradictory requirements between the GPSD and wider policies. In all stakeholder groups except authorities, a majority of those respondents that had an opinion found that such overlaps or contradictory requirements existed. The detailed results are provided in Figure 43.

[275] See e.g. Commission Notice on the market surveillance of products sold online, [2017} OJ C 250/1, part A.3.3.2.

[276] As suggested by several stakeholders.

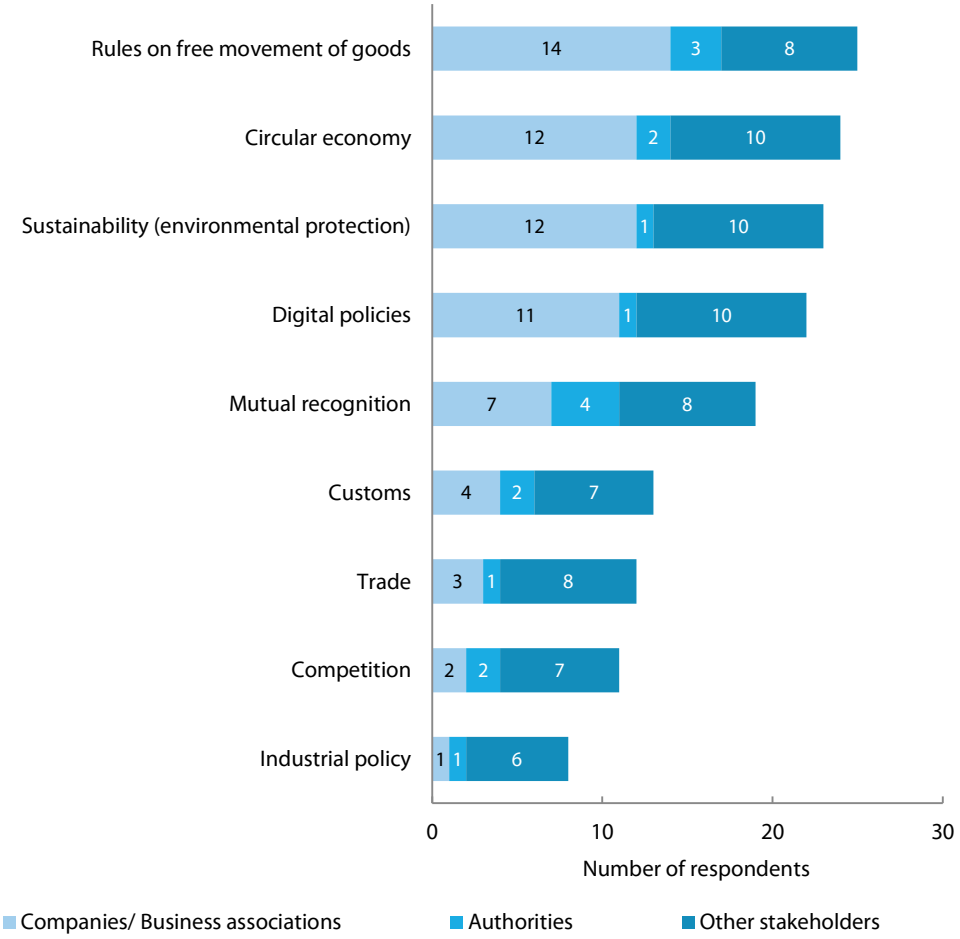
Figure 43: In your view, are there overlaps or contradictory requirements between the GPSD and wider EU policies?



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153.

Those respondents that had answered "Yes", were then asked to indicate the area(s) of EU policies in which they saw overlaps or contradictory requirements with the GPSD. The most frequently indicated areas were rules on free movement of goods, and circular economy/sustainability, as shown in Figure 44.

Figure 44: In your view, are there overlaps or contradictory requirements between the GPSD and wider EU policies? If Yes, please indicate the area(s) of EU policy. Mark all that apply:



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. N=153 (shown in the figure is the number of respondents that indicated Yes).

In response to this question, the EU policies most frequently indicated by respondents concerned rules of free movement of goods/mutual recognition, circular economy/sustainability, digital policies/privacy, and customs/trade. They are discussed in the following sub-sections, taking into account stakeholder comments and other evidence.

Rules of free movement of goods/mutual recognition

The mutual recognition principle ensures market access for goods that are not, or are only partly subject to EU harmonisation legislation, and is therefore of special importance for the GPSD. The principle guarantees that any good lawfully sold in one EU country can be sold in another, even if the good does not fully comply with the technical rules of the other country (although there may be exceptions where public safety, health or the environment are concerned)[277]. The mutual recognition principle stems from Articles 34 to 36 of the Treaty on the Functioning of the European Union and is further defined in Regulation (EU) 2019/515 on the mutual recognition of goods

[277] See also https://ec.europa.eu/growth/single-market/goods/free-movement-sectors/mutual-recognition_en

lawfully marketed in another country[278]. Business respondents often indicated in their answers issues with mutual recognition. They indicated their uncertainty as to whether a particular product, and its producers or distributors, could enjoy the free movement of goods, if there was an option for the Member States to adopt voluntary national certification systems. At the moment, various Member States have such voluntary national certification systems in place for various products[279]. Whilst the presence of such certification systems does not make the market prohibitive for products from outside this Member State, as there is no obligation to comply with the potential additional safety requirements, it may make the market more difficult to succeed in without that certification mark, which may especially be a problem for SMEs that are reluctant to spend resources on certification. Other problems regarding mutual recognition that were identified included a situation where a product is withdrawn from a Member State other than the Member States in which the product was imported, based on national rules concerning chemical requirements (e.g. differences in the maximum amounts of specific chemicals in products that are not regulated at EU level). Some stakeholders also referred to (in their view "excessive") demands by market surveillance authorities regarding product testing to make sure that a product can be considered safe under the GPSD, which they considered as "disregarding the principle of mutual recognition". Finally, it was stated that Article 5 of the GPSD concerning safety information "has been used to impose country specific labelling requirements and warnings, thereby hindering the free flow of goods at the internal market". There was little information available to establish the relevance and size of the problems reported by respondents. Relevant data includes statistics from SOLVIT, a network that helps people and businesses who encounter difficulties in another EU Member State when public authorities do not apply EU legislation correctly. In 2019, SOLVIT handled 2 380 cases that fell within its remit. Of these cases, a total of 73 cases were linked to more general difficulties in the Single Market. 4 of them concerned "free movement of goods"[280]. Examples of difficulties in the single market mostly relate to harmonised products[281]. However, as a recent study for the European Parliament states, in general, businesses rarely utilise the SOLVIT network to resolve cross-border issues when they arise, but rather "adapt to the national requirements instead of using their right to mutual recognition"[282]. It is therefore difficult to draw definitive conclusions in this respect. As has been elaborated in the context of EQ1, the GPSD has reached its objective of contributing to a functioning internal market, and the evidence available from EU courts, SOLVIT and other sources does not challenge this conclusion[283]. Even if not affecting the free movement of goods in general terms, the issues raised by stakeholders appear to be of relevance, and are likely to be considered in the broader process of better implementing and enforcing of

[278] Regulation 2019/515 applies since 19 April 2020 and replaced Regulation (EC) No 764/2008.

[279] E.g. in Germany the Geprüfte Sicherheit (GS, 'Tested Safety') mark plays a significant role for technical equipment and is based on the German Product Safety Act (Produktsicherheitsgesetz, ProdSG).

[280] https://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/solvit/index_en.htm#indicators

[281] According to SOLVIT, obstacles encountered by providers of cross-border goods included: ban of type approved car transporters in Germany (also reported in 2018); requirement to indicate the country of origin on a medical device label in Italy; extra charges in Malta for parcels with vitamins/health additives from online companies based in other EU Member States; requirement to install blocks on tachographs in Slovenia; an additional certification procedure for CE-type approved lifts in Belgium. See https://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/solvit/index_en.htm#indicators

[282] European Partliament, Legal obstacles in Member States to Single Market rules, Study requested by the IMCO committee, November 2020

[283] Also, the mentioned study for the European Parliament concludes that "free movement of goods is largely well-functioning"

single market rules[284], including by provision of Commission guidance on mutual recognition[285].

Circular economy/sustainability

With the European Green Deal, a new policy framework was set out, that inter alia aims at achieving a sustainable and circular economy[286]. The Circular Economy Action Plan that is part of the EU Industrial Strategy includes measures to make sustainable products the norm in the EU. The Commission will propose legislation on Sustainable Product Policy, to ensure that products placed on the EU market are designed to last longer, are easier to reuse, repair and recycle, and incorporate as much as possible recycled material instead of primary raw material[287]. Products will be required to be easier to upgrade, to repurpose and to be recycled, which has implications for product safety and liability legislation. This was highlighted by several respondents to our surveys, who noted that:

- The emerging circular economy implied the need to specify legal safety requirements for reused, refurbished and repaired products;
- Legal clarity was important to ensure the free circulation of second-hand products on the EU single market; and
- It should be clearly stated who within the circular supply chain bears the liability for the safety of the re-sold products.

It was also stated that re-testing a repaired product to prove compliance with a standard may not be practical if the testing is destructive, and concerns only one item. In a related comment regarding sustainability, a safety consultant indicated that for products which are made from recycled materials (such as repurposed textile materials), "strict compliance with chemical requirements is impossible". It was suggested that it was important to ensure that circular economy rules, including for reuse and repair of products, are consistent with the rules for placing products on the market and for conformity assessment. A circular economy will imply that when products are recycled that contain specific chemicals, contamination of new products may occur[288], implying increasing challenges for manufacturers and market surveillance authorities to safeguard product safety. In other words: In a circular economy a product will need to be safe throughout its lifecycle: at the time of placing on the market, in its use phase, and after refurbishment. A large number of EU legal acts are relevant to the theme of circular economy and products, and more specifically, of substances of concern in material cycles. They relate to three broad legislative areas: chemicals, products and waste. While this framework is continuously updated, the GPSD so far does not (directly) cover environmental risks or addresses specific challenges for product safety posed by a sustainable and circular economy. The recent Fitness Check of the most relevant chemicals legislation (excluding REACH) quotes civil organisations and NGOs, as well as some Member State authorities, which have "identified the lack of chemical safety criteria in the General Product Safety

[284] See COM(2020) 94 final, Communication of the Commission on a long term action plan for better implementation and enforcement of single market rules, Brussels 10.3.2020.

[285] According to Recital 5 of Regulation (EU) 2019/515 on the mutual recognition of goods lawfully marketed in another Member State the Commission will provide non-binding guidance on how to apply the principle of mutual recognition.

[286] See also COM(2019) 640 final, Communication from the Commission, The European Green Deal.

[287] Press release, 11 March 2020, Changing how we produce and consume: New Circular Economy Action Plan shows the way to a climate-neutral, competitive economy of empowered consumers, see https://ec.europa.eu/commission/presscorner/detail/en/ip_20_420.

[288] For an overview of relevant challenges, and the legislative framework in polace, see European Parliament, Briefing, Chemicals and the circular economy - Dealing with substances of concern (October 2017).

Directive (GPSD) and consider this to be a major gap within the horizontal legislative framework for consumer products. Examples of categories of articles which are not covered by any specific EU product legislation addressing chemical exposure include materials in contact with drinking water, construction materials/products, furniture, clothing and textiles, child care articles and sports and playground equipment and surfaces"[289].

Digital policies/privacy

Digital policies interact in several respects with the GPSD. The liability exemption of the E-Commerce Directive 2000/31/EC for online platforms has been discussed in detail in the context of EQ21. As mentioned before, the E-Commerce Directive is currently under review, and a proposal for a new Digital Services Act has been published in December 2020. It includes measures to counter illegal goods or content online (including unsafe products), as well as new obligations on traceability of business users in online marketplaces. The final provisions of the DSA will to a considerable extent influence the effectiveness of measures taken regarding unsafe products in online sales channels in a possible revision of the GPSD, as is further elaborated in Part 2 of this report (impact assessment).

A second important area of interaction with the GPSD are privacy rules. Respondents suggested that EU data protection requirements (enshrined in the General Data Protection Regulation (EU) 2016/679) and GPSD traceability and recall requirements "may be conflicting", without further elaboration (see also EQ5 on recalls). In general terms, it appears that authorities and companies that are involved in product recalls do not have full certainty regarding the rules for use of person data in the context of recalls. This issue is also considered in the policy options for a possible revision of the GPSD in Part 2 of this report.

Stakeholders did not otherwise indicate overlaps or contradictory requirements between the GPSD and digital policies. However, relevant aspects in our interviews included the need to safeguard coherence with respect to activities under the Cybersecurity Act (Regulation (EU) 2019/881), and activities to address specific risks (e.g. related to machine learning/AI in sectoral or other EU legislation).

Customs/trade

The role of *customs* in safeguarding the safety of consumer products entering the EU, especially regarding direct B2C transactions with traders in non-EU/EEA countries was highlighted by many stakeholders[290], see EQ3 above. No comments were provided regarding current overlaps or contradictory requirements between the GPSD and customs legislation, and no incoherence with EU customs legislation was identified.

Similarly, overlaps with trade and related policies were noted by stakeholders, to the extent that applicable rules provided incentives for direct B2C transactions with traders in non-EU/EEA countries, and led to what was considered by business stakeholders to constitute unfair competition of non-EU/EEA traders with EU business operators, due to *de minimis* provisions for VAT and import duties, as well as the low postal rates for shipping from China. This situation is changing, however, as new VAT rules will apply due to the VAT e-commerce package. Whereas previously VAT was

[289] See SWD(2019) 199 final/2, Commission staff working document, Fitness Check of the most relevant chemicals legislation (excluding REACH), as well as related aspects of legislation applied to downstream industries, p97.

[290] For example, a consumer organisation stated that "if customs authorities block products at the border but do not receive feedback from the Market Surveillance authorities within few days, the products are nonetheless being released into the internal market. This does not mean that the products are safe but simply that market surveillance authorities were maybe too overloaded to react on time. The lack of enforcement of product safety rules undermines fair competition in the internal market".

only levied on shipments from outside the EU with a value above 22 Euro, as from July 1, 2021, the VAT amount needs to be applied as from 0 Euro. Also, the Universal Postal Union (UPU) will change the applicable rules by implementing a new system, known as "Option V". Under the new rules, within 5 years, postal operators within the UPU can increase gradually the rates applying for intercontinental postal shipments[291].

Other issues

No explanatory comments were provided by those respondents that indicated current overlaps or contradictory requirements between the GPSD and industrial policies. Desk research mostly identified potential overlaps that have already been discussed above, namely the importance to consider the interaction of digital/cybersecurity, circular economy, and customs policies with product safety provisions[292].

Respondents that did not see overlaps or contradictory requirements, which includes a majority of respondents from market surveillance authorities, typically did not provide further comments. Some stated that they did not "notice" or did not "identify" any substantial contradictory requirements between GPSD and wider EU policies". Overall, the evaluation did not identify any incoherence with wider EU policies which would affect the effectiveness or efficiency of the GPSD (other than the mentioned interactions, e.g. with digital and trade policies).

6.5. EU added value

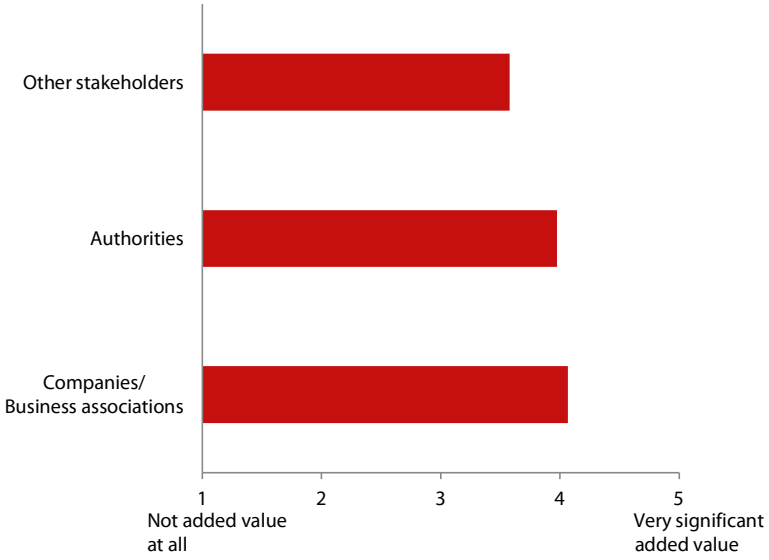
EQ23/24. What is the added value of the GPSD compared to what could reasonably have been expected from Member States acting at national level? What would be the most likely consequences of withdrawing the GPSD? How would it affect the functioning of the Single Market and the health and safety of consumers?

The added value of the GPSD is very considerable for both the functioning of the internal market and the protection of health and safety of consumer in the Member States of the EU. This is also the nearly unanimous view of stakeholders. In our surveys, we asked stakeholders to what extent the GPSD provides added value compared to what could reasonably have been achieved by Member States acting at national level. The results are provided in Figure 45.

[291] See footnote 81. See also https://ec.europa.eu/taxation_customs/business/vat/modernising-vat-cross-border-ecommerce_en, and https://www.upu.int/en/Publications/ Factsheets-backgrounders/5-things-to-know-about-Option-V

[292] For example, Commission Communication on a New Industrial Strategy for Europe (COM(2020) 102 final) refers to "twin ecological and digital transitions ... [that] will entail a shift from linear production to a circular economy". It reiterates that the „European Green Deal sets the objective of creating new markets for climate neutral and circular products" and emphasises that „Consumers should receive trustworthy and relevant information to choose reusable, durable and repairable products". It also points out that „Single market legislation must also be reviewed and updated to ensure that it is fit for the digital age. This includes the revision of EU rules on product safety, the implementation of the European Data Strategy and the adoption of the Digital Services Act". Finally, it refers to „Reinforced customs controls [that] are also essential to ensure that imported products comply with EU rules".

Figure 45: In your view, to what extent does the GPSD provide added value compared to what could reasonably have been achieved by Member States acting at national level (without any EU intervention)?



Source: Civic Consulting surveys of authorities, companies, business organisations and other stakeholders. The average assessments are calculated based on N=141 respondents that had an opinion, depending on item (not included are respondents who indicated Don't know or provided no answer).

As the figure above shows, authorities and companies/business associations saw on average a "significant added value" (assessment of 4). Other stakeholders provided a somewhat less positive assessment, but considered the GPSD to provide still more than "moderate added value" (i.e. the average assessment was clearly above 3). A considerable number of respondents across all stakeholder groups found the GPSD to even have "very significant added value", namely 42 of 141 that had an opinion in this respect. In contrast, only 9 respondents to our surveys found the GPSD to have "no" or only "minor" added value.

The reasons for this positive assessment are clear: One of the main aims of the harmonisation of product safety was to avoid national health and safety measures for individual products or generally for products that created obstacles to the functioning of the internal market. The GPSD has prevented such measures within its scope of application by introducing general requirements for the safety of products and by establishing a system for the elaboration of standards. As a result, after the adoption of the GPSD there have been no procedures in the EU courts related to national measures in the area of the health and safety of products that come into the scope of application of the GPSD.

Remaining differences between Member States may stem from differences in the application of the legal framework. In this regard, the harmonious application of the GPSD has been further promoted through measures taken by the European Commission, in particular through guidance documents and training of MSA staff.

It is obvious that without these measures each Member State would adopt its own level of product safety, which would inevitably lead to obstacles for the free movement of goods within the internal market.

Nevertheless, the added value through harmonised law and its harmonious application in the Member States could be further improved by clearer rules and/or guidance documents, as elaborated in this evaluation (see above).

The cooperation of the Member States' market surveillance authorities and the Commission through the Safety Gate/RAPEX system contributes greatly to the protection of health and safety of consumers within the EU. This cooperation would not be possible through bilateral or multilateral measures between groups of Member States. Moreover, one should mention again the standardisation system (for both harmonised and non-harmonised products) that brings about sophisticated standards through EU-wide expertise to which industry has to adhere (or adopt equivalent measures), thereby enhancing the safety of products. Finally, the European Commission plays an active role in monitoring health and safety of consumer products, not least by organising joint and coordinated market surveillance actions of national MSAs in relation to particular types of products.

Annex I: Results of surveys conducted

Results – authorities

Statistics:

Study to support the preparation of an evaluation of the General Product Safety Directive as well as of an impact assessment on it potential revision

Survey of market surveillance authorities and customs authoritie

b. Type of organisation:

		Answers	Ratio
National market surveillance authority /ministry		37	77.08 %
Sub-national/regional market surveillance authority		4	8.33 %
Customs authority		4	8.33 %
Other		2	4.17 %
No Answer		1	2.08 %

c. Please specify your country.

		Answers	Ratio
Austria		2	4.17 %
Belgium		2	4.17 %
Bulgaria		2	4.17 %
Croatia		2	4.17 %
Cyprus		1	2.08 %
Czech Republic		5	10.42 %
Denmark		4	8.33 %
Estonia		1	2.08 %
Finland		2	4.17 %

France	1	2.08 %
Germany	1	2.08 %
Greece	1	2.08 %
Hungary	3	6.25 %
Ireland	1	2.08 %
Italy	0	0 %
Latvia	1	2.08 %
Lithuania	0	0 %
Luxembourg	1	2.08 %
Malta	1	2.08 %
Netherlands	1	2.08 %
Poland	1	2.08 %
Portugal	3	6.25 %
Romania	2	4.17 %
Slovak Republic	1	2.08 %
Slovenia	3	6.25 %
Spain	4	8.33 %
Sweden	1	2.08 %
United Kingdom	1	2.08 %
Iceland	0	0 %
Liechtenstein	0	0 %
Norway	0	0 %
EU	0	0 %
Other country	0	0 %
No Answer	0	0 %

B. For which of the following harmonised consumer products is your authority responsible in terms of market surveillance and related activities? Please remember, the term 'consumer product' in this questionnaire excludes pharmaceuticals, medical devices and food products.

		Answers	Ratio
Toys		28	58.33 %
Cosmetics		17	35.42 %
Communication and media equipment		13	27.08 %
Electrical appliances and equipment under the Low Voltage Directive		25	52.08 %
Kitchen/cooking accessories		18	37.5 %
Pressure equipment and simple pressure vessels		19	39.58 %
Recreational crafts		16	33.33 %
Pyrotechnic articles		17	35.42 %
Personal protective equipment (PPE)		26	54.17 %
Maritime equipment		8	16.67 %
Other harmonised consumer products		33	68.75 %
Not responsible for harmonised consumer products		5	10.42 %
No Answer		0	0 %

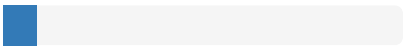
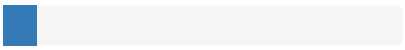
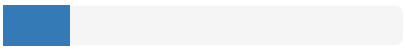
To the best of your knowledge, what is the share of your overall market surveillance activities related to harmonised consumer products (in terms of staff time used)? If no data available, please provide an approximate estimate in PERCENT:

		Answers	Ratio
0%		7	14.58 %
1%		2	4.17 %
3%		1	2.08 %
5%		2	4.17 %
10%		3	6.25 %
20%		2	4.17 %
30%		4	8.33 %
40%		5	10.42 %
50%		4	8.33 %
60%		5	10.42 %
70%		8	16.67 %
80%		2	4.17 %
90%		2	4.17 %
95%		1	2.08 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		0	0 %

C. For which of the following non-harmonised consumer products is your authority responsible in terms of market surveillance and related activities?

		Answers	Ratio
Childcare articles/ children's equipment		35	72.92 %
Decorative articles		29	60.42 %
Clothing, textiles and fashion items		34	70.83 %
Furniture		32	66.67 %
Laser pointers		27	56.25 %
Lighters		30	62.5 %
Gadgets (e.g. selfie sticks)		26	54.17 %
Hobby/sports equipment		29	60.42 %
Jewellery		29	60.42 %
Bicycles (non-electric)		29	60.42 %
Button batteries and products operating with them that fall in the category of non-harmonised products (e.g. musical greeting cards)		27	56.25 %
Electrical appliances and equipment outside the scope of the Low Voltage Directive		26	54.17 %
Other non-harmonised consumer products		35	72.92 %
Not responsible for non-harmonised consumer products		5	10.42 %
No Answer		0	0 %

To the best of your knowledge, what is the share of your overall market surveillance activities related to non-harmonised consumer products (in terms of staff time used)? If no data available, please provide an approximate estimate in PERCENT:

		Answers	Ratio
0%		7	14.58 %
1%		0	0 %
3%		1	2.08 %
5%		4	8.33 %
10%		4	8.33 %
20%		5	10.42 %
30%		4	8.33 %
40%		8	16.67 %
50%		5	10.42 %
60%		3	6.25 %
70%		2	4.17 %
80%		1	2.08 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		1	2.08 %
100%		3	6.25 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Requirement to place only safe products on the market, in combination with the definition of safety – Art. 2 (b) and Art. 3 (3)

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		2	4.17 %
Moderately effective (3)		13	27.08 %
Largely effective (4)		22	45.83 %
Very effective (5)		6	12.5 %
Don't know		3	6.25 %
No Answer		2	4.17 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Development and use of standards – Art. 3 (3) and Art. 4

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		2	4.17 %
Moderately effective (3)		17	35.42 %
Largely effective (4)		17	35.42 %
Very effective (5)		5	10.42 %
Don't know		3	6.25 %
No Answer		4	8.33 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Traceability requirements – Art. 5

		Answers	Ratio
Not at all effective (1)		3	6.25 %
Rather not effective (2)		8	16.67 %
Moderately effective (3)		17	35.42 %
Largely effective (4)		9	18.75 %
Very effective (5)		4	8.33 %
Don't know		5	10.42 %
No Answer		2	4.17 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Corrective action, in particular recalls – Art. 5

		Answers	Ratio
Not at all effective (1)		2	4.17 %
Rather not effective (2)		4	8.33 %
Moderately effective (3)		17	35.42 %
Largely effective (4)		14	29.17 %
Very effective (5)		6	12.5 %
Don't know		2	4.17 %
No Answer		3	6.25 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Market surveillance by Member States – Art. 6 to 9

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		2	4.17 %
Moderately effective (3)		12	25 %
Largely effective (4)		20	41.67 %
Very effective (5)		8	16.67 %
Don't know		2	4.17 %
No Answer		4	8.33 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Rapid alert system for dangerous non-food products (Safety Gate/RAPEX) – Art. 11 and 12

		Answers	Ratio
Not at all effective (1)		1	2.08 %
Rather not effective (2)		2	4.17 %
Moderately effective (3)		10	20.83 %
Largely effective (4)		15	31.25 %
Very effective (5)		15	31.25 %
Don't know		2	4.17 %
No Answer		3	6.25 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Temporary emergency measures by the Commission to control specific product safety risks – Art. 13

		Answers	Ratio
Not at all effective (1)		1	2.08 %
Rather not effective (2)		4	8.33 %
Moderately effective (3)		16	33.33 %
Largely effective (4)		6	12.5 %
Very effective (5)		8	16.67 %
Don't know		11	22.92 %
No Answer		2	4.17 %

2. In your view, to what extent has the GPSD been effective in reaching its overall objectives? Please assess. : a) Achieving a high level of consumer protection

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		2	4.17 %
Moderately effective (3)		19	39.58 %
Largely effective (4)		18	37.5 %
Very effective (5)		4	8.33 %
Don't know		3	6.25 %
No Answer		2	4.17 %

2. In your view, to what extent has the GPSD been effective in reaching its overall objectives? Please assess. : b) Contributing to the functioning of the Single Market

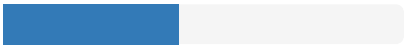
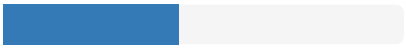
		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		1	2.08 %
Moderately effective (3)		21	43.75 %
Largely effective (4)		15	31.25 %
Very effective (5)		4	8.33 %
Don't know		5	10.42 %
No Answer		2	4.17 %

3. Are there any factors that have affected (i.e. negatively influenced) the effectiveness of the GPSD since its adoption in 2001 in terms of consumer health protection?

		Answers	Ratio
Yes		34	70.83 %
No		2	4.17 %
Don't know		7	14.58 %
No Answer		5	10.42 %

If YES: Please mark up to five most relevant factors affecting GPSD effectiveness

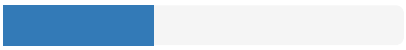
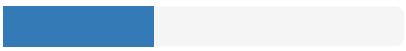
		Answers	Ratio

Differences in implementation of the GPSD in Member States		13	27.08 %
Outdated/unclear terms and concepts used in the GPSD (e.g. placing on the market)		14	29.17 %
Lack of mandatory provisions on traceability in the GPSD		21	43.75 %
Certain risks are not sufficiently covered by the GPSD (explain below)		6	12.5 %
New digital challenges not properly addressed by the GPSD		19	39.58 %
Lack of detailed provisions on fines in the GPSD		0	0 %
Complexity of the legal framework for product safety		5	10.42 %
Differences in enforcement of product safety requirements in Member States (e. g. due to differences in powers/resources of market surveillance authorities)		21	43.75 %
Differences in risk assessment of authorities in different Member States		20	41.67 %
Ineffective control of product safety at the EU borders		13	27.08 %
Delays in notification of dangerous products through RAPEX		3	6.25 %
Delays in standardisation process		17	35.42 %
Increasing complexity of supply chains of consumer products limiting traceability		16	33.33 %
Lack of awareness of businesses with respect to product safety requirements		10	20.83 %
Lack of awareness of consumers with respect to product safety		5	10.42 %
Other factor (specify)		3	6.25 %
No Answer		12	25 %

4. In your experience, are there any factors (e.g. new technologies, new digital business models etc.) that have enhanced (i.e. positively influenced) the effectiveness of the GPSD since its adoption in 2001?

		Answers	Ratio
Yes		30	62.5 %
No		4	8.33 %
Don't know		9	18.75 %
No Answer		5	10.42 %

If YES: Please mark up to five most relevant factors enhancing GPSD effectiveness

		Answers	Ratio
Better supply chain management by companies		5	10.42 %
Better tracing of customers in the online environment (due to availability of customer data)		18	37.5 %
Improved EU product safety market surveillance rules (e.g. Regulation (EC) 765/2008,		18	37.5 %
Commission Notice on the market surveillance of products sold online (C /2017/5200)		11	22.92 %
Improved EU legislative framework for authorisation of chemicals (REACH)		11	22.92 %
Improved cooperation of online platforms due to Product Safety Pledge		12	25 %
Complementary activities financed under the Consumer Programmes (e.g. Joint Actions/CASP, e-Enforcement academy)		20	41.67 %
Use of new technologies for market surveillance (e.g. web crawlers to identify recalled products online)		7	14.58 %
Improvements in coordination and information exchange platforms provided at EU level (e.g. Safety Gate/RAPEX and other IT Tools used by market surveillance authorities)		25	52.08 %
Development of standards		13	27.08 %
Other factor (specify)		0	0 %
No Answer		15	31.25 %

5. As indicated before, the objectives of the GPSD are to achieve a high level of consumer protection through the reduction of unsafe products and to contribute to the functioning of the Single Market. Please assess whether these objectives correspond to current needs and whether additional relevant needs have emerged: : a) Objectives of the GPSD as adopted in 2001 correspond to current needs

		Answers	Ratio
Yes		22	45.83 %
No		17	35.42 %
Don't know		3	6.25 %
No Answer		6	12.5 %

5. As indicated before, the objectives of the GPSD are to achieve a high level of consumer protection through the reduction of unsafe products and to contribute to the functioning of the Single Market. Please assess whether these objectives correspond to current needs and whether additional relevant needs have emerged: : b) Additional needs related to the safety of consumers have emerged since the adoption of the GPSD in 2001

		Answers	Ratio
Yes		32	66.67 %
No		6	12.5 %
Don't know		7	14.58 %
No Answer		3	6.25 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : the increase of direct imports of products bought online by consumers from traders in non-EU countries

		Answers	Ratio
Not at all adapted (1)		19	39.58 %
Rather not adapted (2)		13	27.08 %
Moderately well adapted (3)		6	12.5 %
Considerably well adapted (4)		5	10.42 %
Very well adapted (5)		0	0 %
Don't know		2	4.17 %
No Answer		3	6.25 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : emergence of new actors, such as fulfilment service providers, online marketplaces and other online intermediaries

		Answers	Ratio
Not at all adapted (1)		10	20.83 %
Rather not adapted (2)		23	47.92 %
Moderately well adapted (3)		6	12.5 %
Considerably well adapted (4)		1	2.08 %
Very well adapted (5)		1	2.08 %
Don't know		4	8.33 %
No Answer		3	6.25 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : cyber-security and personal security threats of new technologies that affect the safety of persons

		Answers	Ratio
Not at all adapted (1)		17	35.42 %
Rather not adapted (2)		11	22.92 %
Moderately well adapted (3)		4	8.33 %
Considerably well adapted (4)		2	4.17 %
Very well adapted (5)		0	0 %
Don't know		11	22.92 %
No Answer		3	6.25 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : emerging safety issues in the post-market phase of the product (e.g. by AI self-learning products)

		Answers	Ratio
Not at all adapted (1)		12	25 %
Rather not adapted (2)		11	22.92 %
Moderately well adapted (3)		6	12.5 %
Considerably well adapted (4)		2	4.17 %
Very well adapted (5)		0	0 %
Don't know		14	29.17 %
No Answer		3	6.25 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : stand-alone software

		Answers	Ratio
Not at all adapted (1)		13	27.08 %
Rather not adapted (2)		9	18.75 %
Moderately well adapted (3)		4	8.33 %
Considerably well adapted (4)		1	2.08 %
Very well adapted (5)		0	0 %
Don't know		18	37.5 %
No Answer		3	6.25 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : mental health risks of products, e.g electronic games with highly addictive potential

		Answers	Ratio
Not at all adapted (1)		14	29.17 %
Rather not adapted (2)		11	22.92 %
Moderately well adapted (3)		5	10.42 %
Considerably well adapted (4)		1	2.08 %
Very well adapted (5)		0	0 %
Don't know		13	27.08 %
No Answer		4	8.33 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : product-related environmental issues with impact on consumer health (e.g. use of heavy metals such as lead, use of chemicals that are endocrine disruptors)

		Answers	Ratio
Not at all adapted (1)		6	12.5 %
Rather not adapted (2)		8	16.67 %
Moderately well adapted (3)		13	27.08 %
Considerably well adapted (4)		12	25 %
Very well adapted (5)		0	0 %
Don't know		6	12.5 %
No Answer		3	6.25 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : product-related issues with impact on the environment

		Answers	Ratio
Not at all adapted (1)		9	18.75 %
Rather not adapted (2)		15	31.25 %
Moderately well adapted (3)		6	12.5 %
Considerably well adapted (4)		5	10.42 %
Very well adapted (5)		0	0 %
Don't know		10	20.83 %
No Answer		3	6.25 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all adapted (1)		2	4.17 %
Rather not adapted (2)		5	10.42 %
Moderately well adapted (3)		17	35.42 %
Considerably well adapted (4)		15	31.25 %
Very well adapted (5)		4	8.33 %
Don't know		2	4.17 %
No Answer		3	6.25 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : providing effective market surveillance by Member States

		Answers	Ratio
Not at all adapted (1)		3	6.25 %
Rather not adapted (2)		6	12.5 %
Moderately well adapted (3)		12	25 %
Considerably well adapted (4)		15	31.25 %
Very well adapted (5)		5	10.42 %
Don't know		3	6.25 %
No Answer		4	8.33 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : other (specify)

		Answers	Ratio
Not at all adapted (1)		1	2.08 %
Rather not adapted (2)		1	2.08 %
Moderately well adapted (3)		0	0 %
Considerably well adapted (4)		1	2.08 %
Very well adapted (5)		1	2.08 %
Don't know		14	29.17 %
No Answer		30	62.5 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Product”

		Answers	Ratio
Yes		20	41.67 %
No		21	43.75 %
Don't know		3	6.25 %
No Answer		4	8.33 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Safe product”

		Answers	Ratio
Yes		22	45.83 %
No		18	37.5 %
Don't know		4	8.33 %
No Answer		4	8.33 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Dangerous product"

		Answers	Ratio
Yes		20	41.67 %
No		18	37.5 %
Don't know		4	8.33 %
No Answer		6	12.5 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Serious risk”

		Answers	Ratio
Yes		27	56.25 %
No		13	27.08 %
Don't know		2	4.17 %
No Answer		6	12.5 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Placing on the market”

		Answers	Ratio
Yes		26	54.17 %
No		13	27.08 %
Don't know		2	4.17 %
No Answer		7	14.58 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Producer”

		Answers	Ratio
Yes		25	52.08 %
No		13	27.08 %
Don't know		3	6.25 %
No Answer		7	14.58 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Distributor”

		Answers	Ratio
Yes		24	50 %
No		15	31.25 %
Don't know		3	6.25 %
No Answer		6	12.5 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Recall"

		Answers	Ratio
Yes		19	39.58 %
No		18	37.5 %
Don't know		5	10.42 %
No Answer		6	12.5 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Withdrawal"

		Answers	Ratio
Yes		17	35.42 %
No		21	43.75 %
Don't know		4	8.33 %
No Answer		6	12.5 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : Other (specify)

		Answers	Ratio
Yes		11	22.92 %
No		3	6.25 %
Don't know		10	20.83 %
No Answer		24	50 %

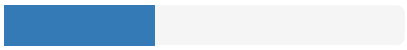
8. In your view, is there any other concept that should be defined in the GPSD?

		Answers	Ratio
Yes		22	45.83 %
No		6	12.5 %
Don't know		15	31.25 %
No Answer		5	10.42 %

9. In your view, are there any discrepancies or inconsistencies between the provisions of the GPSD (i.e. between different rules, obligations etc.)?

		Answers	Ratio
Yes		6	12.5 %
No		25	52.08 %
Don't know		13	27.08 %
No Answer		4	8.33 %

10. In your view, are there overlaps or contradictory requirements between the GPSD and other related EU legislation?

		Answers	Ratio
Yes		18	37.5 %
No		14	29.17 %
Don't know		12	25 %
No Answer		4	8.33 %

If Yes, please indicate the area(s) of other EU legislation. Mark all that apply:

		Answers	Ratio
Market surveillance		10	20.83 %
Chemicals		6	12.5 %
Food contact materials		5	10.42 %
Other consumer product harmonised legislation		10	20.83 %
Standardisation		1	2.08 %
Consumer protection (e.g. regarding unfair commercial practices, consumer protection cooperation)		1	2.08 %
Product liability		3	6.25 %
E-commerce/Digital Single Market		3	6.25 %
Other areas (specify)		1	2.08 %
No Answer		30	62.5 %

11. In your view, are there overlaps or contradictory requirements between the GPSD and wider EU policies?

		Answers	Ratio
Yes		4	8.33 %
No		14	29.17 %
Don't know		25	52.08 %
No Answer		5	10.42 %

If Yes, please indicate the area(s) of EU policy. Mark all that apply:

		Answers	Ratio
Rules on free movement of goods		3	6.25 %
Mutual recognition		4	8.33 %
Customs		2	4.17 %
Competition		2	4.17 %
Industrial policy		1	2.08 %
Digital policies		1	2.08 %
Sustainability (environmental protection)		1	2.08 %
Circular economy		2	4.17 %
Trade		1	2.08 %
Other policy (specify)		0	0 %
No Answer		42	87.5 %

12. In your view, to what extent does the GPSD provide added value compared to what could reasonably have been achieved by Member States acting at national level (without any EU intervention)?

		Answers	Ratio
No added value at all (1)		1	2.08 %
Minor added value (2)		0	0 %
Moderate added value (3)		10	20.83 %
Significant added value (4)		18	37.5 %
Very significant added value (5)		12	25 %
Don't know		2	4.17 %
No Answer		5	10.42 %

13. In your view, what is the best estimate of the share of unsafe products on the market in your area of activity (i.e. the estimated number of unsafe products per 100 products sold on the market)? : in brick-and-mortar shops

		Answers	Ratio
Almost impossible to find unsafe products (0.01% or less of products)		1	2.08 %
Difficult to find unsafe products (0.1% of products)		3	6.25 %
One has to search to find unsafe products (1% of products)		13	27.08 %
Unsafe products are relatively common (2% to 5% of products)		9	18.75 %
Easy to find unsafe products (10% of products)		4	8.33 %
Very easy to find unsafe products (15% or more of products)		2	4.17 %
Don't know		11	22.92 %
No Answer		5	10.42 %

13. In your view, what is the best estimate of the share of unsafe products on the market in your area of activity (i.e. the estimated number of unsafe products per 100 products sold on the market)? : online by traders targeting consumers in your country

		Answers	Ratio
Almost impossible to find unsafe products (0.01% or less of products)		0	0 %
Difficult to find unsafe products (0.1% of products)		4	8.33 %
One has to search to find unsafe products (1% of products)		4	8.33 %
Unsafe products are relatively common (2% to 5% of products)		11	22.92 %
Easy to find unsafe products (10% of products)		2	4.17 %
Very easy to find unsafe products (15% or more of products)		10	20.83 %
Don't know		12	25 %
No Answer		5	10.42 %

14. Have you observed that recalled products continued to be sold or reappeared on the market? Please consider both brick-and-mortar shops and online traders. : in brick-and-mortar shops:

		Answers	Ratio
Yes		12	25 %
No		19	39.58 %
Don't know		12	25 %
No Answer		5	10.42 %

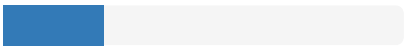
14. Have you observed that recalled products continued to be sold or reappeared on the market? Please consider both brick-and-mortar shops and online traders. : online by traders targeting consumers in your country

		Answers	Ratio
Yes		18	37.5 %
No		12	25 %
Don't know		12	25 %
No Answer		6	12.5 %

15. In the Product Safety Pledge, established in 2018, six online marketplaces have so far voluntarily committed to take action in respect to unsafe products notified in RAPEX or when informed by MSAs. In your view, how effective has been the Product Safety Pledge?

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		3	6.25 %
Moderately effective (3)		20	41.67 %
Largely effective (4)		5	10.42 %
Very effective (5)		1	2.08 %
Don't know		15	31.25 %
No Answer		4	8.33 %

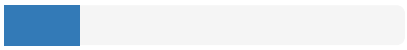
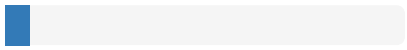
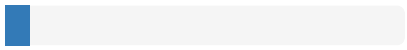
16. Are there any tools for online surveillance and enforcement used in your country that could be considered best practice? Please consider relevant tools used in the context of product safety enforcement and tools used in other areas, e.g. to enforce other consumer protection rights in the online environment. This could include, for example, the use of web-crawlers, the power to block websites and other tools.

		Answers	Ratio
Yes		8	16.67 %
No		23	47.92 %
Don't know		12	25 %
No Answer		5	10.42 %

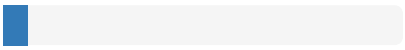
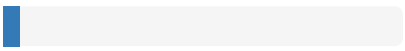
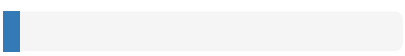
17. Have you ever been informed by companies, consumers/consumer organisations or other organisations regarding cases of product-related death or serious injury associated with a consumer product?

		Answers	Ratio
Yes, by companies		4	8.33 %
Yes, by consumers/consumer organisations		6	12.5 %
Yes, by other organisations (e.g. hospitals)		3	6.25 %
Yes, by various types of organisations		15	31.25 %
No		16	33.33 %
Don't know		1	2.08 %
No Answer		3	6.25 %

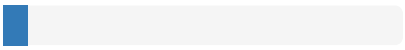
c) Percentage of unsafe consumer products found online in which action could effectively be taken:

		Answers	Ratio
0%		9	18.75 %
1%		3	6.25 %
3%		0	0 %
5%		1	2.08 %
10%		0	0 %
20%		0	0 %
30%		2	4.17 %
40%		0	0 %
50%		3	6.25 %
60%		0	0 %
70%		1	2.08 %
80%		1	2.08 %
90%		1	2.08 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		27	56.25 %

b) Percentage of total imports of consumer products checked by customs for safety:

		Answers	Ratio
0%		2	4.17 %
1%		3	6.25 %
3%		2	4.17 %
5%		1	2.08 %
10%		0	0 %
20%		2	4.17 %
30%		0	0 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		1	2.08 %
No Answer		37	77.08 %

g) In case customs has suspicions that a product/consignment of products may not be safe from the GPSD perspective: What is the procedure?

		Answers	Ratio
Customs suspends release for free circulation, & contacts competent MSA awaiting for its decision and/or until MSA has inspected product/consignment		25	52.08 %
Customs suspends release for free circulation & decides on its own authority how to proceed		1	2.08 %
Other procedure (specify)		3	6.25 %
Don't know		1	2.08 %
No Answer		18	37.5 %

h) Is there a dedicated national IT system shared between customs and market surveillance authorities?

		Answers	Ratio
Yes		7	14.58 %
No		27	56.25 %
Don't know		4	8.33 %
No Answer		10	20.83 %

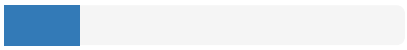
i) Has customs in your country direct access to RAPEX (non-public version)?

		Answers	Ratio
Yes		13	27.08 %
No		17	35.42 %
Don't know		8	16.67 %
No Answer		10	20.83 %

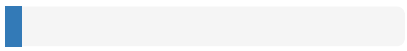
a) Percentage of individual parcels from third countries to destinations in your country that are checked by customs (or others):

		Answers	Ratio
0%		1	2.08 %
1%		5	10.42 %
3%		1	2.08 %
5%		0	0 %
10%		2	4.17 %
20%		0	0 %
30%		0	0 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		1	2.08 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		1	2.08 %
No Answer		37	77.08 %

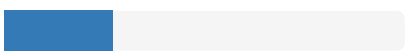
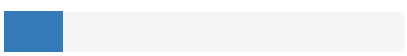
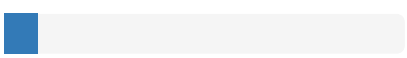
Please indicate whether this estimate concerns all parcels, or only those sent to consumers (i.e. excluding parcels sent to professionals/businesses)

		Answers	Ratio
all parcels		9	18.75 %
only those sent to consumers		2	4.17 %
No Answer		37	77.08 %

21. How are the obligations for distributors in Article 5(2) GPSD implemented in national legislation in your country?

		Answers	Ratio
General obligations for distributors, less detailed than in the GPSD		2	4.17 %
Mostly transposed from the GPSD, with no additional obligations		26	54.17 %
Obligations from the GPSD and additional obligations for distributors (specify below)		6	12.5 %
Other (specify below)		2	4.17 %
Don't know		3	6.25 %
No Answer		9	18.75 %

22. Do you consider that the obligations for distributors in your country are sufficient for safeguarding product safety in your country?

