Tuesday 8 March 2011

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

General product safety and market surveillance

P7_TA(2011)0076

European Parliament resolution of 8 March 2011 on the revision of the General Product Safety Directive and market surveillance (2010/2085(INI))

(2012/C 199 E/01)

The European Parliament,

— having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety [1],

— having regard to Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 [2],

— having regard to 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 [3],

— having regard to Commission Decision 2010/15/EU of 16 December 2009 laying down guidelines for the management of the Community Rapid Information System 'RAPEX' established under Article 12, and of the notification procedure established under Article 11, of Directive 2001/95/EC (the General Product Safety Directive) [4],

— having regard to the Report from the Commission to the European Parliament and to the Council on implementation of Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety, (COM(2008)0905),

— having regard to the Commission Working Document entitled 'Revision of the General Product Safety Directive: Summary envisaged actions', DG Health and Consumers, 18 May 2010,

— having regard to the Roadmap entitled 'Alignment to the New Legislative Framework (Decision No 768/2008/EC)', DG Enterprise and Industry, 15 April 2010,

[1] OJ L 11, 15.1.2002, p. 4.
[2] OJ L 218, 13.8.2008, p. 30.
[3] OJ L 218, 13.8.2008, p. 82.
[4] OJ L 22, 26.1.2010, p. 1.

Tuesday 8 March 2011

— having regard to the Roadmap entitled 'Review of Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (GPSD)', DG Health and Consumers, 25 March 2010,

— having regard to the Commission Working Paper on the relationship between the General Products Safety Directive 2001/95/EC and the market surveillance provisions of Regulation (EC) No 765/2008, DG Health and Consumers, 2 March 2010,

— having regard to the Commission Working Document entitled 'Revision of the General Product Safety Directive: Identification of the Key Issues', DG Health and Consumers, 15 September 2009,

— having regard to the briefing paper commissioned by the IMCO Committee on Market Surveillance in the Member States, published in October 2009,

— having regard to the briefing paper commissioned by the IMCO Committee on the Revision of the General Product Safety Directive (GPSD) and Market Surveillance, published in September 2010,

— having regard to the workshop on the Revision of the General Product Safety Directive and Market Surveillance held on 30 September 2010,

— having regard to the EU-US-China trilateral Summit held in Shanghai on 25-26 October 2010,

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on International Trade and the Committee on Industry, Research and Energy (A7-0033/2011),

A. whereas it is essential to ensure that all products placed on the EU market are safe so as to guarantee a high level of protection for consumers among others,

B. whereas the New Legislative Framework (hereinafter the NLF) was adopted in July 2008, and Regulation (EC) No 765/2008 on market surveillance has been applicable as of 1 January 2010,

C. whereas the General Product Safety Directive 2001/95/EC (hereinafter the GPSD), which establishes at Community level general safety requirements for consumer products, has to be reviewed and brought into conformity with the NLF through integration, in particular with the Regulation on market surveillance,

D. whereas the product safety and market surveillance legislative framework consists of three layers of legal acts (GPSD, NLF and sector-specific harmonisation directives), which leads to uncertainties and confusion in the internal market,

E. whereas the level of market surveillance differs considerably among Member States and a number of them fail to designate necessary resources for efficient market surveillance and interpret 'products posing serious risk' differently, which can create barriers to the free movement of goods; disturb competition and jeopardise consumers' safety within the internal market,

F. whereas cooperation among market surveillance authorities and joint market surveillance actions are essential and should therefore be strengthened further and resources delegated thereto,

G. whereas regulations bring the advantages of clarity, predictability and effectiveness compared with directives, as is also stated in the Monti Report,

Market Surveillance

Introduction

1. Believes that the current legislative framework for market surveillance does not provide enough coherence and should therefore be reviewed and further coordinated;

2. Proposes that the Commission establish a common European framework for market surveillance, concerning all products on the internal market or entering the EU market; calls on the Commission to play a more active role in coordinating the activities of the European market surveillance authorities, the customs authorities and the competent authorities of the Member States;

