

Product Safety Pledge

Voluntary commitment of online marketplaces with respect to the safety of non-food consumer products sold online by third party sellers



Consumer non-food products placed on the EU market must be safe, regardless of whether they are sold online or in brick-and-mortar shops. Online sales in the EU represented 20% of the total sales in 2016⁽¹⁾, and this percentage is expected to increase in the coming years. E-commerce marketplaces may facilitate economic growth by enabling sellers to access new countries and to reach new customers. As such, this may encourage trade between Member States and the free movement of goods in the Single Market. This in turn promotes further harmonisation of standards and improvement of the functioning of mutual recognition. Online intermediaries are also in a novel position where they can trace products more easily, as well as develop a strong post-sale connection to customers. At the same time they are well placed to play an important role in product safety, due to the significant amount of products sold through their websites.

This initiative sets up areas where online intermediaries voluntarily agree to take specific actions with respect to the safety of non-food consumer products sold online by third parties on their marketplaces, to the extent reasonably and commercially practicable and in regular dialogue with the relevant authorities. The ultimate goal is to improve the detection of unsafe products marketed in the EU before they are sold to consumers or as soon thereafter as possible, and to improve consumer protection. These commitments will go beyond what is already established in the EU legislation, including those on product safety.

This voluntary commitment does not cover technical compliance matters not posing serious risks to the health and safety of consumers.

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

Areas for voluntary commitment of online marketplaces with respect to the safety of non-food consumer products sold online by third party sellers

1. Consult information on recalled/dangerous products available on RAPEX⁽²⁾ and also from other sources, such as from enforcement authorities. Take appropriate action⁽³⁾ in respect to products concerned, when they can be identified.
2. Provide specific single contact points for EU Member State authorities for the notifications on dangerous products (“notice”) and for the facilitation of communication on product safety issues.
3. Cooperate with EU Member State authorities in identifying, as far as possible, the supply chain of dangerous products by responding to data requests should relevant information not be publicly available.
4. Have an internal mechanism for notice and take-down procedure for dangerous products. This should include commitments from the marketplace’s side on the procedure they will follow when notices are given by authorities and other actors.
5. React within two working days to government notices made to the single contact points to remove identified listings offering unsafe products for sale in the EU. Inform the authorities on the action taken⁽⁴⁾.
6. Provide a clear way for customers to notify dangerous product listings. Such notices are treated expeditiously and appropriate response is given within five working days.
7. Provide information/training to sellers on compliance with EU product safety legislation, require sellers to comply with the law, and provide sellers with the link to the list of EU product safety legislation.
8. Cooperate with EU Member State authorities and sellers to inform consumers⁽⁵⁾ about relevant recalls or corrective actions.
9. Cooperate with authorities and set up a process aimed at proactively removing banned product groups as appropriate.
10. Put in place measures to act against repeat offenders offering dangerous products in cooperation with authorities.
11. Take measures aimed at preventing the reappearance of dangerous product listings already removed.
12. Explore the potential use of new technologies and innovation to improve the detection of unsafe products.

Signatory online intermediaries will report to the European Commission on the actions taken to implement the above voluntary commitment every six month following its signature. This will be done via the below key performance indicators (KPIs), as well as qualitative information about the progress on the areas of the voluntary commitment, which will be provided to the European Commission in an aggregated format compiled by a third party combining the inputs of all signatories. This is to ensure the confidentiality of submissions and a neutral non-discriminatory evaluation process.

⁽²⁾ https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/repository/content/pages/rapex/index_en.htm

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

⁽⁴⁾ When specialised reporting tools are used in cooperation with authorities, the communication policy may differ.

⁽⁵⁾ This may also include informing sellers and requesting them to contact concerned buyers

KPIs:

1. % of identified products listings removed within 2 working days based on governmental notices provided to the established single contact points;
2. % of identified products listings removed within 2 working days found through monitoring of public recall websites such as RAPEX.

It is the understanding of all parties that the above voluntary commitment should serve as contribution to EU product safety discussions with Online Intermediaries.

This voluntary commitment is not legally binding and does not now nor in the future create any contractual or pre-contractual obligations under any law or legal system. Nothing in this voluntary commitment shall be construed as creating any liability, rights, waiver of any rights or obligations for any parties or as releasing any parties from their legal obligations. This voluntary commitment shall not be construed in any way as replacing, extending or interpreting the existing legal framework. This voluntary commitment is not to be used as, or form part of, evidence in any legal proceedings.

List of signatories:

Brussels, 25.6.2018

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