		Answers	Ratio
Yes		24	50 %
No		13	27.08 %
Don't know		7	14.58 %
No Answer		4	8.33 %

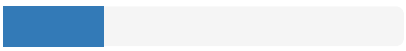
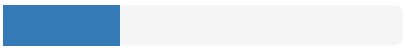
23. How is the Food Imitating Products Directive (87/357/EEC (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Al21189)) implemented in national legislation in your country?

		Answers	Ratio
General provisions, less detailed than Directive 87/357/EEC		3	6.25 %
Mostly transposed from Directive 87/357/EEC, with no additional provisions		21	43.75 %
Obligations from Directive 87/357/EEC, and additional provisions (specify below)		6	12.5 %
Other (specify below)		4	8.33 %
Don't know		7	14.58 %
No Answer		7	14.58 %

24. The Food Imitating Products Directive (87/357/EEC (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Al21189)) concerns products that may be confused with real food by children or other vulnerable consumers. Examples are food-shaped shampoos or bath gels. In your view, is there a need to have a specific regime for food imitating products (which would allow, e.g. to take actions on products for which no specific risk assessment has been made)?

		Answers	Ratio
Yes		18	37.5 %
No		14	29.17 %
Don't know		8	16.67 %
No Answer		8	16.67 %

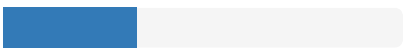
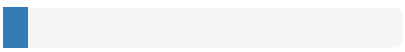
25. If you have conducted or used risk assessments concerning adverse effects on human health (e.g. lead in jewellery or other consumer products), did you take into account the risk assessment done under the REACH (https://echa.europa.eu/regulations/reach/legislation) Regulation?

		Answers	Ratio
Yes, took into account assessment done under REACH (without duplicating the assessment)		11	22.92 %
No, used other approach or methodology (please specify)		12	25 %
Don't know		14	29.17 %
No Answer		11	22.92 %

27. Do you incur other costs related to market surveillance of consumer products (e.g. costs for external safety testing, etc.)?

		Answers	Ratio
Yes		19	39.58 %
No		14	29.17 %
Don't know		5	10.42 %
No Answer		10	20.83 %

29. The EU legal framework for product safety contains different provisions for market surveillance depending on whether the product is harmonised or non-harmonised. To what extent do you incur additional costs due to this situation?

		Answers	Ratio
No additional costs at all		16	33.33 %
Minor additional costs		3	6.25 %
Moderate additional costs		4	8.33 %
Significant additional costs		1	2.08 %
Very significant additional costs		0	0 %
Don't know		14	29.17 %
No Answer		10	20.83 %

[IF MINOR OR MORE] Please estimate the additional costs that you incur due to different provisions for market surveillance depending on whether the product is harmonised or non-harmonised as share of total costs indicated in questions 26 and 27

		Answers	Ratio
0%		0	0 %
1%		1	2.08 %
3%		0	0 %
5%		1	2.08 %
10%		0	0 %
20%		2	4.17 %
30%		2	4.17 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		42	87.5 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Increased consumer trust

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		4	8.33 %
Moderate benefits (3)		17	35.42 %
Significant benefits (4)		15	31.25 %
Very significant benefits (5)		3	6.25 %
Don't know		1	2.08 %
No Answer		8	16.67 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		4	8.33 %
Moderate benefits (3)		11	22.92 %
Significant benefits (4)		10	20.83 %
Very significant benefits (5)		2	4.17 %
Don't know		12	25 %
No Answer		9	18.75 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		5	10.42 %
Moderate benefits (3)		18	37.5 %
Significant benefits (4)		12	25 %
Very significant benefits (5)		1	2.08 %
Don't know		3	6.25 %
No Answer		9	18.75 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		3	6.25 %
Moderate benefits (3)		6	12.5 %
Significant benefits (4)		22	45.83 %
Very significant benefits (5)		9	18.75 %
Don't know		0	0 %
No Answer		8	16.67 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better supply chain management due to traceability of products

		Answers	Ratio
No benefits at all (1)		2	4.17 %
Minor benefits (2)		9	18.75 %
Moderate benefits (3)		9	18.75 %
Significant benefits (4)		12	25 %
Very significant benefits (5)		2	4.17 %
Don't know		5	10.42 %
No Answer		9	18.75 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Greater legal certainty

		Answers	Ratio
No benefits at all (1)		2	4.17 %
Minor benefits (2)		6	12.5 %
Moderate benefits (3)		12	25 %
Significant benefits (4)		15	31.25 %
Very significant benefits (5)		2	4.17 %
Don't know		1	2.08 %
No Answer		10	20.83 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Lower operational risk for businesses

		Answers	Ratio
No benefits at all (1)		1	2.08 %
Minor benefits (2)		5	10.42 %
Moderate benefits (3)		11	22.92 %
Significant benefits (4)		10	20.83 %
Very significant benefits (5)		1	2.08 %
Don't know		11	22.92 %
No Answer		9	18.75 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No benefits at all (1)		1	2.08 %
Minor benefits (2)		9	18.75 %
Moderate benefits (3)		17	35.42 %
Significant benefits (4)		5	10.42 %
Very significant benefits (5)		0	0 %
Don't know		7	14.58 %
No Answer		9	18.75 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : More level playing field among businesses

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		6	12.5 %
Moderate benefits (3)		16	33.33 %
Significant benefits (4)		9	18.75 %
Very significant benefits (5)		1	2.08 %
Don't know		7	14.58 %
No Answer		9	18.75 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better functioning EU internal market

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		6	12.5 %
Moderate benefits (3)		8	16.67 %
Significant benefits (4)		18	37.5 %
Very significant benefits (5)		4	8.33 %
Don't know		2	4.17 %
No Answer		10	20.83 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		3	6.25 %
Moderate benefits (3)		13	27.08 %
Significant benefits (4)		15	31.25 %
Very significant benefits (5)		5	10.42 %
Don't know		3	6.25 %
No Answer		9	18.75 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Reduced number of accidents/injuries caused by unsafe products

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		3	6.25 %
Moderate benefits (3)		14	29.17 %
Significant benefits (4)		14	29.17 %
Very significant benefits (5)		4	8.33 %
Don't know		4	8.33 %
No Answer		9	18.75 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in PVC, siloxanes, Nonylphenol)

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		7	14.58 %
Moderate benefits (3)		12	25 %
Significant benefits (4)		7	14.58 %
Very significant benefits (5)		1	2.08 %
Don't know		10	20.83 %
No Answer		11	22.92 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No benefits at all (1)		1	2.08 %
Minor benefits (2)		2	4.17 %
Moderate benefits (3)		14	29.17 %
Significant benefits (4)		4	8.33 %
Very significant benefits (5)		3	6.25 %
Don't know		15	31.25 %
No Answer		9	18.75 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Other benefit (specify below)

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		0	0 %
Moderate benefits (3)		2	4.17 %
Significant benefits (4)		1	2.08 %
Very significant benefits (5)		0	0 %
Don't know		16	33.33 %
No Answer		29	60.42 %

31. To what extent do you consider the costs due to product safety requirements of the GPSD to be proportionate to the resulting benefits (identified in the previous question)?

		Answers	Ratio
Not at all proportionate (1)		2	4.17 %
Rather not proportionate (2)		2	4.17 %
Moderately proportionate (3)		11	22.92 %
Largely proportionate (4)		12	25 %
Very proportionate (5)		2	4.17 %
Don't know		10	20.83 %
No Answer		9	18.75 %

32. Are there any factors that are affecting (i.e. negatively influencing) the balance of costs and benefits of the product safety requirements of the GPSD, such as complexity of the legislative framework, differences in implementation of the GPSD in Member States etc.?

		Answers	Ratio
Yes		23	47.92 %
No		2	4.17 %
Don't know		12	25 %
No Answer		11	22.92 %

If YES, please mark the factors that are most relevant for you:

		Answers	Ratio
Complexity of the legal framework for product safety		13	27.08 %
Differences in implementation of the GPSD in Member States		12	25 %
Differences in enforcement of product safety requirements in Member States		16	33.33 %
Differences in risk assessment of authorities in different Member States		19	39.58 %
Outdated/unclear terms and concepts used in the GPSD (e.g. placing on the market)		8	16.67 %
Differences in the criteria used by Member States' authorities for notification of products through Safety Gate/RAPEX		10	20.83 %
Delays in notification of dangerous products through Safety Gate/RAPEX		4	8.33 %
Delays in standardisation process		15	31.25 %
Lack of understanding of GPSD requirements in non-EU/EEA countries		9	18.75 %
Other (specify)		3	6.25 %
No Answer		21	43.75 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		4	8.33 %
Rather not (2)		12	25 %
Moderately well (3)		12	25 %
Considerably well (4)		7	14.58 %
Very well (5)		2	4.17 %
Don’t know		3	6.25 %
No Answer		8	16.67 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		4	8.33 %
Rather not (2)		10	20.83 %
Moderately well (3)		15	31.25 %
Considerably well (4)		5	10.42 %
Very well (5)		4	8.33 %
Don’t know		2	4.17 %
No Answer		8	16.67 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		8	16.67 %
Moderately well (3)		15	31.25 %
Considerably well (4)		12	25 %
Very well (5)		4	8.33 %
Don’t know		1	2.08 %
No Answer		8	16.67 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		2	4.17 %
Rather not (2)		7	14.58 %
Moderately well (3)		16	33.33 %
Considerably well (4)		12	25 %
Very well (5)		3	6.25 %
Don’t know		0	0 %
No Answer		8	16.67 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		1	2.08 %
Rather not (2)		6	12.5 %
Moderately well (3)		12	25 %
Considerably well (4)		9	18.75 %
Very well (5)		2	4.17 %
Don’t know		9	18.75 %
No Answer		9	18.75 %

34. To what extent do you consider that the implementation of Option 1 would change your recurrent costs related to market surveillance of consumer products (i.e. total of staff time/other costs as specified in questions 26 and 27)?

		Answers	Ratio
Reduce costs very significantly		0	0 %
Reduce costs significantly		1	2.08 %
Reduce costs slightly		2	4.17 %
Costs would remain the same		21	43.75 %
Increase costs slightly		2	4.17 %
Increase costs significantly		1	2.08 %
Increase costs very significantly		0	0 %
Don’t know		21	43.75 %
No Answer		0	0 %

[ONLY IF COSTS ARE REDUCED] Please estimate the cost reductions if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and savings may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your authority.

		Answers	Ratio
0%		0	0 %
1%		0	0 %
3%		0	0 %
5%		0	0 %
10%		0	0 %
20%		0	0 %
30%		0	0 %
40%		1	2.08 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		47	97.92 %

[ONLY IF COSTS ARE INCREASED] Please estimate the increase in costs if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and cost increases may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your authority.

		Answers	Ratio
0%		0	0 %
1%		0	0 %
3%		0	0 %
5%		0	0 %
10%		1	2.08 %
20%		1	2.08 %
30%		0	0 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
More than 100%		0	0 %
No Answer		46	95.83 %

35. To what extent do you expect that the implementation of Option 1 would lead to one-off costs (e.g. staff time/other costs to adapt your procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		14	29.17 %
Minor additional costs		3	6.25 %
Moderate additional costs		6	12.5 %
Significant additional costs		0	0 %
Very significant additional costs		0	0 %
Don’t know		14	29.17 %
No Answer		11	22.92 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		7	14.58 %
Minor additional benefits (2)		10	20.83 %
Moderate additional benefits (3)		11	22.92 %
Significant additional benefits (4)		5	10.42 %
Very significant additional benefits (5)		0	0 %
Don’t know		7	14.58 %
No Answer		8	16.67 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		5	10.42 %
Minor additional benefits (2)		10	20.83 %
Moderate additional benefits (3)		9	18.75 %
Significant additional benefits (4)		4	8.33 %
Very significant additional benefits (5)		0	0 %
Don’t know		12	25 %
No Answer		8	16.67 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		6	12.5 %
Minor additional benefits (2)		12	25 %
Moderate additional benefits (3)		9	18.75 %
Significant additional benefits (4)		5	10.42 %
Very significant additional benefits (5)		0	0 %
Don’t know		8	16.67 %
No Answer		8	16.67 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		7	14.58 %
Minor additional benefits (2)		8	16.67 %
Moderate additional benefits (3)		8	16.67 %
Significant additional benefits (4)		14	29.17 %
Very significant additional benefits (5)		0	0 %
Don’t know		3	6.25 %
No Answer		8	16.67 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		7	14.58 %
Minor additional benefits (2)		7	14.58 %
Moderate additional benefits (3)		9	18.75 %
Significant additional benefits (4)		13	27.08 %
Very significant additional benefits (5)		1	2.08 %
Don’t know		3	6.25 %
No Answer		8	16.67 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		10	20.83 %
Minor additional benefits (2)		9	18.75 %
Moderate additional benefits (3)		8	16.67 %
Significant additional benefits (4)		8	16.67 %
Very significant additional benefits (5)		1	2.08 %
Don’t know		3	6.25 %
No Answer		9	18.75 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		11	22.92 %
Minor additional benefits (2)		8	16.67 %
Moderate additional benefits (3)		8	16.67 %
Significant additional benefits (4)		6	12.5 %
Very significant additional benefits (5)		2	4.17 %
Don’t know		3	6.25 %
No Answer		10	20.83 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		7	14.58 %
Minor additional benefits (2)		10	20.83 %
Moderate additional benefits (3)		4	8.33 %
Significant additional benefits (4)		8	16.67 %
Very significant additional benefits (5)		2	4.17 %
Don’t know		8	16.67 %
No Answer		9	18.75 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		6	12.5 %
Minor additional benefits (2)		7	14.58 %
Moderate additional benefits (3)		6	12.5 %
Significant additional benefits (4)		8	16.67 %
Very significant additional benefits (5)		1	2.08 %
Don’t know		11	22.92 %
No Answer		9	18.75 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		9	18.75 %
Minor additional benefits (2)		11	22.92 %
Moderate additional benefits (3)		8	16.67 %
Significant additional benefits (4)		6	12.5 %
Very significant additional benefits (5)		0	0 %
Don’t know		6	12.5 %
No Answer		8	16.67 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		6	12.5 %
Minor additional benefits (2)		10	20.83 %
Moderate additional benefits (3)		5	10.42 %
Significant additional benefits (4)		10	20.83 %
Very significant additional benefits (5)		0	0 %
Don’t know		8	16.67 %
No Answer		9	18.75 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		6	12.5 %
Minor additional benefits (2)		12	25 %
Moderate additional benefits (3)		7	14.58 %
Significant additional benefits (4)		12	25 %
Very significant additional benefits (5)		0	0 %
Don’t know		3	6.25 %
No Answer		8	16.67 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		6	12.5 %
Minor additional benefits (2)		10	20.83 %
Moderate additional benefits (3)		7	14.58 %
Significant additional benefits (4)		9	18.75 %
Very significant additional benefits (5)		1	2.08 %
Don’t know		5	10.42 %
No Answer		10	20.83 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		6	12.5 %
Minor additional benefits (2)		10	20.83 %
Moderate additional benefits (3)		8	16.67 %
Significant additional benefits (4)		7	14.58 %
Very significant additional benefits (5)		2	4.17 %
Don’t know		6	12.5 %
No Answer		9	18.75 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		7	14.58 %
Minor additional benefits (2)		6	12.5 %
Moderate additional benefits (3)		7	14.58 %
Significant additional benefits (4)		6	12.5 %
Very significant additional benefits (5)		2	4.17 %
Don’t know		11	22.92 %
No Answer		9	18.75 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		7	14.58 %
Minor additional benefits (2)		9	18.75 %
Moderate additional benefits (3)		6	12.5 %
Significant additional benefits (4)		7	14.58 %
Very significant additional benefits (5)		0	0 %
Don’t know		9	18.75 %
No Answer		10	20.83 %

37. Would you expect that implementation of Option 1 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		1	2.08 %
No, not likely to have social impacts		20	41.67 %
Don't know		19	39.58 %
No Answer		8	16.67 %

38. Would you expect that implementation of Option 1 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		0	0 %
No, not likely to have environmental impacts		22	45.83 %
Don't know		18	37.5 %
No Answer		8	16.67 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		1	2.08 %
Rather not (2)		3	6.25 %
Moderately well (3)		10	20.83 %
Considerably well (4)		13	27.08 %
Very well (5)		8	16.67 %
Don’t know		3	6.25 %
No Answer		10	20.83 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		3	6.25 %
Moderately well (3)		13	27.08 %
Considerably well (4)		12	25 %
Very well (5)		8	16.67 %
Don’t know		2	4.17 %
No Answer		10	20.83 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		3	6.25 %
Moderately well (3)		10	20.83 %
Considerably well (4)		13	27.08 %
Very well (5)		9	18.75 %
Don’t know		2	4.17 %
No Answer		11	22.92 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		1	2.08 %
Moderately well (3)		15	31.25 %
Considerably well (4)		14	29.17 %
Very well (5)		7	14.58 %
Don’t know		1	2.08 %
No Answer		10	20.83 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		5	10.42 %
Moderately well (3)		4	8.33 %
Considerably well (4)		14	29.17 %
Very well (5)		7	14.58 %
Don’t know		8	16.67 %
No Answer		10	20.83 %

41. To what extent do you consider that the implementation of Option 2 would change your recurrent costs related to market surveillance of consumer products (i.e. total of staff time/other costs as specified in questions 26 and 27)?

		Answers	Ratio
Reduce costs very significantly		0	0 %
Reduce costs significantly		3	6.25 %
Reduce costs slightly		2	4.17 %
Costs would remain the same		9	18.75 %
Increase costs slightly		10	20.83 %
Increase costs significantly		1	2.08 %
Increase costs very significantly		0	0 %
Don’t know		23	47.92 %
No Answer		0	0 %

[ONLY IF COSTS ARE REDUCED] Please estimate the cost reductions if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and savings may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your authority.

		Answers	Ratio
0%		0	0 %
1%		1	2.08 %
3%		0	0 %
5%		0	0 %
10%		0	0 %
20%		0	0 %
30%		0	0 %
40%		0	0 %
50%		0	0 %
60%		1	2.08 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		46	95.83 %

[ONLY IF COSTS ARE INCREASED] Please estimate the increase in costs if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and cost increases may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your authority.

		Answers	Ratio
0%		0	0 %
1%		0	0 %
3%		0	0 %
5%		1	2.08 %
10%		3	6.25 %
20%		3	6.25 %
30%		0	0 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
More than 100%		0	0 %
No Answer		41	85.42 %

42. To what extent do you expect that the implementation of Option 2 would lead to one-off costs (e.g. staff time/other costs to adapt your procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		9	18.75 %
Minor additional costs		5	10.42 %
Moderate additional costs		5	10.42 %
Significant additional costs		4	8.33 %
Very significant additional costs		0	0 %
Don't know		14	29.17 %
No Answer		11	22.92 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		4	8.33 %
Moderate additional benefits (3)		17	35.42 %
Significant additional benefits (4)		5	10.42 %
Very significant additional benefits (5)		6	12.5 %
Don't know		7	14.58 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		8	16.67 %
Moderate additional benefits (3)		12	25 %
Significant additional benefits (4)		6	12.5 %
Very significant additional benefits (5)		3	6.25 %
Don’t know		10	20.83 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		8	16.67 %
Moderate additional benefits (3)		16	33.33 %
Significant additional benefits (4)		6	12.5 %
Very significant additional benefits (5)		1	2.08 %
Don’t know		8	16.67 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		4	8.33 %
Moderate additional benefits (3)		12	25 %
Significant additional benefits (4)		15	31.25 %
Very significant additional benefits (5)		3	6.25 %
Don’t know		4	8.33 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		4	8.33 %
Moderate additional benefits (3)		9	18.75 %
Significant additional benefits (4)		16	33.33 %
Very significant additional benefits (5)		7	14.58 %
Don’t know		3	6.25 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		2	4.17 %
Moderate additional benefits (3)		12	25 %
Significant additional benefits (4)		17	35.42 %
Very significant additional benefits (5)		5	10.42 %
Don’t know		3	6.25 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		5	10.42 %
Moderate additional benefits (3)		17	35.42 %
Significant additional benefits (4)		10	20.83 %
Very significant additional benefits (5)		2	4.17 %
Don’t know		3	6.25 %
No Answer		10	20.83 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		10	20.83 %
Moderate additional benefits (3)		11	22.92 %
Significant additional benefits (4)		6	12.5 %
Very significant additional benefits (5)		4	8.33 %
Don’t know		7	14.58 %
No Answer		10	20.83 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		10	20.83 %
Moderate additional benefits (3)		10	20.83 %
Significant additional benefits (4)		6	12.5 %
Very significant additional benefits (5)		1	2.08 %
Don’t know		11	22.92 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		5	10.42 %
Moderate additional benefits (3)		14	29.17 %
Significant additional benefits (4)		10	20.83 %
Very significant additional benefits (5)		1	2.08 %
Don’t know		9	18.75 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		3	6.25 %
Moderate additional benefits (3)		16	33.33 %
Significant additional benefits (4)		10	20.83 %
Very significant additional benefits (5)		4	8.33 %
Don’t know		6	12.5 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		1	2.08 %
Moderate additional benefits (3)		18	37.5 %
Significant additional benefits (4)		10	20.83 %
Very significant additional benefits (5)		6	12.5 %
Don’t know		4	8.33 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		3	6.25 %
Moderate additional benefits (3)		16	33.33 %
Significant additional benefits (4)		8	16.67 %
Very significant additional benefits (5)		7	14.58 %
Don’t know		4	8.33 %
No Answer		10	20.83 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		5	10.42 %
Moderate additional benefits (3)		16	33.33 %
Significant additional benefits (4)		7	14.58 %
Very significant additional benefits (5)		5	10.42 %
Don’t know		6	12.5 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		7	14.58 %
Moderate additional benefits (3)		12	25 %
Significant additional benefits (4)		8	16.67 %
Very significant additional benefits (5)		1	2.08 %
Don’t know		11	22.92 %
No Answer		9	18.75 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		5	10.42 %
Moderate additional benefits (3)		12	25 %
Significant additional benefits (4)		5	10.42 %
Very significant additional benefits (5)		1	2.08 %
Don’t know		16	33.33 %
No Answer		9	18.75 %

44. Would you expect that implementation of Option 2 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		2	4.17 %
No, not likely to have social impacts		16	33.33 %
Don't know		23	47.92 %
No Answer		7	14.58 %

45. Would you expect that implementation of Option 2 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		4	8.33 %
No, not likely to have environmental impacts		14	29.17 %
Don't know		21	43.75 %
No Answer		9	18.75 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		1	2.08 %
Rather not (2)		1	2.08 %
Moderately well (3)		6	12.5 %
Considerably well (4)		17	35.42 %
Very well (5)		13	27.08 %
Don’t know		3	6.25 %
No Answer		7	14.58 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		2	4.17 %
Moderately well (3)		4	8.33 %
Considerably well (4)		21	43.75 %
Very well (5)		12	25 %
Don’t know		2	4.17 %
No Answer		7	14.58 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		2	4.17 %
Moderately well (3)		4	8.33 %
Considerably well (4)		21	43.75 %
Very well (5)		12	25 %
Don’t know		2	4.17 %
No Answer		7	14.58 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		1	2.08 %
Moderately well (3)		5	10.42 %
Considerably well (4)		23	47.92 %
Very well (5)		11	22.92 %
Don’t know		1	2.08 %
No Answer		7	14.58 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		1	2.08 %
Rather not (2)		3	6.25 %
Moderately well (3)		3	6.25 %
Considerably well (4)		10	20.83 %
Very well (5)		12	25 %
Don’t know		10	20.83 %
No Answer		9	18.75 %

48. To what extent do you consider that the implementation of Option 3 would change your recurrent costs related to market surveillance of consumer products (i.e. total of staff time/other costs as specified in questions 26 and 27)?

		Answers	Ratio
Reduce costs very significantly		1	2.08 %
Reduce costs significantly		1	2.08 %
Reduce costs slightly		1	2.08 %
Costs would remain the same		10	20.83 %
Increase costs slightly		5	10.42 %
Increase costs significantly		3	6.25 %
Increase costs very significantly		1	2.08 %
Don’t know		26	54.17 %
No Answer		0	0 %

[ONLY IF COSTS ARE REDUCED] Please estimate the cost reductions if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and savings may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your authority.

		Answers	Ratio
0%		0	0 %
1%		1	2.08 %
3%		0	0 %
5%		0	0 %
10%		0	0 %
20%		0	0 %
30%		0	0 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		1	2.08 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		46	95.83 %

[ONLY IF COSTS ARE INCREASED] Please estimate the increase in costs if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and cost increases may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your authority.

		Answers	Ratio
0%		0	0 %
1%		0	0 %
3%		0	0 %
5%		0	0 %
10%		2	4.17 %
20%		2	4.17 %
30%		1	2.08 %
40%		1	2.08 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
More than 100%		0	0 %
No Answer		42	87.5 %

49. To what extent do you expect that the implementation of Option 3 would lead to one-off costs (e.g. staff time/other costs to adapt your procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		7	14.58 %
Minor additional costs		2	4.17 %
Moderate additional costs		8	16.67 %
Significant additional costs		6	12.5 %
Very significant additional costs		0	0 %
Don’t know		16	33.33 %
No Answer		9	18.75 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		2	4.17 %
Moderate additional benefits (3)		7	14.58 %
Significant additional benefits (4)		15	31.25 %
Very significant additional benefits (5)		9	18.75 %
Don’t know		6	12.5 %
No Answer		9	18.75 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		7	14.58 %
Moderate additional benefits (3)		8	16.67 %
Significant additional benefits (4)		7	14.58 %
Very significant additional benefits (5)		6	12.5 %
Don’t know		11	22.92 %
No Answer		9	18.75 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		5	10.42 %
Moderate additional benefits (3)		11	22.92 %
Significant additional benefits (4)		9	18.75 %
Very significant additional benefits (5)		6	12.5 %
Don’t know		7	14.58 %
No Answer		10	20.83 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		6	12.5 %
Moderate additional benefits (3)		5	10.42 %
Significant additional benefits (4)		16	33.33 %
Very significant additional benefits (5)		8	16.67 %
Don’t know		4	8.33 %
No Answer		9	18.75 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		1	2.08 %
Moderate additional benefits (3)		4	8.33 %
Significant additional benefits (4)		20	41.67 %
Very significant additional benefits (5)		11	22.92 %
Don’t know		3	6.25 %
No Answer		9	18.75 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		2	4.17 %
Moderate additional benefits (3)		6	12.5 %
Significant additional benefits (4)		22	45.83 %
Very significant additional benefits (5)		6	12.5 %
Don’t know		3	6.25 %
No Answer		9	18.75 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		6	12.5 %
Moderate additional benefits (3)		15	31.25 %
Significant additional benefits (4)		9	18.75 %
Very significant additional benefits (5)		6	12.5 %
Don’t know		3	6.25 %
No Answer		9	18.75 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		6	12.5 %
Moderate additional benefits (3)		10	20.83 %
Significant additional benefits (4)		10	20.83 %
Very significant additional benefits (5)		5	10.42 %
Don’t know		8	16.67 %
No Answer		9	18.75 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		5	10.42 %
Moderate additional benefits (3)		8	16.67 %
Significant additional benefits (4)		8	16.67 %
Very significant additional benefits (5)		5	10.42 %
Don’t know		12	25 %
No Answer		10	20.83 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		5	10.42 %
Moderate additional benefits (3)		4	8.33 %
Significant additional benefits (4)		12	25 %
Very significant additional benefits (5)		8	16.67 %
Don’t know		9	18.75 %
No Answer		10	20.83 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		2	4.17 %
Moderate additional benefits (3)		8	16.67 %
Significant additional benefits (4)		15	31.25 %
Very significant additional benefits (5)		8	16.67 %
Don’t know		5	10.42 %
No Answer		9	18.75 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		1	2.08 %
Moderate additional benefits (3)		10	20.83 %
Significant additional benefits (4)		16	33.33 %
Very significant additional benefits (5)		8	16.67 %
Don’t know		4	8.33 %
No Answer		9	18.75 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		2	4.17 %
Moderate additional benefits (3)		8	16.67 %
Significant additional benefits (4)		14	29.17 %
Very significant additional benefits (5)		8	16.67 %
Don’t know		5	10.42 %
No Answer		11	22.92 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		3	6.25 %
Moderate additional benefits (3)		9	18.75 %
Significant additional benefits (4)		12	25 %
Very significant additional benefits (5)		7	14.58 %
Don’t know		7	14.58 %
No Answer		10	20.83 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		3	6.25 %
Moderate additional benefits (3)		8	16.67 %
Significant additional benefits (4)		6	12.5 %
Very significant additional benefits (5)		7	14.58 %
Don’t know		13	27.08 %
No Answer		10	20.83 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		3	6.25 %
Moderate additional benefits (3)		6	12.5 %
Significant additional benefits (4)		6	12.5 %
Very significant additional benefits (5)		6	12.5 %
Don’t know		15	31.25 %
No Answer		11	22.92 %

51. Would you expect that implementation of Option 3 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		5	10.42 %
No, not likely to have social impacts		14	29.17 %
Don't know		22	45.83 %
No Answer		7	14.58 %

52. Would you expect that implementation of Option 3 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		4	8.33 %
No, not likely to have environmental impacts		12	25 %
Don't know		25	52.08 %
No Answer		7	14.58 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		1	2.08 %
Rather not (2)		1	2.08 %
Moderately well (3)		5	10.42 %
Considerably well (4)		12	25 %
Very well (5)		11	22.92 %
Don’t know		4	8.33 %
No Answer		14	29.17 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		2	4.17 %
Moderately well (3)		4	8.33 %
Considerably well (4)		17	35.42 %
Very well (5)		9	18.75 %
Don’t know		3	6.25 %
No Answer		13	27.08 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		2	4.17 %
Moderately well (3)		7	14.58 %
Considerably well (4)		13	27.08 %
Very well (5)		10	20.83 %
Don’t know		3	6.25 %
No Answer		13	27.08 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		3	6.25 %
Moderately well (3)		3	6.25 %
Considerably well (4)		10	20.83 %
Very well (5)		17	35.42 %
Don’t know		2	4.17 %
No Answer		13	27.08 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		1	2.08 %
Rather not (2)		5	10.42 %
Moderately well (3)		1	2.08 %
Considerably well (4)		10	20.83 %
Very well (5)		8	16.67 %
Don’t know		8	16.67 %
No Answer		15	31.25 %

55. To what extent do you consider that the implementation of Option 4 would change your recurrent costs related to market surveillance of consumer products (i.e. total of staff time/other costs as specified in questions 26 and 27)?

		Answers	Ratio
Reduce costs very significantly		1	2.08 %
Reduce costs significantly		1	2.08 %
Reduce costs slightly		0	0 %
Costs would remain the same		11	22.92 %
Increase costs slightly		2	4.17 %
Increase costs significantly		6	12.5 %
Increase costs very significantly		1	2.08 %
Don’t know		26	54.17 %
No Answer		0	0 %

[ONLY IF COSTS ARE REDUCED] Please estimate the cost reductions if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and savings may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your authority.

		Answers	Ratio
0%		0	0 %
1%		0	0 %
3%		0	0 %
5%		0	0 %
10%		0	0 %
20%		0	0 %
30%		0	0 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		1	2.08 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		47	97.92 %

[ONLY IF COSTS ARE INCREASED] Please estimate the increase in costs if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and cost increases may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your authority.

		Answers	Ratio
0%		0	0 %
1%		0	0 %
3%		0	0 %
5%		0	0 %
10%		1	2.08 %
20%		0	0 %
30%		1	2.08 %
40%		0	0 %
50%		2	4.17 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
More than 100%		0	0 %
No Answer		44	91.67 %

56. To what extent do you expect that the implementation of Option 4 would lead to one-off costs (e.g. staff time/other costs to adapt your procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		5	10.42 %
Minor additional costs		2	4.17 %
Moderate additional costs		1	2.08 %
Significant additional costs		5	10.42 %
Very significant additional costs		1	2.08 %
Don’t know		17	35.42 %
No Answer		17	35.42 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		2	4.17 %
Moderate additional benefits (3)		7	14.58 %
Significant additional benefits (4)		9	18.75 %
Very significant additional benefits (5)		8	16.67 %
Don’t know		5	10.42 %
No Answer		16	33.33 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		5	10.42 %
Moderate additional benefits (3)		5	10.42 %
Significant additional benefits (4)		7	14.58 %
Very significant additional benefits (5)		6	12.5 %
Don’t know		8	16.67 %
No Answer		16	33.33 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		3	6.25 %
Moderate additional benefits (3)		12	25 %
Significant additional benefits (4)		6	12.5 %
Very significant additional benefits (5)		5	10.42 %
Don’t know		5	10.42 %
No Answer		16	33.33 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		4	8.33 %
Moderate additional benefits (3)		5	10.42 %
Significant additional benefits (4)		13	27.08 %
Very significant additional benefits (5)		7	14.58 %
Don’t know		2	4.17 %
No Answer		16	33.33 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		1	2.08 %
Moderate additional benefits (3)		7	14.58 %
Significant additional benefits (4)		10	20.83 %
Very significant additional benefits (5)		10	20.83 %
Don’t know		3	6.25 %
No Answer		16	33.33 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		1	2.08 %
Moderate additional benefits (3)		4	8.33 %
Significant additional benefits (4)		10	20.83 %
Very significant additional benefits (5)		14	29.17 %
Don’t know		2	4.17 %
No Answer		17	35.42 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		2	4.17 %
Minor additional benefits (2)		1	2.08 %
Moderate additional benefits (3)		5	10.42 %
Significant additional benefits (4)		5	10.42 %
Very significant additional benefits (5)		16	33.33 %
Don’t know		3	6.25 %
No Answer		16	33.33 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		4	8.33 %
Moderate additional benefits (3)		4	8.33 %
Significant additional benefits (4)		10	20.83 %
Very significant additional benefits (5)		8	16.67 %
Don’t know		5	10.42 %
No Answer		16	33.33 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		3	6.25 %
Moderate additional benefits (3)		3	6.25 %
Significant additional benefits (4)		9	18.75 %
Very significant additional benefits (5)		8	16.67 %
Don’t know		8	16.67 %
No Answer		16	33.33 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		5	10.42 %
Moderate additional benefits (3)		5	10.42 %
Significant additional benefits (4)		5	10.42 %
Very significant additional benefits (5)		8	16.67 %
Don’t know		9	18.75 %
No Answer		15	31.25 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		2	4.17 %
Moderate additional benefits (3)		6	12.5 %
Significant additional benefits (4)		8	16.67 %
Very significant additional benefits (5)		11	22.92 %
Don’t know		5	10.42 %
No Answer		15	31.25 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		2	4.17 %
Moderate additional benefits (3)		3	6.25 %
Significant additional benefits (4)		10	20.83 %
Very significant additional benefits (5)		12	25 %
Don’t know		5	10.42 %
No Answer		15	31.25 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		3	6.25 %
Moderate additional benefits (3)		6	12.5 %
Significant additional benefits (4)		10	20.83 %
Very significant additional benefits (5)		8	16.67 %
Don’t know		5	10.42 %
No Answer		15	31.25 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		3	6.25 %
Moderate additional benefits (3)		8	16.67 %
Significant additional benefits (4)		8	16.67 %
Very significant additional benefits (5)		8	16.67 %
Don’t know		5	10.42 %
No Answer		15	31.25 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		2	4.17 %
Minor additional benefits (2)		1	2.08 %
Moderate additional benefits (3)		7	14.58 %
Significant additional benefits (4)		5	10.42 %
Very significant additional benefits (5)		7	14.58 %
Don’t know		11	22.92 %
No Answer		15	31.25 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		1	2.08 %
Minor additional benefits (2)		2	4.17 %
Moderate additional benefits (3)		7	14.58 %
Significant additional benefits (4)		5	10.42 %
Very significant additional benefits (5)		6	12.5 %
Don’t know		11	22.92 %
No Answer		16	33.33 %

58. Would you expect that implementation of Option 4 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		3	6.25 %
No, not likely to have social impacts		15	31.25 %
Don't know		18	37.5 %
No Answer		12	25 %

59. Would you expect that implementation of Option 4 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		3	6.25 %
No, not likely to have environmental impacts		11	22.92 %
Don't know		22	45.83 %
No Answer		12	25 %

Results – business organisations

Statistics:

Study to support the preparation of an evaluation of the General Product Safety Directive as well as of an impact assessment on it potential revision

Survey of business associations

b. Type of organisation:

		Answers	Ratio
Business association		35	94.59 %
Other		2	5.41 %
No Answer		0	0 %

c. Please specify your country. In case of EU level associations, please indicate "EU".

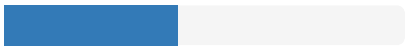
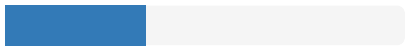
		Answers	Ratio
Austria		2	5.41 %
Belgium		4	10.81 %
Bulgaria		1	2.7 %
Croatia		2	5.41 %
Cyprus		0	0 %
Czech Republic		2	5.41 %
Denmark		1	2.7 %
Estonia		0	0 %
Finland		0	0 %
France		0	0 %
Germany		5	13.51 %
Greece		0	0 %

Hungary		0	0 %
Ireland		0	0 %
Italy		2	5.41 %
Latvia		0	0 %
Lithuania		0	0 %
Luxembourg		0	0 %
Malta		0	0 %
Netherlands		2	5.41 %
Poland		0	0 %
Portugal		0	0 %
Romania		0	0 %
Slovak Republic		0	0 %
Slovenia		0	0 %
Spain		2	5.41 %
Sweden		2	5.41 %
United Kingdom		2	5.41 %
Iceland		0	0 %
Liechtenstein		0	0 %
Norway		0	0 %
EU		10	27.03 %
Other country		0	0 %
No Answer		0	0 %

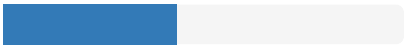
A. What is the role of your member companies in the supply of consumer products to EU consumers?

		Answers	Ratio
Manufacturer/producer		27	72.97 %
Importer		22	59.46 %
Wholesale		14	37.84 %
Retailer/other type of distributor directly selling to consumers (including online retail)		22	59.46 %
Online marketplace or other online intermediary		11	29.73 %
Other role		6	16.22 %
We are not involved in the supply of consumer products to EU consumers		1	2.7 %
No Answer		0	0 %

B. Which of the following harmonised consumer products do your member companies manufacture, import, sell or otherwise make available to EU consumers? Please remember, the term 'consumer product' in this questionnaire excludes pharmaceuticals, medical devices and food products.

		Answers	Ratio
Toys		21	56.76 %
Cosmetics		17	45.95 %
Communication and media equipment		16	43.24 %
Electrical appliances and equipment under the Low Voltage Directive		25	67.57 %
Kitchen/cooking accessories		17	45.95 %
Pressure equipment and simple pressure vessels		10	27.03 %
Recreational crafts		13	35.14 %
Pyrotechnic articles		13	35.14 %
Personal protective equipment (PPE)		19	51.35 %
Maritime equipment		8	21.62 %
Other harmonised consumer products		19	51.35 %
Do not manufacture, import, sell harmonised consumer products		4	10.81 %
No Answer		0	0 %

C. Which of the following non-harmonised consumer products do your member companies manufacture, import, sell or otherwise make available to EU consumers?

		Answers	Ratio
Childcare articles/ children's equipment		19	51.35 %
Decorative articles		20	54.05 %
Clothing, textiles and fashion items		21	56.76 %
Furniture		20	54.05 %
Laser pointers		10	27.03 %
Lighters		13	35.14 %
Gadgets (e.g. selfie sticks)		16	43.24 %
Hobby/sports equipment		20	54.05 %
Jewellery		16	43.24 %
Bicycles (non-electric)		17	45.95 %
Button batteries and products operating with them that fall in the category of non-harmonised products (e.g. musical greeting cards)		14	37.84 %
Electrical appliances and equipment outside the scope of the Low Voltage Directive		20	54.05 %
Other non-harmonised consumer products		15	40.54 %
Do not manufacture, import, sell non-harmonised consumer products		5	13.51 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Requirement to place only safe products on the market, in combination with the definition of safety – Art. 2 (b) and Art. 3 (3)

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		2	5.41 %
Moderately effective (3)		13	35.14 %
Largely effective (4)		8	21.62 %
Very effective (5)		12	32.43 %
Don't know		2	5.41 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Development and use of standards – Art. 3 (3) and Art. 4

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		2	5.41 %
Moderately effective (3)		11	29.73 %
Largely effective (4)		12	32.43 %
Very effective (5)		9	24.32 %
Don't know		3	8.11 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Traceability requirements – Art. 5

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		1	2.7 %
Moderately effective (3)		13	35.14 %
Largely effective (4)		13	35.14 %
Very effective (5)		5	13.51 %
Don't know		5	13.51 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Corrective action, in particular recalls – Art. 5

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		2	5.41 %
Moderately effective (3)		12	32.43 %
Largely effective (4)		16	43.24 %
Very effective (5)		5	13.51 %
Don't know		2	5.41 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Market surveillance by Member States – Art. 6 to 9

		Answers	Ratio
Not at all effective (1)		4	10.81 %
Rather not effective (2)		9	24.32 %
Moderately effective (3)		12	32.43 %
Largely effective (4)		6	16.22 %
Very effective (5)		1	2.7 %
Don't know		4	10.81 %
No Answer		1	2.7 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Rapid alert system for dangerous non-food products (Safety Gate/RAPEX) – Art. 11 and 12

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		6	16.22 %
Moderately effective (3)		9	24.32 %
Largely effective (4)		12	32.43 %
Very effective (5)		8	21.62 %
Don't know		2	5.41 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Temporary emergency measures by the Commission to control specific product safety risks – Art. 13

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		0	0 %
Moderately effective (3)		9	24.32 %
Largely effective (4)		9	24.32 %
Very effective (5)		5	13.51 %
Don't know		13	35.14 %
No Answer		1	2.7 %

2. In your view, to what extent has the GPSD been effective in reaching its overall objectives? Please assess. : a) Achieving a high level of consumer protection

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		2	5.41 %
Moderately effective (3)		8	21.62 %
Largely effective (4)		21	56.76 %
Very effective (5)		4	10.81 %
Don't know		2	5.41 %
No Answer		0	0 %

2. In your view, to what extent has the GPSD been effective in reaching its overall objectives? Please assess. : b) Contributing to the functioning of the Single Market

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		3	8.11 %
Moderately effective (3)		11	29.73 %
Largely effective (4)		16	43.24 %
Very effective (5)		4	10.81 %
Don't know		3	8.11 %
No Answer		0	0 %

3. Are there any factors that have affected (i.e. negatively influenced) the effectiveness of the GPSD since its adoption in 2001 in terms of consumer health protection?

		Answers	Ratio
Yes		31	83.78 %
No		2	5.41 %
Don't know		4	10.81 %
No Answer		0	0 %

If YES: Please mark up to five most relevant factors affecting GPSD effectiveness

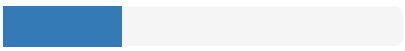
		Answers	Ratio

Differences in implementation of the GPSD in Member States		22	59.46 %
Outdated/unclear terms and concepts used in the GPSD (e.g. placing on the market)		12	32.43 %
Lack of mandatory provisions on traceability in the GPSD		3	8.11 %
Certain risks are not sufficiently covered by the GPSD (explain below)		3	8.11 %
New digital challenges not properly addressed by the GPSD		12	32.43 %
Lack of detailed provisions on fines in the GPSD		2	5.41 %
Complexity of the legal framework for product safety		6	16.22 %
Differences in enforcement of product safety requirements in Member States (e. g. due to differences in powers/resources of market surveillance authorities)		25	67.57 %
Differences in risk assessment of authorities in different Member States		21	56.76 %
Ineffective control of product safety at the EU borders		22	59.46 %
Delays in notification of dangerous products through RAPEX		5	13.51 %
Delays in standardisation process		5	13.51 %
Increasing complexity of supply chains of consumer products limiting traceability		10	27.03 %
Lack of awareness of businesses with respect to product safety requirements		6	16.22 %
Lack of awareness of consumers with respect to product safety		7	18.92 %
Other factor (specify)		1	2.7 %
No Answer		6	16.22 %

4. In your experience, are there any factors (e.g. new technologies, new digital business models etc.) that have enhanced (i.e. positively influenced) the effectiveness of the GPSD since its adoption in 2001?