3. Calls on Member States and the Commission to deploy adequate resources for efficient market surveillance activities; emphasises that failing market surveillance systems could generate a distortion of competition, jeopardise consumers' safety and undermine citizens' trust in the internal market; points out the importance of securing the external borders of the single market, in particular the major sea ports, and calls on the Commission and the Member States to take measures against illegal products from third countries; suggests that the Commission undertake a full assessment of the points of entry of products into the EU market, including an assessment of the resources needed to guarantee adequate control;

4. Calls on Member States to introduce in a coordinated manner penalties, including heavy fines, for economic operators who deliberately introduce dangerous or non-compliant products into the single market; proposes that product bans should be made public as often as possible in order to increase the visibility of border controls and market surveillance and to deter criminal market operators;

5. Calls on the Commission with the participation of market surveillance authorities and of the customs authorities to co-fund further joint market surveillance actions;

6. Emphasises the necessity of sharing best practices among the Member States; calls for joint cooperation, pooling of know-how and sharing of best practices among market surveillance authorities; recalls the importance of cooperation between customs and market surveillance authorities at the external borders to carry out appropriate checks on products entering the Community; recognises the important contribution made today by PROSAFE as regards the coordination of joint market surveillance actions and the exchange of tried and tested practices in the framework of the GPSD; therefore calls on the Commission to consider under what conditions PROSAFE could serve as platform for an extended coordination between Member States for harmonised and non-harmonised products; considers it necessary to establish a legal basis and to allocate sufficient resources to PROSAFE to carry out this task; points out that coordination through PROSAFE today is restricted by limited resources and its informal structure;

7. Calls upon the EU Member States to share product safety related inquiries and studies with other Member States; considers that the reference numbers of the products concerned should be included to facilitate product identification by other authorities, who could benefit from translating and using the information provided in the studies; calls upon Member States to allow their competent authorities to take market surveillance measures on the basis of test results or studies including those delivered by other Member States, in order to avoid duplication of work;

8. Suggests establishing offices for education on product safety e.g. in the framework of the Product Contact Points, that can facilitate training and transfer information across industries;

9. Urges the Commission to establish a public Consumer Product Safety Information Database, including a platform for complaints, if possible based on already existing regional and national systems in the Member States; takes the view that this will raise awareness of dangerous products across borders in the internal market and allow consumers to notify the competent authorities electronically of dangerous products; believes that the database could be formed by developing existing databases such as the European Market Surveillance System (ICSMS) or the Injury Database (IDB); stresses the need for the database to have a legal basis, and for reporting from the Member States to be mandatory; calls for the establishment of an accident statistics system founded on this database, from which mandatory annual reports will be published; calls for the database to be publicly accessible, while ensuring the necessary confidentiality for businesses;

10. Points out that globalisation, increased outsourcing and the growth in international trade mean that more products are being traded on markets across the world; considers that close cooperation between global regulators and other stakeholders in the area of consumer product safety is key to addressing the challenges posed by complex supply chains and the higher volume of trade;

11. Calls on the Commission to intensify international cooperation in the international Consumer Product Safety Caucus so as to exchange tried and tested practices and jointly to prevent the production in third countries of dangerous substances intended for export to the European single market;

Revision of the GPSD

Alignment of GPSD and NLF - a new General Product Safety and Market Surveillance Regulation

12. Supports the revision of the GPSD and of Regulation (EC) No 765/2008 with regard to definitions and obligations for economic operators as defined in Decision No 768/2008/EC, while avoiding the creation of unnecessary administrative burdens, especially for SMEs; considers that having one single regulation is the only way to have one single market surveillance system for all products; therefore urges the Commission to establish a single market surveillance system for all products, based on one legislative act covering both the GPSD and Regulation (EC) No 765/2008; considers that this new legislative act should be created to achieve a high level of product safety and market surveillance, clarifying the legal basis and taking into account the provisions developed more fully in the two existing legislative acts;

13. Calls for alignment between traceability requirements in the GPSD and the NLF so as to guarantee a coherent traceability system avoiding the creation of new red tape;

14. Requests the Commission to consider developing more precise criteria for evaluating safety and risks stemming from the non-compliance of products with EU legislation;