		Answers	Ratio
Yes		25	67.57 %
No		3	8.11 %
Don't know		9	24.32 %
No Answer		0	0 %

If YES: Please mark up to five most relevant factors enhancing GPSD effectiveness

		Answers	Ratio
Better supply chain management by companies		18	48.65 %
Better tracing of customers in the online environment (due to availability of customer data)		18	48.65 %
Improved EU product safety market surveillance rules (e.g. Regulation (EC) 765/2008,		11	29.73 %
Commission Notice on the market surveillance of products sold online (C /2017/5200)		7	18.92 %
Improved EU legislative framework for authorisation of chemicals (REACH)		5	13.51 %
Improved cooperation of online platforms due to Product Safety Pledge		5	13.51 %
Complementary activities financed under the Consumer Programmes (e.g. Joint Actions/CASP, e-Enforcement academy)		6	16.22 %
Use of new technologies for market surveillance (e.g. web crawlers to identify recalled products online)		13	35.14 %
Improvements in coordination and information exchange platforms provided at EU level (e.g. Safety Gate/RAPEX and other IT Tools used by market surveillance authorities)		4	10.81 %
Development of standards		9	24.32 %
Other factor (specify)		0	0 %
No Answer		12	32.43 %

5. As indicated before, the objectives of the GPSD are to achieve a high level of consumer protection through the reduction of unsafe products and to contribute to the functioning of the Single Market. Please assess whether these objectives correspond to current needs and whether additional relevant needs have emerged: : a) Objectives of the GPSD as adopted in 2001 correspond to current needs

		Answers	Ratio
Yes		25	67.57 %
No		9	24.32 %
Don't know		3	8.11 %
No Answer		0	0 %

5. As indicated before, the objectives of the GPSD are to achieve a high level of consumer protection through the reduction of unsafe products and to contribute to the functioning of the Single Market. Please assess whether these objectives correspond to current needs and whether additional relevant needs have emerged: : b) Additional needs related to the safety of consumers have emerged since the adoption of the GPSD in 2001

		Answers	Ratio
Yes		20	54.05 %
No		12	32.43 %
Don't know		3	8.11 %
No Answer		2	5.41 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : the increase of direct imports of products bought online by consumers from traders in non-EU countries

		Answers	Ratio
Not at all adapted (1)		14	37.84 %
Rather not adapted (2)		12	32.43 %
Moderately well adapted (3)		8	21.62 %
Considerably well adapted (4)		1	2.7 %
Very well adapted (5)		0	0 %
Don't know		2	5.41 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : emergence of new actors, such as fulfilment service providers, online marketplaces and other online intermediaries

		Answers	Ratio
Not at all adapted (1)		12	32.43 %
Rather not adapted (2)		11	29.73 %
Moderately well adapted (3)		5	13.51 %
Considerably well adapted (4)		6	16.22 %
Very well adapted (5)		0	0 %
Don't know		2	5.41 %
No Answer		1	2.7 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : cyber-security and personal security threats of new technologies that affect the safety of persons

		Answers	Ratio
Not at all adapted (1)		6	16.22 %
Rather not adapted (2)		7	18.92 %
Moderately well adapted (3)		5	13.51 %
Considerably well adapted (4)		6	16.22 %
Very well adapted (5)		4	10.81 %
Don't know		9	24.32 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : emerging safety issues in the post-market phase of the product (e.g. by AI self-learning products)

		Answers	Ratio
Not at all adapted (1)		6	16.22 %
Rather not adapted (2)		6	16.22 %
Moderately well adapted (3)		7	18.92 %
Considerably well adapted (4)		7	18.92 %
Very well adapted (5)		2	5.41 %
Don't know		9	24.32 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : stand-alone software

		Answers	Ratio
Not at all adapted (1)		4	10.81 %
Rather not adapted (2)		1	2.7 %
Moderately well adapted (3)		3	8.11 %
Considerably well adapted (4)		8	21.62 %
Very well adapted (5)		1	2.7 %
Don't know		19	51.35 %
No Answer		1	2.7 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : mental health risks of products, e.g electronic games with highly addictive potential

		Answers	Ratio
Not at all adapted (1)		2	5.41 %
Rather not adapted (2)		6	16.22 %
Moderately well adapted (3)		2	5.41 %
Considerably well adapted (4)		9	24.32 %
Very well adapted (5)		0	0 %
Don't know		18	48.65 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : product-related environmental issues with impact on consumer health (e.g. use of heavy metals such as lead, use of chemicals that are endocrine disruptors)

		Answers	Ratio
Not at all adapted (1)		3	8.11 %
Rather not adapted (2)		1	2.7 %
Moderately well adapted (3)		5	13.51 %
Considerably well adapted (4)		11	29.73 %
Very well adapted (5)		3	8.11 %
Don't know		14	37.84 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : product-related issues with impact on the environment

		Answers	Ratio
Not at all adapted (1)		4	10.81 %
Rather not adapted (2)		3	8.11 %
Moderately well adapted (3)		7	18.92 %
Considerably well adapted (4)		7	18.92 %
Very well adapted (5)		3	8.11 %
Don't know		13	35.14 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all adapted (1)		0	0 %
Rather not adapted (2)		3	8.11 %
Moderately well adapted (3)		10	27.03 %
Considerably well adapted (4)		13	35.14 %
Very well adapted (5)		5	13.51 %
Don't know		5	13.51 %
No Answer		1	2.7 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : providing effective market surveillance by Member States

		Answers	Ratio
Not at all adapted (1)		0	0 %
Rather not adapted (2)		15	40.54 %
Moderately well adapted (3)		9	24.32 %
Considerably well adapted (4)		8	21.62 %
Very well adapted (5)		2	5.41 %
Don't know		3	8.11 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : other (specify)

		Answers	Ratio
Not at all adapted (1)		0	0 %
Rather not adapted (2)		0	0 %
Moderately well adapted (3)		1	2.7 %
Considerably well adapted (4)		1	2.7 %
Very well adapted (5)		0	0 %
Don't know		10	27.03 %
No Answer		25	67.57 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Product”

		Answers	Ratio
Yes		13	35.14 %
No		19	51.35 %
Don't know		4	10.81 %
No Answer		1	2.7 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Safe product”

		Answers	Ratio
Yes		12	32.43 %
No		18	48.65 %
Don't know		6	16.22 %
No Answer		1	2.7 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Dangerous product"

		Answers	Ratio
Yes		11	29.73 %
No		18	48.65 %
Don't know		6	16.22 %
No Answer		2	5.41 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Serious risk”

		Answers	Ratio
Yes		13	35.14 %
No		19	51.35 %
Don't know		3	8.11 %
No Answer		2	5.41 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Placing on the market”

		Answers	Ratio
Yes		21	56.76 %
No		12	32.43 %
Don't know		2	5.41 %
No Answer		2	5.41 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Producer”

		Answers	Ratio
Yes		14	37.84 %
No		20	54.05 %
Don't know		2	5.41 %
No Answer		1	2.7 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Distributor”

		Answers	Ratio
Yes		19	51.35 %
No		15	40.54 %
Don't know		2	5.41 %
No Answer		1	2.7 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Recall"

		Answers	Ratio
Yes		5	13.51 %
No		25	67.57 %
Don't know		5	13.51 %
No Answer		2	5.41 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Withdrawal"

		Answers	Ratio
Yes		4	10.81 %
No		24	64.86 %
Don't know		7	18.92 %
No Answer		2	5.41 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : Other (specify)

		Answers	Ratio
Yes		2	5.41 %
No		6	16.22 %
Don't know		13	35.14 %
No Answer		16	43.24 %

8. In your view, is there any other concept that should be defined in the GPSD?

		Answers	Ratio
Yes		12	32.43 %
No		13	35.14 %
Don't know		10	27.03 %
No Answer		2	5.41 %

9. In your view, are there any discrepancies or inconsistencies between the provisions of the GPSD (i.e. between different rules, obligations etc.)?

		Answers	Ratio
Yes		3	8.11 %
No		24	64.86 %
Don't know		10	27.03 %
No Answer		0	0 %

10. In your view, are there overlaps or contradictory requirements between the GPSD and other related EU legislation?

		Answers	Ratio
Yes		21	56.76 %
No		7	18.92 %
Don't know		9	24.32 %
No Answer		0	0 %

If Yes, please indicate the area(s) of other EU legislation. Mark all that apply:

		Answers	Ratio
Market surveillance		17	45.95 %
Chemicals		6	16.22 %
Food contact materials		2	5.41 %
Other consumer product harmonised legislation		10	27.03 %
Standardisation		6	16.22 %
Consumer protection (e.g. regarding unfair commercial practices, consumer protection cooperation)		6	16.22 %
Product liability		10	27.03 %
E-commerce/Digital Single Market		12	32.43 %
Other areas (specify)		1	2.7 %
No Answer		15	40.54 %

11. In your view, are there overlaps or contradictory requirements between the GPSD and wider EU policies?

		Answers	Ratio
Yes		20	54.05 %
No		9	24.32 %
Don't know		8	21.62 %
No Answer		0	0 %

If Yes, please indicate the area(s) of EU policy. Mark all that apply:

		Answers	Ratio
Rules on free movement of goods		9	24.32 %
Mutual recognition		5	13.51 %
Customs		3	8.11 %
Competition		2	5.41 %
Industrial policy		1	2.7 %
Digital policies		8	21.62 %
Sustainability (environmental protection)		6	16.22 %
Circular economy		5	13.51 %
Trade		3	8.11 %
Other policy (specify)		3	8.11 %
No Answer		17	45.95 %

12. In your view, to what extent does the GPSD provide added value compared to what could reasonably have been achieved by Member States acting at national level (without any EU intervention)?

		Answers	Ratio
No added value at all (1)		0	0 %
Minor added value (2)		2	5.41 %
Moderate added value (3)		6	16.22 %
Significant added value (4)		14	37.84 %
Very significant added value (5)		14	37.84 %
Don't know		0	0 %
No Answer		1	2.7 %

13. In your view, what is the best estimate of the share of unsafe products on the market in your area of activity (i.e. the estimated number of unsafe products per 100 products sold on the market)? : in brick-and-mortar shops

		Answers	Ratio
Almost impossible to find unsafe products (0.01% or less of products)		0	0 %
Difficult to find unsafe products (0.1% of products)		7	18.92 %
One has to search to find unsafe products (1% of products)		5	13.51 %
Unsafe products are relatively common (2% to 5% of products)		4	10.81 %
Easy to find unsafe products (10% of products)		1	2.7 %
Very easy to find unsafe products (15% or more of products)		1	2.7 %
Don't know		19	51.35 %
No Answer		0	0 %

13. In your view, what is the best estimate of the share of unsafe products on the market in your area of activity (i.e. the estimated number of unsafe products per 100 products sold on the market)? : online by traders targeting consumers in your country

		Answers	Ratio
Almost impossible to find unsafe products (0.01% or less of products)		0	0 %
Difficult to find unsafe products (0.1% of products)		1	2.7 %
One has to search to find unsafe products (1% of products)		3	8.11 %
Unsafe products are relatively common (2% to 5% of products)		2	5.41 %
Easy to find unsafe products (10% of products)		2	5.41 %
Very easy to find unsafe products (15% or more of products)		12	32.43 %
Don't know		17	45.95 %
No Answer		0	0 %

14. Have you observed that recalled products continued to be sold or reappeared on the market? Please consider both brick-and-mortar shops and online traders. : in brick-and-mortar shops:

		Answers	Ratio
Yes		4	10.81 %
No		15	40.54 %
Don't know		17	45.95 %
No Answer		1	2.7 %

14. Have you observed that recalled products continued to be sold or reappeared on the market? Please consider both brick-and-mortar shops and online traders. : online by traders targeting consumers in your country

		Answers	Ratio
Yes		15	40.54 %
No		4	10.81 %
Don't know		18	48.65 %
No Answer		0	0 %

15. In the Product Safety Pledge, established in 2018, six online marketplaces have so far voluntarily committed to take action in respect to unsafe products notified in RAPEX or when informed by market surveillance authorities. In your view, how effective has been the Product Safety Pledge?

		Answers	Ratio
Not at all effective (1)		7	18.92 %
Rather not effective (2)		7	18.92 %
Moderately effective (3)		4	10.81 %
Largely effective (4)		5	13.51 %
Very effective (5)		3	8.11 %
Don't know		10	27.03 %
No Answer		1	2.7 %

16. Are there any tools for online surveillance and enforcement used in your country that could be considered best practice? Please consider relevant tools used in the context of product safety enforcement and tools used in other areas, e.g. to enforce other consumer protection rights in the online environment. This could include, for example, the use of web-crawlers, the power to block websites and other tools.

		Answers	Ratio
Yes		3	8.11 %
No		11	29.73 %
Don't know		22	59.46 %
No Answer		1	2.7 %

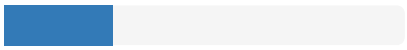
17. Have your member companies ever reported a product-related death or serious injury associated with a consumer product they manufactured, imported, or sold (e.g. based on a consumer complaint) to a national authority?

		Answers	Ratio
Yes		4	10.81 %
No		17	45.95 %
Don't know		16	43.24 %
No Answer		0	0 %

22. Do you consider that the obligations for distributors in your country are sufficient for safeguarding product safety in your country?

		Answers	Ratio
Yes		23	62.16 %
No		6	16.22 %
Don't know		7	18.92 %
No Answer		1	2.7 %

24. The Food Imitating Products Directive (87/357/EEC (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Al21189)) concerns products that may be confused with real food by children or other vulnerable consumers. Examples are food-shaped shampoos or bath gels. In your view, is there a need to have a specific regime for food imitating products (which would allow, e.g. to take actions on products for which no specific risk assessment has been made)?

		Answers	Ratio
Yes		5	13.51 %
No		10	27.03 %
Don't know		20	54.05 %
No Answer		2	5.41 %

25. If you have conducted or used risk assessments concerning adverse effects on human health (e.g. lead in jewellery or other consumer products), did you take into account the risk assessment done under the REACH (https://echa.europa.eu/regulations/reach/legislation) Regulation?

		Answers	Ratio
Yes, took into account assessment done under REACH (without duplicating the assessment)		5	13.51 %
No, used other approach or methodology (please specify)		4	10.81 %
Don't know		23	62.16 %
No Answer		5	13.51 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Increased consumer trust

		Answers	Ratio
No benefits at all (1)		3	8.11 %
Minor benefits (2)		2	5.41 %
Moderate benefits (3)		8	21.62 %
Significant benefits (4)		16	43.24 %
Very significant benefits (5)		4	10.81 %
Don't know		4	10.81 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No benefits at all (1)		3	8.11 %
Minor benefits (2)		4	10.81 %
Moderate benefits (3)		14	37.84 %
Significant benefits (4)		9	24.32 %
Very significant benefits (5)		1	2.7 %
Don't know		6	16.22 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No benefits at all (1)		3	8.11 %
Minor benefits (2)		5	13.51 %
Moderate benefits (3)		9	24.32 %
Significant benefits (4)		10	27.03 %
Very significant benefits (5)		4	10.81 %
Don't know		6	16.22 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No benefits at all (1)		1	2.7 %
Minor benefits (2)		5	13.51 %
Moderate benefits (3)		9	24.32 %
Significant benefits (4)		13	35.14 %
Very significant benefits (5)		5	13.51 %
Don't know		4	10.81 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better supply chain management due to traceability of products

		Answers	Ratio
No benefits at all (1)		3	8.11 %
Minor benefits (2)		2	5.41 %
Moderate benefits (3)		14	37.84 %
Significant benefits (4)		14	37.84 %
Very significant benefits (5)		0	0 %
Don't know		4	10.81 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Greater legal certainty

		Answers	Ratio
No benefits at all (1)		3	8.11 %
Minor benefits (2)		0	0 %
Moderate benefits (3)		7	18.92 %
Significant benefits (4)		19	51.35 %
Very significant benefits (5)		3	8.11 %
Don't know		5	13.51 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Lower operational risk for businesses

		Answers	Ratio
No benefits at all (1)		3	8.11 %
Minor benefits (2)		0	0 %
Moderate benefits (3)		8	21.62 %
Significant benefits (4)		18	48.65 %
Very significant benefits (5)		3	8.11 %
Don't know		5	13.51 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No benefits at all (1)		10	27.03 %
Minor benefits (2)		7	18.92 %
Moderate benefits (3)		5	13.51 %
Significant benefits (4)		4	10.81 %
Very significant benefits (5)		3	8.11 %
Don't know		8	21.62 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : More level playing field among businesses

		Answers	Ratio
No benefits at all (1)		4	10.81 %
Minor benefits (2)		4	10.81 %
Moderate benefits (3)		9	24.32 %
Significant benefits (4)		12	32.43 %
Very significant benefits (5)		4	10.81 %
Don't know		4	10.81 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better functioning EU internal market

		Answers	Ratio
No benefits at all (1)		3	8.11 %
Minor benefits (2)		4	10.81 %
Moderate benefits (3)		7	18.92 %
Significant benefits (4)		11	29.73 %
Very significant benefits (5)		8	21.62 %
Don't know		4	10.81 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No benefits at all (1)		2	5.41 %
Minor benefits (2)		2	5.41 %
Moderate benefits (3)		6	16.22 %
Significant benefits (4)		16	43.24 %
Very significant benefits (5)		6	16.22 %
Don't know		5	13.51 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Reduced number of accidents/injuries caused by unsafe products

		Answers	Ratio
No benefits at all (1)		1	2.7 %
Minor benefits (2)		3	8.11 %
Moderate benefits (3)		5	13.51 %
Significant benefits (4)		14	37.84 %
Very significant benefits (5)		5	13.51 %
Don't know		8	21.62 %
No Answer		1	2.7 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in PVC, siloxanes, Nonylphenol)

		Answers	Ratio
No benefits at all (1)		4	10.81 %
Minor benefits (2)		3	8.11 %
Moderate benefits (3)		12	32.43 %
Significant benefits (4)		8	21.62 %
Very significant benefits (5)		2	5.41 %
Don't know		8	21.62 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No benefits at all (1)		2	5.41 %
Minor benefits (2)		7	18.92 %
Moderate benefits (3)		8	21.62 %
Significant benefits (4)		8	21.62 %
Very significant benefits (5)		0	0 %
Don't know		12	32.43 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Other benefit (specify below)

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		0	0 %
Moderate benefits (3)		0	0 %
Significant benefits (4)		1	2.7 %
Very significant benefits (5)		1	2.7 %
Don't know		19	51.35 %
No Answer		16	43.24 %

31. To what extent do you consider the costs due to product safety requirements of the GPSD to be proportionate to the resulting benefits for your member companies (identified in the previous question)?

		Answers	Ratio
Not at all proportionate (1)		0	0 %
Rather not proportionate (2)		2	5.41 %
Moderately proportionate (3)		9	24.32 %
Largely proportionate (4)		17	45.95 %
Very proportionate (5)		2	5.41 %
Don't know		4	10.81 %
No Answer		3	8.11 %

32. Are there any factors that are affecting (i.e. negatively influencing) the balance of costs and benefits of the product safety requirements of the GPSD for your member companies, such as complexity of the legislative framework, differences in implementation of the GPSD in Member States etc.?

		Answers	Ratio
Yes		28	75.68 %
No		4	10.81 %
Don't know		5	13.51 %
No Answer		0	0 %

If YES, please mark the factors that are most relevant for you:

		Answers	Ratio
Complexity of the legal framework for product safety		11	29.73 %
Differences in implementation of the GPSD in Member States		21	56.76 %
Differences in enforcement of product safety requirements in Member States		18	48.65 %
Differences in risk assessment of authorities in different Member States		17	45.95 %
Outdated/unclear terms and concepts used in the GPSD (e.g. placing on the market)		6	16.22 %
Differences in the criteria used by Member States' authorities for notification of products through Safety Gate/RAPEX		13	35.14 %
Delays in notification of dangerous products through Safety Gate/RAPEX		8	21.62 %
Delays in standardisation process		6	16.22 %
Lack of understanding of GPSD requirements in non-EU/EEA countries		6	16.22 %
Other (specify)		2	5.41 %
No Answer		9	24.32 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		1	2.7 %
Rather not (2)		5	13.51 %
Moderately well (3)		6	16.22 %
Considerably well (4)		11	29.73 %
Very well (5)		5	13.51 %
Don’t know		6	16.22 %
No Answer		3	8.11 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		9	24.32 %
Rather not (2)		4	10.81 %
Moderately well (3)		7	18.92 %
Considerably well (4)		7	18.92 %
Very well (5)		2	5.41 %
Don’t know		4	10.81 %
No Answer		4	10.81 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		1	2.7 %
Rather not (2)		4	10.81 %
Moderately well (3)		9	24.32 %
Considerably well (4)		8	21.62 %
Very well (5)		8	21.62 %
Don’t know		4	10.81 %
No Answer		3	8.11 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		3	8.11 %
Rather not (2)		4	10.81 %
Moderately well (3)		9	24.32 %
Considerably well (4)		8	21.62 %
Very well (5)		6	16.22 %
Don’t know		4	10.81 %
No Answer		3	8.11 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		1	2.7 %
Rather not (2)		3	8.11 %
Moderately well (3)		1	2.7 %
Considerably well (4)		8	21.62 %
Very well (5)		4	10.81 %
Don’t know		16	43.24 %
No Answer		4	10.81 %

34. To what extent do you consider that the implementation of Option 1 would change your member companies' recurrent costs (staff costs and other costs) to comply with safety requirements for consumer products?

		Answers	Ratio
Reduce costs very significantly		0	0 %
Reduce costs significantly		1	2.7 %
Reduce costs slightly		5	13.51 %
Costs would remain the same		16	43.24 %
Increase costs slightly		3	8.11 %
Increase costs significantly		0	0 %
Increase costs very significantly		1	2.7 %
Don’t know		11	29.73 %
No Answer		0	0 %

35. To what extent do you expect that the implementation of Option 1 would lead to one-off costs for your member companies (e.g. staff time/other costs to adapt procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		3	8.11 %
Minor additional costs		15	40.54 %
Moderate additional costs		5	13.51 %
Significant additional costs		1	2.7 %
Very significant additional costs		0	0 %
Don’t know		9	24.32 %
No Answer		4	10.81 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		5	13.51 %
Minor additional benefits (2)		7	18.92 %
Moderate additional benefits (3)		7	18.92 %
Significant additional benefits (4)		6	16.22 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		6	16.22 %
No Answer		4	10.81 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		7	18.92 %
Minor additional benefits (2)		6	16.22 %
Moderate additional benefits (3)		8	21.62 %
Significant additional benefits (4)		2	5.41 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		8	21.62 %
No Answer		5	13.51 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		6	16.22 %
Minor additional benefits (2)		8	21.62 %
Moderate additional benefits (3)		4	10.81 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		9	24.32 %
No Answer		5	13.51 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		4	10.81 %
Minor additional benefits (2)		7	18.92 %
Moderate additional benefits (3)		2	5.41 %
Significant additional benefits (4)		12	32.43 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		7	18.92 %
No Answer		4	10.81 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		8	21.62 %
Minor additional benefits (2)		3	8.11 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		6	16.22 %
Very significant additional benefits (5)		3	8.11 %
Don’t know		7	18.92 %
No Answer		4	10.81 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		5	13.51 %
Minor additional benefits (2)		5	13.51 %
Moderate additional benefits (3)		8	21.62 %
Significant additional benefits (4)		9	24.32 %
Very significant additional benefits (5)		3	8.11 %
Don’t know		3	8.11 %
No Answer		4	10.81 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		8	21.62 %
Minor additional benefits (2)		2	5.41 %
Moderate additional benefits (3)		10	27.03 %
Significant additional benefits (4)		8	21.62 %
Very significant additional benefits (5)		0	0 %
Don’t know		5	13.51 %
No Answer		4	10.81 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		11	29.73 %
Minor additional benefits (2)		2	5.41 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		3	8.11 %
Very significant additional benefits (5)		5	13.51 %
Don’t know		5	13.51 %
No Answer		5	13.51 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		9	24.32 %
Minor additional benefits (2)		2	5.41 %
Moderate additional benefits (3)		10	27.03 %
Significant additional benefits (4)		5	13.51 %
Very significant additional benefits (5)		3	8.11 %
Don’t know		4	10.81 %
No Answer		4	10.81 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		8	21.62 %
Minor additional benefits (2)		8	21.62 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		3	8.11 %
Very significant additional benefits (5)		3	8.11 %
Don’t know		5	13.51 %
No Answer		4	10.81 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		5	13.51 %
Minor additional benefits (2)		7	18.92 %
Moderate additional benefits (3)		5	13.51 %
Significant additional benefits (4)		5	13.51 %
Very significant additional benefits (5)		5	13.51 %
Don’t know		4	10.81 %
No Answer		6	16.22 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		4	10.81 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		8	21.62 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		8	21.62 %
Don’t know		4	10.81 %
No Answer		5	13.51 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		3	8.11 %
Minor additional benefits (2)		8	21.62 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		7	18.92 %
Very significant additional benefits (5)		3	8.11 %
Don’t know		3	8.11 %
No Answer		7	18.92 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		4	10.81 %
Minor additional benefits (2)		6	16.22 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		8	21.62 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		5	13.51 %
No Answer		6	16.22 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		6	16.22 %
Minor additional benefits (2)		9	24.32 %
Moderate additional benefits (3)		4	10.81 %
Significant additional benefits (4)		3	8.11 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		7	18.92 %
No Answer		7	18.92 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		8	21.62 %
Minor additional benefits (2)		5	13.51 %
Moderate additional benefits (3)		4	10.81 %
Significant additional benefits (4)		5	13.51 %
Very significant additional benefits (5)		0	0 %
Don’t know		9	24.32 %
No Answer		6	16.22 %

37. Would you expect that implementation of Option 1 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		2	5.41 %
No, not likely to have social impacts		23	62.16 %
Don't know		7	18.92 %
No Answer		5	13.51 %

38. Would you expect that implementation of Option 1 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		7	18.92 %
No, not likely to have environmental impacts		17	45.95 %
Don't know		8	21.62 %
No Answer		5	13.51 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		2	5.41 %
Rather not (2)		8	21.62 %
Moderately well (3)		11	29.73 %
Considerably well (4)		8	21.62 %
Very well (5)		2	5.41 %
Don’t know		3	8.11 %
No Answer		3	8.11 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		7	18.92 %
Moderately well (3)		11	29.73 %
Considerably well (4)		9	24.32 %
Very well (5)		4	10.81 %
Don’t know		3	8.11 %
No Answer		3	8.11 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		1	2.7 %
Rather not (2)		7	18.92 %
Moderately well (3)		8	21.62 %
Considerably well (4)		8	21.62 %
Very well (5)		4	10.81 %
Don’t know		6	16.22 %
No Answer		3	8.11 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		6	16.22 %
Moderately well (3)		8	21.62 %
Considerably well (4)		15	40.54 %
Very well (5)		1	2.7 %
Don’t know		4	10.81 %
No Answer		3	8.11 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		3	8.11 %
Rather not (2)		3	8.11 %
Moderately well (3)		4	10.81 %
Considerably well (4)		6	16.22 %
Very well (5)		1	2.7 %
Don’t know		17	45.95 %
No Answer		3	8.11 %

41. To what extent do you consider that the implementation of Option 2 would change your member companies' recurrent costs (staff costs and other costs) to comply with safety requirements for consumer products?

		Answers	Ratio
Reduce costs very significantly		0	0 %
Reduce costs significantly		1	2.7 %
Reduce costs slightly		2	5.41 %
Costs would remain the same		4	10.81 %
Increase costs slightly		11	29.73 %
Increase costs significantly		5	13.51 %
Increase costs very significantly		1	2.7 %
Don’t know		13	35.14 %
No Answer		0	0 %

42. To what extent do you expect that the implementation of Option 2 would lead to one-off costs for your member companies (e.g. staff time/other costs to adapt procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		2	5.41 %
Minor additional costs		5	13.51 %
Moderate additional costs		8	21.62 %
Significant additional costs		7	18.92 %
Very significant additional costs		1	2.7 %
Don’t know		13	35.14 %
No Answer		1	2.7 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		2	5.41 %
Minor additional benefits (2)		11	29.73 %
Moderate additional benefits (3)		8	21.62 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		5	13.51 %
No Answer		5	13.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		8	21.62 %
Minor additional benefits (2)		13	35.14 %
Moderate additional benefits (3)		5	13.51 %
Significant additional benefits (4)		1	2.7 %
Very significant additional benefits (5)		0	0 %
Don’t know		5	13.51 %
No Answer		5	13.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		6	16.22 %
Minor additional benefits (2)		10	27.03 %
Moderate additional benefits (3)		9	24.32 %
Significant additional benefits (4)		3	8.11 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		3	8.11 %
No Answer		4	10.81 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		1	2.7 %
Minor additional benefits (2)		8	21.62 %
Moderate additional benefits (3)		9	24.32 %
Significant additional benefits (4)		8	21.62 %
Very significant additional benefits (5)		3	8.11 %
Don’t know		3	8.11 %
No Answer		5	13.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		6	16.22 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		7	18.92 %
Significant additional benefits (4)		8	21.62 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		6	16.22 %
No Answer		5	13.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		4	10.81 %
Minor additional benefits (2)		12	32.43 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		2	5.41 %
Very significant additional benefits (5)		4	10.81 %
Don’t know		4	10.81 %
No Answer		5	13.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		13	35.14 %
Minor additional benefits (2)		6	16.22 %
Moderate additional benefits (3)		5	13.51 %
Significant additional benefits (4)		2	5.41 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		4	10.81 %
No Answer		5	13.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		12	32.43 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		7	18.92 %
Significant additional benefits (4)		2	5.41 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		5	13.51 %
No Answer		5	13.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		13	35.14 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		2	5.41 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		5	13.51 %
No Answer		5	13.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		6	16.22 %
Minor additional benefits (2)		10	27.03 %
Moderate additional benefits (3)		5	13.51 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		4	10.81 %
Don’t know		4	10.81 %
No Answer		4	10.81 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		1	2.7 %
Minor additional benefits (2)		10	27.03 %
Moderate additional benefits (3)		8	21.62 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		5	13.51 %
Don’t know		3	8.11 %
No Answer		6	16.22 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		1	2.7 %
Minor additional benefits (2)		9	24.32 %
Moderate additional benefits (3)		8	21.62 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		5	13.51 %
Don’t know		4	10.81 %
No Answer		6	16.22 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		1	2.7 %
Minor additional benefits (2)		5	13.51 %
Moderate additional benefits (3)		8	21.62 %
Significant additional benefits (4)		7	18.92 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		6	16.22 %
No Answer		8	21.62 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		2	5.41 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		8	21.62 %
Significant additional benefits (4)		7	18.92 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		7	18.92 %
No Answer		7	18.92 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		9	24.32 %
Minor additional benefits (2)		2	5.41 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		0	0 %
Don’t know		9	24.32 %
No Answer		7	18.92 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		9	24.32 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		1	2.7 %
Very significant additional benefits (5)		0	0 %
Don’t know		9	24.32 %
No Answer		8	21.62 %

44. Would you expect that implementation of Option 2 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		2	5.41 %
No, not likely to have social impacts		18	48.65 %
Don't know		15	40.54 %
No Answer		2	5.41 %

45. Would you expect that implementation of Option 2 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		3	8.11 %
No, not likely to have environmental impacts		19	51.35 %
Don't know		13	35.14 %
No Answer		2	5.41 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		5	13.51 %
Rather not (2)		7	18.92 %
Moderately well (3)		9	24.32 %
Considerably well (4)		7	18.92 %
Very well (5)		1	2.7 %
Don’t know		4	10.81 %
No Answer		4	10.81 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		1	2.7 %
Rather not (2)		4	10.81 %
Moderately well (3)		8	21.62 %
Considerably well (4)		14	37.84 %
Very well (5)		2	5.41 %
Don’t know		4	10.81 %
No Answer		4	10.81 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		2	5.41 %
Rather not (2)		10	27.03 %
Moderately well (3)		7	18.92 %
Considerably well (4)		8	21.62 %
Very well (5)		1	2.7 %
Don’t know		5	13.51 %
No Answer		4	10.81 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		1	2.7 %
Rather not (2)		5	13.51 %
Moderately well (3)		8	21.62 %
Considerably well (4)		10	27.03 %
Very well (5)		2	5.41 %
Don’t know		5	13.51 %
No Answer		6	16.22 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		3	8.11 %
Rather not (2)		2	5.41 %
Moderately well (3)		6	16.22 %
Considerably well (4)		4	10.81 %
Very well (5)		1	2.7 %
Don’t know		15	40.54 %
No Answer		6	16.22 %

48. To what extent do you consider that the implementation of Option 3 would change your member companies' recurrent costs (staff costs and other costs) to comply with safety requirements for consumer products?

		Answers	Ratio
Reduce costs very significantly		0	0 %
Reduce costs significantly		0	0 %
Reduce costs slightly		3	8.11 %
Costs would remain the same		3	8.11 %
Increase costs slightly		6	16.22 %
Increase costs significantly		9	24.32 %
Increase costs very significantly		4	10.81 %
Don’t know		12	32.43 %
No Answer		0	0 %

49. To what extent do you expect that the implementation of Option 3 would lead to one-off costs for your member companies (e.g. staff time/other costs to adapt procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		1	2.7 %
Minor additional costs		2	5.41 %
Moderate additional costs		6	16.22 %
Significant additional costs		6	16.22 %
Very significant additional costs		7	18.92 %
Don’t know		11	29.73 %
No Answer		4	10.81 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		4	10.81 %
Minor additional benefits (2)		5	13.51 %
Moderate additional benefits (3)		8	21.62 %
Significant additional benefits (4)		8	21.62 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		4	10.81 %
No Answer		7	18.92 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		8	21.62 %
Minor additional benefits (2)		10	27.03 %
Moderate additional benefits (3)		3	8.11 %
Significant additional benefits (4)		5	13.51 %
Very significant additional benefits (5)		0	0 %
Don’t know		6	16.22 %
No Answer		5	13.51 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		6	16.22 %
Minor additional benefits (2)		6	16.22 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		7	18.92 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		4	10.81 %
No Answer		7	18.92 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		4	10.81 %
Minor additional benefits (2)		7	18.92 %
Moderate additional benefits (3)		8	21.62 %
Significant additional benefits (4)		9	24.32 %
Very significant additional benefits (5)		0	0 %
Don’t know		4	10.81 %
No Answer		5	13.51 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		6	16.22 %
Minor additional benefits (2)		5	13.51 %
Moderate additional benefits (3)		7	18.92 %
Significant additional benefits (4)		7	18.92 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		6	16.22 %
No Answer		5	13.51 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		6	16.22 %
Minor additional benefits (2)		6	16.22 %
Moderate additional benefits (3)		5	13.51 %
Significant additional benefits (4)		9	24.32 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		5	13.51 %
No Answer		4	10.81 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		11	29.73 %
Minor additional benefits (2)		5	13.51 %
Moderate additional benefits (3)		3	8.11 %
Significant additional benefits (4)		8	21.62 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		4	10.81 %
No Answer		5	13.51 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		9	24.32 %
Minor additional benefits (2)		3	8.11 %
Moderate additional benefits (3)		4	10.81 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		10	27.03 %
No Answer		6	16.22 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		10	27.03 %
Minor additional benefits (2)		2	5.41 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		0	0 %
Don’t know		10	27.03 %
No Answer		5	13.51 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		3	8.11 %
Minor additional benefits (2)		10	27.03 %
Moderate additional benefits (3)		4	10.81 %
Significant additional benefits (4)		7	18.92 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		6	16.22 %
No Answer		5	13.51 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		1	2.7 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		3	8.11 %
Significant additional benefits (4)		11	29.73 %
Very significant additional benefits (5)		4	10.81 %
Don’t know		8	21.62 %
No Answer		6	16.22 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		5	13.51 %
Moderate additional benefits (3)		4	10.81 %
Significant additional benefits (4)		8	21.62 %
Very significant additional benefits (5)		5	13.51 %
Don’t know		8	21.62 %
No Answer		7	18.92 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		1	2.7 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		9	24.32 %
Significant additional benefits (4)		8	21.62 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		7	18.92 %
No Answer		7	18.92 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		1	2.7 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		8	21.62 %
Significant additional benefits (4)		7	18.92 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		9	24.32 %
No Answer		7	18.92 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		8	21.62 %
Minor additional benefits (2)		1	2.7 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		3	8.11 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		11	29.73 %
No Answer		7	18.92 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		5	13.51 %
Minor additional benefits (2)		6	16.22 %
Moderate additional benefits (3)		5	13.51 %
Significant additional benefits (4)		3	8.11 %
Very significant additional benefits (5)		0	0 %
Don’t know		11	29.73 %
No Answer		7	18.92 %

51. Would you expect that implementation of Option 3 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		5	13.51 %
No, not likely to have social impacts		15	40.54 %
Don't know		14	37.84 %
No Answer		3	8.11 %

52. Would you expect that implementation of Option 3 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		5	13.51 %
No, not likely to have environmental impacts		16	43.24 %
Don't know		13	35.14 %
No Answer		3	8.11 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		4	10.81 %
Rather not (2)		8	21.62 %
Moderately well (3)		6	16.22 %
Considerably well (4)		6	16.22 %
Very well (5)		1	2.7 %
Don’t know		7	18.92 %
No Answer		5	13.51 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		4	10.81 %
Rather not (2)		3	8.11 %
Moderately well (3)		6	16.22 %
Considerably well (4)		10	27.03 %
Very well (5)		2	5.41 %
Don’t know		7	18.92 %
No Answer		5	13.51 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		4	10.81 %
Rather not (2)		7	18.92 %
Moderately well (3)		4	10.81 %
Considerably well (4)		7	18.92 %
Very well (5)		2	5.41 %
Don’t know		7	18.92 %
No Answer		6	16.22 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		3	8.11 %
Rather not (2)		4	10.81 %
Moderately well (3)		6	16.22 %
Considerably well (4)		9	24.32 %
Very well (5)		3	8.11 %
Don’t know		7	18.92 %
No Answer		5	13.51 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		3	8.11 %
Rather not (2)		3	8.11 %
Moderately well (3)		4	10.81 %
Considerably well (4)		4	10.81 %
Very well (5)		1	2.7 %
Don’t know		17	45.95 %
No Answer		5	13.51 %

55. To what extent do you consider that the implementation of Option 4 would change your member companies' recurrent costs (staff costs and other costs) to comply with safety requirements for consumer products?

		Answers	Ratio
Reduce costs very significantly		0	0 %
Reduce costs significantly		0	0 %
Reduce costs slightly		3	8.11 %
Costs would remain the same		4	10.81 %
Increase costs slightly		4	10.81 %
Increase costs significantly		6	16.22 %
Increase costs very significantly		4	10.81 %
Don’t know		16	43.24 %
No Answer		0	0 %

56. To what extent do you expect that the implementation of Option 4 would lead to one-off costs for your member companies (e.g. staff time/other costs to adapt procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		3	8.11 %
Minor additional costs		3	8.11 %
Moderate additional costs		4	10.81 %
Significant additional costs		7	18.92 %
Very significant additional costs		6	16.22 %
Don’t know		11	29.73 %
No Answer		3	8.11 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		7	18.92 %
Minor additional benefits (2)		6	16.22 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		5	13.51 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		6	16.22 %
No Answer		5	13.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		11	29.73 %
Minor additional benefits (2)		5	13.51 %
Moderate additional benefits (3)		5	13.51 %
Significant additional benefits (4)		3	8.11 %
Very significant additional benefits (5)		0	0 %
Don’t know		8	21.62 %
No Answer		5	13.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		7	18.92 %
Minor additional benefits (2)		7	18.92 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		7	18.92 %
No Answer		5	13.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		7	18.92 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		7	18.92 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		3	8.11 %
Don’t know		7	18.92 %
No Answer		5	13.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		9	24.32 %
Minor additional benefits (2)		2	5.41 %
Moderate additional benefits (3)		2	5.41 %
Significant additional benefits (4)		5	13.51 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		11	29.73 %
No Answer		6	16.22 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		7	18.92 %
Minor additional benefits (2)		6	16.22 %
Moderate additional benefits (3)		1	2.7 %
Significant additional benefits (4)		8	21.62 %
Very significant additional benefits (5)		3	8.11 %
Don’t know		7	18.92 %
No Answer		5	13.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		11	29.73 %
Minor additional benefits (2)		3	8.11 %
Moderate additional benefits (3)		2	5.41 %
Significant additional benefits (4)		7	18.92 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		7	18.92 %
No Answer		5	13.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		10	27.03 %
Minor additional benefits (2)		3	8.11 %
Moderate additional benefits (3)		1	2.7 %
Significant additional benefits (4)		5	13.51 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		12	32.43 %
No Answer		5	13.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		10	27.03 %
Minor additional benefits (2)		3	8.11 %
Moderate additional benefits (3)		3	8.11 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		1	2.7 %
Don’t know		11	29.73 %
No Answer		5	13.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		8	21.62 %
Minor additional benefits (2)		1	2.7 %
Moderate additional benefits (3)		7	18.92 %
Significant additional benefits (4)		5	13.51 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		9	24.32 %
No Answer		5	13.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		5	13.51 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		5	13.51 %
Significant additional benefits (4)		5	13.51 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		9	24.32 %
No Answer		7	18.92 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		7	18.92 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		2	5.41 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		3	8.11 %
Don’t know		10	27.03 %
No Answer		7	18.92 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		4	10.81 %
Minor additional benefits (2)		2	5.41 %
Moderate additional benefits (3)		6	16.22 %
Significant additional benefits (4)		6	16.22 %
Very significant additional benefits (5)		3	8.11 %
Don’t know		9	24.32 %
No Answer		7	18.92 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		4	10.81 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		5	13.51 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		3	8.11 %
Don’t know		10	27.03 %
No Answer		7	18.92 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		8	21.62 %
Minor additional benefits (2)		2	5.41 %
Moderate additional benefits (3)		4	10.81 %
Significant additional benefits (4)		4	10.81 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		10	27.03 %
No Answer		7	18.92 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		6	16.22 %
Minor additional benefits (2)		4	10.81 %
Moderate additional benefits (3)		4	10.81 %
Significant additional benefits (4)		2	5.41 %
Very significant additional benefits (5)		2	5.41 %
Don’t know		12	32.43 %
No Answer		7	18.92 %

58. Would you expect that implementation of Option 4 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		5	13.51 %
No, not likely to have social impacts		13	35.14 %
Don't know		15	40.54 %
No Answer		4	10.81 %

59. Would you expect that implementation of Option 4 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		3	8.11 %
No, not likely to have environmental impacts		17	45.95 %
Don't know		14	37.84 %
No Answer		3	8.11 %

Results – companies

Statistics:

Study to support the preparation of an evaluation of the General Product Safety Directive as well as of an impact assessment on it potential revision

Survey of companies

b. Type of organisation:

		Answers	Ratio
Company		38	92.68 %
Other		2	4.88 %
No Answer		1	2.44 %

c. Please specify your country/the country of your EU headquarters.

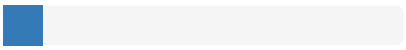
		Answers	Ratio
Austria		2	4.88 %
Belgium		2	4.88 %
Bulgaria		0	0 %
Croatia		0	0 %
Cyprus		0	0 %
Czech Republic		2	4.88 %
Denmark		1	2.44 %
Estonia		0	0 %
Finland		0	0 %
France		5	12.2 %
Germany		6	14.63 %
Greece		0	0 %

Hungary		0	0 %
Ireland		0	0 %
Italy		3	7.32 %
Latvia		0	0 %
Lithuania		0	0 %
Luxembourg		1	2.44 %
Malta		2	4.88 %
Netherlands		5	12.2 %
Poland		1	2.44 %
Portugal		1	2.44 %
Romania		0	0 %
Slovak Republic		0	0 %
Slovenia		0	0 %
Spain		2	4.88 %
Sweden		2	4.88 %
United Kingdom		4	9.76 %
Iceland		0	0 %
Liechtenstein		0	0 %
Norway		0	0 %
EU		0	0 %
Other country		1	2.44 %
No Answer		1	2.44 %

A. What is the role of your company/your member companies in the supply of consumer products to EU consumers?

		Answers	Ratio
Manufacturer/producer		26	63.41 %
Importer		15	36.59 %
Wholesale		6	14.63 %
Retailer/other type of distributor directly selling to consumers (including online retail)		19	46.34 %
Online marketplace or other online intermediary		5	12.2 %
Other role		1	2.44 %
We are not involved in the supply of consumer products to EU consumers		1	2.44 %
No Answer		0	0 %

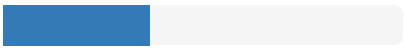
B. Which of the following harmonised consumer products does your company/do your member companies manufacture, import, sell or otherwise make available to EU consumers? Please remember, the term 'consumer product' in this questionnaire excludes pharmaceuticals, medical devices and food products.

		Answers	Ratio
Toys		17	41.46 %
Cosmetics		12	29.27 %
Communication and media equipment		12	29.27 %
Electrical appliances and equipment under the Low Voltage Directive		22	53.66 %
Kitchen/cooking accessories		12	29.27 %
Pressure equipment and simple pressure vessels		4	9.76 %
Recreational crafts		5	12.2 %
Pyrotechnic articles		3	7.32 %
Personal protective equipment (PPE)		9	21.95 %
Maritime equipment		3	7.32 %
Other harmonised consumer products		16	39.02 %
Do not manufacture, import, sell harmonised consumer products		7	17.07 %
No Answer		0	0 %

To the best of your knowledge, what is the share of your EU turnover related to harmonised consumer products? If no data available, please provide an approximate estimate in PERCENT:

		Answers	Ratio
0%		7	17.07 %
1%		1	2.44 %
3%		0	0 %
5%		4	9.76 %
10%		2	4.88 %
20%		3	7.32 %
30%		3	7.32 %
40%		2	4.88 %
50%		3	7.32 %
60%		2	4.88 %
70%		1	2.44 %
80%		0	0 %
90%		1	2.44 %
95%		3	7.32 %
97%		1	2.44 %
99%		3	7.32 %
100%		5	12.2 %
No Answer		0	0 %

C. Which of the following non-harmonised consumer products does your company/do your member companies manufacture, import, sell or otherwise make available to EU consumers?

		Answers	Ratio
Childcare articles/ children's equipment		15	36.59 %
Decorative articles		8	19.51 %
Clothing, textiles and fashion items		9	21.95 %
Furniture		9	21.95 %
Laser pointers		2	4.88 %
Lighters		6	14.63 %
Gadgets (e.g. selfie sticks)		4	9.76 %
Hobby/sports equipment		6	14.63 %
Jewellery		4	9.76 %
Bicycles (non-electric)		3	7.32 %
Button batteries and products operating with them that fall in the category of non-harmonised products (e.g. musical greeting cards)		4	9.76 %
Electrical appliances and equipment outside the scope of the Low Voltage Directive		7	17.07 %
Other non-harmonised consumer products		11	26.83 %
Do not manufacture, import, sell non-harmonised consumer products		13	31.71 %
No Answer		0	0 %

To the best of your knowledge, what is the share of your EU turnover related to non-harmonised consumer products? If no data available, please provide an approximate estimate in PERCENT:

		Answers	Ratio
0%		13	31.71 %
1%		3	7.32 %
3%		2	4.88 %
5%		5	12.2 %
10%		2	4.88 %
20%		1	2.44 %
30%		1	2.44 %
40%		3	7.32 %
50%		2	4.88 %
60%		1	2.44 %
70%		3	7.32 %
80%		1	2.44 %
90%		3	7.32 %
95%		1	2.44 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		0	0 %

D. What is the number of EU Member States in which your company sells or distributes consumer products?

		Answers	Ratio
1		4	9.76 %
2		3	7.32 %
3-5		2	4.88 %
6-10		6	14.63 %
11-15		2	4.88 %
16-20		2	4.88 %
21-26		1	2.44 %
All EU Member States		18	43.9 %
Don't know		2	4.88 %
No Answer		1	2.44 %

E. What was the number of people employed in your company in 2019?

		Answers	Ratio
1 – 9 employees		2	4.88 %
10 – 19 employees		3	7.32 %
20 – 49 employees		3	7.32 %
50 – 249 employees		6	14.63 %
250 – 499 employees		5	12.2 %
500 – 999 employees		0	0 %
1000 employees or more		22	53.66 %
Don't know		0	0 %
No Answer		0	0 %

F. What was the approximate size (in Euro) of your EU turnover in 2019?

		Answers	Ratio
100 000 Euro or less		2	4.88 %
200 000 Euro		2	4.88 %
500 000 Euro		0	0 %
1 million Euro		0	0 %
2 million Euro		1	2.44 %
5 million Euro		2	4.88 %
10 million Euro		2	4.88 %
20 million Euro		2	4.88 %
50 million Euro		3	7.32 %
100 million Euro		6	14.63 %
200 million Euro		0	0 %
500 million Euro		3	7.32 %
1 billion Euro		3	7.32 %
2 billion Euro		0	0 %
5 billion Euro		3	7.32 %
10 billion Euro		0	0 %
20 billion Euro		4	9.76 %
50 billion Euro or more		3	7.32 %
No Answer		5	12.2 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Requirement to place only safe products on the market, in combination with the definition of safety – Art. 2 (b) and Art. 3 (3)

		Answers	Ratio
Not at all effective (1)		2	4.88 %
Rather not effective (2)		1	2.44 %
Moderately effective (3)		9	21.95 %
Largely effective (4)		16	39.02 %
Very effective (5)		7	17.07 %
Don't know		5	12.2 %
No Answer		1	2.44 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Development and use of standards – Art. 3 (3) and Art. 4

		Answers	Ratio
Not at all effective (1)		1	2.44 %
Rather not effective (2)		2	4.88 %
Moderately effective (3)		11	26.83 %
Largely effective (4)		16	39.02 %
Very effective (5)		5	12.2 %
Don't know		4	9.76 %
No Answer		2	4.88 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Traceability requirements – Art. 5

		Answers	Ratio
Not at all effective (1)		2	4.88 %
Rather not effective (2)		3	7.32 %
Moderately effective (3)		6	14.63 %
Largely effective (4)		16	39.02 %
Very effective (5)		4	9.76 %
Don't know		8	19.51 %
No Answer		2	4.88 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Corrective action, in particular recalls – Art. 5

		Answers	Ratio
Not at all effective (1)		4	9.76 %
Rather not effective (2)		4	9.76 %
Moderately effective (3)		11	26.83 %
Largely effective (4)		11	26.83 %
Very effective (5)		4	9.76 %
Don't know		5	12.2 %
No Answer		2	4.88 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Market surveillance by Member States – Art. 6 to 9

		Answers	Ratio
Not at all effective (1)		7	17.07 %
Rather not effective (2)		4	9.76 %
Moderately effective (3)		13	31.71 %
Largely effective (4)		10	24.39 %
Very effective (5)		1	2.44 %
Don't know		4	9.76 %
No Answer		2	4.88 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Rapid alert system for dangerous non-food products (Safety Gate/RAPEX) – Art. 11 and 12

		Answers	Ratio
Not at all effective (1)		1	2.44 %
Rather not effective (2)		6	14.63 %
Moderately effective (3)		9	21.95 %
Largely effective (4)		16	39.02 %
Very effective (5)		4	9.76 %
Don't know		3	7.32 %
No Answer		2	4.88 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Temporary emergency measures by the Commission to control specific product safety risks – Art. 13

		Answers	Ratio
Not at all effective (1)		2	4.88 %
Rather not effective (2)		1	2.44 %
Moderately effective (3)		4	9.76 %
Largely effective (4)		13	31.71 %
Very effective (5)		0	0 %
Don't know		19	46.34 %
No Answer		2	4.88 %

2. In your view, to what extent has the GPSD been effective in reaching its overall objectives? Please assess. : a) Achieving a high level of consumer protection

		Answers	Ratio
Not at all effective (1)		2	4.88 %
Rather not effective (2)		1	2.44 %
Moderately effective (3)		12	29.27 %
Largely effective (4)		18	43.9 %
Very effective (5)		4	9.76 %
Don't know		2	4.88 %
No Answer		2	4.88 %

2. In your view, to what extent has the GPSD been effective in reaching its overall objectives? Please assess. : b) Contributing to the functioning of the Single Market

		Answers	Ratio
Not at all effective (1)		1	2.44 %
Rather not effective (2)		2	4.88 %
Moderately effective (3)		13	31.71 %
Largely effective (4)		14	34.15 %
Very effective (5)		6	14.63 %
Don't know		3	7.32 %
No Answer		2	4.88 %

3. Are there any factors that have affected (i.e. negatively influenced) the effectiveness of the GPSD since its adoption in 2001 in terms of consumer health protection?

		Answers	Ratio
Yes		26	63.41 %
No		3	7.32 %
Don't know		11	26.83 %
No Answer		1	2.44 %

If YES: Please mark up to five most relevant factors affecting GPSD effectiveness

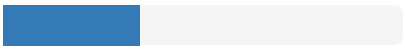
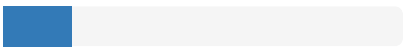
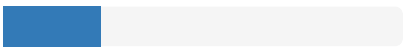
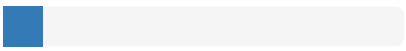
		Answers	Ratio

Differences in implementation of the GPSD in Member States		15	36.59 %
Outdated/unclear terms and concepts used in the GPSD (e.g. placing on the market)		7	17.07 %
Lack of mandatory provisions on traceability in the GPSD		6	14.63 %
Certain risks are not sufficiently covered by the GPSD (explain below)		3	7.32 %
New digital challenges not properly addressed by the GPSD		16	39.02 %
Lack of detailed provisions on fines in the GPSD		2	4.88 %
Complexity of the legal framework for product safety		8	19.51 %
Differences in enforcement of product safety requirements in Member States (e. g. due to differences in powers/resources of market surveillance authorities)		21	51.22 %
Differences in risk assessment of authorities in different Member States		15	36.59 %
Ineffective control of product safety at the EU borders		15	36.59 %
Delays in notification of dangerous products through RAPEX		6	14.63 %
Delays in standardisation process		5	12.2 %
Increasing complexity of supply chains of consumer products limiting traceability		9	21.95 %
Lack of awareness of businesses with respect to product safety requirements		6	14.63 %
Lack of awareness of consumers with respect to product safety		6	14.63 %
Other factor (specify)		2	4.88 %
No Answer		14	34.15 %

4. In your experience, are there any factors (e.g. new technologies, new digital business models etc.) that have enhanced (i.e. positively influenced) the effectiveness of the GPSD since its adoption in 2001?

		Answers	Ratio
Yes		31	75.61 %
No		1	2.44 %
Don't know		7	17.07 %
No Answer		2	4.88 %

If YES: Please mark up to five most relevant factors enhancing GPSD effectiveness

		Answers	Ratio
Better supply chain management by companies		14	34.15 %
Better tracing of customers in the online environment (due to availability of customer data)		14	34.15 %
Improved EU product safety market surveillance rules (e.g. Regulation (EC) 765/2008,		7	17.07 %
Commission Notice on the market surveillance of products sold online (C /2017/5200)		3	7.32 %
Improved EU legislative framework for authorisation of chemicals (REACH)		10	24.39 %
Improved cooperation of online platforms due to Product Safety Pledge		4	9.76 %
Complementary activities financed under the Consumer Programmes (e.g. Joint Actions/CASP, e-Enforcement academy)		7	17.07 %
Use of new technologies for market surveillance (e.g. web crawlers to identify recalled products online)		14	34.15 %
Improvements in coordination and information exchange platforms provided at EU level (e.g. Safety Gate/RAPEX and other IT Tools used by market surveillance authorities)		13	31.71 %
Development of standards		15	36.59 %
Other factor (specify)		2	4.88 %
No Answer		10	24.39 %

5. As indicated before, the objectives of the GPSD are to achieve a high level of consumer protection through the reduction of unsafe products and to contribute to the functioning of the Single Market. Please assess whether these objectives correspond to current needs and whether additional relevant needs have emerged: : a) Objectives of the GPSD as adopted in 2001 correspond to current needs

		Answers	Ratio
Yes		21	51.22 %
No		11	26.83 %
Don't know		7	17.07 %
No Answer		2	4.88 %

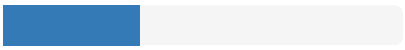
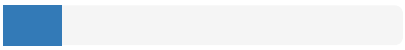
5. As indicated before, the objectives of the GPSD are to achieve a high level of consumer protection through the reduction of unsafe products and to contribute to the functioning of the Single Market. Please assess whether these objectives correspond to current needs and whether additional relevant needs have emerged: : b) Additional needs related to the safety of consumers have emerged since the adoption of the GPSD in 2001

		Answers	Ratio
Yes		23	56.1 %
No		6	14.63 %
Don't know		11	26.83 %
No Answer		1	2.44 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : the increase of direct imports of products bought online by consumers from traders in non-EU countries

		Answers	Ratio
Not at all adapted (1)		14	34.15 %
Rather not adapted (2)		13	31.71 %
Moderately well adapted (3)		3	7.32 %
Considerably well adapted (4)		3	7.32 %
Very well adapted (5)		1	2.44 %
Don't know		4	9.76 %
No Answer		3	7.32 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : emergence of new actors, such as fulfilment service providers, online marketplaces and other online intermediaries

		Answers	Ratio
Not at all adapted (1)		9	21.95 %
Rather not adapted (2)		14	34.15 %
Moderately well adapted (3)		6	14.63 %
Considerably well adapted (4)		4	9.76 %
Very well adapted (5)		0	0 %
Don't know		5	12.2 %
No Answer		3	7.32 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : cyber-security and personal security threats of new technologies that affect the safety of persons

		Answers	Ratio
Not at all adapted (1)		6	14.63 %
Rather not adapted (2)		10	24.39 %
Moderately well adapted (3)		7	17.07 %
Considerably well adapted (4)		3	7.32 %
Very well adapted (5)		2	4.88 %
Don't know		11	26.83 %
No Answer		2	4.88 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : emerging safety issues in the post-market phase of the product (e.g. by AI self-learning products)

		Answers	Ratio
Not at all adapted (1)		7	17.07 %
Rather not adapted (2)		9	21.95 %
Moderately well adapted (3)		6	14.63 %
Considerably well adapted (4)		1	2.44 %
Very well adapted (5)		3	7.32 %
Don't know		13	31.71 %
No Answer		2	4.88 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : stand-alone software

		Answers	Ratio
Not at all adapted (1)		3	7.32 %
Rather not adapted (2)		6	14.63 %
Moderately well adapted (3)		4	9.76 %
Considerably well adapted (4)		2	4.88 %
Very well adapted (5)		2	4.88 %
Don't know		21	51.22 %
No Answer		3	7.32 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : mental health risks of products, e.g electronic games with highly addictive potential

		Answers	Ratio
Not at all adapted (1)		6	14.63 %
Rather not adapted (2)		5	12.2 %
Moderately well adapted (3)		3	7.32 %
Considerably well adapted (4)		2	4.88 %
Very well adapted (5)		0	0 %
Don't know		22	53.66 %
No Answer		3	7.32 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : product-related environmental issues with impact on consumer health (e.g. use of heavy metals such as lead, use of chemicals that are endocrine disruptors)

		Answers	Ratio
Not at all adapted (1)		2	4.88 %
Rather not adapted (2)		6	14.63 %
Moderately well adapted (3)		10	24.39 %
Considerably well adapted (4)		7	17.07 %
Very well adapted (5)		4	9.76 %
Don't know		9	21.95 %
No Answer		3	7.32 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : product-related issues with impact on the environment

		Answers	Ratio
Not at all adapted (1)		3	7.32 %
Rather not adapted (2)		10	24.39 %
Moderately well adapted (3)		11	26.83 %
Considerably well adapted (4)		5	12.2 %
Very well adapted (5)		1	2.44 %
Don't know		7	17.07 %
No Answer		4	9.76 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all adapted (1)		2	4.88 %
Rather not adapted (2)		1	2.44 %
Moderately well adapted (3)		10	24.39 %
Considerably well adapted (4)		13	31.71 %
Very well adapted (5)		7	17.07 %
Don't know		4	9.76 %
No Answer		4	9.76 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : providing effective market surveillance by Member States

		Answers	Ratio
Not at all adapted (1)		3	7.32 %
Rather not adapted (2)		10	24.39 %
Moderately well adapted (3)		12	29.27 %
Considerably well adapted (4)		8	19.51 %
Very well adapted (5)		0	0 %
Don't know		4	9.76 %
No Answer		4	9.76 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : other (specify)

		Answers	Ratio
Not at all adapted (1)		0	0 %
Rather not adapted (2)		1	2.44 %
Moderately well adapted (3)		0	0 %
Considerably well adapted (4)		0	0 %
Very well adapted (5)		0	0 %
Don't know		15	36.59 %
No Answer		25	60.98 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Product”

		Answers	Ratio
Yes		4	9.76 %
No		28	68.29 %
Don't know		5	12.2 %
No Answer		4	9.76 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Safe product”

		Answers	Ratio
Yes		10	24.39 %
No		25	60.98 %
Don't know		3	7.32 %
No Answer		3	7.32 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Dangerous product"

		Answers	Ratio
Yes		11	26.83 %
No		22	53.66 %
Don't know		4	9.76 %
No Answer		4	9.76 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Serious risk”

		Answers	Ratio
Yes		11	26.83 %
No		22	53.66 %
Don't know		4	9.76 %
No Answer		4	9.76 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Placing on the market”

		Answers	Ratio
Yes		17	41.46 %
No		15	36.59 %
Don't know		5	12.2 %
No Answer		4	9.76 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Producer”

		Answers	Ratio
Yes		11	26.83 %
No		23	56.1 %
Don't know		3	7.32 %
No Answer		4	9.76 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Distributor”

		Answers	Ratio
Yes		11	26.83 %
No		22	53.66 %
Don't know		4	9.76 %
No Answer		4	9.76 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Recall"

		Answers	Ratio
Yes		6	14.63 %
No		26	63.41 %
Don't know		5	12.2 %
No Answer		4	9.76 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Withdrawal"

		Answers	Ratio
Yes		9	21.95 %
No		21	51.22 %
Don't know		7	17.07 %
No Answer		4	9.76 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : Other (specify)

		Answers	Ratio
Yes		2	4.88 %
No		7	17.07 %
Don't know		11	26.83 %
No Answer		21	51.22 %

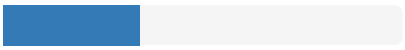
8. In your view, is there any other concept that should be defined in the GPSD?

		Answers	Ratio
Yes		11	26.83 %
No		14	34.15 %
Don't know		15	36.59 %
No Answer		1	2.44 %

9. In your view, are there any discrepancies or inconsistencies between the provisions of the GPSD (i.e. between different rules, obligations etc.)?

		Answers	Ratio
Yes		3	7.32 %
No		21	51.22 %
Don't know		13	31.71 %
No Answer		4	9.76 %

10. In your view, are there overlaps or contradictory requirements between the GPSD and other related EU legislation?

		Answers	Ratio
Yes		14	34.15 %
No		9	21.95 %
Don't know		15	36.59 %
No Answer		3	7.32 %

If Yes, please indicate the area(s) of other EU legislation. Mark all that apply:

		Answers	Ratio
Market surveillance		8	19.51 %
Chemicals		2	4.88 %
Food contact materials		1	2.44 %
Other consumer product harmonised legislation		7	17.07 %
Standardisation		3	7.32 %
Consumer protection (e.g. regarding unfair commercial practices, consumer protection cooperation)		2	4.88 %
Product liability		6	14.63 %
E-commerce/Digital Single Market		6	14.63 %
Other areas (specify)		1	2.44 %
No Answer		27	65.85 %

11. In your view, are there overlaps or contradictory requirements between the GPSD and wider EU policies?

		Answers	Ratio
Yes		13	31.71 %
No		12	29.27 %
Don't know		12	29.27 %
No Answer		4	9.76 %

If Yes, please indicate the area(s) of EU policy. Mark all that apply:

		Answers	Ratio
Rules on free movement of goods		5	12.2 %
Mutual recognition		2	4.88 %
Customs		1	2.44 %
Competition		0	0 %
Industrial policy		0	0 %
Digital policies		3	7.32 %
Sustainability (environmental protection)		6	14.63 %
Circular economy		7	17.07 %
Trade		0	0 %
Other policy (specify)		0	0 %
No Answer		27	65.85 %

12. In your view, to what extent does the GPSD provide added value compared to what could reasonably have been achieved by Member States acting at national level (without any EU intervention)?

		Answers	Ratio
No added value at all (1)		1	2.44 %
Minor added value (2)		2	4.88 %
Moderate added value (3)		5	12.2 %
Significant added value (4)		17	41.46 %
Very significant added value (5)		13	31.71 %
Don't know		0	0 %
No Answer		3	7.32 %

13. In your view, what is the best estimate of the share of unsafe products on the market in your area of activity (i.e. the estimated number of unsafe products per 100 products sold on the market)? : in brick-and-mortar shops

		Answers	Ratio
Almost impossible to find unsafe products (0.01% or less of products)		3	7.32 %
Difficult to find unsafe products (0.1% of products)		7	17.07 %
One has to search to find unsafe products (1% of products)		5	12.2 %
Unsafe products are relatively common (2% to 5% of products)		10	24.39 %
Easy to find unsafe products (10% of products)		1	2.44 %
Very easy to find unsafe products (15% or more of products)		2	4.88 %
Don't know		9	21.95 %
No Answer		4	9.76 %

13. In your view, what is the best estimate of the share of unsafe products on the market in your area of activity (i.e. the estimated number of unsafe products per 100 products sold on the market)? : online by traders targeting consumers in your country

		Answers	Ratio
Almost impossible to find unsafe products (0.01% or less of products)		2	4.88 %
Difficult to find unsafe products (0.1% of products)		2	4.88 %
One has to search to find unsafe products (1% of products)		1	2.44 %
Unsafe products are relatively common (2% to 5% of products)		7	17.07 %
Easy to find unsafe products (10% of products)		4	9.76 %
Very easy to find unsafe products (15% or more of products)		14	34.15 %
Don't know		7	17.07 %
No Answer		4	9.76 %

14. Have you observed that recalled products continued to be sold or reappeared on the market? Please consider both brick-and-mortar shops and online traders. : in brick-and-mortar shops:

		Answers	Ratio
Yes		6	14.63 %
No		13	31.71 %
Don't know		18	43.9 %
No Answer		4	9.76 %

14. Have you observed that recalled products continued to be sold or reappeared on the market? Please consider both brick-and-mortar shops and online traders. : online by traders targeting consumers in your country

		Answers	Ratio
Yes		12	29.27 %
No		6	14.63 %
Don't know		19	46.34 %
No Answer		4	9.76 %

15. In the Product Safety Pledge, established in 2018, six online marketplaces have so far voluntarily committed to take action in respect to unsafe products notified in RAPEX or when informed by market surveillance authorities. In your view, how effective has been the Product Safety Pledge?

		Answers	Ratio
Not at all effective (1)		4	9.76 %
Rather not effective (2)		6	14.63 %
Moderately effective (3)		5	12.2 %
Largely effective (4)		3	7.32 %
Very effective (5)		3	7.32 %
Don't know		16	39.02 %
No Answer		4	9.76 %

16. Are there any tools for online surveillance and enforcement used in your country that could be considered best practice? Please consider relevant tools used in the context of product safety enforcement and tools used in other areas, e.g. to enforce other consumer protection rights in the online environment. This could include, for example, the use of web-crawlers, the power to block websites and other tools.

		Answers	Ratio
Yes		5	12.2 %
No		4	9.76 %
Don't know		27	65.85 %
No Answer		5	12.2 %

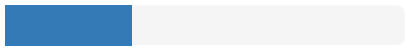
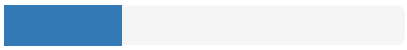
17. Have you ever reported a product-related death or serious injury associated with a consumer product you manufactured, imported, or sold (e.g. based on a consumer complaint) to a national authority?

		Answers	Ratio
Yes		4	9.76 %
No		31	75.61 %
Don't know		2	4.88 %
No Answer		4	9.76 %

22. Do you consider that the obligations for distributors in your country are sufficient for safeguarding product safety in your country?

		Answers	Ratio
Yes		23	56.1 %
No		10	24.39 %
Don't know		4	9.76 %
No Answer		4	9.76 %

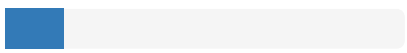
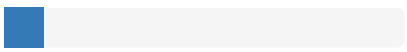
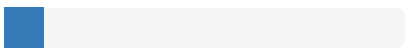
24. The Food Imitating Products Directive (87/357/EEC (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Al21189)) concerns products that may be confused with real food by children or other vulnerable consumers. Examples are food-shaped shampoos or bath gels. In your view, is there a need to have a specific regime for food imitating products (which would allow, e.g. to take actions on products for which no specific risk assessment has been made)?

		Answers	Ratio
Yes		11	26.83 %
No		13	31.71 %
Don't know		12	29.27 %
No Answer		5	12.2 %

25. If you have conducted or used risk assessments concerning adverse effects on human health (e.g. lead in jewellery or other consumer products), did you take into account the risk assessment done under the REACH (https://echa.europa.eu/regulations/reach/legislation) Regulation?

		Answers	Ratio
Yes, took into account assessment done under REACH (without duplicating the assessment)		17	41.46 %
No, used other approach or methodology (please specify)		7	17.07 %
Don't know		14	34.15 %
No Answer		3	7.32 %

27. Do you incur other costs to comply with safety requirements for consumer products (e.g. costs for external legal advice, costs for external safety testing, costs for certification of safety of products etc.)?

		Answers	Ratio
Yes		27	65.85 %
No		6	14.63 %
Don't know		4	9.76 %
No Answer		4	9.76 %

28. Considering the staff time and other costs that you spend each month to comply with safety requirements for consumer products (as indicated in questions 26 and 27 above), please estimate the share of these total costs that you would incur anyway (i.e. even in absence of product safety legislation, for example because these costs relate to your due diligence procedures)?

		Answers	Ratio
0%		1	2.44 %
1%		0	0 %
3%		2	4.88 %
5%		0	0 %
10%		2	4.88 %
20%		3	7.32 %
30%		1	2.44 %
40%		2	4.88 %
50%		2	4.88 %
60%		0	0 %
70%		3	7.32 %
80%		3	7.32 %
90%		1	2.44 %
95%		3	7.32 %
97%		0	0 %
99%		0	0 %
100%		10	24.39 %
No Answer		8	19.51 %

29. To what extent do you incur additional costs due to differences in the safety requirements in Member States that are caused by differences in the national implementation of the GPSD (e.g. regarding traceability requirements)?

		Answers	Ratio
No additional costs at all		12	29.27 %
Minor additional costs		14	34.15 %
Moderate additional costs		1	2.44 %
Significant additional costs		2	4.88 %
Very significant additional costs		0	0 %
Don't know		4	9.76 %
No Answer		8	19.51 %

[IF MINOR OR MORE] Please estimate the additional costs that you incur each month due to differences in the safety requirements in Member States that are caused by differences in the national implementation of the GPSD as share of total costs indicated in questions 26 and 27.

		Answers	Ratio
0%		0	0 %
1%		2	4.88 %
3%		2	4.88 %
5%		6	14.63 %
10%		4	9.76 %
20%		1	2.44 %
30%		1	2.44 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		25	60.98 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Increased consumer trust

		Answers	Ratio
No benefits at all (1)		2	4.88 %
Minor benefits (2)		2	4.88 %
Moderate benefits (3)		10	24.39 %
Significant benefits (4)		12	29.27 %
Very significant benefits (5)		11	26.83 %
Don't know		0	0 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No benefits at all (1)		5	12.2 %
Minor benefits (2)		14	34.15 %
Moderate benefits (3)		7	17.07 %
Significant benefits (4)		7	17.07 %
Very significant benefits (5)		4	9.76 %
Don't know		0	0 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No benefits at all (1)		6	14.63 %
Minor benefits (2)		6	14.63 %
Moderate benefits (3)		13	31.71 %
Significant benefits (4)		8	19.51 %
Very significant benefits (5)		3	7.32 %
Don't know		1	2.44 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No benefits at all (1)		1	2.44 %
Minor benefits (2)		6	14.63 %
Moderate benefits (3)		7	17.07 %
Significant benefits (4)		15	36.59 %
Very significant benefits (5)		7	17.07 %
Don't know		1	2.44 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better supply chain management due to traceability of products

		Answers	Ratio
No benefits at all (1)		4	9.76 %
Minor benefits (2)		7	17.07 %
Moderate benefits (3)		12	29.27 %
Significant benefits (4)		10	24.39 %
Very significant benefits (5)		2	4.88 %
Don't know		2	4.88 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Greater legal certainty

		Answers	Ratio
No benefits at all (1)		3	7.32 %
Minor benefits (2)		1	2.44 %
Moderate benefits (3)		7	17.07 %
Significant benefits (4)		20	48.78 %
Very significant benefits (5)		5	12.2 %
Don't know		1	2.44 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Lower operational risk for businesses

		Answers	Ratio
No benefits at all (1)		2	4.88 %
Minor benefits (2)		4	9.76 %
Moderate benefits (3)		13	31.71 %
Significant benefits (4)		14	34.15 %
Very significant benefits (5)		3	7.32 %
Don't know		1	2.44 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No benefits at all (1)		7	17.07 %
Minor benefits (2)		5	12.2 %
Moderate benefits (3)		9	21.95 %
Significant benefits (4)		8	19.51 %
Very significant benefits (5)		3	7.32 %
Don't know		5	12.2 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : More level playing field among businesses

		Answers	Ratio
No benefits at all (1)		3	7.32 %
Minor benefits (2)		5	12.2 %
Moderate benefits (3)		12	29.27 %
Significant benefits (4)		7	17.07 %
Very significant benefits (5)		5	12.2 %
Don't know		5	12.2 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better functioning EU internal market

		Answers	Ratio
No benefits at all (1)		2	4.88 %
Minor benefits (2)		5	12.2 %
Moderate benefits (3)		10	24.39 %
Significant benefits (4)		13	31.71 %
Very significant benefits (5)		7	17.07 %
Don't know		0	0 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No benefits at all (1)		2	4.88 %
Minor benefits (2)		2	4.88 %
Moderate benefits (3)		11	26.83 %
Significant benefits (4)		9	21.95 %
Very significant benefits (5)		12	29.27 %
Don't know		1	2.44 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Reduced number of accidents/injuries caused by unsafe products

		Answers	Ratio
No benefits at all (1)		1	2.44 %
Minor benefits (2)		2	4.88 %
Moderate benefits (3)		11	26.83 %
Significant benefits (4)		9	21.95 %
Very significant benefits (5)		11	26.83 %
Don't know		3	7.32 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in PVC, siloxanes, Nonylphenol)

		Answers	Ratio
No benefits at all (1)		3	7.32 %
Minor benefits (2)		8	19.51 %
Moderate benefits (3)		7	17.07 %
Significant benefits (4)		8	19.51 %
Very significant benefits (5)		6	14.63 %
Don't know		5	12.2 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No benefits at all (1)		5	12.2 %
Minor benefits (2)		6	14.63 %
Moderate benefits (3)		8	19.51 %
Significant benefits (4)		6	14.63 %
Very significant benefits (5)		3	7.32 %
Don't know		9	21.95 %
No Answer		4	9.76 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Other benefit (specify below)

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		0	0 %
Moderate benefits (3)		0	0 %
Significant benefits (4)		0	0 %
Very significant benefits (5)		0	0 %
Don't know		14	34.15 %
No Answer		27	65.85 %

31. To what extent do you consider the costs due to product safety requirements of the GPSD to be proportionate to the resulting benefits for you (identified in the previous question)?

		Answers	Ratio
Not at all proportionate (1)		3	7.32 %
Rather not proportionate (2)		1	2.44 %
Moderately proportionate (3)		10	24.39 %
Largely proportionate (4)		18	43.9 %
Very proportionate (5)		2	4.88 %
Don't know		1	2.44 %
No Answer		6	14.63 %

32. Are there any factors that are affecting (i.e. negatively influencing) the balance of costs and benefits of the product safety requirements of the GPSD for you, such as complexity of the legislative framework, differences in implementation of the GPSD in Member States etc.?

		Answers	Ratio
Yes		24	58.54 %
No		7	17.07 %
Don't know		5	12.2 %
No Answer		5	12.2 %

If YES, please mark the factors that are most relevant for you:

		Answers	Ratio
Complexity of the legal framework for product safety		7	17.07 %
Differences in implementation of the GPSD in Member States		13	31.71 %
Differences in enforcement of product safety requirements in Member States		17	41.46 %
Differences in risk assessment of authorities in different Member States		15	36.59 %
Outdated/unclear terms and concepts used in the GPSD (e.g. placing on the market)		5	12.2 %
Differences in the criteria used by Member States' authorities for notification of products through Safety Gate/RAPEX		13	31.71 %
Delays in notification of dangerous products through Safety Gate/RAPEX		2	4.88 %
Delays in standardisation process		5	12.2 %
Lack of understanding of GPSD requirements in non-EU/EEA countries		6	14.63 %
Other (specify)		2	4.88 %
No Answer		16	39.02 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		1	2.44 %
Rather not (2)		7	17.07 %
Moderately well (3)		9	21.95 %
Considerably well (4)		11	26.83 %
Very well (5)		5	12.2 %
Don’t know		1	2.44 %
No Answer		7	17.07 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		4	9.76 %
Rather not (2)		6	14.63 %
Moderately well (3)		10	24.39 %
Considerably well (4)		6	14.63 %
Very well (5)		5	12.2 %
Don’t know		3	7.32 %
No Answer		7	17.07 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		2	4.88 %
Rather not (2)		5	12.2 %
Moderately well (3)		11	26.83 %
Considerably well (4)		11	26.83 %
Very well (5)		5	12.2 %
Don’t know		1	2.44 %
No Answer		6	14.63 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		2	4.88 %
Rather not (2)		5	12.2 %
Moderately well (3)		10	24.39 %
Considerably well (4)		11	26.83 %
Very well (5)		4	9.76 %
Don’t know		2	4.88 %
No Answer		7	17.07 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		2	4.88 %
Moderately well (3)		5	12.2 %
Considerably well (4)		10	24.39 %
Very well (5)		3	7.32 %
Don’t know		13	31.71 %
No Answer		8	19.51 %

34. To what extent do you consider that the implementation of Option 1 would change your recurrent costs to comply with safety requirements for consumer products (i.e. total of staff time/other costs as specified in questions 26 and 27)?

		Answers	Ratio
Reduce costs very significantly		1	2.44 %
Reduce costs significantly		1	2.44 %
Reduce costs slightly		2	4.88 %
Costs would remain the same		23	56.1 %
Increase costs slightly		5	12.2 %
Increase costs significantly		0	0 %
Increase costs very significantly		0	0 %
Don’t know		9	21.95 %
No Answer		0	0 %

[ONLY IF COSTS ARE REDUCED] Please estimate the cost reductions if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and savings may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your business.

		Answers	Ratio
0%		0	0 %
1%		0	0 %
3%		1	2.44 %
5%		1	2.44 %
10%		0	0 %
20%		1	2.44 %
30%		0	0 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		38	92.68 %

[ONLY IF COSTS ARE INCREASED] Please estimate the increase in costs if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and cost increases may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your business.

		Answers	Ratio
0%		0	0 %
1%		0	0 %
3%		1	2.44 %
5%		0	0 %
10%		0	0 %
20%		0	0 %
30%		1	2.44 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
More than 100%		0	0 %
No Answer		39	95.12 %

35. To what extent do you expect that the implementation of Option 1 would lead to one-off costs (e.g. staff time/other costs to adapt your procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		16	39.02 %
Minor additional costs		7	17.07 %
Moderate additional costs		3	7.32 %
Significant additional costs		0	0 %
Very significant additional costs		0	0 %
Don’t know		7	17.07 %
No Answer		8	19.51 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		7	17.07 %
Minor additional benefits (2)		9	21.95 %
Moderate additional benefits (3)		5	12.2 %
Significant additional benefits (4)		4	9.76 %
Very significant additional benefits (5)		6	14.63 %
Don’t know		4	9.76 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		14	34.15 %
Minor additional benefits (2)		7	17.07 %
Moderate additional benefits (3)		5	12.2 %
Significant additional benefits (4)		3	7.32 %
Very significant additional benefits (5)		2	4.88 %
Don’t know		4	9.76 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		11	26.83 %
Minor additional benefits (2)		5	12.2 %
Moderate additional benefits (3)		9	21.95 %
Significant additional benefits (4)		2	4.88 %
Very significant additional benefits (5)		4	9.76 %
Don’t know		4	9.76 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		3	7.32 %
Minor additional benefits (2)		9	21.95 %
Moderate additional benefits (3)		6	14.63 %
Significant additional benefits (4)		9	21.95 %
Very significant additional benefits (5)		4	9.76 %
Don’t know		3	7.32 %
No Answer		7	17.07 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		9	21.95 %
Minor additional benefits (2)		7	17.07 %
Moderate additional benefits (3)		8	19.51 %
Significant additional benefits (4)		3	7.32 %
Very significant additional benefits (5)		2	4.88 %
Don’t know		6	14.63 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		6	14.63 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		7	17.07 %
Significant additional benefits (4)		9	21.95 %
Very significant additional benefits (5)		6	14.63 %
Don’t know		2	4.88 %
No Answer		7	17.07 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		9	21.95 %
Minor additional benefits (2)		1	2.44 %
Moderate additional benefits (3)		11	26.83 %
Significant additional benefits (4)		7	17.07 %
Very significant additional benefits (5)		4	9.76 %
Don’t know		2	4.88 %
No Answer		7	17.07 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		7	17.07 %
Minor additional benefits (2)		1	2.44 %
Moderate additional benefits (3)		10	24.39 %
Significant additional benefits (4)		7	17.07 %
Very significant additional benefits (5)		3	7.32 %
Don’t know		7	17.07 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		8	19.51 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		10	24.39 %
Significant additional benefits (4)		6	14.63 %
Very significant additional benefits (5)		3	7.32 %
Don’t know		6	14.63 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		8	19.51 %
Minor additional benefits (2)		6	14.63 %
Moderate additional benefits (3)		8	19.51 %
Significant additional benefits (4)		4	9.76 %
Very significant additional benefits (5)		3	7.32 %
Don’t know		6	14.63 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		7	17.07 %
Minor additional benefits (2)		3	7.32 %
Moderate additional benefits (3)		11	26.83 %
Significant additional benefits (4)		8	19.51 %
Very significant additional benefits (5)		2	4.88 %
Don’t know		4	9.76 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		5	12.2 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		13	31.71 %
Significant additional benefits (4)		10	24.39 %
Very significant additional benefits (5)		3	7.32 %
Don’t know		2	4.88 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		5	12.2 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		14	34.15 %
Significant additional benefits (4)		4	9.76 %
Very significant additional benefits (5)		6	14.63 %
Don’t know		4	9.76 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		7	17.07 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		13	31.71 %
Significant additional benefits (4)		3	7.32 %
Very significant additional benefits (5)		6	14.63 %
Don’t know		4	9.76 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		8	19.51 %
Minor additional benefits (2)		8	19.51 %
Moderate additional benefits (3)		6	14.63 %
Significant additional benefits (4)		3	7.32 %
Very significant additional benefits (5)		3	7.32 %
Don’t know		7	17.07 %
No Answer		6	14.63 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		12	29.27 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		5	12.2 %
Significant additional benefits (4)		2	4.88 %
Very significant additional benefits (5)		2	4.88 %
Don’t know		10	24.39 %
No Answer		6	14.63 %

37. Would you expect that implementation of Option 1 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		0	0 %
No, not likely to have social impacts		26	63.41 %
Don't know		8	19.51 %
No Answer		7	17.07 %

38. Would you expect that implementation of Option 1 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		0	0 %
No, not likely to have environmental impacts		24	58.54 %
Don't know		9	21.95 %
No Answer		8	19.51 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		3	7.32 %
Rather not (2)		3	7.32 %
Moderately well (3)		10	24.39 %
Considerably well (4)		14	34.15 %
Very well (5)		3	7.32 %
Don’t know		2	4.88 %
No Answer		6	14.63 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		1	2.44 %
Rather not (2)		1	2.44 %
Moderately well (3)		10	24.39 %
Considerably well (4)		16	39.02 %
Very well (5)		4	9.76 %
Don’t know		3	7.32 %
No Answer		6	14.63 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		4	9.76 %
Rather not (2)		2	4.88 %
Moderately well (3)		10	24.39 %
Considerably well (4)		14	34.15 %
Very well (5)		3	7.32 %
Don’t know		3	7.32 %
No Answer		5	12.2 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		5	12.2 %
Moderately well (3)		9	21.95 %
Considerably well (4)		15	36.59 %
Very well (5)		3	7.32 %
Don’t know		4	9.76 %
No Answer		5	12.2 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		3	7.32 %
Rather not (2)		1	2.44 %
Moderately well (3)		8	19.51 %
Considerably well (4)		9	21.95 %
Very well (5)		2	4.88 %
Don’t know		12	29.27 %
No Answer		6	14.63 %

41. To what extent do you consider that the implementation of Option 2 would change your recurrent costs to comply with safety requirements for consumer products (i.e. total of staff time/other costs as specified in questions 26 and 27)?

		Answers	Ratio
Reduce costs very significantly		0	0 %
Reduce costs significantly		2	4.88 %
Reduce costs slightly		4	9.76 %
Costs would remain the same		10	24.39 %
Increase costs slightly		9	21.95 %
Increase costs significantly		3	7.32 %
Increase costs very significantly		1	2.44 %
Don’t know		12	29.27 %
No Answer		0	0 %

[ONLY IF COSTS ARE REDUCED] Please estimate the cost reductions if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and savings may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your business.

		Answers	Ratio
0%		0	0 %
1%		0	0 %
3%		0	0 %
5%		1	2.44 %
10%		1	2.44 %
20%		0	0 %
30%		0	0 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		39	95.12 %

[ONLY IF COSTS ARE INCREASED] Please estimate the increase in costs if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and cost increases may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your business.

		Answers	Ratio
0%		0	0 %
1%		2	4.88 %
3%		1	2.44 %
5%		1	2.44 %
10%		5	12.2 %
20%		1	2.44 %
30%		1	2.44 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
More than 100%		0	0 %
No Answer		30	73.17 %

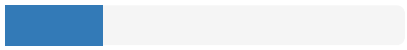
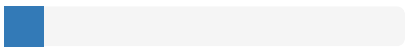
42. To what extent do you expect that the implementation of Option 2 would lead to one-off costs (e.g. staff time/other costs to adapt your procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		9	21.95 %
Minor additional costs		7	17.07 %
Moderate additional costs		5	12.2 %
Significant additional costs		4	9.76 %
Very significant additional costs		0	0 %
Don’t know		7	17.07 %
No Answer		9	21.95 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		2	4.88 %
Minor additional benefits (2)		8	19.51 %
Moderate additional benefits (3)		8	19.51 %
Significant additional benefits (4)		9	21.95 %
Very significant additional benefits (5)		4	9.76 %
Don’t know		2	4.88 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		8	19.51 %
Minor additional benefits (2)		10	24.39 %
Moderate additional benefits (3)		7	17.07 %
Significant additional benefits (4)		4	9.76 %
Very significant additional benefits (5)		2	4.88 %
Don’t know		2	4.88 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		8	19.51 %
Minor additional benefits (2)		6	14.63 %
Moderate additional benefits (3)		10	24.39 %
Significant additional benefits (4)		6	14.63 %
Very significant additional benefits (5)		2	4.88 %
Don’t know		1	2.44 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		2	4.88 %
Minor additional benefits (2)		5	12.2 %
Moderate additional benefits (3)		11	26.83 %
Significant additional benefits (4)		10	24.39 %
Very significant additional benefits (5)		4	9.76 %
Don’t know		1	2.44 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		7	17.07 %
Minor additional benefits (2)		6	14.63 %
Moderate additional benefits (3)		10	24.39 %
Significant additional benefits (4)		4	9.76 %
Very significant additional benefits (5)		2	4.88 %
Don’t know		4	9.76 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		4	9.76 %
Minor additional benefits (2)		5	12.2 %
Moderate additional benefits (3)		10	24.39 %
Significant additional benefits (4)		10	24.39 %
Very significant additional benefits (5)		3	7.32 %
Don’t know		1	2.44 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		8	19.51 %
Minor additional benefits (2)		9	21.95 %
Moderate additional benefits (3)		6	14.63 %
Significant additional benefits (4)		6	14.63 %
Very significant additional benefits (5)		3	7.32 %
Don’t know		1	2.44 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		9	21.95 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		8	19.51 %
Significant additional benefits (4)		5	12.2 %
Very significant additional benefits (5)		2	4.88 %
Don’t know		5	12.2 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		9	21.95 %
Minor additional benefits (2)		7	17.07 %
Moderate additional benefits (3)		4	9.76 %
Significant additional benefits (4)		6	14.63 %
Very significant additional benefits (5)		2	4.88 %
Don’t know		4	9.76 %
No Answer		9	21.95 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		4	9.76 %
Minor additional benefits (2)		6	14.63 %
Moderate additional benefits (3)		8	19.51 %
Significant additional benefits (4)		6	14.63 %
Very significant additional benefits (5)		5	12.2 %
Don’t know		4	9.76 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		3	7.32 %
Minor additional benefits (2)		5	12.2 %
Moderate additional benefits (3)		12	29.27 %
Significant additional benefits (4)		6	14.63 %
Very significant additional benefits (5)		3	7.32 %
Don’t know		5	12.2 %
No Answer		7	17.07 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		4	9.76 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		11	26.83 %
Significant additional benefits (4)		10	24.39 %
Very significant additional benefits (5)		4	9.76 %
Don’t know		2	4.88 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		2	4.88 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		9	21.95 %
Significant additional benefits (4)		10	24.39 %
Very significant additional benefits (5)		4	9.76 %
Don’t know		4	9.76 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		1	2.44 %
Minor additional benefits (2)		7	17.07 %
Moderate additional benefits (3)		10	24.39 %
Significant additional benefits (4)		8	19.51 %
Very significant additional benefits (5)		4	9.76 %
Don’t know		3	7.32 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		6	14.63 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		10	24.39 %
Significant additional benefits (4)		5	12.2 %
Very significant additional benefits (5)		3	7.32 %
Don’t know		5	12.2 %
No Answer		8	19.51 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		7	17.07 %
Minor additional benefits (2)		7	17.07 %
Moderate additional benefits (3)		4	9.76 %
Significant additional benefits (4)		4	9.76 %
Very significant additional benefits (5)		3	7.32 %
Don’t know		8	19.51 %
No Answer		8	19.51 %

44. Would you expect that implementation of Option 2 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		2	4.88 %
No, not likely to have social impacts		22	53.66 %
Don't know		10	24.39 %
No Answer		7	17.07 %

45. Would you expect that implementation of Option 2 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		3	7.32 %
No, not likely to have environmental impacts		22	53.66 %
Don't know		9	21.95 %
No Answer		7	17.07 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		5	12.2 %
Rather not (2)		3	7.32 %
Moderately well (3)		4	9.76 %
Considerably well (4)		12	29.27 %
Very well (5)		7	17.07 %
Don’t know		3	7.32 %
No Answer		7	17.07 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		1	2.44 %
Rather not (2)		0	0 %
Moderately well (3)		4	9.76 %
Considerably well (4)		16	39.02 %
Very well (5)		10	24.39 %
Don’t know		3	7.32 %
No Answer		7	17.07 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		1	2.44 %
Rather not (2)		5	12.2 %
Moderately well (3)		9	21.95 %
Considerably well (4)		7	17.07 %
Very well (5)		8	19.51 %
Don’t know		4	9.76 %
No Answer		7	17.07 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		1	2.44 %
Rather not (2)		1	2.44 %
Moderately well (3)		8	19.51 %
Considerably well (4)		11	26.83 %
Very well (5)		9	21.95 %
Don’t know		4	9.76 %
No Answer		7	17.07 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		3	7.32 %
Rather not (2)		2	4.88 %
Moderately well (3)		2	4.88 %
Considerably well (4)		8	19.51 %
Very well (5)		9	21.95 %
Don’t know		10	24.39 %
No Answer		7	17.07 %

48. To what extent do you consider that the implementation of Option 3 would change your recurrent costs to comply with safety requirements for consumer products (i.e. total of staff time/other costs as specified in questions 26 and 27)?