Additional specific changes to the GPSD

15. Regards it as problematic that products operated by service providers are not covered by the current GPSD, i.e. that general safety requirements apply when the product is handled by consumer on the premises of the service provider, but not if the same product is operated by the service provider; stresses the need to rectify this legal loophole;

16. Calls for the simplification of European product safety legislation, in particular as regards the Commission objectives 'better law-making' and 'think small first' as set out in the Communication 'Towards a Single Market Act', and urges that the provisions on Food-Imitating Products be included in the revised proposal;

17. Calls, in order to ensure the safety of the widest range of particularly vulnerable consumers, for the introduction of a reference to people with disabilities (along with the references to children and elderly people that are already present);

18. Calls on the Commission to include an obligation for manufacturers to carry out a risk analysis in their design phase; urges that if any risks are identified they should be documented and made available to the public authorities;

Emergency Community measures

19. Stresses the need for a more effective regulatory framework, allowing quick interventions and reliable long-term solutions, without delegating political decisions to the standardisation bodies or to the Commission in the absence of a clear set of essential policy requirements such as exists for harmonised legislation;

Traceability

20. Stresses that products posing serious risks must be permanently withdrawn or recalled from the market as quickly as possible and that traceability throughout the supply chain must be ensured, which calls for sufficient resources for the market surveillance authorities;

21. Underlines the importance of ensuring reliable traceability throughout all stages of the life of a product, while making sure that this does not lead to increased administrative burdens;

22. Underlines the importance of product traceability and tracking labels for determining the country of origin of the product and the manufacturer responsible;

23. Insists on effective enforcement of the identification procedures that are already in place; encourages the Commission to make assessments and evaluations on the use of new technologies, while considering that the usage of new technologies should be proportionate and should not endanger the privacy, security and safety of the consumer;

24. Stresses however, that no single technical solution should be imposed as the official traceability system/method within the EU market; and calls for overall proportionality;

25. Emphasises the need to improve and further strengthen RAPEX exchanges of information in respect of dangerous products from third countries (such as China and India) and for its latest studies to be evaluated;

RAPEX

26. Acknowledges that RAPEX is a useful and efficient tool for disseminating information among the Member States about the measures taken with regard to dangerous products, but believes that this tool can be further improved;

27. Calls on the Commission to allow product safety professionals, producers, trade and consumer organisations and national authorities to have access to all relevant information while ensuring the necessary confidentiality; calls on the Commission to improve awareness of RAPEX and the EU recall systems outside the EU;

28. Welcomes the new RAPEX guidelines which contribute to the improvement of the operation of RAPEX; invites the Commission to streamline the new risk assessment method with those in place for harmonised products to assist market surveillance authorities in their work;

29. Calls on the Commission to explain the classification of products as a 'serious risk' in RAPEX notifications;

30. Notes that consumer products placed on the European internal market are coming increasingly from third countries; is particularly concerned that each year there is an increase in RAPEX notifications relating to products of Chinese origin, accounting for more than half of RAPEX notifications, and that in 20 % of cases it appears that it is not possible to identify the manufacturers of those products; therefore calls for enhanced efforts to be made internationally and welcomes EU-China-US cooperation on product traceability strategies; welcomes any support, training and seminars organised by EU and Chinese authorities to improve product safety; underlines that there is a need for multiannual programmes to face these challenges;

31. Calls on the Commission to consider the usefulness of setting up a system similar to RAPEX – CHINA for other trading partners, in particular those whose products have been notified in the RAPEX system;

32. Requests the Commission to incorporate into RAPEX, or any other appropriate system at EU level, penalties for infringements by the Member States, in order to ensure transparency and incentives for all stakeholders;

Online selling and customs

33. Is concerned about the difficulties faced by market surveillance authorities when taking action against dangerous products sold online;

34. Welcomes the Commission's project C2013 in the area of product safety which will produce guidelines for customs controls in the EU; urges the Commission to deliver specific tools for customs authorities to tackle the challenges of adequate controls on imported products; calls for further enhanced co-operation between enforcement authorities;