		Answers	Ratio
Reduce costs very significantly		1	2.44 %
Reduce costs significantly		2	4.88 %
Reduce costs slightly		0	0 %
Costs would remain the same		8	19.51 %
Increase costs slightly		6	14.63 %
Increase costs significantly		11	26.83 %
Increase costs very significantly		1	2.44 %
Don’t know		12	29.27 %
No Answer		0	0 %

[ONLY IF COSTS ARE REDUCED] Please estimate the cost reductions if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and savings may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your business.

		Answers	Ratio
0%		0	0 %
1%		0	0 %
3%		0	0 %
5%		1	2.44 %
10%		0	0 %
20%		0	0 %
30%		0	0 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		40	97.56 %

[ONLY IF COSTS ARE INCREASED] Please estimate the increase in costs if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and cost increases may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your business.

		Answers	Ratio
0%		0	0 %
1%		2	4.88 %
3%		0	0 %
5%		4	9.76 %
10%		1	2.44 %
20%		1	2.44 %
30%		2	4.88 %
40%		0	0 %
50%		2	4.88 %
60%		0	0 %
70%		1	2.44 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
More than 100%		0	0 %
No Answer		28	68.29 %

49. To what extent do you expect that the implementation of Option 3 would lead to one-off costs (e.g. staff time/other costs to adapt your procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		9	21.95 %
Minor additional costs		2	4.88 %
Moderate additional costs		4	9.76 %
Significant additional costs		6	14.63 %
Very significant additional costs		2	4.88 %
Don’t know		7	17.07 %
No Answer		11	26.83 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		5	12.2 %
Minor additional benefits (2)		5	12.2 %
Moderate additional benefits (3)		5	12.2 %
Significant additional benefits (4)		10	24.39 %
Very significant additional benefits (5)		6	14.63 %
Don’t know		3	7.32 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		11	26.83 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		4	9.76 %
Significant additional benefits (4)		8	19.51 %
Very significant additional benefits (5)		3	7.32 %
Don’t know		4	9.76 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		8	19.51 %
Minor additional benefits (2)		3	7.32 %
Moderate additional benefits (3)		8	19.51 %
Significant additional benefits (4)		7	17.07 %
Very significant additional benefits (5)		5	12.2 %
Don’t know		3	7.32 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		2	4.88 %
Minor additional benefits (2)		3	7.32 %
Moderate additional benefits (3)		10	24.39 %
Significant additional benefits (4)		7	17.07 %
Very significant additional benefits (5)		7	17.07 %
Don’t know		4	9.76 %
No Answer		8	19.51 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		7	17.07 %
Minor additional benefits (2)		6	14.63 %
Moderate additional benefits (3)		6	14.63 %
Significant additional benefits (4)		6	14.63 %
Very significant additional benefits (5)		5	12.2 %
Don’t know		4	9.76 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		4	9.76 %
Minor additional benefits (2)		3	7.32 %
Moderate additional benefits (3)		5	12.2 %
Significant additional benefits (4)		14	34.15 %
Very significant additional benefits (5)		5	12.2 %
Don’t know		3	7.32 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		10	24.39 %
Minor additional benefits (2)		3	7.32 %
Moderate additional benefits (3)		4	9.76 %
Significant additional benefits (4)		8	19.51 %
Very significant additional benefits (5)		4	9.76 %
Don’t know		5	12.2 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		11	26.83 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		6	14.63 %
Significant additional benefits (4)		4	9.76 %
Very significant additional benefits (5)		4	9.76 %
Don’t know		7	17.07 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		8	19.51 %
Minor additional benefits (2)		5	12.2 %
Moderate additional benefits (3)		4	9.76 %
Significant additional benefits (4)		7	17.07 %
Very significant additional benefits (5)		5	12.2 %
Don’t know		5	12.2 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		3	7.32 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		7	17.07 %
Significant additional benefits (4)		7	17.07 %
Very significant additional benefits (5)		8	19.51 %
Don’t know		5	12.2 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		1	2.44 %
Minor additional benefits (2)		5	12.2 %
Moderate additional benefits (3)		8	19.51 %
Significant additional benefits (4)		10	24.39 %
Very significant additional benefits (5)		7	17.07 %
Don’t know		3	7.32 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		3	7.32 %
Minor additional benefits (2)		3	7.32 %
Moderate additional benefits (3)		6	14.63 %
Significant additional benefits (4)		14	34.15 %
Very significant additional benefits (5)		6	14.63 %
Don’t know		2	4.88 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		2	4.88 %
Minor additional benefits (2)		3	7.32 %
Moderate additional benefits (3)		7	17.07 %
Significant additional benefits (4)		11	26.83 %
Very significant additional benefits (5)		6	14.63 %
Don’t know		5	12.2 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		1	2.44 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		7	17.07 %
Significant additional benefits (4)		9	21.95 %
Very significant additional benefits (5)		6	14.63 %
Don’t know		7	17.07 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		5	12.2 %
Minor additional benefits (2)		5	12.2 %
Moderate additional benefits (3)		4	9.76 %
Significant additional benefits (4)		6	14.63 %
Very significant additional benefits (5)		7	17.07 %
Don’t know		7	17.07 %
No Answer		7	17.07 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		7	17.07 %
Minor additional benefits (2)		6	14.63 %
Moderate additional benefits (3)		3	7.32 %
Significant additional benefits (4)		4	9.76 %
Very significant additional benefits (5)		4	9.76 %
Don’t know		10	24.39 %
No Answer		7	17.07 %

51. Would you expect that implementation of Option 3 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		7	17.07 %
No, not likely to have social impacts		19	46.34 %
Don't know		8	19.51 %
No Answer		7	17.07 %

52. Would you expect that implementation of Option 3 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		6	14.63 %
No, not likely to have environmental impacts		16	39.02 %
Don't know		11	26.83 %
No Answer		8	19.51 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		3	7.32 %
Rather not (2)		3	7.32 %
Moderately well (3)		4	9.76 %
Considerably well (4)		8	19.51 %
Very well (5)		8	19.51 %
Don’t know		8	19.51 %
No Answer		7	17.07 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		2	4.88 %
Rather not (2)		2	4.88 %
Moderately well (3)		2	4.88 %
Considerably well (4)		12	29.27 %
Very well (5)		9	21.95 %
Don’t know		7	17.07 %
No Answer		7	17.07 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		3	7.32 %
Rather not (2)		3	7.32 %
Moderately well (3)		8	19.51 %
Considerably well (4)		6	14.63 %
Very well (5)		8	19.51 %
Don’t know		6	14.63 %
No Answer		7	17.07 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		3	7.32 %
Rather not (2)		1	2.44 %
Moderately well (3)		7	17.07 %
Considerably well (4)		9	21.95 %
Very well (5)		7	17.07 %
Don’t know		6	14.63 %
No Answer		8	19.51 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		2	4.88 %
Rather not (2)		1	2.44 %
Moderately well (3)		2	4.88 %
Considerably well (4)		8	19.51 %
Very well (5)		5	12.2 %
Don’t know		16	39.02 %
No Answer		7	17.07 %

55. To what extent do you consider that the implementation of Option 4 would change your recurrent costs to comply with safety requirements for consumer products (i.e. total of staff time/other costs as specified in questions 26 and 27)?

		Answers	Ratio
Reduce costs very significantly		0	0 %
Reduce costs significantly		1	2.44 %
Reduce costs slightly		0	0 %
Costs would remain the same		8	19.51 %
Increase costs slightly		7	17.07 %
Increase costs significantly		4	9.76 %
Increase costs very significantly		7	17.07 %
Don’t know		14	34.15 %
No Answer		0	0 %

[ONLY IF COSTS ARE REDUCED] Please estimate the cost reductions if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and savings may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your business.

		Answers	Ratio
0%		0	0 %
1%		0	0 %
3%		0	0 %
5%		1	2.44 %
10%		0	0 %
20%		0	0 %
30%		0	0 %
40%		0	0 %
50%		0	0 %
60%		0	0 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		0	0 %
No Answer		40	97.56 %

[ONLY IF COSTS ARE INCREASED] Please estimate the increase in costs if this option were introduced as share of total costs indicated in questions 26 and 27. It is acknowledged that this information is technical and cost increases may be difficult to assess. However, these details will allow us to provide the European Commission with a more accurate assessment of the impacts which possible regulatory changes may have on your business.

		Answers	Ratio
0%		0	0 %
1%		1	2.44 %
3%		1	2.44 %
5%		2	4.88 %
10%		3	7.32 %
20%		0	0 %
30%		0	0 %
40%		1	2.44 %
50%		2	4.88 %
60%		2	4.88 %
70%		0	0 %
80%		0	0 %
90%		0	0 %
95%		0	0 %
97%		0	0 %
99%		0	0 %
100%		2	4.88 %
More than 100%		0	0 %
No Answer		27	65.85 %

56. To what extent do you expect that the implementation of Option 4 would lead to one-off costs (e.g. staff time/other costs to adapt your procedures, changes to IT systems, staff training etc.)?

		Answers	Ratio
No additional costs at all		5	12.2 %
Minor additional costs		5	12.2 %
Moderate additional costs		2	4.88 %
Significant additional costs		6	14.63 %
Very significant additional costs		5	12.2 %
Don't know		8	19.51 %
No Answer		10	24.39 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		8	19.51 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		3	7.32 %
Significant additional benefits (4)		5	12.2 %
Very significant additional benefits (5)		11	26.83 %
Don't know		5	12.2 %
No Answer		7	17.07 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		9	21.95 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		2	4.88 %
Significant additional benefits (4)		5	12.2 %
Very significant additional benefits (5)		7	17.07 %
Don’t know		6	14.63 %
No Answer		8	19.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		8	19.51 %
Minor additional benefits (2)		6	14.63 %
Moderate additional benefits (3)		0	0 %
Significant additional benefits (4)		8	19.51 %
Very significant additional benefits (5)		7	17.07 %
Don’t know		4	9.76 %
No Answer		8	19.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		3	7.32 %
Minor additional benefits (2)		3	7.32 %
Moderate additional benefits (3)		7	17.07 %
Significant additional benefits (4)		5	12.2 %
Very significant additional benefits (5)		10	24.39 %
Don’t know		6	14.63 %
No Answer		7	17.07 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		7	17.07 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		3	7.32 %
Significant additional benefits (4)		6	14.63 %
Very significant additional benefits (5)		7	17.07 %
Don’t know		7	17.07 %
No Answer		7	17.07 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		6	14.63 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		3	7.32 %
Significant additional benefits (4)		8	19.51 %
Very significant additional benefits (5)		12	29.27 %
Don’t know		3	7.32 %
No Answer		7	17.07 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		7	17.07 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		4	9.76 %
Significant additional benefits (4)		7	17.07 %
Very significant additional benefits (5)		9	21.95 %
Don’t know		5	12.2 %
No Answer		7	17.07 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		8	19.51 %
Minor additional benefits (2)		1	2.44 %
Moderate additional benefits (3)		4	9.76 %
Significant additional benefits (4)		5	12.2 %
Very significant additional benefits (5)		8	19.51 %
Don’t know		7	17.07 %
No Answer		8	19.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		7	17.07 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		3	7.32 %
Significant additional benefits (4)		6	14.63 %
Very significant additional benefits (5)		8	19.51 %
Don’t know		6	14.63 %
No Answer		7	17.07 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		5	12.2 %
Minor additional benefits (2)		0	0 %
Moderate additional benefits (3)		5	12.2 %
Significant additional benefits (4)		5	12.2 %
Very significant additional benefits (5)		11	26.83 %
Don’t know		7	17.07 %
No Answer		8	19.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		3	7.32 %
Minor additional benefits (2)		3	7.32 %
Moderate additional benefits (3)		5	12.2 %
Significant additional benefits (4)		10	24.39 %
Very significant additional benefits (5)		8	19.51 %
Don’t know		4	9.76 %
No Answer		8	19.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		6	14.63 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		3	7.32 %
Significant additional benefits (4)		9	21.95 %
Very significant additional benefits (5)		10	24.39 %
Don’t know		3	7.32 %
No Answer		8	19.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		3	7.32 %
Minor additional benefits (2)		3	7.32 %
Moderate additional benefits (3)		4	9.76 %
Significant additional benefits (4)		7	17.07 %
Very significant additional benefits (5)		9	21.95 %
Don’t know		7	17.07 %
No Answer		8	19.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		3	7.32 %
Minor additional benefits (2)		4	9.76 %
Moderate additional benefits (3)		4	9.76 %
Significant additional benefits (4)		5	12.2 %
Very significant additional benefits (5)		10	24.39 %
Don’t know		7	17.07 %
No Answer		8	19.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		5	12.2 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		5	12.2 %
Significant additional benefits (4)		3	7.32 %
Very significant additional benefits (5)		11	26.83 %
Don’t know		7	17.07 %
No Answer		8	19.51 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		9	21.95 %
Minor additional benefits (2)		2	4.88 %
Moderate additional benefits (3)		2	4.88 %
Significant additional benefits (4)		3	7.32 %
Very significant additional benefits (5)		8	19.51 %
Don’t know		9	21.95 %
No Answer		8	19.51 %

58. Would you expect that implementation of Option 4 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		5	12.2 %
No, not likely to have social impacts		16	39.02 %
Don't know		11	26.83 %
No Answer		9	21.95 %

59. Would you expect that implementation of Option 4 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		5	12.2 %
No, not likely to have environmental impacts		15	36.59 %
Don't know		13	31.71 %
No Answer		8	19.51 %

Results – other stakeholders (consumer organisations, testing laboratories, product safety experts etc)

Statistics:

Study to support the preparation of an evaluation of the General Product Safety Directive as well as of an impact assessment on it potential revision

Survey of general stakeholders

b. Type of organisation:

		Answers	Ratio
Consumer organisation/NGO		12	44.44 %
Standardisation body/organisation		2	7.41 %
Organisation involved in product testing (e. g. test laboratory)		4	14.81 %
Independent product safety expert (consultant, academic, etc.)		4	14.81 %
Other		4	14.81 %
No Answer		1	3.7 %

c. Please specify your country. In case of EU level associations, please indicate 'EU'

		Answers	Ratio
Austria		1	3.7 %
Belgium		3	11.11 %
Bulgaria		0	0 %
Croatia		0	0 %
Cyprus		1	3.7 %
Czech Republic		0	0 %
Denmark		2	7.41 %
Estonia		0	0 %

Finland		1	3.7 %
France		2	7.41 %
Germany		4	14.81 %
Greece		0	0 %
Hungary		0	0 %
Ireland		0	0 %
Italy		0	0 %
Latvia		0	0 %
Lithuania		0	0 %
Luxembourg		0	0 %
Malta		2	7.41 %
Netherlands		0	0 %
Poland		0	0 %
Portugal		0	0 %
Romania		1	3.7 %
Slovak Republic		1	3.7 %
Slovenia		1	3.7 %
Spain		1	3.7 %
Sweden		1	3.7 %
United Kingdom		2	7.41 %
Iceland		0	0 %
Liechtenstein		0	0 %
Norway		0	0 %
EU		1	3.7 %
Other country		3	11.11 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Requirement to place only safe products on the market, in combination with the definition of safety – Art. 2 (b) and Art. 3 (3)

		Answers	Ratio
Not at all effective (1)		1	3.7 %
Rather not effective (2)		6	22.22 %
Moderately effective (3)		10	37.04 %
Largely effective (4)		10	37.04 %
Very effective (5)		0	0 %
Don't know		0	0 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Development and use of standards – Art. 3 (3) and Art. 4

		Answers	Ratio
Not at all effective (1)		0	0 %
Rather not effective (2)		2	7.41 %
Moderately effective (3)		14	51.85 %
Largely effective (4)		10	37.04 %
Very effective (5)		1	3.7 %
Don't know		0	0 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Traceability requirements – Art. 5

		Answers	Ratio
Not at all effective (1)		6	22.22 %
Rather not effective (2)		5	18.52 %
Moderately effective (3)		8	29.63 %
Largely effective (4)		3	11.11 %
Very effective (5)		3	11.11 %
Don't know		1	3.7 %
No Answer		1	3.7 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Corrective action, in particular recalls – Art. 5

		Answers	Ratio
Not at all effective (1)		4	14.81 %
Rather not effective (2)		8	29.63 %
Moderately effective (3)		6	22.22 %
Largely effective (4)		5	18.52 %
Very effective (5)		2	7.41 %
Don't know		2	7.41 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Market surveillance by Member States – Art. 6 to 9

		Answers	Ratio
Not at all effective (1)		3	11.11 %
Rather not effective (2)		7	25.93 %
Moderately effective (3)		12	44.44 %
Largely effective (4)		5	18.52 %
Very effective (5)		0	0 %
Don't know		0	0 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Rapid alert system for dangerous non-food products (Safety Gate/RAPEX) – Art. 11 and 12

		Answers	Ratio
Not at all effective (1)		1	3.7 %
Rather not effective (2)		5	18.52 %
Moderately effective (3)		11	40.74 %
Largely effective (4)		4	14.81 %
Very effective (5)		5	18.52 %
Don't know		1	3.7 %
No Answer		0	0 %

1. In your view, to what extent have the following elements of the GPSD been effective? : Temporary emergency measures by the Commission to control specific product safety risks – Art. 13

		Answers	Ratio
Not at all effective (1)		6	22.22 %
Rather not effective (2)		4	14.81 %
Moderately effective (3)		2	7.41 %
Largely effective (4)		6	22.22 %
Very effective (5)		0	0 %
Don't know		9	33.33 %
No Answer		0	0 %

2. In your view, to what extent has the GPSD been effective in reaching its overall objectives? Please assess. : a) Achieving a high level of consumer protection

		Answers	Ratio
Not at all effective (1)		1	3.7 %
Rather not effective (2)		3	11.11 %
Moderately effective (3)		14	51.85 %
Largely effective (4)		8	29.63 %
Very effective (5)		1	3.7 %
Don't know		0	0 %
No Answer		0	0 %

2. In your view, to what extent has the GPSD been effective in reaching its overall objectives? Please assess. : b) Contributing to the functioning of the Single Market

		Answers	Ratio
Not at all effective (1)		1	3.7 %
Rather not effective (2)		0	0 %
Moderately effective (3)		11	40.74 %
Largely effective (4)		8	29.63 %
Very effective (5)		4	14.81 %
Don't know		3	11.11 %
No Answer		0	0 %

3. Are there any factors that have affected (i.e. negatively influenced) the effectiveness of the GPSD since its adoption in 2001 in terms of consumer health protection?

		Answers	Ratio
Yes		23	85.19 %
No		0	0 %
Don't know		3	11.11 %
No Answer		1	3.7 %

If YES: Please mark up to five most relevant factors affecting GPSD effectiveness

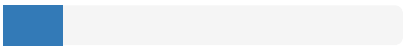
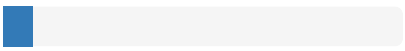
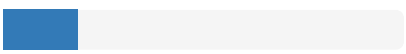
		Answers	Ratio

Differences in implementation of the GPSD in Member States		5	18.52 %
Outdated/unclear terms and concepts used in the GPSD (e.g. placing on the market)		6	22.22 %
Lack of mandatory provisions on traceability in the GPSD		7	25.93 %
Certain risks are not sufficiently covered by the GPSD (explain below)		9	33.33 %
New digital challenges not properly addressed by the GPSD		14	51.85 %
Lack of detailed provisions on fines in the GPSD		0	0 %
Complexity of the legal framework for product safety		2	7.41 %
Differences in enforcement of product safety requirements in Member States (e. g. due to differences in powers/resources of market surveillance authorities)		17	62.96 %
Differences in risk assessment of authorities in different Member States		6	22.22 %
Ineffective control of product safety at the EU borders		15	55.56 %
Delays in notification of dangerous products through RAPEX		0	0 %
Delays in standardisation process		11	40.74 %
Increasing complexity of supply chains of consumer products limiting traceability		8	29.63 %
Lack of awareness of businesses with respect to product safety requirements		8	29.63 %
Lack of awareness of consumers with respect to product safety		4	14.81 %
Other factor (specify)		5	18.52 %
No Answer		2	7.41 %

4. In your experience, are there any factors (e.g. new technologies, new digital business models etc.) that have enhanced (i.e. positively influenced) the effectiveness of the GPSD since its adoption in 2001?

		Answers	Ratio
Yes		21	77.78 %
No		2	7.41 %
Don't know		4	14.81 %
No Answer		0	0 %

If YES: Please mark up to five most relevant factors enhancing GPSD effectiveness

		Answers	Ratio
Better supply chain management by companies		2	7.41 %
Better tracing of customers in the online environment (due to availability of customer data)		4	14.81 %
Improved EU product safety market surveillance rules (e.g. Regulation (EC) 765/2008,		12	44.44 %
Commission Notice on the market surveillance of products sold online (C /2017/5200)		2	7.41 %
Improved EU legislative framework for authorisation of chemicals (REACH)		12	44.44 %
Improved cooperation of online platforms due to Product Safety Pledge		2	7.41 %
Complementary activities financed under the Consumer Programmes (e.g. Joint Actions/CASP, e-Enforcement academy)		9	33.33 %
Use of new technologies for market surveillance (e.g. web crawlers to identify recalled products online)		6	22.22 %
Improvements in coordination and information exchange platforms provided at EU level (e.g. Safety Gate/RAPEX and other IT Tools used by market surveillance authorities)		7	25.93 %
Development of standards		16	59.26 %
Other factor (specify)		3	11.11 %
No Answer		5	18.52 %

5. As indicated before, the objectives of the GPSD are to achieve a high level of consumer protection through the reduction of unsafe products and to contribute to the functioning of the Single Market. Please assess whether these objectives correspond to current needs and whether additional relevant needs have emerged: : a) Objectives of the GPSD as adopted in 2001 correspond to current needs

		Answers	Ratio
Yes		7	25.93 %
No		16	59.26 %
Don't know		4	14.81 %
No Answer		0	0 %

5. As indicated before, the objectives of the GPSD are to achieve a high level of consumer protection through the reduction of unsafe products and to contribute to the functioning of the Single Market. Please assess whether these objectives correspond to current needs and whether additional relevant needs have emerged: : b) Additional needs related to the safety of consumers have emerged since the adoption of the GPSD in 2001

		Answers	Ratio
Yes		20	74.07 %
No		1	3.7 %
Don't know		5	18.52 %
No Answer		1	3.7 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : the increase of direct imports of products bought online by consumers from traders in non-EU countries

		Answers	Ratio
Not at all adapted (1)		13	48.15 %
Rather not adapted (2)		11	40.74 %
Moderately well adapted (3)		1	3.7 %
Considerably well adapted (4)		2	7.41 %
Very well adapted (5)		0	0 %
Don't know		0	0 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : emergence of new actors, such as fulfilment service providers, online marketplaces and other online intermediaries

		Answers	Ratio
Not at all adapted (1)		10	37.04 %
Rather not adapted (2)		10	37.04 %
Moderately well adapted (3)		4	14.81 %
Considerably well adapted (4)		1	3.7 %
Very well adapted (5)		0	0 %
Don't know		2	7.41 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : cyber-security and personal security threats of new technologies that affect the safety of persons

		Answers	Ratio
Not at all adapted (1)		13	48.15 %
Rather not adapted (2)		7	25.93 %
Moderately well adapted (3)		3	11.11 %
Considerably well adapted (4)		0	0 %
Very well adapted (5)		0	0 %
Don't know		4	14.81 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : emerging safety issues in the post-market phase of the product (e.g. by AI self-learning products)

		Answers	Ratio
Not at all adapted (1)		13	48.15 %
Rather not adapted (2)		5	18.52 %
Moderately well adapted (3)		3	11.11 %
Considerably well adapted (4)		0	0 %
Very well adapted (5)		0	0 %
Don't know		6	22.22 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : stand-alone software

		Answers	Ratio
Not at all adapted (1)		11	40.74 %
Rather not adapted (2)		3	11.11 %
Moderately well adapted (3)		3	11.11 %
Considerably well adapted (4)		0	0 %
Very well adapted (5)		0	0 %
Don't know		10	37.04 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : mental health risks of products, e.g electronic games with highly addictive potential

		Answers	Ratio
Not at all adapted (1)		13	48.15 %
Rather not adapted (2)		6	22.22 %
Moderately well adapted (3)		0	0 %
Considerably well adapted (4)		0	0 %
Very well adapted (5)		1	3.7 %
Don't know		7	25.93 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : product-related environmental issues with impact on consumer health (e.g. use of heavy metals such as lead, use of chemicals that are endocrine disruptors)

		Answers	Ratio
Not at all adapted (1)		9	33.33 %
Rather not adapted (2)		5	18.52 %
Moderately well adapted (3)		7	25.93 %
Considerably well adapted (4)		3	11.11 %
Very well adapted (5)		1	3.7 %
Don't know		2	7.41 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : product-related issues with impact on the environment

		Answers	Ratio
Not at all adapted (1)		14	51.85 %
Rather not adapted (2)		7	25.93 %
Moderately well adapted (3)		2	7.41 %
Considerably well adapted (4)		2	7.41 %
Very well adapted (5)		1	3.7 %
Don't know		1	3.7 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all adapted (1)		6	22.22 %
Rather not adapted (2)		9	33.33 %
Moderately well adapted (3)		2	7.41 %
Considerably well adapted (4)		6	22.22 %
Very well adapted (5)		3	11.11 %
Don't know		1	3.7 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : providing effective market surveillance by Member States

		Answers	Ratio
Not at all adapted (1)		3	11.11 %
Rather not adapted (2)		12	44.44 %
Moderately well adapted (3)		5	18.52 %
Considerably well adapted (4)		6	22.22 %
Very well adapted (5)		0	0 %
Don't know		1	3.7 %
No Answer		0	0 %

6. In your view, how well adapted is the GPSD to the following challenges? Please assess. : other (specify)

		Answers	Ratio
Not at all adapted (1)		0	0 %
Rather not adapted (2)		3	11.11 %
Moderately well adapted (3)		1	3.7 %
Considerably well adapted (4)		0	0 %
Very well adapted (5)		0	0 %
Don't know		6	22.22 %
No Answer		17	62.96 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Product”

		Answers	Ratio
Yes		16	59.26 %
No		8	29.63 %
Don't know		3	11.11 %
No Answer		0	0 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Safe product”

		Answers	Ratio
Yes		17	62.96 %
No		9	33.33 %
Don't know		1	3.7 %
No Answer		0	0 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Dangerous product"

		Answers	Ratio
Yes		15	55.56 %
No		11	40.74 %
Don't know		1	3.7 %
No Answer		0	0 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Serious risk”

		Answers	Ratio
Yes		16	59.26 %
No		10	37.04 %
Don't know		1	3.7 %
No Answer		0	0 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Placing on the market”

		Answers	Ratio
Yes		19	70.37 %
No		4	14.81 %
Don't know		4	14.81 %
No Answer		0	0 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Producer”

		Answers	Ratio
Yes		15	55.56 %
No		6	22.22 %
Don't know		6	22.22 %
No Answer		0	0 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : “Distributor”

		Answers	Ratio
Yes		16	59.26 %
No		6	22.22 %
Don't know		4	14.81 %
No Answer		1	3.7 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Recall"

		Answers	Ratio
Yes		4	14.81 %
No		13	48.15 %
Don't know		10	37.04 %
No Answer		0	0 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : "Withdrawal"

		Answers	Ratio
Yes		4	14.81 %
No		12	44.44 %
Don't know		10	37.04 %
No Answer		1	3.7 %

7. Considering the emergence of new technologies and new business models/actors: Is there a need to clarify and update terms and concepts as currently used in the GPSD, such as “product”, “safe product”, “serious risk”,“placing on the market” etc.? : Other (specify)

		Answers	Ratio
Yes		8	29.63 %
No		2	7.41 %
Don't know		3	11.11 %
No Answer		14	51.85 %

8. In your view, is there any other concept that should be defined in the GPSD?

		Answers	Ratio
Yes		18	66.67 %
No		4	14.81 %
Don't know		5	18.52 %
No Answer		0	0 %

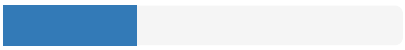
9. In your view, are there any discrepancies or inconsistencies between the provisions of the GPSD (i.e. between different rules, obligations etc.)?

		Answers	Ratio
Yes		2	7.41 %
No		11	40.74 %
Don't know		14	51.85 %
No Answer		0	0 %

10. In your view, are there overlaps or contradictory requirements between the GPSD and other related EU legislation?

		Answers	Ratio
Yes		14	51.85 %
No		9	33.33 %
Don't know		4	14.81 %
No Answer		0	0 %

If Yes, please indicate the area(s) of other EU legislation. Mark all that apply:

		Answers	Ratio
Market surveillance		12	44.44 %
Chemicals		9	33.33 %
Food contact materials		3	11.11 %
Other consumer product harmonised legislation		6	22.22 %
Standardisation		7	25.93 %
Consumer protection (e.g. regarding unfair commercial practices, consumer protection cooperation)		2	7.41 %
Product liability		2	7.41 %
E-commerce/Digital Single Market		6	22.22 %
Other areas (specify)		0	0 %
No Answer		13	48.15 %

11. In your view, are there overlaps or contradictory requirements between the GPSD and wider EU policies?

		Answers	Ratio
Yes		12	44.44 %
No		7	25.93 %
Don't know		8	29.63 %
No Answer		0	0 %

If Yes, please indicate the area(s) of EU policy. Mark all that apply:

		Answers	Ratio
Rules on free movement of goods		8	29.63 %
Mutual recognition		8	29.63 %
Customs		7	25.93 %
Competition		7	25.93 %
Industrial policy		6	22.22 %
Digital policies		10	37.04 %
Sustainability (environmental protection)		10	37.04 %
Circular economy		10	37.04 %
Trade		8	29.63 %
Other policy (specify)		0	0 %
No Answer		15	55.56 %

12. In your view, to what extent does the GPSD provide added value compared to what could reasonably have been achieved by Member States acting at national level (without any EU intervention)?

		Answers	Ratio
No added value at all (1)		1	3.7 %
Minor added value (2)		2	7.41 %
Moderate added value (3)		7	25.93 %
Significant added value (4)		13	48.15 %
Very significant added value (5)		3	11.11 %
Don't know		1	3.7 %
No Answer		0	0 %

13. In your view, what is the best estimate of the share of unsafe products on the market in your area of activity (i.e. the estimated number of unsafe products per 100 products sold on the market)? : in brick-and-mortar shops

		Answers	Ratio
Almost impossible to find unsafe products (0.01% or less of products)		1	3.7 %
Difficult to find unsafe products (0.1% of products)		2	7.41 %
One has to search to find unsafe products (1% of products)		4	14.81 %
Unsafe products are relatively common (2% to 5% of products)		8	29.63 %
Easy to find unsafe products (10% of products)		6	22.22 %
Very easy to find unsafe products (15% or more of products)		1	3.7 %
Don't know		4	14.81 %
No Answer		1	3.7 %

13. In your view, what is the best estimate of the share of unsafe products on the market in your area of activity (i.e. the estimated number of unsafe products per 100 products sold on the market)? : online by traders targeting consumers in your country

		Answers	Ratio
Almost impossible to find unsafe products (0.01% or less of products)		0	0 %
Difficult to find unsafe products (0.1% of products)		3	11.11 %
One has to search to find unsafe products (1% of products)		0	0 %
Unsafe products are relatively common (2% to 5% of products)		5	18.52 %
Easy to find unsafe products (10% of products)		3	11.11 %
Very easy to find unsafe products (15% or more of products)		13	48.15 %
Don't know		1	3.7 %
No Answer		2	7.41 %

14. Have you observed that recalled products continued to be sold or reappeared on the market? Please consider both brick-and-mortar shops and online traders. : in brick-and-mortar shops:

		Answers	Ratio
Yes		9	33.33 %
No		5	18.52 %
Don't know		12	44.44 %
No Answer		1	3.7 %

14. Have you observed that recalled products continued to be sold or reappeared on the market? Please consider both brick-and-mortar shops and online traders. : online by traders targeting consumers in your country

		Answers	Ratio
Yes		12	44.44 %
No		4	14.81 %
Don't know		10	37.04 %
No Answer		1	3.7 %

15. In the Product Safety Pledge, established in 2018, six online marketplaces have so far voluntarily committed to take action in respect to unsafe products notified in RAPEX or when informed by MSAs. In your view, how effective has been the Product Safety Pledge?

		Answers	Ratio
Not at all effective (1)		5	18.52 %
Rather not effective (2)		9	33.33 %
Moderately effective (3)		2	7.41 %
Largely effective (4)		2	7.41 %
Very effective (5)		1	3.7 %
Don't know		7	25.93 %
No Answer		1	3.7 %

16. Are there any tools for online surveillance and enforcement used in your country that could be considered best practice? Please consider relevant tools used in the context of product safety enforcement and tools used in other areas, e.g. to enforce other consumer protection rights in the online environment. This could include, for example, the use of web-crawlers, the power to block websites and other tools.

		Answers	Ratio
Yes		5	18.52 %
No		4	14.81 %
Don't know		17	62.96 %
No Answer		1	3.7 %

17.Have you/your member organisations ever reported a product-related death or serious injury associated with a consumer product (e.g. based on a consumer complaint) to a national authority?

		Answers	Ratio
Yes		3	11.11 %
No		19	70.37 %
Don't know		4	14.81 %
No Answer		1	3.7 %

22. Do you consider that the obligations for distributors in your country are sufficient for safeguarding product safety in your country?

		Answers	Ratio
Yes		4	14.81 %
No		15	55.56 %
Don't know		6	22.22 %
No Answer		2	7.41 %

24. The Food Imitating Products Directive (87/357/EEC (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Al21189)) concerns products that may be confused with real food by children or other vulnerable consumers. Examples are food-shaped shampoos or bath gels. In your view, is there a need to have a specific regime for food imitating products (which would allow, e.g. to take actions on products for which no specific risk assessment has been made)?

		Answers	Ratio
Yes		12	44.44 %
No		5	18.52 %
Don't know		7	25.93 %
No Answer		3	11.11 %

25. If you have conducted or used risk assessments concerning adverse effects on human health (e.g. lead in jewellery or other consumer products), did you take into account the risk assessment done under the REACH (https://echa.europa.eu/regulations/reach/legislation) Regulation?

		Answers	Ratio
Yes, took into account assessment done under REACH (without duplicating the assessment)		8	29.63 %
No, used other approach or methodology (please specify)		4	14.81 %
Don't know		13	48.15 %
No Answer		2	7.41 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Increased consumer trust

		Answers	Ratio
No benefits at all (1)		3	11.11 %
Minor benefits (2)		3	11.11 %
Moderate benefits (3)		13	48.15 %
Significant benefits (4)		5	18.52 %
Very significant benefits (5)		3	11.11 %
Don't know		0	0 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No benefits at all (1)		4	14.81 %
Minor benefits (2)		3	11.11 %
Moderate benefits (3)		7	25.93 %
Significant benefits (4)		4	14.81 %
Very significant benefits (5)		1	3.7 %
Don't know		8	29.63 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No benefits at all (1)		5	18.52 %
Minor benefits (2)		4	14.81 %
Moderate benefits (3)		10	37.04 %
Significant benefits (4)		6	22.22 %
Very significant benefits (5)		1	3.7 %
Don't know		1	3.7 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No benefits at all (1)		1	3.7 %
Minor benefits (2)		4	14.81 %
Moderate benefits (3)		11	40.74 %
Significant benefits (4)		6	22.22 %
Very significant benefits (5)		4	14.81 %
Don't know		1	3.7 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better supply chain management due to traceability of products

		Answers	Ratio
No benefits at all (1)		4	14.81 %
Minor benefits (2)		13	48.15 %
Moderate benefits (3)		2	7.41 %
Significant benefits (4)		6	22.22 %
Very significant benefits (5)		0	0 %
Don't know		2	7.41 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Greater legal certainty

		Answers	Ratio
No benefits at all (1)		3	11.11 %
Minor benefits (2)		2	7.41 %
Moderate benefits (3)		14	51.85 %
Significant benefits (4)		6	22.22 %
Very significant benefits (5)		1	3.7 %
Don't know		1	3.7 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Lower operational risk for businesses

		Answers	Ratio
No benefits at all (1)		4	14.81 %
Minor benefits (2)		2	7.41 %
Moderate benefits (3)		7	25.93 %
Significant benefits (4)		2	7.41 %
Very significant benefits (5)		0	0 %
Don't know		12	44.44 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No benefits at all (1)		14	51.85 %
Minor benefits (2)		4	14.81 %
Moderate benefits (3)		2	7.41 %
Significant benefits (4)		2	7.41 %
Very significant benefits (5)		1	3.7 %
Don't know		4	14.81 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : More level playing field among businesses

		Answers	Ratio
No benefits at all (1)		4	14.81 %
Minor benefits (2)		9	33.33 %
Moderate benefits (3)		6	22.22 %
Significant benefits (4)		5	18.52 %
Very significant benefits (5)		1	3.7 %
Don't know		2	7.41 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better functioning EU internal market

		Answers	Ratio
No benefits at all (1)		2	7.41 %
Minor benefits (2)		1	3.7 %
Moderate benefits (3)		15	55.56 %
Significant benefits (4)		6	22.22 %
Very significant benefits (5)		3	11.11 %
Don't know		0	0 %
No Answer		0	0 %

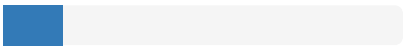
30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No benefits at all (1)		2	7.41 %
Minor benefits (2)		12	44.44 %
Moderate benefits (3)		5	18.52 %
Significant benefits (4)		6	22.22 %
Very significant benefits (5)		2	7.41 %
Don't know		0	0 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Reduced number of accidents/injuries caused by unsafe products

		Answers	Ratio
No benefits at all (1)		1	3.7 %
Minor benefits (2)		12	44.44 %
Moderate benefits (3)		2	7.41 %
Significant benefits (4)		6	22.22 %
Very significant benefits (5)		1	3.7 %
Don't know		5	18.52 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in PVC, siloxanes, Nonylphenol)

		Answers	Ratio
No benefits at all (1)		4	14.81 %
Minor benefits (2)		12	44.44 %
Moderate benefits (3)		6	22.22 %
Significant benefits (4)		4	14.81 %
Very significant benefits (5)		0	0 %
Don't know		1	3.7 %
No Answer		0	0 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No benefits at all (1)		3	11.11 %
Minor benefits (2)		3	11.11 %
Moderate benefits (3)		5	18.52 %
Significant benefits (4)		4	14.81 %
Very significant benefits (5)		0	0 %
Don't know		10	37.04 %
No Answer		2	7.41 %

30. In your opinion, where do you see the most significant benefits that result from the product safety requirements of the GPSD? Please assess the following benefits from your perspective. : Other benefit (specify below)

		Answers	Ratio
No benefits at all (1)		0	0 %
Minor benefits (2)		0	0 %
Moderate benefits (3)		1	3.7 %
Significant benefits (4)		0	0 %
Very significant benefits (5)		0	0 %
Don't know		7	25.93 %
No Answer		19	70.37 %

31. To what extent do you consider the costs due to product safety requirements of the GPSD to be proportionate to the resulting benefits (identified in the previous question)?

		Answers	Ratio
Not at all proportionate (1)		1	3.7 %
Rather not proportionate (2)		1	3.7 %
Moderately proportionate (3)		3	11.11 %
Largely proportionate (4)		5	18.52 %
Very proportionate (5)		2	7.41 %
Don't know		15	55.56 %
No Answer		0	0 %

32. Are there any factors that are affecting (i.e. negatively influencing) the balance of costs and benefits of the product safety requirements of the GPSD, such as complexity of the legislative framework, differences in implementation of the GPSD in Member States etc.?

		Answers	Ratio
Yes		11	40.74 %
No		0	0 %
Don't know		16	59.26 %
No Answer		0	0 %

If YES, please mark the factors that are most relevant for you:

		Answers	Ratio
Complexity of the legal framework for product safety		2	7.41 %
Differences in implementation of the GPSD in Member States		7	25.93 %
Differences in enforcement of product safety requirements in Member States		7	25.93 %
Differences in risk assessment of authorities in different Member States		8	29.63 %
Outdated/unclear terms and concepts used in the GPSD (e.g. placing on the market)		3	11.11 %
Differences in the criteria used by Member States' authorities for notification of products through Safety Gate/RAPEX		4	14.81 %
Delays in notification of dangerous products through Safety Gate/RAPEX		1	3.7 %
Delays in standardisation process		6	22.22 %
Lack of understanding of GPSD requirements in non-EU/EEA countries		3	11.11 %
Other (specify)		0	0 %
No Answer		16	59.26 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		9	33.33 %
Rather not (2)		8	29.63 %
Moderately well (3)		2	7.41 %
Considerably well (4)		4	14.81 %
Very well (5)		0	0 %
Don’t know		4	14.81 %
No Answer		0	0 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		13	48.15 %
Rather not (2)		7	25.93 %
Moderately well (3)		2	7.41 %
Considerably well (4)		4	14.81 %
Very well (5)		1	3.7 %
Don’t know		0	0 %
No Answer		0	0 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		11	40.74 %
Rather not (2)		6	22.22 %
Moderately well (3)		2	7.41 %
Considerably well (4)		6	22.22 %
Very well (5)		0	0 %
Don’t know		2	7.41 %
No Answer		0	0 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		10	37.04 %
Rather not (2)		7	25.93 %
Moderately well (3)		5	18.52 %
Considerably well (4)		4	14.81 %
Very well (5)		1	3.7 %
Don’t know		0	0 %
No Answer		0	0 %

33. In your view, to what extent would Option 1 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		9	33.33 %
Rather not (2)		4	14.81 %
Moderately well (3)		2	7.41 %
Considerably well (4)		6	22.22 %
Very well (5)		1	3.7 %
Don’t know		4	14.81 %
No Answer		1	3.7 %

35. To what extent do you consider that the implementation of Option 1 would change overall costs of safety requirements for consumer products in the EU for society (e.g. costs of businesses, consumers and market surveillance authorities), compared to the current situation?

		Answers	Ratio
Reduce costs very significantly		0	0 %
Reduce costs significantly		0	0 %
Reduce costs slightly		1	3.7 %
Costs would remain the same		8	29.63 %
Increase costs slightly		4	14.81 %
Increase costs significantly		1	3.7 %
Increase costs very significantly		0	0 %
Don’t know		13	48.15 %
No Answer		0	0 %

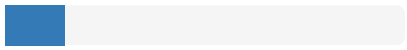
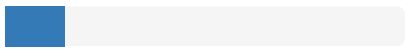
36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		15	55.56 %
Minor additional benefits (2)		5	18.52 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		3	11.11 %
Very significant additional benefits (5)		0	0 %
Don’t know		0	0 %
No Answer		0	0 %

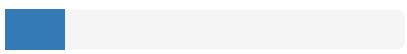
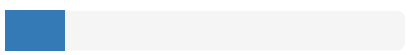
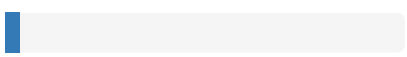
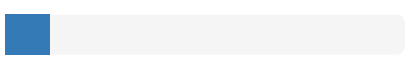
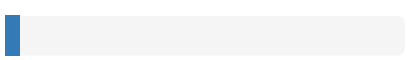
36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		5	18.52 %
Minor additional benefits (2)		8	29.63 %
Moderate additional benefits (3)		3	11.11 %
Significant additional benefits (4)		1	3.7 %
Very significant additional benefits (5)		0	0 %
Don’t know		10	37.04 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		16	59.26 %
Minor additional benefits (2)		4	14.81 %
Moderate additional benefits (3)		3	11.11 %
Significant additional benefits (4)		4	14.81 %
Very significant additional benefits (5)		0	0 %
Don’t know		0	0 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		14	51.85 %
Minor additional benefits (2)		4	14.81 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		1	3.7 %
Very significant additional benefits (5)		3	11.11 %
Don’t know		1	3.7 %
No Answer		0	0 %

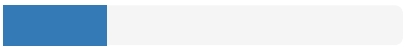
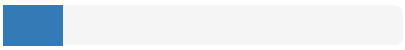
36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		15	55.56 %
Minor additional benefits (2)		3	11.11 %
Moderate additional benefits (3)		3	11.11 %
Significant additional benefits (4)		3	11.11 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		2	7.41 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		14	51.85 %
Minor additional benefits (2)		7	25.93 %
Moderate additional benefits (3)		2	7.41 %
Significant additional benefits (4)		3	11.11 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		0	0 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		14	51.85 %
Minor additional benefits (2)		7	25.93 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		2	7.41 %
Very significant additional benefits (5)		0	0 %
Don’t know		0	0 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		7	25.93 %
Minor additional benefits (2)		5	18.52 %
Moderate additional benefits (3)		3	11.11 %
Significant additional benefits (4)		3	11.11 %
Very significant additional benefits (5)		0	0 %
Don’t know		9	33.33 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		6	22.22 %
Minor additional benefits (2)		6	22.22 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		1	3.7 %
Very significant additional benefits (5)		0	0 %
Don’t know		10	37.04 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		17	62.96 %
Minor additional benefits (2)		5	18.52 %
Moderate additional benefits (3)		1	3.7 %
Significant additional benefits (4)		2	7.41 %
Very significant additional benefits (5)		0	0 %
Don’t know		2	7.41 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		16	59.26 %
Minor additional benefits (2)		4	14.81 %
Moderate additional benefits (3)		1	3.7 %
Significant additional benefits (4)		3	11.11 %
Very significant additional benefits (5)		0	0 %
Don’t know		3	11.11 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		12	44.44 %
Minor additional benefits (2)		9	33.33 %
Moderate additional benefits (3)		2	7.41 %
Significant additional benefits (4)		1	3.7 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		1	3.7 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		15	55.56 %
Minor additional benefits (2)		7	25.93 %
Moderate additional benefits (3)		3	11.11 %
Significant additional benefits (4)		2	7.41 %
Very significant additional benefits (5)		0	0 %
Don’t know		0	0 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		15	55.56 %
Minor additional benefits (2)		3	11.11 %
Moderate additional benefits (3)		5	18.52 %
Significant additional benefits (4)		2	7.41 %
Very significant additional benefits (5)		0	0 %
Don’t know		2	7.41 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		16	59.26 %
Minor additional benefits (2)		7	25.93 %
Moderate additional benefits (3)		2	7.41 %
Significant additional benefits (4)		1	3.7 %
Very significant additional benefits (5)		0	0 %
Don’t know		1	3.7 %
No Answer		0	0 %

36. Where do you see the greatest additional benefits that would result from the implementation of Option 1? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		12	44.44 %
Minor additional benefits (2)		3	11.11 %
Moderate additional benefits (3)		6	22.22 %
Significant additional benefits (4)		0	0 %
Very significant additional benefits (5)		0	0 %
Don’t know		6	22.22 %
No Answer		0	0 %

37. Would you expect that implementation of Option 1 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		7	25.93 %
No, not likely to have social impacts		15	55.56 %
Don't know		5	18.52 %
No Answer		0	0 %

38. Would you expect that implementation of Option 1 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		9	33.33 %
No, not likely to have environmental impacts		15	55.56 %
Don't know		3	11.11 %
No Answer		0	0 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		2	7.41 %
Rather not (2)		7	25.93 %
Moderately well (3)		7	25.93 %
Considerably well (4)		7	25.93 %
Very well (5)		2	7.41 %
Don’t know		2	7.41 %
No Answer		0	0 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		2	7.41 %
Rather not (2)		8	29.63 %
Moderately well (3)		8	29.63 %
Considerably well (4)		5	18.52 %
Very well (5)		2	7.41 %
Don’t know		1	3.7 %
No Answer		1	3.7 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		2	7.41 %
Rather not (2)		2	7.41 %
Moderately well (3)		13	48.15 %
Considerably well (4)		5	18.52 %
Very well (5)		4	14.81 %
Don’t know		1	3.7 %
No Answer		0	0 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		2	7.41 %
Rather not (2)		5	18.52 %
Moderately well (3)		12	44.44 %
Considerably well (4)		7	25.93 %
Very well (5)		1	3.7 %
Don’t know		0	0 %
No Answer		0	0 %

40. In your view, to what extent would Option 2 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		1	3.7 %
Rather not (2)		3	11.11 %
Moderately well (3)		8	29.63 %
Considerably well (4)		7	25.93 %
Very well (5)		2	7.41 %
Don’t know		5	18.52 %
No Answer		1	3.7 %

42. To what extent do you consider that the implementation of Option 2 would change overall costs of safety requirements for consumer products in the EU for society (e.g. costs of businesses, consumers and market surveillance authorities), compared to the current situation?