35. Recognises the increase in the number of products from third countries bought online by consumers which do not comply with European standards, thus endangering the safety and health of consumers; calls on the Commission to step up and standardise customs checks on products bought on the internet and to carry out market surveillance, paying special attention to products which can cause direct harm to consumers, such as pharmaceutical and food products; urges the Commission to study possible solutions to that problem in order to strengthen consumers' confidence in e-commerce;

36. Calls on the Commission and Member States' authorities to ensure proper training of officers so as to ensure better detection of products presenting a risk; urges better cooperation between customs and market surveillance authorities before products are released on to the market, which calls for a multiannual programme here as well;

37. Calls on the Commission and national competent authorities to further develop awareness-raising campaigns targeting consumers to inform them about the risk of buying counterfeited products, especially online;

Standardisation

38. Stresses the need for the market surveillance authorities to systematically participate in the process of security-relevant standard development, as this is an appropriate means of ensuring that their knowledge informs the standardisation process and of generating greater understanding for standards, thereby ensuring that the voluntary application of standards will contribute to increased consumer safety and health as well as to legal certainty by allowing the correct interpretation and application of European Standards by Member States' authorities;

39. Calls on the Commission to increase the clarity of mandates for standards and to consider other evolutionary ways to improve and integrate national and European standardisation systems in the non-harmonised area, with the emphasis on SME participation, while retaining the main elements of the current structure;

40. Urges that the currently applicable Commission procedures for establishing mandates for the development of European standards be improved so as to guarantee timely reaction to new or emerging risks in a more efficient manner; emphasises, however, that new or amended procedures should also be subject to Parliament's scrutiny; stresses that Parliament should also be entitled to scrutinise the procedures for taking over or applying international, non-European and other standards;

41. Calls for the European standardisation organisations and the Commission to investigate all systems potentially capable of speeding up the process of standards development, while ensuring the proper involvement of all relevant stakeholders, such as the introduction of a fast-track procedure or the possibility for the Commission of publishing references to existing European or ISO standards developed outside a Commission mandate, if such standards are deemed to provide a high level of consumer protection or to address a specific risk, as an interim measure until a permanent solution becomes available;

42. Calls for the Commission's mandates for standardisation to be improved in order to allow the European standardisation organisations to develop European Standards fulfilling the technical requirements for which compliance with a political decision is achieved or evaluated; in this respect, considers that there is a need for better involvement and cooperation between the European Commission and the European standardisation organisations in the drafting process; bearing in mind that these organisations work on the basis of consensus, considers it crucial for the proper functioning of the system that political issues are dealt with at the policy-making level and not delegated to the European Commission, the standardisation bodies or any enforcement administrations;

43. Calls for the introduction of a procedure for formal objection to a standard, such as in Decision No 768/2008/EC, to be included in the GPSD; considers that the use of this procedure should be possible even before a standard is cited in the Official Journal of the EU, but should not be a substitute for Member States significantly increasing the involvement of their market surveillance authorities in the standardisation system;

44. Calls on the Commission and all stakeholders to guarantee the financial sustainability of the European standardisation system, including through public-private partnerships and through multiannual financial planning, since this is essential to ensure its effectiveness and efficiency;

45. Calls for the Commission to take further steps in coherence with the new legislative framework, so that the necessary revisions can be enhanced;

*

* *

46. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

Management of H1N1 influenza

P7_TA(2011)0077

European Parliament resolution of 8 March 2011 on evaluation of the management of H1N1 influenza in 2009-2010 in the EU (2010/2153(INI))

(2012/C 199 E/02)

The European Parliament,

— having regard to Article 168 of the Treaty of the Functioning of the European Union,

— having regard to the International Health Regulations – IHR (2005) 2005 ([1]),

— having regard to the Commission communication of 28 November 2005 on pandemic influenza preparedness and response planning in the European Community (COM(2005)0607),

— having regard to the Council working document of 30 November 2007 on health security related matters ([2]),

— having regard to the Council Conclusions of 16 December 2008 on health security ([3]),

([1]) http://www.who.int/ihr/en/
([2]) http://register.consilium.europa.eu/pdf/en/07/st15/st15789.en07.pdf
([3]) http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/lsa/104770.pdf