		Answers	Ratio
Reduce costs very significantly		0	0 %
Reduce costs significantly		0	0 %
Reduce costs slightly		2	7.41 %
Costs would remain the same		4	14.81 %
Increase costs slightly		6	22.22 %
Increase costs significantly		0	0 %
Increase costs very significantly		0	0 %
Don’t know		14	51.85 %
No Answer		1	3.7 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		3	11.11 %
Minor additional benefits (2)		11	40.74 %
Moderate additional benefits (3)		6	22.22 %
Significant additional benefits (4)		6	22.22 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		0	0 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		6	22.22 %
Minor additional benefits (2)		3	11.11 %
Moderate additional benefits (3)		7	25.93 %
Significant additional benefits (4)		1	3.7 %
Very significant additional benefits (5)		0	0 %
Don’t know		10	37.04 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		5	18.52 %
Minor additional benefits (2)		11	40.74 %
Moderate additional benefits (3)		5	18.52 %
Significant additional benefits (4)		5	18.52 %
Very significant additional benefits (5)		0	0 %
Don’t know		1	3.7 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		2	7.41 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		14	51.85 %
Significant additional benefits (4)		7	25.93 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		2	7.41 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		4	14.81 %
Minor additional benefits (2)		4	14.81 %
Moderate additional benefits (3)		12	44.44 %
Significant additional benefits (4)		5	18.52 %
Very significant additional benefits (5)		0	0 %
Don’t know		2	7.41 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		2	7.41 %
Minor additional benefits (2)		4	14.81 %
Moderate additional benefits (3)		6	22.22 %
Significant additional benefits (4)		6	22.22 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		8	29.63 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		4	14.81 %
Minor additional benefits (2)		2	7.41 %
Moderate additional benefits (3)		6	22.22 %
Significant additional benefits (4)		4	14.81 %
Very significant additional benefits (5)		0	0 %
Don’t know		10	37.04 %
No Answer		1	3.7 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		5	18.52 %
Minor additional benefits (2)		4	14.81 %
Moderate additional benefits (3)		3	11.11 %
Significant additional benefits (4)		5	18.52 %
Very significant additional benefits (5)		0	0 %
Don’t know		10	37.04 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		4	14.81 %
Minor additional benefits (2)		2	7.41 %
Moderate additional benefits (3)		8	29.63 %
Significant additional benefits (4)		4	14.81 %
Very significant additional benefits (5)		0	0 %
Don’t know		9	33.33 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		7	25.93 %
Minor additional benefits (2)		12	44.44 %
Moderate additional benefits (3)		1	3.7 %
Significant additional benefits (4)		5	18.52 %
Very significant additional benefits (5)		0	0 %
Don’t know		1	3.7 %
No Answer		1	3.7 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		11	40.74 %
Moderate additional benefits (3)		7	25.93 %
Significant additional benefits (4)		6	22.22 %
Very significant additional benefits (5)		0	0 %
Don’t know		2	7.41 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		8	29.63 %
Moderate additional benefits (3)		10	37.04 %
Significant additional benefits (4)		5	18.52 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		2	7.41 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		12	44.44 %
Moderate additional benefits (3)		6	22.22 %
Significant additional benefits (4)		5	18.52 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		2	7.41 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		8	29.63 %
Minor additional benefits (2)		5	18.52 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		6	22.22 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		3	11.11 %
No Answer		0	0 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		6	22.22 %
Minor additional benefits (2)		10	37.04 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		3	11.11 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		2	7.41 %
No Answer		1	3.7 %

43. Where do you see the greatest additional benefits that would result from the implementation of Option 2? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		10	37.04 %
Minor additional benefits (2)		4	14.81 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		2	7.41 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		6	22.22 %
No Answer		0	0 %

44. Would you expect that implementation of Option 2 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		9	33.33 %
No, not likely to have social impacts		14	51.85 %
Don't know		4	14.81 %
No Answer		0	0 %

45. Would you expect that implementation of Option 2 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		11	40.74 %
No, not likely to have environmental impacts		12	44.44 %
Don't know		4	14.81 %
No Answer		0	0 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		1	3.7 %
Rather not (2)		0	0 %
Moderately well (3)		4	14.81 %
Considerably well (4)		16	59.26 %
Very well (5)		3	11.11 %
Don’t know		2	7.41 %
No Answer		1	3.7 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		2	7.41 %
Moderately well (3)		12	44.44 %
Considerably well (4)		8	29.63 %
Very well (5)		5	18.52 %
Don’t know		0	0 %
No Answer		0	0 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		1	3.7 %
Rather not (2)		3	11.11 %
Moderately well (3)		2	7.41 %
Considerably well (4)		14	51.85 %
Very well (5)		5	18.52 %
Don’t know		0	0 %
No Answer		2	7.41 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		1	3.7 %
Rather not (2)		5	18.52 %
Moderately well (3)		2	7.41 %
Considerably well (4)		15	55.56 %
Very well (5)		4	14.81 %
Don’t know		0	0 %
No Answer		0	0 %

47. In your view, to what extent would Option 3 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		1	3.7 %
Rather not (2)		2	7.41 %
Moderately well (3)		3	11.11 %
Considerably well (4)		4	14.81 %
Very well (5)		13	48.15 %
Don’t know		4	14.81 %
No Answer		0	0 %

49. To what extent do you consider that the implementation of Option 3 would change overall costs of safety requirements for consumer products in the EU for society (e.g. costs of businesses, consumers and market surveillance authorities), compared to the current situation?

		Answers	Ratio
Reduce costs very significantly		1	3.7 %
Reduce costs significantly		1	3.7 %
Reduce costs slightly		1	3.7 %
Costs would remain the same		2	7.41 %
Increase costs slightly		6	22.22 %
Increase costs significantly		4	14.81 %
Increase costs very significantly		0	0 %
Don’t know		12	44.44 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		3	11.11 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		13	48.15 %
Significant additional benefits (4)		6	22.22 %
Very significant additional benefits (5)		3	11.11 %
Don’t know		1	3.7 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		6	22.22 %
Minor additional benefits (2)		0	0 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		6	22.22 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		10	37.04 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		4	14.81 %
Minor additional benefits (2)		2	7.41 %
Moderate additional benefits (3)		11	40.74 %
Significant additional benefits (4)		6	22.22 %
Very significant additional benefits (5)		3	11.11 %
Don’t know		1	3.7 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		2	7.41 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		15	55.56 %
Very significant additional benefits (5)		4	14.81 %
Don’t know		1	3.7 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		3	11.11 %
Minor additional benefits (2)		2	7.41 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		13	48.15 %
Very significant additional benefits (5)		3	11.11 %
Don’t know		2	7.41 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		6	22.22 %
Significant additional benefits (4)		14	51.85 %
Very significant additional benefits (5)		4	14.81 %
Don’t know		1	3.7 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		3	11.11 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		5	18.52 %
Significant additional benefits (4)		13	48.15 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		3	11.11 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		2	7.41 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		5	18.52 %
Significant additional benefits (4)		7	25.93 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		10	37.04 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		3	11.11 %
Minor additional benefits (2)		0	0 %
Moderate additional benefits (3)		8	29.63 %
Significant additional benefits (4)		5	18.52 %
Very significant additional benefits (5)		3	11.11 %
Don’t know		8	29.63 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		3	11.11 %
Minor additional benefits (2)		4	14.81 %
Moderate additional benefits (3)		7	25.93 %
Significant additional benefits (4)		8	29.63 %
Very significant additional benefits (5)		3	11.11 %
Don’t know		2	7.41 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		13	48.15 %
Significant additional benefits (4)		8	29.63 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		2	7.41 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		0	0 %
Moderate additional benefits (3)		9	33.33 %
Significant additional benefits (4)		10	37.04 %
Very significant additional benefits (5)		6	22.22 %
Don’t know		1	3.7 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		0	0 %
Moderate additional benefits (3)		12	44.44 %
Significant additional benefits (4)		8	29.63 %
Very significant additional benefits (5)		4	14.81 %
Don’t know		0	0 %
No Answer		2	7.41 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		11	40.74 %
Significant additional benefits (4)		9	33.33 %
Very significant additional benefits (5)		4	14.81 %
Don’t know		1	3.7 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		5	18.52 %
Minor additional benefits (2)		2	7.41 %
Moderate additional benefits (3)		9	33.33 %
Significant additional benefits (4)		8	29.63 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		1	3.7 %
No Answer		0	0 %

50. Where do you see the greatest additional benefits that would result from the implementation of Option 3? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		2	7.41 %
Minor additional benefits (2)		2	7.41 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		4	14.81 %
Very significant additional benefits (5)		3	11.11 %
Don’t know		11	40.74 %
No Answer		1	3.7 %

51. Would you expect that implementation of Option 3 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		11	40.74 %
No, not likely to have social impacts		12	44.44 %
Don't know		4	14.81 %
No Answer		0	0 %

52. Would you expect that implementation of Option 3 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		12	44.44 %
No, not likely to have environmental impacts		10	37.04 %
Don't know		4	14.81 %
No Answer		1	3.7 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : a) new product risks/ risks related to new technologies

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		0	0 %
Moderately well (3)		6	22.22 %
Considerably well (4)		7	25.93 %
Very well (5)		10	37.04 %
Don’t know		4	14.81 %
No Answer		0	0 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : b) product safety in online sales channels

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		0	0 %
Moderately well (3)		6	22.22 %
Considerably well (4)		15	55.56 %
Very well (5)		4	14.81 %
Don’t know		2	7.41 %
No Answer		0	0 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : c) effectively recalling dangerous products from consumers

		Answers	Ratio
Not at all (1)		1	3.7 %
Rather not (2)		0	0 %
Moderately well (3)		5	18.52 %
Considerably well (4)		6	22.22 %
Very well (5)		13	48.15 %
Don’t know		2	7.41 %
No Answer		0	0 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : d) providing effective market surveillance by Member States

		Answers	Ratio
Not at all (1)		0	0 %
Rather not (2)		2	7.41 %
Moderately well (3)		5	18.52 %
Considerably well (4)		7	25.93 %
Very well (5)		12	44.44 %
Don’t know		1	3.7 %
No Answer		0	0 %

54. In your view, to what extent would Option 4 effectively address the following challenges for product safety? Please assess. : e) safety issues related to food imitating products

		Answers	Ratio
Not at all (1)		2	7.41 %
Rather not (2)		0	0 %
Moderately well (3)		1	3.7 %
Considerably well (4)		7	25.93 %
Very well (5)		11	40.74 %
Don’t know		6	22.22 %
No Answer		0	0 %

56. To what extent do you consider that the implementation of Option 4 would change overall costs of safety requirements for consumer products in the EU for society (e.g. costs of businesses, consumers and market surveillance authorities), compared to the current situation?

		Answers	Ratio
Reduce costs very significantly		0	0 %
Reduce costs significantly		0	0 %
Reduce costs slightly		3	11.11 %
Costs would remain the same		4	14.81 %
Increase costs slightly		5	18.52 %
Increase costs significantly		2	7.41 %
Increase costs very significantly		0	0 %
Don’t know		12	44.44 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Increased consumer trust

		Answers	Ratio
No change in benefits at all (1)		3	11.11 %
Minor additional benefits (2)		2	7.41 %
Moderate additional benefits (3)		6	22.22 %
Significant additional benefits (4)		13	48.15 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		1	3.7 %
No Answer		0	0 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Increased business revenue (e.g. due to increased reputation/brand value)

		Answers	Ratio
No change in benefits at all (1)		3	11.11 %
Minor additional benefits (2)		2	7.41 %
Moderate additional benefits (3)		5	18.52 %
Significant additional benefits (4)		3	11.11 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		11	40.74 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Improved quality / lifecycle of products

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		5	18.52 %
Moderate additional benefits (3)		3	11.11 %
Significant additional benefits (4)		12	44.44 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		2	7.41 %
No Answer		2	7.41 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better information on unsafe products/ measures taken by authorities provided through Safety Gate/RAPEX

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		2	7.41 %
Moderate additional benefits (3)		3	11.11 %
Significant additional benefits (4)		15	55.56 %
Very significant additional benefits (5)		3	11.11 %
Don’t know		2	7.41 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better supply chain management due to improved traceability of products

		Answers	Ratio
No change in benefits at all (1)		2	7.41 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		5	18.52 %
Significant additional benefits (4)		15	55.56 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		2	7.41 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Greater legal certainty

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		3	11.11 %
Significant additional benefits (4)		15	55.56 %
Very significant additional benefits (5)		4	14.81 %
Don’t know		2	7.41 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced legal complexity

		Answers	Ratio
No change in benefits at all (1)		2	7.41 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		6	22.22 %
Significant additional benefits (4)		9	33.33 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		6	22.22 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Easier compliance with product safety requirements for SMEs

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		0	0 %
Moderate additional benefits (3)		6	22.22 %
Significant additional benefits (4)		7	25.93 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		11	40.74 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Lower operational risk for businesses

		Answers	Ratio
No change in benefits at all (1)		2	7.41 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		7	25.93 %
Significant additional benefits (4)		11	40.74 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		4	14.81 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Deterrent effect on rogue traders

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		5	18.52 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		11	40.74 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		3	11.11 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : More level playing field among businesses

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		2	7.41 %
Moderate additional benefits (3)		4	14.81 %
Significant additional benefits (4)		15	55.56 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		3	11.11 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better functioning EU internal market

		Answers	Ratio
No change in benefits at all (1)		1	3.7 %
Minor additional benefits (2)		0	0 %
Moderate additional benefits (3)		8	29.63 %
Significant additional benefits (4)		13	48.15 %
Very significant additional benefits (5)		3	11.11 %
Don’t know		1	3.7 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced occurrence of products presenting health and safety risks

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		5	18.52 %
Significant additional benefits (4)		17	62.96 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		1	3.7 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Reduced number of accidents /injuries caused by unsafe products

		Answers	Ratio
No change in benefits at all (1)		0	0 %
Minor additional benefits (2)		1	3.7 %
Moderate additional benefits (3)		6	22.22 %
Significant additional benefits (4)		15	55.56 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		2	7.41 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Higher level of protection of the environment due to reduction of unsafe products that also have environmental impacts (e.g. lead in plastics)

		Answers	Ratio
No change in benefits at all (1)		4	14.81 %
Minor additional benefits (2)		4	14.81 %
Moderate additional benefits (3)		3	11.11 %
Significant additional benefits (4)		11	40.74 %
Very significant additional benefits (5)		1	3.7 %
Don’t know		3	11.11 %
No Answer		1	3.7 %

57. Where do you see the greatest additional benefits that would result from the implementation of Option 4? Please assess the following benefits in your perspective. : Better access to the market in non-EU/EEA countries

		Answers	Ratio
No change in benefits at all (1)		2	7.41 %
Minor additional benefits (2)		2	7.41 %
Moderate additional benefits (3)		3	11.11 %
Significant additional benefits (4)		4	14.81 %
Very significant additional benefits (5)		2	7.41 %
Don’t know		13	48.15 %
No Answer		1	3.7 %

58. Would you expect that implementation of Option 4 would have social impacts (including in relation to labour rights, employment, wages, or gender-related impacts)

		Answers	Ratio
Yes, likely to have social impacts		10	37.04 %
No, not likely to have social impacts		10	37.04 %
Don't know		6	22.22 %
No Answer		1	3.7 %

59. Would you expect that implementation of Option 4 would have environmental impacts (including on pollution, waste, natural resources, biodiversity, greenhouse gas emissions)

		Answers	Ratio
Yes, likely to have environmental impacts		13	48.15 %
No, not likely to have environmental impacts		9	33.33 %
Don't know		5	18.52 %
No Answer		0	0 %

Annex II: Results of case studies in non-EU/EEA countries

Case study Canada

A. Evidence on unsafe products found online

Monitoring of safety of consumer products sold online - share of market surveillance activities that focuses on products sold online

Monitoring of consumer product safety, which is a federal responsibility in Canada, is conducted by the Consumer Product Safety Program (CPSP) within Health Canada. The CPSP is responsible for the administration and enforcement of the Canada Consumer Product Safety Act (CCPSA) and its regulations, as well as cosmetic-related provisions of the Food and Drugs Act (FDA) and the Cosmetic Regulations. The purpose of the CCPSA is to protect the public by addressing or preventing dangers to human health or safety that are posed by consumer products in Canada, including those that circulate within Canada as well as those that are imported. Under the CCPSA, industry must report health or safety incidents involving consumer products to Health Canada. For example, according to the Consumer Product Safety Program Annual Surveillance Report 2019 a total of 2 343 consumer product reports were received between January 1, 2019 and December 31, 2019, of which 23 mentioned a death and 794 mentioned a non-fatal injury[a)]. Forms for industry and for consumers to report an incident involving a consumer product or cosmetic are available on the website of the Government of Canada (https://www.canada.ca/en/health-canada/services/consumer-product-safety/advisories-warnings-recalls/report-incident-involving-consumer-product.html). In addition to this reporting mechanism, about 15 to 20 compliance verification projects are conducted each year, which monitor compliance with product safety legislation. Health Canada publishes summaries of these projects on the Government of Canada website (https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/industry-professionals/enforcement-summary-report.html). While these projects may include Canadian online shops (.ca domain), online surveillance is not conducted as a specific programme. While certain reports specify whether a product was bought online and allow some sort of identification, the reporting forms currently do not ask specifically for whether a product involved in an incident was purchased online or offline.

Data regarding the incidence of unsafe consumer products found online, compared to the incidence in 'brick-and-mortar' shops

Such data is not available, for the reasons elaborated above.

Data regarding the incidence of unsafe consumer products offered online (disaggregated by country of origin). Data for products offered through online marketplaces

Such data is not available, for the reasons elaborated above. As any checks of online shops would focus on Canadian websites (.ca domain) due to jurisdictional considerations and the difficulty to enforce measures concerning traders in other countries, data regarding non-Canadian online shops or products sold on online marketplaces is not available.

Relevance of direct imports by consumers from online traders in terms of product safety. Frequency of customs controls or other checks of parcels sent from abroad to consumers, and criteria for prioritisation of checks

Direct imports have not been considered to be an issue for product safety, but no data is available in this respect. Border control is under the authority of the Canada Border Services Agency (CBSA), which screens all goods coming into Canada and examines more closely those that may pose a threat to the safety of Canadians, based on risk management principles[b)]. The process for customs control of international mail and parcels is as follows:

Step 1 Mail items presented by Canada Post

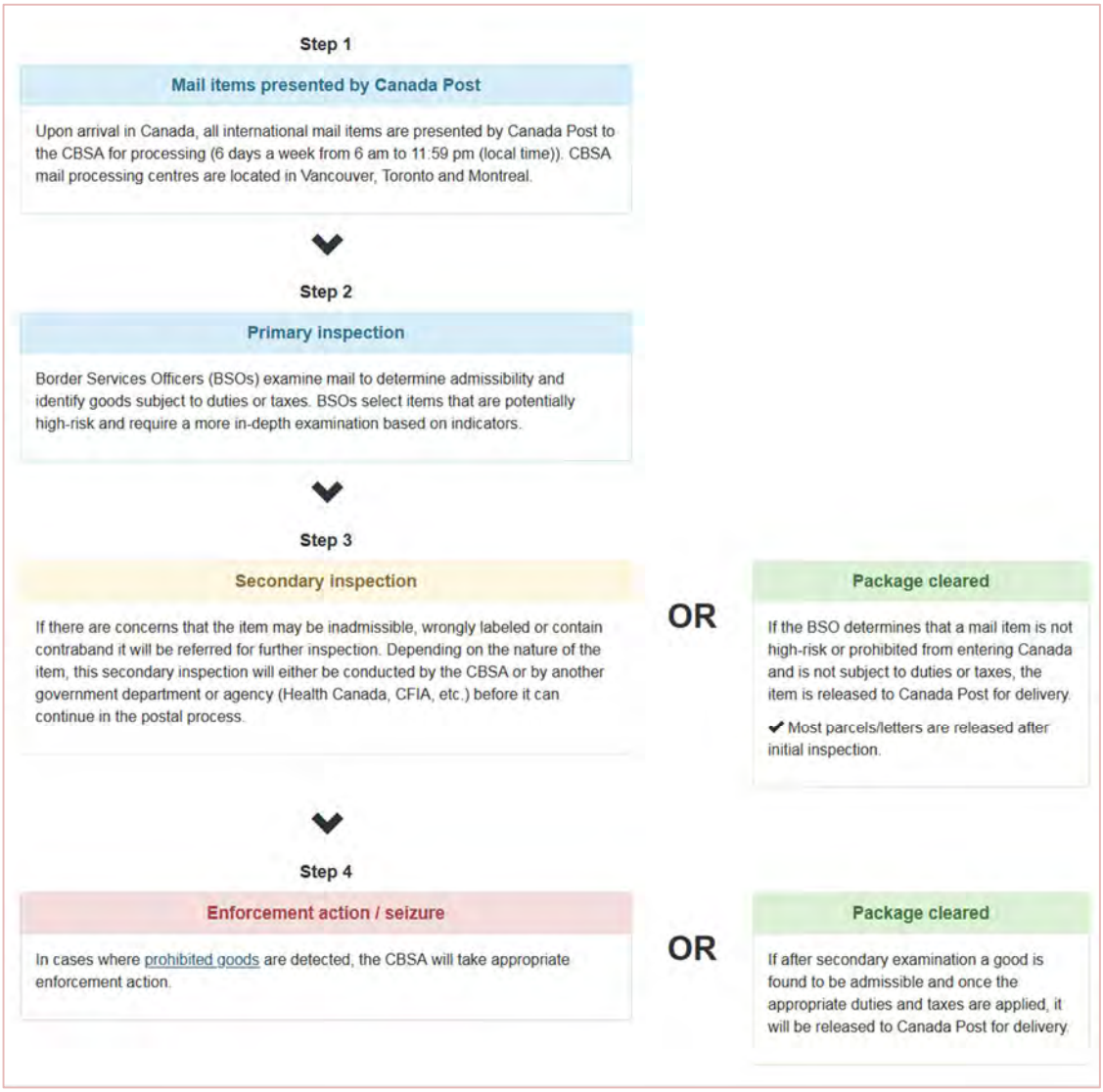
Step 2 Primary inspection

Step 3 Secondary inspection or package released

Step 4 Enforcement action / seizure or package released

This process is detailed in the flowchart below.

Flowchart: Customs process for international mail and parcels



Source: https://www.cbsa-asfc.gc.ca/import/postal-postale/menu-eng.html

Canada Border Services Agency and Health Canada work cooperatively regarding consumer product safety. The approach taken for prioritisation of checks may differ in detail between the different ports of entry. Typically, Canada Border Services would identify relevant incoming shipments, which could be containers with e.g. toys or individual parcels, which would then be inspected by the inspectors of Health Canada (secondary inspection in the above diagram). Priorities by Border Services are not necessarily identical to the priorities of Health Canada, and it is understood that the focus of customs controls is very much on the identification of prohibited goods. Schedule 2 of the CCPSA lists the products that are considered prohibited and which may be stopped at the Border by the Canada Border Services Agency (CBSA): https://laws-lois.justice.gc.ca/eng/acts/c-1.68/page-10.html#h-44890. Therefore, the process is relatively straightforward for consumer products that are prohibited in Canada (e.g. baby walkers), which would be illegal to import. In general, regulated products such as cosmetics, lighters etc may be easier to control at the border due to specific safety requirements in the legislation.

Measures taken to address safety risks due to consumer products sold online, incl. regarding online marketplaces and direct imports by consumers

Some specific outreach activities have been implemented, such as a Health Canada online guidance about buying consumer products online (https://www.canada.ca/en/health-canada/services/buying-consumer-products-online.html) and a guidance on "the modern marketplace" from the Office of Consumer Affairs (https://www.competitionbureau.gc.ca/eic/site/oca-bc.nsf/eng/h_ca02321.html). Apart from these outreach initiatives, the market surveillance and inspection procedures are the same

online or offline and focus on traders located in Canada, as explained above.

B. Impact of increased number of products connected and based on Artificial intelligence (AI) on safety of consumer products

Types of risks posed by new technologies, in particular cybersecurity and personal security risks that affect the safety of persons, as well as related mental health risks

The risks posed by new technologies are discussed and Health Canada is working on strategies to counter them, but so far no relevant incident was encountered, so that this is largely a preparatory exercise. Product safety monitoring has largely focused on physical safety, but it is recognised that personal security and privacy violations may endanger physical safety. It is currently not clear to which extent the Canadian product safety legislation would apply, and which department would take the lead regarding a particular risk, and on which legislative basis measures would be taken (e.g. privacy violations that may cause physical danger might be addressed under privacy or product safety legislation). Also, mental health risks related to products have not been considered in detail, as product safety measures historically focus on physical injuries. However, whether mental health risks posed by products would be covered depends on the definition of 'health' applied, as the Canada Consumer Product Safety Act defines 'safety' as follows: "danger to human health or safety means any unreasonable hazard — existing or potential — that is posed by a consumer product during or as a result of its normal or foreseeable use and that may reasonably be expected to cause the death of an individual exposed to it or have an adverse effect on that individual's health — including an injury — whether or not the death or adverse effect occurs immediately after the exposure to the hazard, and includes any exposure to a consumer product that may reasonably be expected to have a chronic adverse effect on human health." (Section 2). According to the interviewees, an official determination would need to be made whether or not mental health related risks are covered by this definition (in its absence, this is not clear now).

Examples of cases of safety incidents caused by these technologies, if any. Extent to which software updates/machine learning affect the safety of consumer products after placing on the market, according to the country's experiences

As mentioned, no specific incidents have been reported. While there have been incidents with products that are connected to the internet, Health Canada was able to manage them within its standard operating procedures, and without any additional policies or procedures specific to the fact that they were connected. An example would be an incident with a carbon monoxide detector, which was connected via the internet to an emergency centre. The detector malfunctioned, and therefore the emergency centre was not contacted, as should have been the case.

No incidents have been reported that were related to software updates etc after a product was placed on the market. It is rather that there are situations in which a software update can address/mitigate a safety issue with a specific product.

Coverage of software updates after a product is placed on the market that may affect the safety of the product by the product safety legislation. Coverage of standalone software (i.e. is standalone software considered to be a 'product')

The Canada Consumer Product Safety Act defines 'product' as follows: "consumer product means a product, including its components, parts or accessories, that may reasonably be expected to be obtained by an individual to be used for non-commercial purposes, including for domestic, recreational and sports purposes, and includes its packaging." (Section 2). Providing a product meets this definition and is not excluded afterwards by s.4 and Schedule 1 of the CCPSA then the product will likely be subject to the CCPSA. According to the interviewees, it is a question whether this would include software. As described above, an official determination would need to be made whether or not this is the case (in its absence, this is not clear now). However, specific sectoral legislation for medicinal devices considers some standalone software to qualify as a "medical device", and a relevant guidance document is available (https://www.canada.ca/en/health-canada/services/drugs-health-products/medical-devices/application-information/guidance-documents/software-medical-device-guidance-document.html).

Specific measures to address potential safety risks posed by consumer products using new technologies, if any

So far no specific measures have been taken. Health Canada is aware of the potential risks, which have

also been discussed at international fora such as the OECD Working Party on Consumer Product Safety. In Canada, an interagency working group is focusing on IoT, and conducts workshops and considers hypothetical scenarios to address potential risks, discuss responsibilities etc.

C. Injury data related to product safety incidents, and/or any estimates of consumer detriment caused by product safety incidents

Collection of data on unintentional injuries in which a consumer product was involved

The Consumer Product Safety Program (CPSP) within Health Canada does collect data on injuries through the above mentioned reporting mechanism. While the individual reports are not publicly available, an aggregated statistics is published quarterly and annually (https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/industry-professionals/consumer-product-cosmetics-reports-received.html#a1).

Availability of estimates of the costs to society of injury and death caused by (unsafe) consumer products and methodology used

There is an analysis of the cost of injury in Canada, the last update of which was produced in 2015. According to the report, preventable injuries cost Canadians more than CAD 26.8 billion a year. The direct costs of injury in 2010 were estimated as CAD 15.9 billion and indirect costs were CAD 10.9 billion[c)]. However, the report does not provide any details regarding the costs of injuries related to consumer products. The methodology is annexed to the report (see below).

No other data in this respect is available.

D. Product traceability systems

Product traceability requirements/system in place for consumer products. Use of new technologies to trace consumer products

Section 13 of the Canada Consumer Product Safety Act provides a requirement for business operators to keep supply chain records ('one up one down' traceability). More specifically, the Act provides: "Any person who manufactures, imports, advertises, sells or tests a consumer product for commercial purposes shall prepare and maintain […] documents that indicate (i) in the case of a retailer, the name and address of the person from whom they obtained the product and the location where and the period during which they sold the product, and (ii) in the case of any other person, the name and address of the person from whom they obtained the product or to whom they sold it, or both, as applicable." During inspections of businesses, inspectors check the quality control/traceability system of the business, and negative results may lead to increased inspection frequencies.

No overall labelling requirements related to traceability exists, rather, traceability requirements may be provided in product-specific legislation (e.g. matches, chemicals etc).

No new technologies to trace consumer products (such as registration systems, block chain) are prescribed by legislation.

Annex

Websites consulted

a) https://www.canada.ca/en/health-canada/services/publications/product-safety/consumer-product-safety-surveillance-report/2019.html

b) https://www.cbsa-asfc.gc.ca/import/postal-postale/menu-eng.html

Documents

c) Parachute. (2015). The Cost of Injury in Canada. Parachute: Toronto, ON

Interviewees

Lauren Guttman, Analyst, Consumer and Hazardous Products Directorate (CHPSD)
Erin Howard-Hoszko, Manager of the External Relations Division, CHPSD
Caroline Payette, Head of Enforcement Unit, Compliance & Enforcement Division, CHPSD
Safya Ratnani, Regional Manager for the Province of Québec, CHPSD

Jean-Emmanuel Simiand, Senior Policy Analyst, CHPSD
Christina Young, Senior Engineer, CHPSD

Case study US

A. Evidence on unsafe products found online

Monitoring of safety of consumer products sold online - share of market surveillance activities that focuses on products sold online

The US Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of injury or death associated with the use of the thousands of types of consumer products under the agency's jurisdiction (such as toys, cribs, power tools, cigarette lighters, and household chemicals). CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical, or mechanical hazard[a)].

The CPSC provides a Consumer Product Safety Information Database, which is a publicly searchable database where submitters (consumers and businesses) can report to the CPSC a harm or risk of harm related to the use of a consumer product or other product or substance within the jurisdiction of the CPSC. Forms for this purpose for consumers and businesses are available on the website https://saferproducts.gov/Default.aspx.

In the CPSC, the Office of Compliance and Field Operations (EXC) is responsible for enforcing rules, as well as conducting surveillance to ensure that hazardous products do not enter or remain in the distribution chain. According to the FY 2020 Operating Plan, the Office of Compliance and Field Operations has a staff capacity of 147 FTE, of which 56 in the headquarter and 91 in the field. EXC's work is accomplished by[g)]:

- A headquarters team that enforces existing rules and also works cooperatively with companies to recall consumer products, or prevent them from entering through U.S. ports of entry;
- Field investigators located across the United States who conduct in-depth investigations (IDI) on product safety hazards and incidents; and
- A network of state and local officials who assist with monitoring recall performance, conduct inspections, and distribute safety materials to educate consumers on product safety.

Online market surveillance is conducted by a small internet surveillance unit, which mainly focuses on products that have been recalled. If recalled products are identified online, the sellers are being contacted and informed that they are selling a recalled product, which is against the law. There are no specific product safety rules that refer to online sales, so that the rules are the same whether a product is sold in brick-and-mortar shops or online, with enforcement option being more limited for online sellers located outside the CPSC's jurisdiction. No quantitative data on online market surveillance activities could be identified.

Data regarding the incidence of unsafe consumer products found online, compared to the incidence in 'brick-and-mortar' shops

No such data is available, which is also due to the focus on recalls of the internet surveillance unit.

Data regarding the incidence of unsafe consumer products offered online (disaggregated by country of origin). Data for products offered through online marketplaces

No such data is available.

With respect to products offered through online marketplaces, so far, no test case directly involving the CPSC has been brought to court. The issue of responsibility for products sold by marketplaces is therefore not finally determined, and marketplaces that actively operate in the US tend to be cooperative with respect to CPSC demands rather than having test cases in court. A case brought by a consumer who suffered detriment due to a product sold on Amazon marketplace (eye injury due to a malfunctioning, retractable dog leash) which was decided by the United States District Court of Pennsylvania cleared Amazon from any liability as seller. The court indicated that Amazon marketplace "serves as a sort of newspaper classified ad section, connecting potential consumers with eager sellers in an efficient, modern, streamlined manner […] it cannot be liable … under a strict products liability theory"[h)]. However, in a recent decision (August 2020) California Court of Appeal's Fourth Appellate District in San Diego rejected Amazon's core defense against third-party product liability, namely that it is simply an online marketplace facilitator helping manufacturers reach customers globally, not a retailer or distributor

subject to legal product liability law. The California state appeals court ruled that Amazon can be held liable for defective products sold by third-parties on its website, in case brought by a San Diego woman injured when a laptop battery that she purchased exploded. In what was considered in press reports to be a surprise move, Amazon subsequently backed a proposed California product liability law for online sellers. It offered conditional support for the proposed California law that would make it easier for consumers to hold electronic retailers responsible for allowing defective products to reach the marketplace, as long as other online retailers cannot evade the law based on how they earn revenue for selling products from outside vendors[ff)].

Relevance of direct imports by consumers from online traders in terms of product safety. Frequency of customs controls or other checks of parcels sent from abroad to consumers, and criteria for prioritisation of checks

These imports are a major issue in terms of product safety, and the CPSC has prepared an E-commerce Assessment Report[i)]. The report concludes that "the value of e-commerce shipments under the CPSC's jurisdiction entering the United States is growing steadily. […] the value of e-commerce shipments CPSC regulates is estimated to reach $415 billion by Calendar Year 2023, representing almost 38 percent of the total value of imports under the agency's jurisdiction. […] CPSC's ability to stop unsafe shipments in the e-commerce environment is limited, in part, due to the sheer volume of low-value shipments, as well as the locations where they arrive. This assessment estimates that 65 million shipments under CPSC's jurisdiction entered the United States in [Calendar Year] 2018. Of that, an estimated 36 million shipments were e-commerce purchases […]. That number is expected to rise to 60 million by [Calendar Year] 2023, approximately 57 percent of the total volume of imports under CPSC's jurisdiction. The value and volume estimates listed above do not account for e-commerce that arrives via international mail. Available data did not allow […] to determine the number of international mail e-commerce shipments arriving under its jurisdiction; however, U.S. Customs and Border Protection (CBP) estimates that 475 million total mail shipments arrived in the United States in 2018." The report notes that due to data limitations it is not possible to estimate the number of international mail e-commerce shipments arriving under CPSC jurisdiction. The report further elaborates that with the implementation of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA), the U.S. government increased the *de minimis* value exemption from duties for imported shipments from USD 200 to USD 800, meaning shipments valued at or less than USD 800 may enter the United States with minimal data requirements. The report concludes that the risk associated with these shipments is largely unknown and CPSC and other U.S. government agencies are challenged when attempting to risk-assess and interdict this significant segment of incoming shipments.

The number of these shipments that are checked for product safety purposes at the border is very low, also because there are little indications on a package that would allow to do risk-based sampling. In the past, for one specific product group (hoverboards), which are causing large number of incidents due to fires or overheating in the US (see below, question 7), specific measures have been taken with customs. At one point, any parcel that could be identified in any way as being a hoverboard was delayed for inspection by CPSC.

Measures taken to address safety risks due to consumer products sold online, incl. regarding online marketplaces and direct imports by consumers

The above-mentioned report on e-commerce states that CPSC "must thoroughly evaluate its legal authority to understand the gaps caused by the growing volume of *de minimis* shipments and trade entities. The agency's authority is primarily supported through two laws, CPSA and CPSIA, which [the CPSC's Office of Import Surveillance (EXIS)] enforces along with several other statutes to conduct import surveillance. However, CPSC's current laws are not designed for the global supply chain's growing complexity and numerous players, many of whom operate solely in e-commerce"[i)]. The report also presents a set of 13 initial recommendations to address the documented gaps introduced by e-commerce, covering areas such as staffing, data needs, legal authority, and cooperation with foreign governments.

B. Impact of increased number of products connected and based on Artificial intelligence (AI) on safety of consumer products

Types of risks posed by new technologies, in particular cybersecurity and personal security risks that affect the safety of persons, as well as related mental health risks

The CPSC has in a recent report reviewed the risks posed by Internet of Things/connected products, and concluded that "for connected products, the concept of "unreasonable risk" shares a nexus with data security. A connected product could present an unreasonable risk of injury due to problems with its software updates or customization, its connection, or its data. Connected consumer products are, by their very nature, part of a digital environment, which means that data security risk management is part of consumer product safety"[k].

The report further explains that transformational characteristic of IoT products having the greatest impact on product safety for the CPSC is the increased potential for unseen product hazardization: "Hazardization occurs when a product becomes unsafe after purchase because it has changed. Product hazardization can happen due to:

- Malicious hacking
- Defective third-party software
- Defective manufacturer updates
- Consumer modifications.

[…] For IoT products, the potential for unexpected hazardization flows directly from device connectivity and the invisibility of data processing. Consumers typically would not be aware that, after purchase, due to unauthorized, imprudent, or anomalous data transfer interference or manipulation of operational code or consumer-originated data, an IoT product capable of causing injury or death had become hazardised. [Hypothetical e]xamples include: the robotic vacuum that loses its way and falls down the stairs onto a small child due to a poorly designed third-party app or the connected heating system in the home of an elderly resident that shuts down on a bitterly cold winter day after the software is hacked. In such cases, a consumer could not anticipate the data security defect that allowed the change in the product and the resulting hazardous condition. Another challenge presented by cyber defects in a world of mobile personal IoT devices involves injuries or deaths facilitated by, but not directly caused by, the connected device. An example of this would be a defective software update in a wearable GPS-enabled watch that, in error, leads a consumer to walk into a hazardous area and become injured in a fall".

While therefore cybersecurity risks can be under the CPSC's jurisdiction, if they present or may lead to an unreasonable risk of injury, the focus of the CPSC is on physical injury or death. Therefore, mental health risk would not fall under the CPSC' jurisdiction.

No major activities have so far been conducted with respect to the use of AI in consumer products and related risks. However, CPSC staff participated in a NIST workshop to engage private- and public-sector organizations in discussions on federal engagement in the development of standards for Artificial Intelligence (AI)[k], and is expected to conduct further related activities in the future.

Examples of cases of safety incidents caused by these technologies, if any. Extent to which software updates/machine learning affect the safety of consumer products after placing on the market, according to the countries' experiences

There are no examples of documented cases of safety incidents caused by these technologies available to the CPSC. The report elaborates, however, the specific concerns the CPSC has with respect to connected products [regarding different incident scenarios] are:

- *"Addition of remote operation feature for products that could be hazardous if operated remotely.* For example, products such as gas grills and space heaters can pose potential fire and carbon monoxide hazards if turned on remotely;
- *Hazardization of a consumer product after purchase.* A consumer product that did not present an unreasonable risk of injury at the point of sale could become "hazardized" if unauthorized, imprudent, or anomalous data transfer interference or manipulation of operational code or consumer-originated data create a safety hazard where one did not exist before (*e.g.*, a connected gas range pushes a software update that disables temperature-limiting capability);
- *Disabling a safety feature.* Changes to a product's software, or to a device to which a product is connected, could lead to disabling a safety feature. For example, software updates to a connected home security system could inadvertently lead to disabling a smoke or carbon monoxide alarm without the homeowner's knowledge;
- *Clarity for consumers on critical data security and safety function support.* Consumers need clarity on when an IoT device might no longer be safe to use due to termination of software updates."[k)]

Coverage of software updates after a product is placed on the market that may affect the safety of the product by the product safety legislation. Coverage of standalone software (i.e. is standalone software considered to be a 'product')

CPSC staff has determined that a defect with an IoT product that comes about as a result of the software is still a defect, it is still a hazard that needs to be addressed. So even after placing a product on the market, software, and changes to the software would then be under the responsibility of the producer.

If a third-party software would be responsible for a defect, and prevent a product from operating properly, this could be seen as the root cause of problem, and the CPSC could consider treating the third-party software as a product. However, no such decision has been taken yet. In other words: Standalone software could be considered to be a product if it interacts with another product, but so far, this has not been done.

Specific measures to address potential safety risks posed by consumer products using new technologies, if any

Specific activities of the CPSC in the area of connected products is presented in the mentioned report, and focused on three areas:

- "Developing staff expertise and in-house capabilities for Internet-connected products (education/workforce development)
- Participating in and developing voluntary consensus standards (domestic and international)
- Collaborating with other federal agencies, foreign governments, and with a wide range of stakeholders"[k)].

C. Injury data related to product safety incidents, and/or any estimates of consumer detriment caused by product safety incidents

Collection of data on unintentional injuries in which a consumer product was involved

CPSCs National Electronic Injury Surveillance System (NEISS) is a national probability sample of hospitals in the U.S. and its territories. From this data, product-related injuries treated in emergency rooms can be estimated.

Availability of estimates of the costs to society of injury and death caused by (unsafe) consumer products and methodology used

The CPSC developed an injury cost model (ICM) in the late 1970s to estimate the cost of injuries to society associated with consumer products, last updated in 2018. The injury cost estimates facilitate consumer policy decisions and are communicated to the legislature and the public. The ICM focuses on

nonfatal injuries and uses the National Electronic Injury Surveillance System, hereafter NEISS, as the principal source of data about injuries associated with consumer products. NEISS is an injury surveillance system that requires users (hospital employees) to report on various aspects of injuries treated in emergency hospital departments including injured body part, injury type/diagnosis, place where the accident happened (home, street, school etc.) as well as the type of product involved (using a detailed coding manual for products).

The combination of available data from NEISS and of information retrieved from 15 other databases, allows CPSC to arrive at estimations regarding injury costs. It is noted that the other databases do not follow the same system of classification with NEISS, but most of them record injuries based on the International Classification of Diseases (ICD) 9th version. ICD-9 is a classification system for injuries that includes more detailed coding regarding diagnoses, however it does not include information on whether a product was related with the injury. Instead of that, ICD-9 uses a supplementary list of codes, the so-called external cause of injury codes or E-Codes which explain the mechanism and manner of the injury as well as indicate the place of occurrence of the injury. Hence, under ICD-9 an injury is classified based on the diagnosis of the injury and the E-code. By subtracting from the E-codes the ones that are certainly unrelated with consumer products e.g. intentional injuries, transport injuries, environmental/natural injuries, work-related injuries etc. the CPSC arrives at a subset of injuries that are likely associated with consumer products. Whenever CPSC uses databases with ICD-9 recorded injuries, the relevant (product-related) injuries are first identified and then mapped into NEISS injury diagnoses.

The injuries that are taken into account for the cost estimation are:

- Product related injuries for which hospital admission has taken place;
- Product related injuries that were treated in a hospital emergency department; and,
- Product related injuries that were treated in a non-hospital setting e.g. a doctor's office or in a hospital outpatient department.

Using primarily available data from NEISS as well as information from the rest of datasets, the following costs are estimated:

- *Medical costs:* These include costs of emergency transport, long-term care, treatment as well as costs of health insurance claims per injury diagnosis. They are calculated using estimates of hospital charges, ambulance transport costs, rehabilitation expenses as well as estimates of costs for processing health claims;
- *Work losses:* Comprising both short-term work loss due to recovery from an injury and long-term work loss as a result of lasting disability. This category also includes employer productivity losses as well costs/work loss incurred by the family while caring for the injured. The calculation of these costs is differentiated depending on the time spent off work. To arrive at short-term work loss, household work loss etc., the number of lost days is multiplied with the value of work per day, while long-term work loss is calculated as a percentage of the present value of expected lifetime work;
- *Pain and suffering costs:* These include pain, suffering and loss of quality of life as a result of the injury. They are calculated based on jury awards in product liability cases and other cases involving products, as well as assessments of Quality Adjusted Life Years (QALYs) indicating how people value the loss in their quality of life relating to the injury.

Inflation adjustments are applied to the information retrieved from different databases using specialized price indexes (employment cost index for work losses and index for personal consumption expenditures for medical costs) to express cost estimates in US dollars of the same year. Finally, whenever costs extend more than a year beyond the injury, the ICM applies a discount rate of 3% to compute their present value (as well as an alternative discount factor of 7% for sensitivity analysis).

The ICM has been revised and updated multiple times since the 1970s. According to the most recent estimates expressed in 2010 US dollars, the total lifetime medical cost of all survivors of consumer-product injuries between 2010-2014 is estimated at approximately USD 100.7 billion per year, while total work loss amounts to about USD 190.2 billion per year. The pain and suffering for the same product related injury survivors is estimated at USD 852.3 billion per year based on jury awards[j].

Differentiation between injuries in which a consumer product was involved vs. injuries caused by a

consumer product. Estimation of the share of product related injuries that are caused by consumer products / that could have been prevented by better product design/user instructions (as percentage of all injuries in which a consumer product was involved)

For NEISS product-related injury means [j]:

- All poisonings and chemical burns to children under 5 years of age; and
- All injuries where a consumer product, sport, or recreational activity is associated with the reason for the visit or related to a condition treated;
- Illnesses only if a consumer product, sport, or recreational activity is associated with the onset of the illness.

As a result of this definition, NEISS does not differentiate injuries that are associated with consumer products from those caused by consumer products/product design. To find out about the injury cause, supplemental investigation by means of an ad hoc inquiry is needed.

D. Product traceability systems

Product traceability requirements/system in place for consumer products. Use of new technologies to trace consumer products

There are no general traceability requirements for consumer products. However, since 2008 there are specific traceability requirements for children's products. Children's products that are designed or intended primarily for use by children ages 12 or younger must have distinguishing permanent marks (generally referred to as "tracking labels") that are:

- Affixed to the product and its packaging and
- Provide certain identifying information.

All tracking labels must contain certain basic information, including:

- Manufacturer or private label name;
- Location and date of production of the product;
- Detailed information on the manufacturing process, such as a batch or run number, or other identifying characteristics; and
- Any other information to facilitate ascertaining the specific source of the product.

All tracking label information should be visible and legible[d].

Also, product registration cards are required for all durable infant and toddler products in order to enable the manufacturer or retailer of the product to contact consumers with recall or other safety information. The exact requirements for the postage-paid cards – the details of the text and the required format – are prescribed in detail. Manufacturers of covered products must[e]:

- Provide consumers with a postage-paid product registration card with each product;
- Maintain a record of the names, addresses, e-mail addresses, and other contact information of consumers who register their products; and
- Permanently place the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

Annex

Websites consulted

a) https://www.cpsc.gov/About-CPSC

b) https://www.cpsc.gov/Business--Manufacturing/Business-Education/tracking-label

c) https://www.cpsc.gov/Safety-Education/Safety-Education-Centers/hoverboards

d) https://www.cpsc.gov/Business--Manufacturing/Business-Education/tracking-label

e) https://www.cpsc.gov/Business--Manufacturing/Business-Education/Durable-Infant-or-Toddler-Products/Durable-Infant-or-Toddler-Product-Consumer-Registration-Cards/

f) https://www.sandiegouniontribune.com/business/story/2020-08-14/court-finds-amazon-can-face-liability-for-injuries-from-defective-third-party-products-sold-on-its-website

ff) https://www.reuters.com/article/legal-us-otc-amazon-idUSKBN25L2JS and https://blog.aboutamazon.com/policy/amazon-stands-ready-to-support-ab-3262-if-all-stores-are-held-to-the-same-standards

Documents

g) U.S. Consumer Product Safety Commission, Fiscal Year 2020 Operating Plan

h) Oberdorf v. Amazon. com, Inc. 295 F. Supp. 3d 496 - Dist. Court, MD Pennsylvania, 2017 - https://scholar.google.com/scholar?q=oberdorf+v.+amazon&hl=en&as_sdt=6&as_vis=1&oi=scholart

i) U.S. Consumer Product Safety Commission, CPSC e-commerce Assessment Report, November 2019, https://cpsc.gov/s3fs-public/CPSC%20e-commerce%20Assessment%20Report.pdf?B.5pu7oFYPRJsokNjHygmRyZVo0tpPmE

j) Pacific institute for Research and Evaluation (2018), 'The Consumer Product Safety Commission's Revised Injury Cost Model', Tables 9, 14 and 20.

k) U.S. Consumer Product Safety Commission, Status Report on the Internet of Things (IoT) and Consumer Product Safety September 25, 2019

Case study Australia

A. Evidence on unsafe products found online

Monitoring of safety of consumer products sold online - share of market surveillance activities that focuses on products sold online

The Australian Competition and Consumer Commission (ACCC) is a statutory authority. It enforces the Competition and Consumer Act 2010 (CCA) and a range of additional legislation promoting competition, fair trading, and regulating national infrastructure as a federal body (under the Australian Consumer Law, ACL) together with the Fair Trading Agencies in the States and Territories[a)].

Each year the ACCC determines annual product safety priorities, primarily by the ACCC interrogating its data and consults stakeholders. A key data source in this respect is a mandatory injury reporting process. Under Australian Consumer Law, suppliers are required to report any product-related death, serious injury or serious illness associated with a consumer product in Australia, and there is a related mandatory injury report form on the ACCS website. Both serious injuries that are documented and serious injuries that are alleged by consumers to have happened have to be reported (see https://www.productsafety.gov.au/contact-us/for-retailers-suppliers/mandatory-injury-report#product-details). The Fair Trading Agencies in the States and Territories normally endorse the annual priorities developed by the ACCC as national priorities.

The ACCC has a dedicated team of surveillance officers who conduct safety audits, primarily in relation to products that are subject to national mandatory safety standards and bans. The responsible Commonwealth Minister under the Australian Consumer Law makes these regulations. Section 106 of the ACL prohibits suppliers from supplying consumer goods that do not comply with mandatory safety standards. Section 118 of the ACL prohibits suppliers from supplying consumer goods covered by bans.

The ACCC is working on basis of an annual surveillance program, which is published on the ACCC website. The ACCC employs a risk-based approach to surveillance[b)]. The program is informed by the annual product safety priorities and is focused on ensuring businesses are not selling consumer products that are banned or fail to meet mandatory safety standards. The authority also examines potentially unsafe goods that are not subject to any specific mandatory standard. Planned activities are also based on a market survey, taken into account business sizes (small, medium, and large) and whether they are online or physical stores. The estimated share of online surveillance is between 30-40%.

Safety audits typically involve assessment of products sold through physical ('brick-and-mortar') and online stores. For products covered by mandatory safety standards, the assessment will be whether the product complies with the specific requirements of the relevant standard, which can include design, performance and labelling requirements. For products potentially covered by a ban, surveillance officers will assess whether the product has the characteristics outlined in the 'particulars of the goods' in the regulatory instrument.

The ACCC may purchase products as part of a safety audit for testing by a National Association of Testing Authorities (NATA) accredited testing agency/laboratory. The ACCC may also request information from suppliers, including test reports and product information, to inform the overall assessment. High-level information about the results of ACCC audits is available by viewing the 'Surveillance program' section of the Product Safety Australia website (https://www.productsafety.gov.au/product-safety-laws/compliance-surveillance/surveillance-program/surveillance-results)

It is also notable that the ACCC coordinated the OECD online product safety sweep in 2015 on behalf of the Working Party on Consumer Product Safety[f)].

Data regarding the incidence of unsafe consumer products found online, compared to the incidence in 'brick-and-mortar' shops

As mentioned above, safety audits typically involve assessment of products sold in 'brick-and-mortar' stores and online. According to the results of the audits, unsafe consumer products are in most years more frequent in the online sales channel, as is illustrated by the following data, which concerns three periods according to the Australian financial year:

- **July 2017 to June 2018**: In this period, the share of online in the total number of retailers/sites surveyed had only been 12%, and the share of online in the product lines inspected only 8%.

However, of the 107 non-compliant products that were identified, 52 (49%) were from physical stores and 55 (51%) from online suppliers.

- **July 2018 to June 2019**: In this period, the share of online in the total number of retailers/sites surveyed was 15%, and the share of online in the product lines inspected 40%. A total of 63 non-compliant products were identified, of which 27 (43%) were from physical stores and 36 (57%) from online suppliers.
- **July 2019 to May 2020**: In this period, the share of online in the total number of retailers/sites surveyed was 19%, and the share of online in the product lines inspected 65%. A total of 75 non-compliant products were identified, of which 66 (88%) were from physical stores and 9 (12%) from online suppliers. The high number of non-compliant products in this time period in physical shops is exclusively related to a specific category of cosmetic products, and this year is therefore considered to be an outlier.

According to the ACCC, the results of the 2015 OECD sweep, according to which banned or recalled products were frequently available online, are therefore still considered valid.

Data regarding the incidence of unsafe consumer products offered online (disaggregated by country of origin). Data for products offered through online marketplaces

Number of non-compliant consumer products offered online between July 2017 to February 2019 (the ACCC's snapshot) is 177. Of these offered by Australian online suppliers: 151 (85%); and overseas online suppliers: 26 (15%). These 26 non-compliant products were offered by online suppliers in China: 14 (54%), Unknown: 5 (19%), UK: 4 (15%), Malaysia: 1 (4%), Sweden: 1 (4%), and USA: 1 (4%).

Relevance of direct imports by consumers from online traders in terms of product safety. Frequency of customs controls or other checks of parcels sent from abroad to consumers, and criteria for prioritisation of checks.

In general, as the postal systems and parcel system deliveries are similar throughout the world, the risk of penetration of direct imports with unsafe products is also considered to be reasonably consistent across the world. The magnitude of mail processed and the lack of intelligent systems to help identify problematic packages is considered an issue in all countries which receive e-commerce parcels. Controls and check require a substantial investment, for example, in artificial intelligence algorithms that can identify parcels (and create metadata about parcels that can help to identify the unsafe products). Human oversight is no longer considered to be adequate to address the challenges posed by e-commerce for the current postal/parcel systems.

In Australia, the control of parcel posts is conducted by the postal delivery services in conjunction with customs. Considering that about 1% of the containers coming in the country are opened for detailed inspection only, the control of parcel posts for product safety is assumed to be far less than this figure.

Measures taken to address safety risks due to consumer products sold online, incl. regarding online marketplaces and direct imports by consumers

Already in 2013, the ACCC released a research report about the challenges related to online markets. In 2015, the agency led the above-mentioned OECD online sweep. More recently, the agency has adopted the concept of a product safety pledge from the European Commission and is working on establishing of its own product safety pledge with the major online platforms operating in Australia. This is an interim response to the issues posed by product safety online, and the effectiveness of the product safety pledge will inform consideration of further regulatory intervention.

B. Impact of increased number of products connected and based on Artificial intelligence (AI) on safety of consumer products

Types of risks posed by new technologies, in particular cybersecurity and personal security risks that affect the safety of persons, as well as related mental health risks

Risk could be created in a product, if a product is for example, coupled with somebody else's design to automate the product or make it smart that might go beyond the scope of the original manufacturer's intent. A simple example from the past is an electric bar heater (similar to a radiator heater). 20 years ago, these bar heaters were designed in a way that they were very easy to tip over, causing frequently

house fires. The products were designed to be used when attended by consumers, i.e. with human oversight. If these heaters would now be equipped with 'smart' functionalities, so that they can be turned on remotely, this could pose safety problems, as they would no longer be operating under human oversight.

Another example is the case of Cayla doll (in Germany), which illustrates that risks posed by new technologies could be a privacy issue, but it could also be a health issue or a mental health issue. Generally, this type of issues is handled in Australia by the criminal justice system.

The problems related to this type of products and risk posed by them is the fact that they are constantly changing and at the same time problems related to cybersecurity may grow. This probably creates a regulatory gap as the criminal justice system is not entirely suited to deal with these challenges, compared to a physical assault or trespass etc. However, the Australian product safety system does not deal with it either. The gap will emerge more clearly as these products become more widely marketed and more widely used by consumers.

Current product safety law does not intend to cover mental health as an issue. However, there had been product safety interventions in the past in terms of goods that were thought to be unhealthy or might impair consumer health, for example, violent games. The agency considered them under the product safety framework, until an appropriate regulatory regime was created. These violent toys and games are now dealt with under a classification of games and particularly computer games regime.

Examples of cases of safety incidents caused by these technologies, if any. Extent to which software updates/machine learning affect the safety of consumer products after placing on the market, according to the countries' experiences

No additional information is available, as so far there are no examples of cases of safety incidents caused by these technologies known to the ACCC.

Coverage of software updates after a product is placed on the market that may affect the safety of the product by the product safety legislation. Coverage of standalone software (i.e. is standalone software considered to be a 'product').

It is considered that software updates can be dealt with under the current law and the related jurisprudence. If there would be, for example, a third-party app that does cause damage to the battery in a device, consumers would have a right of action. Furthermore, the regulator could intervene. However, in terms of direct sanctions for the conduct of the responsible operator in the first place, that would not be well covered, unless someone misled consumers by advertising so that the app is entirely compatible with the phone, for example. This will probably be considered as a misrepresentation and the authority would try to deal with the underlying issue through an ancillary order.

There has been some jurisprudence in Australia regarding a computer game, in which the game was regarded as a product (as mentioned before). However, this is not to say that standalone software is always going to be considered to be a product. This is partly related to the common law system of Australia, in which it is up to the courts to decide coverage on a case to case basis. The legislation is, in this respect, not explicit.

Specific measures to address potential safety risks posed by consumer products using new technologies, if any

Already in 2009, the ACCC considered emerging technologies, such as the Internet of Things, and to a lesser degree AI as a product safety priority. Currently, the ACCC is working with other Australian government agencies on a broader issue of connectivity and its effect on Australian citizens and consumers.

C. Injury data related to product safety incidents, and/or any estimates of consumer detriment caused by product safety incidents

Collection of data on unintentional injuries in which a consumer product was involved.

As mentioned above, under Australian Consumer Law (2011), suppliers are required to submit a report within two days when they become aware of an incident and consider the consumer product caused or may have caused the death or serious injury or illness or, someone else considers the consumer product

caused or may have caused the death, serious injury or illness. These reports are confidential as the statute provides it. The rationale behind the confidentiality is that the company reporting the incidents is not being able to test its accuracy. Serious illness or injury refers to an acute physical injury or illness requiring medical or surgical treatment by, or under the supervision of, a qualified doctor or nurse.

All participants in the supply chain of a consumer product and all participants in the supply chain for product related services (retailers, dealers, hirers, distributors, installers, repairers, importers, manufacturers and/or exporters, including installers and service technicians) linked to the products are required to comply with the reporting requirement[c].

The reporting obligation is part of the early warning system.

Availability of estimates of the costs to society of injury and death caused by (unsafe) consumer products and methodology used

The ACCC has estimated the total cost of unsafe products to the Australian economy. The approach builds on official statistics about the number of injuries and deaths as well as on the estimated proportion of incidents caused by unsafe products[g]. The cost estimate is calculated by taking into account:

a) The number of healthy life years lost due to the short-term and long-term disability resulting from the product-caused injury;

b) The number of healthy life years lost due to the premature death occurring as a result of the product-caused injury; and

c) The Value of a Statistical Life Year (VSLY) which represents the monetary value society would be willing to forego to reduce premature death by saving a statistical life year.

Multiplying the total number of healthy life years lost due to the product-caused injury or death by the value of a statistical life year yields, according to the approach, the total cost of injury and death that is caused by unsafe consumer products. Based on this approach, ACCC has estimated the economic cost of injury and death *caused* by unsafe consumer products at approximately 4.5 billion Australian dollars per year. This amount excludes hospital costs to government as well as costs of injuries/deaths caused by quad bikes. ACCC has clarified that this cost may be an underestimation given that only a small fraction of product-caused incidents are reported to the ACCC, i.e. the estimate is considered to be conservative.

D. Product traceability systems

Product traceability requirements/system in place for consumer products. Use of new technologies to trace consumer products.

In a general sense, there are limits on the level of traceability information available. There are no general traceability requirements for consumer products. The legislation administered by the customs agency is not considered to be up to date regarding this aspect. There are some specific regimes like the legislation for agricultural and veterinary chemicals which have labelling requirements about manufacturer's details. There is also legislation like the Commerce (Trade Descriptions) Act 1905 (http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/cda1905270/) and the associated regulations, which provide general requirements for imports and exports.

There are also limited voluntary registration schemes concerning goods in Australia. There are some exceptions, such as regarding motor vehicles and some other goods specifically controlled under legislation, such as firearms.

Annex

Websites consulted

a) https://www.accc.gov.au/about-us/australian-competition-consumer-commission.

b) https://www.productsafety.gov.au/product-safety-laws/compliance-surveillance/surveillance-program

c) https://www.productsafety.gov.au/product-safety-laws/legislation/mandatory-reporting

d) www.productsafety.gov.au/product-safety-laws/compliance-surveillance/surveillance-

program/surveillance-results
Documents
e) A guide to competition and consumer law, p.2, Commonwealth of Australia, Treasury, 2016 f) OECD (2016-11-03), "Online Product Safety: Trends and Challenges", OECD Digital Economy Papers, No. 261, OECD Publishing, Paris. http://dx.doi.org/10.1787/5jlnb5q93jlt-en g) The Australian Government the Treasury (2019), 'Improving the Effectiveness of the Consumer Product Safety System', Consultation Regulation Impact Statement, p. 18.
Interviewees
Neville Matthew, General Manager Risk Management and Policy, Consumer Product Safety, Australian Competition & Consumer Commission

Note: Results from case studies in selected Member States (Denmark, France, the Netherlands and Slovakia) have been incorporated in the overall evaluation as presented in section 6 and are not separately reported.

Annex III: Implementation of the Food Imitating Products Directive

Council Directive 87/357/EEC (the Food Imitating Products Directive) has been adopted to address the lack of harmonisation amongst national measures trying to ensure product safety of products 'appearing to be other than they are'. These products, pursuant to Article 1(2) Food Imitating Product Directive should have a 'form, odour, colour, appearance, packaging, labelling, volume or size' that consumers, especially children, could confuse with foodstuffs, and should endanger health of safety of consumers, pursuant to its Article 1(1). The fact that these products imitate foodstuffs could then lead to consumers putting such products in their mouths, sucking or ingesting them, which could be dangerous. This led the European legislator to prohibit the marketing and introduction of such products on the market[293] through the above-mentioned Directive. The justification for the adoption of this measure was twofold: to improve consumer protection, especially protection of children, as well as to ensure fair competition on the Internal Market of such products[294]. The latter goal aimed at eliminating barriers to the free movement of goods that could imitate other products, but which would not create serious risks to consumer protection.

While most Member States have implemented the Food Imitating Products Directive into national legislation as in the Directive, without additional provisions[295], there are differences in interpretation. Some MSAs perceive products in this category as dangerous per se[296], whilst others are of the opinion that any serious risks need to be proven through an appropriate risk assessment procedure[297]. The European Commission has previously emphasised that the restrictions on food imitating consumer products are only applicable when the products are not only imitating foodstuffs, but also cause serious risks and when a risk is chemical, a chemical analysis report is required for the RAPEX notification[298]. This requirement for food imitating products to cause serious or high risk might not have been sufficiently emphasised in the Directive itself[299]. This had then led to differences in the national assessment whether a particular food imitating product should be prohibited from the market. However, the number of Safety Gate/RAPEX notifications of food imitating products is small[300]. Between 2013 and 2019, a total of 114 notifications that relate to food imitating products[301]. Table 43 shows the product categories for these notifications in the period 2013 to 2019.

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293 Article 2 Food Imitating Directive.

294 See recitals to Directive 87/357/EEC as well as PROSAFE, 'Five Consumer Products. Final Implementation Report' (June 2013), at 26.

295 See results of MSA survey, Annex.

296 See e.g. responses of the MSAs from Romania, Belgium.

297 See e.g. responses of the MSAs from Malta, Slovak Republic. See also e.g. Dutch case, Rb. Rotterdam 24-11-2016, ECLI:NL:RBROT:2016:9046 drawing attention to the need to harmonise the risk assessment.

298 PROSAFE, 'Five Consumer Products. Final Implementation Report' (June 2013), at 26 and 35.

299 Ibid, at 41.

300 It has been suggested that the number of notifications have decreased over the years due to the Joint Action having been undertaken in this area, which led to the development of a specific risk assessment procedure allowing to better identify when such products cause serious risks, see ibid, at 39.

301 These are identified in different ways, and some cases meet several of the criteria at the same time: The parameter "Category" includes "Food imitating products" (46 notifications); The parameter "Product" includes the text "imitat" (6 notifications); The parameter "Description" contains the text "imitat" (46 notifications); The parameter "Risk" contains the text "imitat" (57 notifications). Cases that were identified using the filtering term "imitat" have subsequently been reviewed manually to remove cases that did not refer to food (e.g. notifications related to "leather imitation", "imitation of gun", etc.)

Table 43: Number of notifications of food imitating products, 2013 – 2019

Product category	Year							Total
	2013	2014	2015	2016	2017	2018	2019	
Cosmetics				3	1	28	1	33
Decorative articles	1			1		4	17	23
Food-imitating products	26	12	8					46
Other							2	2
Stationery							2	2
Toys		1				4	3	8
Total	***27***	***13***	***8***	***4***	***1***	***36***	***25***	***114***

Source: Civic Consulting, based on RAPEX notifications 2013-2019.

The table shows that the number of notifications of food imitating products is fairly small – up to 36 notifications out of the approximately 2 000 notifications annually. The number has varied significantly in the years, from 1 to 36 notifications annually.

The table shows that the product category "Food-imitating products" was only used up to 2015. Afterwards, the products have been categorised according to their use (cosmetics, clothing, etc.). This seems to indicate that a change of practice has occurred in the Member States to remove the overlap between the category "food-imitating products" and other product categories. Most of these notifications makes reference to the Food Imitating Products Directive in the description of the risk and include a statement like "The product does not comply with the Food Imitating Products Directive." Apparently, it is easier for many MSAs to ban a food imitating product because the Food Imitating Products Directive directly bans such products without the need for a risk assessment.

The vast majority of the notifications related to food imitating products (87%) mentions or includes choking in the description of the risk associated with the product, presumably because the product is or contains small parts. The second-most common risk type is "chemical" (12%).

There is little evidence available regarding the adverse effect of food imitating products. A 2011 opinion by the Scientific Committee on Consumer Safety concluded that "Few cases of accidental ingestion of food-resembling or child-appealing products are reported. This may be due to the lack of sufficient registered information to discriminate these types of products. Data from poison centres and scientific literature on accidental ingestion of cosmetics or liquid household products suggest that the majority of such ingestions result in mild gastrointestinal effects. […] The weight of evidence from accidental ingestion of cosmetics suggests that there is a low risk of acute poisoning in either children or the elderly. For household products, there is a slight increase of a more serious outcome" [302]. From the opinion, which focused on chemical consumer products resembling food and/or having child-appealing properties', it appears that these food imitating products rarely represent serious or high risks. However, the opinion also concludes that "there is a lack of specific data on accidental ingestion from consumer products resembling food and/or having child-appealing properties".

[302] See Scientific Committee on Consumer Safety (SCCS), 'Opinion on the potential health risks posed by chemical consumer products resembling food and/or having child-appealing properties' (22 March 2011) <https://ec.europa.eu/health/scientific_committees/consumer_safety/docs/sccs_o_056.pdf>, at 8-9.

In can therefore be concluded that while a majority of the MSAs seems to apply the provisions of the Food Imitating Products Directive only in cases where the risks are serious[303], there are also countries that consider products in this category as dangerous per se. In other words, the legal framework for food imitating products is applied differently in different countries, which affects the effectiveness of the Directive.

[303] See PROSAFE, 'Five Consumer Products. Final Implementation Report' (June 2013), at 39.

Annex IV: Analytical framework

Table 44: Updated evaluation matrix of the GPSD

Evaluation criterion	Evaluation question	Judgement criteria	Indicators and instruments/methodological approaches for information collection and analysis	Sources of evidence
Effective-ness	1a) To what extent does the GPSD meets its objectives of achieving a high level of consumer protection through the reduction of unsafe products and contributing to the functioning of the Single Market? 1b) Which are the main elements that have contributed to this? 1c) Is there anything missing?	1.1 Extent to which the GPSD has met its (first) objective of achieving a high level of consumer protection through the reduction of unsafe products? 1.2 Extent to which the GPSD has met its (second) objective of contributing to the functioning of the Single Market? 1.3 Elements that contributed or hindered achievement of GPSD objectives 1.4 Gaps that hindered achievement of GPSD objectives	Degree to which a high level of product safety has been consolidated/reached across the EU, trends in product safety Assessment by stakeholders of effectiveness of GPSD in reaching both of its objectives (I.e. incl. assessment of the extent to which GPSD has contributed to a high level of consumer protection through the reduction of unsafe products and to the functioning of the Single Market) Identification of main GPSD elements that contributed to effectiveness/lack of effectiveness Consumer trust that products on the market are safe	Interviews Document review Surveys of MSAs, businesses, other stakeholders Case studies (Task 1c) Safety Gate/RAPEX data (Task1b) Product safety statistics (Task 1A) EC implementation report and supporting research
	2) To what extent has the market surveillance system established by the GPSD (in particular the Rapid Alert System for dangerous non-food products) been effective?	2.1 Extent to which the market surveillance system established by the GPSD (in particular the Rapid Alert System for dangerous non-food products) has been effective	Trend in RAPEX notifications Use of RAPEX by Member States Use of RAPEX by businesses and other stakeholders Assessment by stakeholders of effectiveness of market surveillance system established by the GPSD (in particular the Rapid Alert System for dangerous non-food products) Indications for problems limiting its effectiveness, such as RAPEX notification delays compared to the benchmark contained in the RAPEX Guidelines	Interviews EC implementation report and supporting research Surveys of MSAs, businesses, other stakeholders Case studies (Task1c) Safety Gate/RAPEX data (Task1b)
	3) How has the development of ecommerce affected the effectiveness of the GPSD?	3.1 Extent to which the development of ecommerce has affected the effectiveness of the GPSD and related market surveillance activities 3.2 Extent to which the emergence of new actors such as fulfilment service providers and online marketplaces has affected the effectiveness of the GPSD	Evidence on reappearance of dangerous/recalled products online Number of inspections carried out by authorities on online sales and % of action that could be effectively taken Proportion of unsafe products sold online Trends concerning online sales, including direct imports (imports directly sold to consumers from non-EU countries), and new actors such as fulfilment service providers and online marketplaces	Study on the implementation of the GPSD and supporting research Safety Gate/RAPEX data (Task 1B) Case studies on unsafe products sold online and Product Safety Pledge (Task 1C) Surveys of MSAs & interviews Relevant statistics (Task 1A)
	4) How has the development of new technologies, such as Artificial Intelligence, Internet of Things and connected devices, affected the effectiveness of the GPSD (e.g. are all types of products/product safety risks	4.1 Extent to which the development of new technologies, such as Artificial Intelligence, Internet of Things and connected devices, has affected the effectiveness of the GPSD	Data on development of AI, IoT products etc and related RAPEX notifications Data on impact of increased number of AI, IoT products etc on GPSD effectiveness Examples of cases (within or outside the EU) of safety incidents caused by AI, IoT products etc.	Safety Gate/RAPEX data (Task 1B) Third country research on safety incidents caused by new technologies (Task 1D) Interviews Surveys of MSAs, businesses and other stakeholders

Evaluation criterion	Evaluation question	Judgement criteria	Indicators and instruments/methodological approaches for information collection and analysis	Sources of evidence
	covered by safety requirements)?			
	5) How effective has been the development and use of the standards supporting the implementation of the GPSD?	5.1 Extent to which the development and use of standards under Art 4 GPSD has supported the implementation of the Directive	Number of standards referenced under the GPSD Stakeholder assessment of extent to which the development and use of standards under Art 4 GPSD has been effective	EC implementation report and supporting research Surveys of MSAs, businesses, other stakeholders Interviews
	6) How well is GPSD adapted to ensure efficient corrective actions to be taken, in particular recalls?	6.1 Extent to which the GPSD is adapted to ensure efficient corrective actions to be taken, in particular recalls 6.2. Indication of instances in which the GPSD requirements have not been sufficient to ensure efficient corrective actions to be taken, in particular recalls	Number of recalls Percentage of articles effectively recalled Delays in recall procedures Existing standards/guidelines for recalls under the GPSD in MS Stakeholder assessment of how well GPSD is adapted to ensure efficient corrective actions to be taken, in particular recalls	EC implementation report and supporting research Surveys of MSAs, businesses, other stakeholders Interviews Literature review (incl. EC study on recall effectiveness)
	7) How well is GPSD adapted to ensure effective market surveillance?	7.1 Extent to which the GPSD is adapted to ensure effective market surveillance (incl. by safeguarding traceability of products) 7.2. Indication of instances in which the GPSD requirements have not been sufficient to ensure effective market surveillance	Data on market surveillance in Member States Data on product traceability and how it is ensured currently in practice Stakeholder assessment of effectiveness	EC implementation report Surveys of MSAs, businesses, other stakeholders Interviews Safety Gate/RAPEX data (Task 1B) Literature review
	8) Are there any aspects/means/actors that render certain elements of the Directive more or less effective than others (including product recalls), and if there are, what lessons can be drawn from this?	8.1 Extent to which any aspects/means/actors render certain aspects of the Directive more or less effective than others 8.2. Identification of lessons learnt	Review of implementation of the GPSD in Member States and lessons learnt Identification of aspects/means/actors affecting GPSD effectiveness	EC implementation report and supporting research Surveys Interviews Literature review Answers to EQs 1 to 7
	9) What are, if any, the consequences or effects (either positive or negative) that were not originally planned?	9.1 Indication of consequences or effects of GPSD implementation in Member States (either positive or negative) that were not originally planned	Review of implementation of the GPSD in Member States Identification of consequences or effects of GPSD implementation in Member States (either positive or negative) that were not originally planned	EC implementation report and supporting research Interviews Literature review

Evaluation criterion	Evaluation question	Judgement criteria	Indicators and instruments/methodological approaches for information collection and analysis	Sources of evidence
				Answers to EQs 1 to 8
Efficiency	10a) What are the regulatory (including administrative) costs of the GPSD for the different actors involved (Member States authorities, businesses, consumers) and for the society overall? 10b) In particular, what is the economic cost for businesses to comply with the GPSD?	10.1 Estimated regulatory (including administrative) costs of the GPSD for the different actors involved (Member States authorities, businesses, consumers) and for the society overall 10.2 Estimated economic cost for businesses to comply with the GPSD	Calculation of compliance costs and administrative burdens for the different actors involved (Member States authorities, businesses) Estimation of the costs of the presence of unsafe products on the EU market for the EU society and Member States	EC implementation report and supporting research Surveys of MSAs, businesses, other stakeholders Assessment of compliance costs and administrative burdens (Task 3C) Estimation of the costs of the presence of unsafe products on the EU market(Task 3A)
	11) What are the benefits of the GPSD for the different actors involved (Member States authorities, businesses, consumers) and for the society overall?	11.1 What are the benefits of the GPSD for the different actors involved (Member States authorities, businesses, consumers) and for the society overall?	Benefits of GPSD for MS authorities (e.g. information exchange through RAPEX, better coordination, efficiency gains through networking and joint actions, other costs savings such as reduced training costs etc.) Benefits of GPSD for businesses (e.g. information on unsafe products through RAPEX, level playing field with competitors, benefits of functioning internal market) Benefits of GPSD for consumers (reduced consumer detriment due to unsafe products in its financial, time, psychological and health dimensions, increased trust, benefits of functioning internal market) Benefits of GPSD for society (e.g. increased level of product safety, better functioning internal market)	EC implementation report and supporting research Surveys of MSAs, businesses, other stakeholders Interviews Literature review
	12) To what extent are these costs proportionate to the benefits?	12.1 Extent to which costs are proportionate to benefits	Assessment whether costs have been justified in light of benefits achieved Stakeholder assessment as to whether costs borne by them are proportionate to the benefits they received	EC implementation report and supporting research Surveys of MSAs, businesses, other stakeholders Interviews Literature review Answers to previous EQs
	13) What factors influenced the efficiency of reaching the objectives which the GPSD sets out?	13.1 Indication of factors that have influenced the efficiency of reaching GPSD objectives	Stakeholder assessment of factors that have influenced the efficiency of reaching GPSD objectives Identification of factors that led to increased/reduced benefits Identification of factors that led to increased/reduced costs	EC implementation report and supporting research Surveys of MSAs, businesses, other stakeholders Interviews Literature review Answers to previous EQs

Evaluation criterion	Evaluation question	Judgement criteria	Indicators and instruments/methodological approaches for information collection and analysis	Sources of evidence
Relevance	14) To what extent the initial objectives of the GPSD correspond to the current needs? [304]	14.1 What are current needs related to the safety of non-harmonised products? 14.2 Extent to which the initial objectives of the GPSD correspond to these needs	Identification of current needs Stakeholder assessment regarding current needs Analysis of needs and objectives	EC implementation report Surveys of MSAs, businesses, other stakeholders Interviews Literature review
	15) To what extent is there a need to clarify concepts set out in the GPSD, such as "product", "safe product", "serious risk" and "placing on the market"?	15.1 Extent is there a need to clarify concepts set out in the GPSD, such as "product", "safe product", "serious risk" and "placing on the market"	Analysis of clarification needs Stakeholder assessment regarding the need to clarify concepts	EC implementation report Surveys of MSAs, businesses, other stakeholders Interviews Literature review
	16) How well adapted is the GPSD to online sales?	16.1 Extent to which the GPSD is adapted to online sales	Evidence on reappearance of dangerous/recalled products online Proportion of unsafe products sold online Analysis of reasons why there is a discrepancy between product safety online vs offline, including possible gaps/weaknesses in the legislative framework Stakeholder assessment regarding the extent to which the GPSD is adapted to online sales	EC implementation report and supporting research Case studies on unsafe products sold online and Product Safety Pledge (Task 1C) Surveys of MSAs, businesses, other stakeholders Interviews Answer to EQ3
	17) How well adapted is the GPSD to challenges posed by new technologies, such as cybersecurity risks in relation to safety, self-evolving products and stand-alone software or emerging safety issues in the post-market phase of the product?	17.1 Extent to which the GPSD is adapted to challenges posed by new technologies, such as cybersecurity risks in relation to safety, self-evolving products and stand-alone software or emerging safety issues in the post-market phase of the product	Analysis of reasons why the GPSD is/is not adapted to challenges posed by new technologies, including with respect to the definition of safety Analysis of potential lack of clarity regarding the extent to which safety risks posed by new technologies are covered under the definition of safety in the GPSD Stakeholder assessment regarding the extent to which the GPSD is adapted to challenges posed by new technologies	EC implementation report and supporting research Surveys of MSAs, businesses, other stakeholders Interviews Answer to EQ4
	18) How well is GPSD adapted to increased level of direct imports towards	18.1 Extent to which GPSD adapted to increased level of direct (B2C) imports towards the EU	Level of direct imports to the EU (% of direct imports of products bought online from non-EU countries) Analysis of reasons why the GPSD is/is not adapted to increased level of direct	Relevant statistics (Task 1A) Case studies on unsafe products sold online and

[304] In considering relevance, the evaluation will also have a forward looking perspective by discussing in qualitative terms potential changes in needs due to the impacts of the COVID-19 crisis. This will also inform the assessment of options in the impact assessment part of the study.

Evaluation criterion	Evaluation question	Judgement criteria	Indicators and instruments/methodological approaches for information collection and analysis	Sources of evidence
	the EU?		(B2C) imports towards the EU Stakeholder assessment regarding the extent to which the GPSD is adapted to increased level of direct (B2C) imports towards the EU	Product Safety Pledge (Task 1C) Surveys of MSAs, businesses, other stakeholders Interviews Answer to EQ3
	19) How well adapted is the GPSD to environmental issues with health impact? In particular, how this health impact is considered by taking into account the assessment done under REACH related to chemicals?	19.1 Extent to which the GPSD is adapted to environmental issues with health impact? 19.2. Extent to which the health impact is considered by taking into account the assessment of chemicals done under REACH	Evidence and analysis of a direct link between the environmental risk and the health risk for consumers. Review of example cases (within or outside the EU) Analysis of reasons why the GPSD is/is not adapted to environmental issues with health impact Establishing the extent to which health impact is currently considered by taking into account the assessment of chemicals done under REACH	Surveys of MSAs Third country research (Task 1D) Interviews
Coherence	20) Are there any discrepancies and/or inconsistencies between the provisions of the GPSD?	20.1 Extent to which there are discrepancies and/or inconsistencies between the provisions of the GPSD	Review of results of the GPSD implementation report Identification of discrepancies and/or inconsistencies between the provisions of the GPSD Stakeholder assessment regarding the extent to which there are discrepancies and/or inconsistencies between the provisions of the GPSD	EC implementation report and supporting research Surveys of MSAs, businesses, other stakeholders Answer to previous EQs
	21) Are there overlaps and/or complementarities between the GPSD and any other Union legislation with similar objectives?[305]	21.1 Extent to which there are overlaps and/or complementarities between the GPSD and other relevant EU legislation[305]	Review of results of the GPSD implementation report Identification of overlaps between the GPSD and other relevant EU legislation Identification of complementarities between the GPSD and other relevant EU legislation Stakeholder assessment regarding the extent to which there are overlaps between the GPSD and other relevant EU legislation that lead to practical issues (such as uncertainty regarding which rules prevail, administrative burdens etc)	EC implementation report and supporting research Review of relevant EU legislation Surveys of MSAs, businesses, other stakeholders Interviews
	22) To what extent is the Directive coherent with wider EU policy, such as rules on free movement of goods, mutual recognition, customs, competition,	22.1 Extent to which the GPSD is coherent with wider EU policy, such as rules on free movement of goods, mutual recognition, customs, competition, industrial policy, sustainability (environmental protection) and trade?	Assessment of complementarity and consistency of GPSD objectives with wider EU policy Indication of instances where wider EU policy may lead to incoherencies with GPSD objectives (e.g. impact of Universal Postal Agreement on direct B2C online	EC implementation report and supporting research Surveys of MSAs, businesses, other stakeholders Interviews

[305] In particular regarding market surveillance, product harmonisation legislation, including horizontal legislation on chemicals (REACH) and food contact materials legislation, standardisation, consumer protection law and product liability, and also other union legislation such as the E-commerce Directive

Evaluation criterion	Evaluation question	Judgement criteria	Indicators and instruments/methodological approaches for information collection and analysis	Sources of evidence
	industrial policy, sustainability (environmental protection) and trade?		trade with potentially unsafe products)	Answer to previous EQs
EU added value	23) What is the added value of the GPSD compared to what could reasonably have been expected from Member States acting at national level?	23.1 Could rules similar to the GPSD have been implemented by the Member States without the EU intervention? 23.2 Could the results and impacts of the GPSD have been achieved by the Member States acting at the national level/regional level without EU intervention?	Identification of need for EU-wide coordination regarding specific activities under the GPSD Assessment of stakeholders regarding added value from the EU intervention	EC implementation report and supporting research Surveys of MSAs, businesses, other stakeholders Interviews Answer to previous EQs
	24a) What would be the most likely consequences of withdrawing the GPSD? 24b) How would it affect the functioning of the Single Market and the health and safety of consumers?	14.1 What activities and measures currently implemented under the GPSD would likely continue to be implemented at national level if the GPSD was withdrawn? 14.2 Extent to which the withdrawal of the GPSD would affect the functioning of the Single Market and the health and safety of consumers	Review of results of the GPSD implementation report Counterfactual analysis of the scenario in which the EU intervention would be withdrawn	EC implementation report and supporting research Interviews Answer to previous EQs

Source: Civic Consulting. A reference to 'Task' refers to the methodology as provided in the offer.

Annex V: Summary of analytical methods used

This Annex provides an overview of the following analytical methods and techniques as well as the related data sources used for the evaluation:

- Estimation of costs of compliance with the GPSD for EU businesses;
- Estimation of costs of compliance with the GPSD for Member states;
- Methods for other supporting estimations.

They are elaborated in the following sub-section.

Estimation of costs of compliance with the GPSD for EU businesses (for efficiency criterion)

We first focused on the estimation of the baseline market size, i.e. the total turnover of EU businesses from manufacturing and/or selling non-harmonised consumer products in the EU[306], before analysing company level compliance cost data, and extrapolating it to EU level, based on the estimated baseline market size. The analysis is structured according to six steps:

Step 1: Estimation of EU companies' total annual turnover from the production and/or sales of non-harmonised consumer products in the EU

Based on NACE industry codes and sector descriptions, we identified those manufacturing sectors (NACE Rev. 2, B-E), wholesale services sectors and retail sectors (NACE Rev. 2, G) in which consumer products are produced and/or sold, i.e. we excluded sectors that clearly focus on the production and sales of industrial products. Sectors related to motor vehicles have been excluded, in line with the focus on non-harmonised consumer products. While retail sale can be assumed to be largely related to consumer products (although retailers may also sell to professional users, and may sell services), the wholesale and manufacturing in the listed areas clearly also contain industrial/professional products, an issue considered in Step 3 below. To arrive at the share of non-harmonised products produced and/or sold in these sectors, we applied the estimate provided in the 2017 EU impact assessment for the new Market Surveillance Regulation, which estimated that about 54% of products circulating within the European Single Market are harmonised products and 46% are non-harmonised products[307].

Step 2: Deduction of extra-EU export

To calculate the net turnover for non-harmonised consumer products that are only sold in the EU, we deducted the share of extra-EU exports from the total turnover of EU companies. The calculation is based on an approximation of sector-specific export shares. The extra-EU trade by enterprise characteristics data provided by Eurostat do not exactly match the sector classification of turnover data by enterprise size class[308]. We therefore approximated the extra-EU export shares of manufacturing, wholesale and retail sectors on the basis of those sectors for which we found full concordance in the two datasets[309]. The estimated extra-EU export shares of

[306] All estimates in this section refer to the EU27 as of 2020.

[307] SWD(2017) 466 final PART 2/4 Commission Staff Working Document Impact Assessment Accompanying the document COM(2017) 795.

[308] In the Annex of Part 2, we provided detailed trade volumes of extra-EU exports by NACE Rev. 2 activity and enterprise size class.

[309] These sectors are: "Manufacture of textiles, Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials", "Manufacture of paper and paper products", "Manufacture of computer, electronic and optical products", "Manufacture of electrical equipment", "Manufacture of furniture", "Wholesale trade, except of motor vehicles and motorcycles", and "Retail trade, except of motor vehicles and motorcycles". In the Annex of Part 2, we provide shares of extra-EU exports in key consumer products sectors broken-down by enterprise size class.

manufacturing, wholesale and retail sectors were subtracted from the annual turnover of EU companies with non-harmonised products in the selected sectors.

Step 3: Deduction of industrial and professional products

We corrected the EU turnover derived in Step 2 by the percentage shares of turnover that can be attributed to the production and/or sales of consumer products in manufacturing, wholesale and retail sectors. For this purpose, we drew on a different dataset, namely the final consumption expenditure of households by consumption purpose[310]. We again correct for the share of harmonised products, and arrived at an estimate for total household consumption of non-harmonised products. For the following analysis we assumed that this consumption of non-harmonised consumer products is equivalent to the total turnover from non-harmonised consumer products sold by EU retailers. The estimated retail turnover from non-harmonised products indicated before was adjusted accordingly, and the resulting amount was allocated between the three enterprise size classes. Due to data limitations, the same methodology could not be applied for manufacturing and wholesale sectors[311]. For manufacturing and wholesale sectors, we estimated the share of turnover that can be attributed to consumer products on the basis of the share of "consumer-oriented" wholesale services in total wholesale services. It is assumed that the same share reflects the portion of consumer products produced and/or sold by manufacturers. Based on this approach, we could calculate the total annual EU turnover of EU companies from non-harmonised consumer products.

Step 4: Derivation of empirical estimates for companies' product safety-related costs on the basis of survey responses

In our company cost survey and the complementary interviews conducted with selected companies, businesses were asked to indicate staff time used for managing product safety, testing for product safety, recalls and other consumer product safety related activities. We asked respondents to consider all costs for ensuring product safety of both harmonised and non-harmonised consumer products (excluding pharmaceuticals, medical devices or food), as the identification of costs for non-harmonised products only was not considered to be feasible. In addition to staff requirements, companies were asked to provide estimates for other costs to comply with safety requirements for consumer products (e.g. costs for external legal advice, costs for external safety testing, costs for certification of safety of products etc.)[312]. The cost estimates provided by the respondents also include business-as-usual costs, which would incur even in absence of product safety regulation (see Step 6). These estimates were used to estimate companies' annual regulatory compliance costs in Euro terms. The calculation of Euro-denominated costs for staff was based on the EU's (weighted) average wage for the business economy, which in 2019 was 27.50 Euro per hour[313]. To account for overhead costs, a 25% mark-up was added to staff-related costs. Subsequently, the costs for each company were related to the EU turnover for consumer products, i.e. we expressed companies' annual cost resulting from activities to comply with safety requirements for (harmonised and non-harmonised) consumer products as a share of the related turnover.

Step 5: Extrapolation of EU companies' annual costs related to the GPSD incl. business-as-usual costs that occur also in absence of regulation

For each enterprise size class, we multiplied the empirical median values for companies' relative product safety-related costs, which were derived in Step 4, with the annual turnover of EU

[310] Eurostat, Final consumption expenditure of households by consumption purpose (COICOP 3 digit) [nama_10_co3_p3].

[311] Eurostat data do not allow to extract "pure" consumer products for manufacturing and wholesale sectors, i.e. final products that are consumed by households.

[312] Business stakeholders were asked to estimates average costs per month in EUR.

[313] Labour cost for LCI (compensation of employees plus taxes minus subsidies), provided by Eurostat.

companies that can be attributed to the production and/or sales of non-harmonised consumer products in the EU (Step 3). The results of this calculation still include business-as-usual costs.

Step 6: Deduction of business-as-usual costs and extrapolation of EU companies' annual compliance cost related to the GPSD

In our company survey and interviews, we asked businesses to indicate the share of the total product safety-related costs that they would incur anyway (i.e. even in absence of product safety legislation, e.g. because these costs relate to due diligence), hereafter referred to as business-as-usual costs, BAU. These estimates reflected the self-assessment of the companies that are part of the sample, and are therefore subjective in nature. However, as concerns differences between manufacturers, on the one hand, and wholesalers and retailers, on the other, we considered the estimates to be in line with expectations and a credible basis for the final step of the assessment. We applied the empirical median values of these shares to the product safety-related cost estimates derived in Step 5. Excluding business-as-usual costs, we obtained compliance costs of EU companies that can be attributed to non-harmonised consumer products, i.e. the costs for businesses to comply with the GPSD.

Estimation of costs of compliance with the GPSD for Member States (for efficiency criterion)

The estimation of MSAs' staff-related costs related to market surveillance activities for non-harmonised consumer products in the EU was based on the following three steps:

Step 1: Identification of MSAs annual FTEs for market surveillance activities related to non-harmonised consumer products

For our estimate we used the number of full time equivalent (FTE) staff for market surveillance of consumer products as provided in the country research. Where the available country estimates related to the market surveillance of non-harmonised consumer products, this figure was directly used in the calculation. Where estimates related to the total staff for market surveillance of both harmonised and non-harmonised consumer products, we allocated staff according to the 54%/46% ratio for harmonised/non-harmonised products circulating within the European Single Market to derive an estimate for related market surveillance activities[314]. It should be noted that a share of 46% in staff time for market surveillance of non-harmonised consumer products is 12 percentage points higher than the empirical median share indicated by MSAs for activities devoted to non-harmonised products in the stakeholder survey (34%), potentially causing an estimate at the higher end of MSAs' actual costs that can be attributed to market surveillance activities for non-harmonised consumer products. For seven countries, no information on staff numbers was available at all.

Step 2: Approximation of annual FTEs for market surveillance activities related to non-harmonised consumer products for countries for which data was not available

For the seven countries, for which no staff data was available (Croatia, Germany, Hungary, Italy Slovenia, Slovakia, and Spain) we estimated the number of FTEs on the basis of the data for the remaining 20 Member States. To account for institutional differences with regard to the level of centralisation, we considered two clusters of countries, in line with the characteristics of the respective market surveillance systems as described above: Cluster 1: responsibility for market surveillance is centralised (no sub-national administrations involved); Cluster 2: responsibility for

[314] As mentioned before, the 2017 EU impact assessment for the new Market Surveillance Regulation estimated that about 54% of products circulating within the European Single Market are harmonised products and 46% are non-harmonised products. See SWD(2017) 466 final PART 2/4 Commission Staff Working Document Impact Assessment Accompanying the document COM(2017) 795.

market surveillance is (partly) delegated to or competence of sub-national administrations, in line with the administrative structure of the country.

To derive estimates for the number of FTEs per million population for Slovenia and Slovakia (more centralised market surveillance), we applied the sample median of 3.5 FTEs per million population. To derive FTE estimates for the number of FTEs per million population for Croatia, Germany, Hungary, Italy and Spain (more decentralised market surveillance), we applied the sample median of 4.6 FTEs per million population.

Step 3: Calculation of annual staff costs for market surveillance activities related to non-harmonised consumer products

In the final step, we calculated the EUR equivalent of the estimated number of staff required for market surveillance of non-harmonised consumer products by multiplying the number of FTEs per million population by:

- The size of population for each country (in million);
- The number of person-hours per year (1 720) [315]; and
- The average wage of 28.00 EUR, which corresponds to the EU27 average wage of "administrative and support service activities" (18.70 EUR) and "professional, scientific and technical activities" (37.30 EUR) for 2017 (latest figure available in Eurostat database).

Methods for other supporting estimations (for effectiveness criterion)

Other supporting estimations include the analysis of data from the rapid alert system. Data from Safety Gate/RAPEX was used for the analysis of the baseline situation and the related problem analysis. For this purpose, we retrieved a full dataset covering the years 2005 to 2019 and addressed on this basis relevant research issues specified in the TOR. The dataset consisted of a total of 25 850 notifications that are publicly available. The dataset included 25 051 notifications concerning products with serious risks, 738 notifications of products with other risk levels, and 61 other types of alerts. This dataset was merged with a second dataset provided by the Commission covering notifications in the period 2011 to 2019, which included complementary (not publicly available) data.

We also conducted an extrapolation of the number of parcels imported to the EU (Part 1, EQ3). For this purpose, baseline data was extrapolated using relevant data sources from international organisations. For more details on the methodological approach taken in each case, see the relevant section of the report.

Validation and quality assurance of results of analyses conducted

Great care was taken to explore all possible data sources at EU level and from international databases to use the best available data, which is a key element of quality assurance. All analyses were validated internally by different members of the team, to safeguard internal consistency and accuracy. Robustness of estimates was assessed by considering different assumptions, where relevant.

[315] Following EU Horizon 2020 guidelines, one person year corresponds to 1 720 person-hours per year. See, e.g. the H2020 Programme: User's Guide for the Personnel Costs Wizard.

Annex VI: Summary of views of SMEs and other businesses

Consultation process

For this study, considerable efforts were made to reach out to businesses, including SMEs and their representatives. This included exploratory interviews with EU business associations, in which we pointed out the need to involve their member associations and company members in the study process, to safeguard that the views of SMEs and other businesses were adequately presented.

To reach a representative sample of stakeholders across the EU, we conducted a mapping of stakeholders during the inception phase and used the Civic Consulting stakeholder database, which was complemented through additional web-based research, to include more companies (and business associations of companies) that produce non-harmonised consumer products such as childcare articles, clothing, and furniture across the EU. The survey questionnaires were widely distributed amongst SMEs and other business stakeholders as follows:

- We contacted more than 1000 SMEs and other businesses in all EU27 Member States (plus UK). In parallel, we directly contacted companies that import or distribute relevant products, to obtain their assessment regarding their direct experiences with the application of the requirements of the GPSD and related impacts in terms of compliance costs and administrative burdens;
- We also contacted more than 300 relevant business associations in all EU27 Member States (plus UK) and at EU level (including UEAPME, BusinessEurope, Digitaleurope, EMOTA, EuroCommerce, etc) and in Member States. We asked all organisations to complete the survey, and also to identify among their members companies of different size categories (including SMEs) that could contribute to the consultation, and to contact them with an invitation to participate in the specific survey of companies.

The business surveys were launched on 02 July 2020. Reminders were sent on 8 July 2020 and a second reminder on 24 July 2020. Surveys closed on 9 September 2020. We also conducted phone calls to business associations at EU level for their support in distributing the surveys to their member associations, and phone calls to business associations in MS for their support in reaching out to their member companies (in total several hundred calls). In total, 153 survey responses were received, of which 37 to the survey of business associations and 41 to the survey of companies (of which 6 were SMEs).

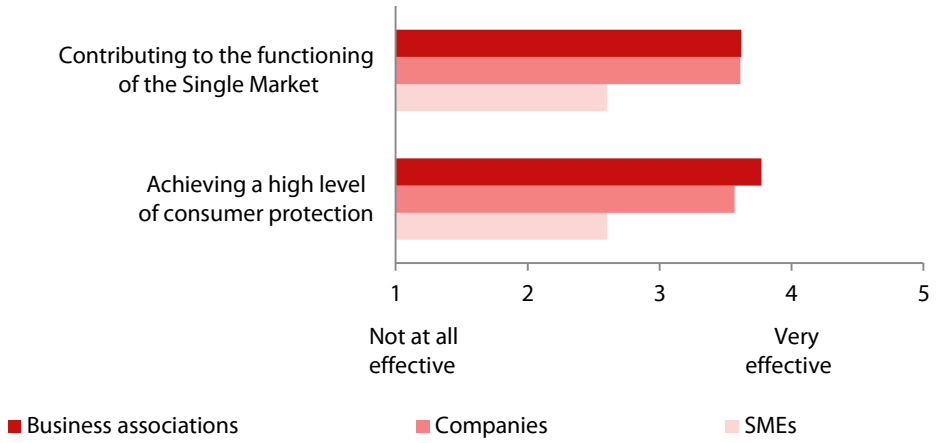
In parallel, we conducted a total of 20 interviews with companies (including two SMEs) and business associations.

Consultation results

In the following, we provide key results of the consultation, separately indicating results of companies in general, SMEs and business associations. As indicated in the following figures, SMEs did by and large provide similar assessments to companies in general. However, they mostly provided considerably less positive assessments in terms of effectiveness of the GPSD and its added value.

Overall, companies and business associations agree that the GPSD has been between "moderately effective" and "rather effective" in reaching its overall objectives. On a scale of 1 (not at all effective) to 5 (very effective), they rated the effectiveness of the GPSD on average between 3 and 4. In contrast, SME respondents that had an opinion in this respect rated the overall achievement of objectives one assessment step lower (on average between 2 and 3, i.e. between 'rather not effective' and 'moderately effective', see Figure 46).

Figure 46: In your view, to what extent has the GPSD been effective in reaching its overall objectives? Please assess.

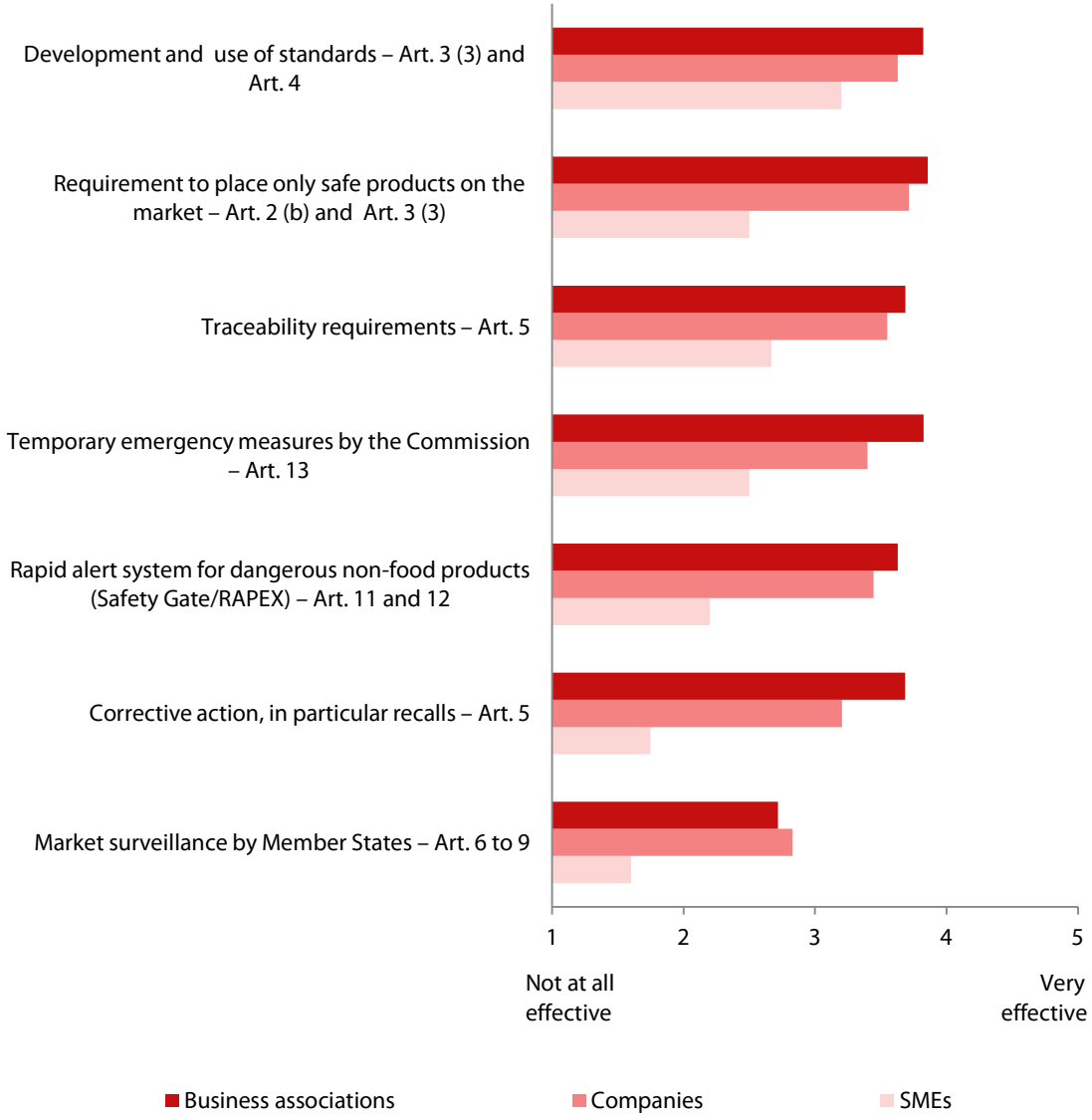


Source: Civic Consulting surveys of companies and business organisations. The average assessments are calculated based on respondents that had an opinion (not included are respondents who indicated Don't know or provided no answer).

SME respondents provided only very limited explanations in their comments. One stated that "we had no help from any of you", and another found that "There's not enough marked surveillance to be effective …".

When asked about individual features of the GPSD, the assessments differed between these features but also between SMEs and other business stakeholders. This is illustrated in Figure 47 below:

Figure 47: In your view, to what extent have the following elements of the GPSD been effective?



Source: Civic Consulting surveys of companies and business organisations. The average assessments are calculated based on respondents that had an opinion (not included are respondents who indicated Don't know or provided no answer).

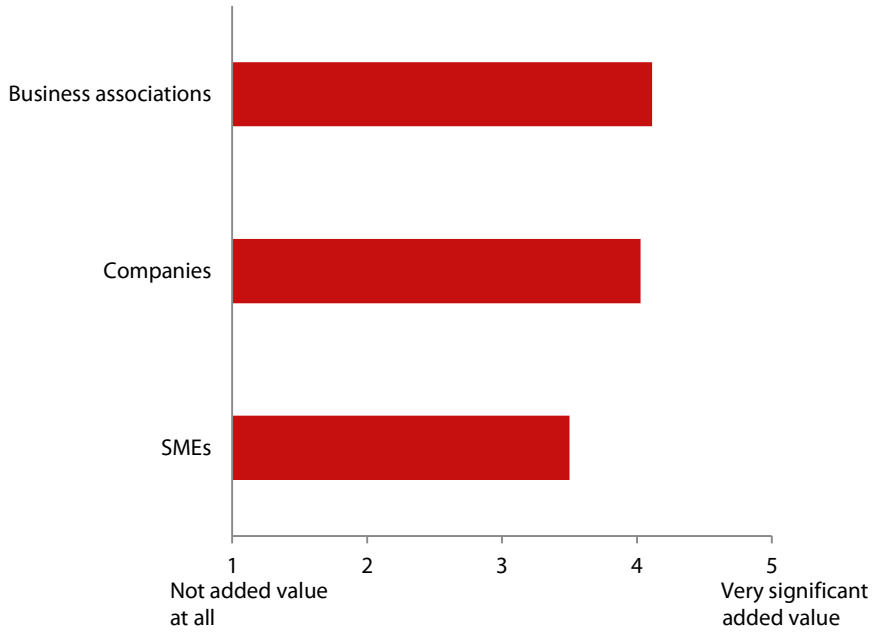
Again, it is striking that the (small number) of SME respondents were considerably more negative than other business respondents. However, the ranking of items in terms of their effectiveness is relatively similar. Most positively assessed by SMEs was the development and use of standards, least positively assessed the market surveillance by Member States. Again, SME respondents provided few explanations for their assessment. One indicated: "[My country] has poor market surveillance, particularly on on-line sales". Another explained that "If a member state decides a product is unsafe, it depends on the judgement of one person only. If this person made a wrong conclusion then it's very hard for a company to litigate against the decision of the member state. There should be a council of experts in case of discussions. Now, if you don't agree with the member state, the only thing you can do is go to court, which is not feasible for small companies... It can't be justified that one expert of a member state can ruin a company by misjudging a product's safety".

Views of SMEs regarding other key aspects of the evaluation included:

- A majority of responding SMEs agreed with companies overall and business associations that there are factors that have affected the effectiveness of the GPSD since its adoption in 2001 in terms of consumer health protection, both positively and negatively;
- SMEs were largely split (as were other business stakeholders) whether the current objectives of the GPSD (to achieve a high level of consumer protection through the reduction of unsafe products and to contribute to the functioning of the Single Market) correspond to current needs and whether additional relevant needs have emerged (however, most responding SMEs had no opinion in this respect);
- None of the responding SMEs saw discrepancies or inconsistencies between the provisions of the GPSD (i.e. between different rules, obligations etc.), but again most did not know;
- Only one SME respondent had an opinion whether there are overlaps or contradictory requirements between the GPSD and other related EU legislation (and stated Yes). Areas of overlaps seen by this respondent were Market surveillance, Consumer protection (e.g. regarding unfair commercial practices, consumer protection cooperation), Product liability, and E-commerce/Digital Single Market.

Finally, SMEs also considered the GPSD to provide added value compared to what could reasonably have been achieved by Member States acting at national level (without any EU intervention), as shown in the following figure. SMEs were slightly less positive than other business stakeholders, but still considered the GPSD on average to bring between 'moderate' and 'significant' added value.

Figure 48: In your view, to what extent does the GPSD provide added value compared to what could reasonably have been achieved by Member States acting at national level (without any EU intervention)?



Source: Civic Consulting surveys of companies and business organisations. The average assessments are calculated based on respondents that had an opinion (not included are respondents who indicated Don't know or provided no answer).

Annex VII: References

Author	Title	Year
Abbatt, Jonathan P. D.; Wang, Chen	The atmospheric chemistry of indoor environments	2020
Adler, Matthew D.	QALY's and Policy Evaluation: A New Perspective	2006
Aldy, Joseph E.; Viscusi, W. Kip	Age Differences in the Value of Statistical Life: Revealed Preference Evidence	2007
Aldy, Joseph E.; Viscusi, W. Kip	Adjusting the Value of a Statistical Life for Age and Cohort Effects	2008
ANEC; BEUC	Revision of the General Product Safety Directive; Key issues from a consumer perspective	2010
ANEC; BEUC	Achieving a higher level of consumer safety through a revision of the General Product Safety Directive.	2020
Arcuri, Alessandra	Risk Regulation	2012
Australian Government - The Treasury	Improving the Effectiveness of the Consumer Product Safety System	2019
Austria	Market surveillance 2010-2013	2014
Austria	National market surveillance programme 2019	2019
BBC	German parents told to destroy Cayla dolls over hacking fears	2017
Belgium	Review and assessment of the functioning of market surveillance activities for all products falling under the harmonisation legislation 2010-2013	2014
Belgium	National market surveillance programme 2019	2019
Bernstein, Anita	Voluntary Recalls	2013
BEUC	FACTSHEET, How the EU can make smart products consumer-proof	2018
BEUC	Press release: Two-thirds of 250 products bought from online marketplaces fail safety tests, consumer groups find	2020
Bond, Camilla	Social media advertising: An investigation of consumer perceptions, attitudes, and preferences for engagement	2010
Borges, Georg	Haftung für selbstfahrende Autos	2016
Brazier, John et al.	Measuring and Valuing Health Benefits for Economic Evaluation	2007
Bruegel	Making the best of the European single market	2017
Bulgaria	Review and assessment of the functioning of market surveillance activities 2010-2013	2015
Bulgaria	National programme for market surveillance 2019	2019
Cana, Ruxandra; Mullier, Eléonore	New EU Regulation on Market Surveillance and Product Compliance Published	2019
Canada	Consumer Product Safety Program Annual Surveillance Report 2019	2019
Chinadaily	Cross-border parcels from China's Yiwu increase by over 860% in April	2020
Civic Consulting	Consumer market study on the functioning of e-commerce and Internet marketing and selling techniques in the retail of goods	2011
Civic Consulting	Evaluation of the EU-RLs in the field of food and feed safety and animal health and live animals	2011
Civic Consulting	Contribution of the Internal Market and Consumer Protection to Growth	2014
Civic Consulting	Consumer market study on measuring consumer detriment in the EU	2017
Civic Consulting	Ex-post evaluation of the Consumer Programme 2007-2013 and mid-term evaluation of the Consumer Programme 2014-2020	2018
Civic Consulting	Study for the preparation of an Implementation Report of the General Product Safety Directive	2020

Committee for the Coordination of Statistical Activities (CCSA)	How COVID-19 is changing the world: a statistical perspective	2020
Consumer Reports	Takata Airbag Recall: Everything You Need to Know	2021
Copenhagen Economics	E-commerce imports into Europe: VAT and customs treatment	2016
Copenhagen Economics	International delivery prices: effects on national post an e-commerce - Impact of UPU terminal dues on Finland & Sweden	2019
Council of the European Union	Council Directive 87/357/EEC of 25 June 1987 on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers	1987
Council of the European Union	Council Directive 92/59/EEC of 29 June 1992 on general product safety	1992
Croatia	Review and assessment of the functioning of market surveillance activities 2013	2014
Croatia	National market surveillance programme 2019	2019
CSES	Evaluation of the Internal Market Legislation for Industrial Products	2014
Cyprus	Review of market surveillance activities 2014-2016	2018
Cyprus	National market surveillance programme 2019	2019
Czech Republic	Review and assessment of the functioning of market surveillance activities 2010–2013	2014
Czech Republic	System of market surveillance - Graphic	2014
Dachs, Bernhard et al.	AIT-IS-Report - EU wholesale trade: Analysis of the sector and value chains	2016
Dahouk, Sascha Al	Microbiological safety of non-food products; What can we learn from the RAPEX database?	2019
Denmark	Review of market surveillance activities 2014-2016	2018
Denmark	National Market Surveillance Programme	2019
Diallo, Thierno et al.	Towards a more efficient use of process and product traceability data for continuous improvement of industrial performances	2018
Dieckmann, Ralf	Microbiological safety of non-food products; What can we learn from the RAPEX database?	2019
Droste, Johannes	Produktbeobachtungspflichten der Automobilhersteller bei Software in Zeiten vernetzen Fahrens	2015
Drummond, Michael F. et al.	Methods for the Economic Evaluation of Health Care Programmes. 3rd ed.	2005
Ecommerce Europe	European Ecommerce Report	2019
EEA	Safeguarding people from environmental risks to health	2020
EEA; JRC	Environment and Human Health	2013
Ene, Corina	Rapex system - an efficient tool for european consumer safety	2013
Ericsson	Ericsson Mobility Report June 2020	2020
Estonia	Review and assessment of market surveillance activities 2014-2016	2018
Estonia	Market surveillance programme 2019	2019
European Central Bank	Annual working days for EU-27 in 2017	
European Chemicals Agency (ECHA)	Minutes of the 8th meeting of the Forum for Exchange of Information on Enforcement European Chemicals Agency	2010
European Commission	Recommended interim values for the value of preventing a fatality in DG Environment	2001
European Commission	Enhancing the Implementation of the New Approach Directives	2003
European Commission	Guidance document on the relationship between the GPSD and certain sector directives	2003
European Commission	Comparative Inventory on General Product Safety (GPSD) and the relevant corresponding national transposition measures	2006

European Commission	Administrative Arrangement (AA) between the European Commission and Canada on the exchange of information on the safety of non-food consumer products	2008
European Commission	Report from the Commission on the implementation of Directive 2001/95/EC on general product safety	2009
European Commission	Guidance Document - The relationship between Directive 2001/95/EC and the Mutual Recognition Regulation	2010
European Commission	Market surveillance and the revision of the General Product Safety Directive (PPP)	2010
European Commission	Commission Communication in the framework of the implementation of Regulation (EC) No 1223/2009 on cosmetic products	2011
European Commission	'6.1. What characteristics increase the probability of confusing a product with food' in Products that resemble food and appeal to children. Potential risks of accidental ingestion	2012
European Commission	Commission staff working document IA - accompanying Product Safety and Market Surveillance Package	2013
European Commission	European Commission proposal on product safety and market surveillance package	2013
European Commission	RAPEX facts and figures 2013 - Complete Statistics	2013
European Commission	Research support for an informal expert group on product traceability	2013
European Commission	Consumer Markets Scoreboard. Making markets work for consumers	2014
European Commission	Guidelines for import controls in the area of product safety and compliance	2014
European Commission	Evaluation of Directive 2009 / 48 / EC on the safety of toys	2015
European Commission	Keeping European consumers safe - Rapid Alert System for dangerous nonfood products 2014 Complete Statistics	2015
European Commission	Rapid Alert System for dangerous products 2015 results	2015
European Commission	Study on the promotion of the use of RAPEX information by importers, distributors and retailers - study by Civic Consulting	2015
European Commission	Good Practice in Market Surveillance Activities related to Non-Food Consumer Products sold Online Annex; Good Practice Cases	2015
European Commission	Good Practice in Market Surveillance Activities related to Non-Food Consumer Products sold Online	2015
European Commission	SWD(2015) 274 Commission staff working document IA - accompanying the document Proposals for Directives (1) on certain aspects concerning contracts for the supply of digital content and (2) on certain aspects concerning contracts for the online and other distance sales of goods	2015
European Commission	Commission Notice - The 'Blue Guide' on the implementation of EU product rules 2016	2016
European Commission	Consumer safety - Abstracts	2016
European Commission	Consumers' attitudes toward cross-border trade and consumer protection	2016
European Commission	Guidelines for import controls in the area of product safety and compliance	2016
European Commission	RAPEX report 2015	2016
European Commission	Summary of Member States' assessment and review of the functioning of market surveillance activities	2016
European Commission	Summary of Member States' assessment and review of the functioning of market surveillance activities during the 2010-2013 period	2016
European Commission	Communication from the Commission - The Goods Package; Reinforcing trust in the single market	2017
European Commission	Draft minutes of the meeting of Consumer Safety Network, 17. Nov. 2016	2017
European Commission	Ex-post evaluation of the application of the market surveillance provisions of Regulation (EC) No 765 / 2008	2017

European Commission	RAPEX report 2016	2017
European Commission	Results of the EU Rapid Alert System for dangerous non-food products 2017	2017
European Commission	Working together to keep consumers safe - 2017 results of the EU Rapid Alert System for dangerous non-food products	2017
European Commission	Commission Notice on the market surveillance of products sold online	2017
European Commission	Rapid Alert System for dangerous products - 2016 Annual Report	2017
European Commission	Evaluation of impact of the " Internal Market for Goods – Digital Compliance ”	2017
European Commission	SWD(2017) 466 final Commission Staff Working Document IA accompanying the document COM(2017) 795 final Proposal for a Regulation laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products	2017
European Commission	Study for the for the strategy for a non-toxic environment of the 7th Environment Action Programme final report	2017
European Commission	SWD(2017) 350 Commission Staff Working Document Better Regulation Guidelines	2017
European Commission	Better Regulation Toolbox complementing the better regulation guideline presented in SWD(2017) 350	2017
European Commission	Commission implementing decision of 9.11.2018 laying down guidelines for the management of RAPEX	2018
European Commission	Commission Report on the Application of the Council Directive on the approximation of the laws, regulations, and administrative provisions of the Member States concerning liability for defective products (85/374/EEC),	2018
European Commission	Communication from the Commission on Artificial Intelligence for Europe	2018
European Commission	Consumers’ attitudes toward cross-border trade and consumer protection	2018
European Commission	EU Rapid Alert System for dangerous non-food products 2018 results per country	2018
European Commission	Product safety pledge - Voluntary commitment of online marketplaces	2018
European Commission	SWD(2018) 236 final, Commission staff working document accompanying the Commission communication on a European retail sector fit for the 21st century	2018
European Commission	Commission implementing decision (EU) 2019/417 laying down guidelines for the management of RAPEX	2019
European Commission	Commission Implementing Decision (EU) 2019/1698 on European standards for products drafted in support of Directive 2001/95/EC	2019
European Commission	Communication from the Commission, The European Green Deal	2019
European Commission	Commission staff working document, Fitness Check of the most relevant chemicals legislation (excluding REACH), as well as related aspects of legislation applied to downstream industries	2019
European Commission	EU Workshop on strategies to maximize the effectiveness of product recalls, Background document	2019
European Commission	List of national market surveillance authorities by country	2019
European Commission	List of national market surveillance authorities by sector	2019
European Commission	Notes from EU Workshop on strategies to maximize the effectiveness of product recalls	2019
European Commission	Safety Gate;2018 results of the Rapid Alert System for dangerous non-food products	2019
European Commission	Summary of EU member states and EEA EFTA states' assessment and review of the functioning of market surveillance activities 2014-2016	2019

European Commission	Survey on consumer behaviour and product recalls effectiveness	2019
European Commission	Commission Communication on a European strategy for data	2020
European Commission	Commission Communication on a New Industrial Strategy for Europe	2020
European Commission	Communication of the Commission on a long term action plan for better implementation and enforcement of single market rules	2020
European Commission	Digital Economy and Society Index (DESI)	2020
European Commission	H2020 Programme: User's Guide for the Personnel Costs Wizard	2020
European Commission	Press release, 11 March 2020, Changing how we produce and consume: New Circular Economy Action Plan shows the way to a climate-neutral, competitive economy of empowered consumers	2020
European Commission	Report on safety and liability implications of AI, the Internet of Things and Robotics	2020
European Commission	Study on due diligence requirements through the supply chain, Final Report	2020
European Commission	Study on recalls	2020
European Commission	White Paper on Artificial Intelligence - A European approach to excellence and trust	2020
European Commission	Behavioural study on strategies to improve the effectiveness of product recalls	2021
European Commission - Eurostat	Consumers in Europe - Eurostat statistical books	2009
European Commission - Eurostat	Population: Structure indicators [demo_pjanind], EU27 in 2017	2017
European Commission - Eurostat	Annual enterprise statistics for special aggregates of activities (NACE Rev. 2) [sbs_na_sca_r2]	2020
European Commission - Eurostat	Annual net earnings [earn_nt_net]	2020
European Commission - Eurostat	Labour cost index by NACE Rev. 2 activity - nominal value, annual data [lc_lci_r2_a]	2020
European Commission - Eurostat	E-commerce statistics	2020
European Commission - Eurostat	E-commerce statistics for individuals - Statistics Explained	2020
European Commission - Eurostat	Employment and activity by sex and age - annual data [lfsi_emp_a]	2020
European Commission - Eurostat	Internet purchases by individuals [isoc_ec_ibuy]	2020
European Commission - Eurostat	Final consumption expenditure of households by consumption purpose (COICOP 3 digit) [nama_10_co3_p3]	2021
European Commission - Eurostat	Value of e-commerce sales [isoc_ec_evaln2]	2021
European Commission - JRC	Injury and accident data collection in support of consumer product safety and market surveillance (CPS-IAData project), Final report	2019
European Parliament	Briefing, Chemicals and the circular economy - Dealing with substances of concern	2017
European Parliament	Legal obstacles in Member States to Single Market rules, Study requested by the IMCO committee	2020
European Parliament and Council	Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety	2001
European Parliament and Council	Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC	2006
European Parliament and Council	Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC	2008
European Parliament and Council	Setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93	2008

European Parliament and Council	Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation	2012
European Parliament and Council	Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment	2014
European Parliament and Council	Regulation (EU) No. 254/2014 of the European Parliament and the Council of 26 February 2014 on a multinational consumer programme for the years 2014-20	2014
European Parliament and Council	Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices	2017
European Parliament and Council	Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008	2017
European Parliament and Council	Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008	2019
European Parliament and Council	Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods	2019
European Parliament and Council	Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011	2019
European Parliament and Council	Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules	2019
European Parliamentary Research Service	Briefing - Strengthening market surveillance of harmonised industrial products	2019
European Parliament's Committee on Internal Market and Consumer Protection	Market surveillance and revision of GPS Directive (EP-IMCO)	2010
European Parliament's Committee on Internal Market and Consumer Protection	The General Product Safety Directive and Market surveillance workshop	2010
European Parliament's Committee on Internal Market and Consumer Protection	Briefing Note IMCO - Market surveillance in relation to type approval requirements	2011
European Parliament's Committee on Internal Market and Consumer Protection	The product safety and market surveillance package, IMCO workshop 2013	2013
European Parliament's Committee on Internal Market and Consumer Protection	Briefing IMCO- Strengthening market surveillance of harmonised industrial products	2019
European Parliament's Committee on Internal Market and Consumer Protection	Free movement of goods; Delivering improved rights to European citizens and businesses	2019
EuroSafe	Injuries in the European Union - statistics summary 2002-2004	2006
EuroSafe	Injury report in the European Union 2005-2007	2009
EuroSafe	Policy Briefing 12, Safety of Consumer Products and Services	2009
EuroSafe	Policy briefing; Safety of consumer products and services	2010
EuroSafe	Injuries in the European Union, summary of injury statistics 2008-2010	2013
EuroSafe	Injuries in the European Union, Report on injury statistics 2010-2012	2014
EuroSafe	EU Injury Database: operating manual	2016

EuroSafe	IDB-FDS Data dictionary	2016
EuroSafe	Eurosafe conference, Amsterdam 2017; Chairman's concluding remarks	2017
EuroSafe	Injuries in the European Union 2013 - 2015	2017
EuroSafe	Programme & abstracts 4th European conference on injury prevention and safety promotion 2017	2017
Finland	Review of market surveillance activities 2014-2016	2018
Finland	National Market Surveillance Programme 2019	2019
Forrester	Western European Online Cross-Border Retail Sales Forecast	2015
France	Review of market surveillance activities 2014-2016	2018
France	National market surveillance programme 2019	2019
Gärtner, Armin	Die Rolle von Betriebssystemen im Konformitätsbewertungsprozess	2014
Germany	Market surveillance results 2010-2013 covered by the German Product Safety Act (Produktsicherheitsgesetz)	2014
Germany	Report on the market surveillance results under the market surveillance programme for 2010 to 2013 for the sectors covered by the German Product Safety Act	2015
Germany	Marktüberwachungsprogramm 2019	2019
GfK	Consumer surveys identifying the main cross-border obstacles to the Digital Single Market and where they matter most	2015
Greece	National market surveillance programme	2018
Greece	Review of market surveillance activities 2014-2016	2018
Hammitt, James K.	QALYs Versus WTP	2002
Herrera-Araujo, Daniel et al.	Theoretical bounds on the value of improved health	2020
Hungary	Review of market surveillance activities 2014-2016	2018
Iceland	National market surveillance programme	2019
ICPHSO	2019 International Symposium: Trinity College, Dublin	2019
International Labour Office	Estimating the Economic Costs of Occupational Injuries and Illnesses in Developing Countries: Essential Information for Decision-Makers	2012
IPC	Cross-Border E-Commerce Shopper Survey	2019
Ireland	Review of market surveillance activities national authority information 2014-2016	2018
Ireland	National market surveillance programme	2019
Italia	Programma nazionale di vigilanza del mercato	2019
Italy	Review of market surveillance activities national authority information 2014-2016	2018
ITC; European Commission	Navigating Non-Tariff Measures	2016
Jacoby, Jacob	Perspectives on Information Overload	1984
Jones Day	How to conduct a product recall in Australia	2019
Kahneman, Daniel; Knetsch, Jack L.; Thaler, Richard H.	Experimental Tests of the Endowment Effect and the Coase Theorem	1990
Kahneman, Daniel; Knetsch, Jack L.; Thaler, Richard H.	Anomalies: The Endowment Effect, Loss Aversion and Status-quo Bias	1991
Karapanou, Vaia	Towards a Better Assessment of Pain and Suffering Damages for Personal Injuries. A proposal based on Quality Adjusted Life Years	2014
Katsikonouri, Effrosyni; Riga,	The European and Greek legislation on preschool children's protection	2014

Vassiliki	from the use of unsafe toys	
Klindt, Thomas	Produktsicherheitsgesetz 2nd ed.	2015
Latvia	Review of market surveillance activities national authority information 2014-2016	2018
Latvia	Valsts tirgus uzraudzibas programma	2019
Lithuania	Annex-Sector specific Market Surveillance Programme for 2015	2015
Lithuania	Review of market surveillance activities national authority information 2014-2016	2018
Luxembourg	Programme national de surveillance du marche	2019
Luxembourg	Review of market surveillance activities national authority information 2014-2016	2019
Malta	Proposed template for the review and assessment of the functioning of market surveillance	2014
Malta	The national market surveillance programme for Malta- The policies behind it	
McDonald, Brian C. et al.	Volatile chemical products emerging as largest petrochemical source of urban organic emissions	2018
Members or Chairpersons of various Administrative Cooperation (AdCo) groups	Guidance Document - Good practive for market surveillance	2017
Miller, Ted R.	Willingness to Pay Comes of Age: Will the System Survive	1989
Ministry of Transport New Zealand	Annual reports on the estimation of costs of road crashes and injuries	
National Institute for Occupational Safety and Health	The Economic Burden of Occupational Fatal Injuries to Civil Workers in the United States based on the census of fatal occupational injuries	2011
Nematollahi, Neda et al.	Volatile chemical emissions from 134 common consumer products	2019
Netherlands	National Product Market Surveillance Plan for 2015–2016	2015
Netherlands	Collection of National Surveillance Data and Assessments 2014-2017	
Nordic Council of Minister	Nordic working papers	2016
Norway	Review of market surveillance activities 2014-2016	2018
Norway	National market surveillance programm	2019
OECD	Overcoming Barriers to Administrative Simplification Strategies: Guidance for Policy Makers	2009
OECD	Online product safety - Trends and Challenges	2016
OECD	Report on international consumer product safety risk assessment practices	2016
OECD	Consumer product safety in the internet of things	2018
OECD	Enhancing Product Recall Effectiveness Globally	2018
OECD	Unpacking E-commerce - Business models, trends and policies	2019
OECD	Purchasing power parities (PPP) (indicator)	2020

Pacific institute for Research and Evaluation	The Consumer Product Safety Commission's Revised Injury Cost Model	2018
Parachute	The Cost of Injury in Canada	2015
Pekkanen, Jyri	Developing a consumer product safety check tool for mobile devices	2018
Pfeiffer, Philipp et al.	The COVID-19 pandemic in the EU: Macroeconomic transmission & economic policy response	2020
Pieper, Fritz-Ulli	Die Vernetzung autonomer Systeme im Kontext von Vertrag und Haftung	2016
Polak, Josine; Versluis, Esther	What works to make enforcement work? ' Best practices ' supporting the enforcement of the General Product Safety Directive	2011
Poland	Review of market surveillance activities 2014-2016	2018
Poland	National market surveillance programm	2019
Portugal	Review and assessment of the functioning of market surveillance activities 2010-2013	2014
Portugal	National market surveillance programm	2018
PostNord	E-commerce in Europe 2019	2019
Prosafe	Results of the joint action on toys	2010
Prosafe	Technical report, joint market surveillance action on cords and drawstrings on children's clothings	2010
Prosafe	Final implementation report baby walkers	2011
Prosafe	Final implementation report helmets	2011
Prosafe	Final implementation report child appealing designs	2011
Prosafe	Final implementation report sunbeds & solarium service 2	2011
Prosafe	Guidelines for businesses to manage product recalls and other corrective actions	2011
Prosafe	Final implemenation report Lighters 2	2013
Prosafe	Final implementation report five consumer products	2013
Prosafe	Final technical implementation report	2014
Prosafe	Results, conclusions & recommendations baby bath tubs	2014
Prosafe	Results, conclusions & recommendations wheeled child conveyances	2014
Prosafe	Final technical report - high chairs	2015
Prosafe	Final technical report ladders	2015
Prosafe	Final technical report, CO and smoke detectors	2015
Prosafe	Final technical report, cords and drawstrings	2015
Prosafe	Final technical report, nanotechnology & cosmetics	2015
Prosafe	Progress report on method development activities	2015
Prosafe	Final report joint action China 2012	2016
Prosafe	Final technical report chemicals in clothing	2016
Prosafe	Final technical report children's kick scooters	2016
Prosafe	Final technical report cots	2016
Prosafe	Final technical report toys intended for children under 3 years	2016
Prosafe	Final technical report, acoustic toys	2017
Prosafe	Final technical report, childcare articles 4, safety barriers	2017
Prosafe	Final technical report, power tools 1, hand held electric angle- and straight grinders	2017
Prosafe	Final technical report chemical risks in plasticised toys	2018
Prosafe	Final technical report fireworks 2	2018

Prosafe	Final technical report, child care articles 5, soothers and soother holders	2018
Prosafe	Final technical report, LED/CFL light sources	2018
Prosafe	Preliminary observations on the Goods Package	2018
Prosafe	Final technical report playgrounds	2019
Prosafe	Final technical report, household electrical appliances 1	2019
Prosafe	Final technical report, power tools 2, handhandheld electrical circular saws	2019
Prosafe et al.	Product safety in Europe – a Guide to corrective action including recalls	2004
Radovnikovic, Anita et al.	Assessment of the opportunities for increasing the availability of EU data on consumer product related injuries	2020
Rogmans, Wim	European Consumer Safety Association (ECOSA) Convention 2001 - Conclusions and Recommendations	2001
Romania	Market surveillance activity in Romania	2014
Romania	Review of market surveillance activities 2014-2016	
Ronan, Lyons et al.	Disability Adjusted Life Year (DALY) estimates for injury utilising the European Injury Data Base (IDB)	2015
Runte, Christian; Potinecke, Harald	Software und GPSG	2004
Safety Cube	Costs related to serious road injuries	2018
Salerno-Kochan, Renata	Non-food products safety in statistics , consumer awareness and new regulations	2016
Schoettle, Brandon; Sivak, Michael	Consumer Preferences Regarding Product Registration	2015
Schulmeister, Karl	Class 3R and the upcoming consumer laser safety standard in Europe – A challenge	2017
Scientific Committee on Consumer Safety (SCCS)	Opinion on the potential health risks posed by chemical consumer products resembling food and/or having child-appealing properties	2011
Slovakia	National market Surveillance programme	2014
Slovakia	Review of market surveillance activities 2014-2016	2018
Slovenia	National market surveillance programme	2018
Spain	National market surveillance programme	2015
Spain	Review of market surveillance activities 2014-2016	2018
Spain	National market surveilliance programme	2019
Spindler, Gerald; Sein, Karin	Die endgültige Richtlinie über Verträge über digitale Inhalte und Dienstleistungen	2019
Staudenmayer, Dirk	Kauf von Waren mit digitalen Elementen – Die Richtlinie zum Warenkauf	2019
Staudenmayer, Dirk	Die Richtlinien zu den digitalen Verträgen	2019
Sweden	Review of market surveillance activities National 2014-2016	2018
Sweden	National market surveillance programm	2019
The Washington Post	Study concludes design of Rock ’n Play, other infant sleepers led to deaths	2019
UK	Review and assessment of the functioning of market surveillance activities 2014-2015	2015
UK	National market surveillance programme 2018 – 2019	
UK Houses of Parliament,	Cyber security of consumer devices	2019
Ullrich, Carsten	New approach meets new economy – enforcing EU product safety in ecommerce	2018
UNCTAD	The Economics Behind Non-tariff Measures: Theoretical Insights and	2013

	Empirical Evidence	
UNCTAD	COVID-19 has changed online shopping forever, survey shows	2020
US Consumer Product Safety Commission	Recall Handbook	2012
US Consumer Product Safety Commission	CPSC Defect Recall Data	2017
US Consumer Product Safety Commission	Recall effectiveness workshop meeting minutes (25th July 2017)	2017
US Consumer Product Safety Commission	Valuing reductions in fatal risks to children	2018
US Consumer Product Safety Commission - Office of Import Surveillance	CPSC e-Commerce Assessment Report	2019
US Consumer Product Safety Commission; XL Associates; Heiden Associates	Recall effectiveness research: a review and summary of the literature on consumer motivation and behavior	2003
VDE	Press release: Mehr tödliche Stromunfälle in Deutschland	2020
Veld, Jan In't	The economic benefits of the EU Single Market in goods and services	2019
Vincze, Szilvia	Microbiological safety of non-food products: What can we learn from the RAPEX database?	2019
Viscusi, W. Kip	The heterogeneity of the value of statistical life: introduction and overview	2010
VVA	Study for the introduction of an e-labelling scheme in Europe - Cost Benefit Analysis	2018
VVA Europe	Implementation of the New Regulation on Market Surveillance: Indication of Origin, Final Report	2015
Watson, Wendy et al.	Consumer product related injuries in older persons	1999
Watson, Wendy et al.	Consumer product-related injury in Australia: Direct hospital and medical costs to government	2006
Weisser, Ralf; Färber, Claus	Rechtliche Rahmenbedingungen bei Connected Car - Überblick über die Rechtsprobleme der automobilen Zukunft	2015
Wendt, Janine; Oberländer, Marcel	Produkt- und Produzentenhaftung bei selbständig veränderlichen Systemen	2016
WHO	The International Statistical Classification of Diseases and Related Health Problems 10th Revision	2016
WHO Economic Analysis and Evaluation Team	WHO-CHOICE estimates of cost for inpatient and outpatient health service delivery	2010
WIK	Development of Cross-border E-commerce through Parcel Delivery	2019
WTO	World Trade Report 2012, The trade effects of non-tariff measures and services measures	2012
Zscherpe, Kerstin; Lutz, Holger	Geräte- und Produktsicherheitsgesetz: Anwendbarkeit auf Hard- und Software	2005