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NOTE

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Subject: Rapid Alert System for dangerous non-food products
-Information from the Commission

Information note to the Council on the state of play of the Rapid Alert System for dangerous non-food products

The purpose of this note is to present the main findings of the Commission's assessment of the Rapid Alert System for dangerous non-food products (the RAPEX system) and to set out the lessons learnt, with a view to further enhancing cooperation on consumer product safety.

1. THE RAPID ALERT SYSTEM FOR NON-FOOD DANGEROUS PRODUCTS (RAPEX): STATE OF PLAY

The RAPEX system enables quick exchanges of information among 31 European countries and the Commission. It helps track down dangerous products, remove them from the market and keep consumers, particularly vulnerable groups such as children and the elderly, safe. In the past 15 years, 25,000 alerts were processed through this system. In 2018 alone, more than 2,200 alerts concerning products posing all kinds of risks were posted by authorities and were followed by more than 4,000 actions taken by other national authorities.

In order to analyse the functioning and organisation of the RAPEX system by the Member States, the Commission launched an assessment in 2017/18. A questionnaire was sent out as a first step, touching upon the number and type of activities registered in the system, the available resources, contacts with other countries of the RAPEX network, the approach to online market surveillance and new and emerging risks.

The survey was followed by Commission visits to all national RAPEX Contact Points, except for Liechtenstein and the UK, with face-to-face discussions to fully grasp the realities on the ground.

In January 2019, Commissioner Jourová addressed individual letters to all Ministers responsible for consumer safety in each of the countries in the exercise, with fiches highlighting good practices, obstacles and needs identified.

The letters also announced the intention of Commissioner Jourová to further discuss at one of the next COMPET Council meetings how to make the RAPEX system as effective as possible. The generally positive feedback received to those letters demonstrate the willingness of Member States to continue to improve work in this area.

2. KEY FINDINGS AND LESSONS LEARNED

RAPEX alone does not necessarily reflect the full national product safety scope of activity of Member States. For example, certain authorities responsible for sector specific legislation may be less active than others, or they focus only on certain vulnerable groups (e.g. children). RAPEX notifications are therefore not representative of the complete spectrum of safety issues. Other hindering factors include the difficulty to establish risk assessments for certain product categories, the lack of traceability systems or limited testing budgets allowing only to carry testing on basic products (e.g. clothing, certain toys).

The Commission invites national authorities to use the system proactively in line with EU law¹ requirements and to notify in a timely manner the measures they have taken against dangerous products in the RAPEX system, to allow other Member States to follow up and eventually report back. Information shared in this system is indeed an important source of information on dangerous products and thus an efficient complement to national surveillance efforts. In certain countries, sector specific authorities could be more actively using RAPEX so that notifications on certain product categories are more comprehensive. There could be improvements in respecting the time limits for notifications, and product testing could be further extended in the range of products requiring more expensive testing. Finally, online market surveillance, cooperation with customs and stronger involvement and engagement of economic operators seem to be common areas where improvements would be helpful.

¹ Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety.

3. THE PRODUCT SAFETY PLEDGE

In parallel to this assessment, in June 2018 the Commission facilitated the signature by four online marketplaces (AliExpress, Amazon, eBay and Rakuten) of the Product Safety Pledge to improve the prevention and detection of dangerous products sold online. This initiative, which is the first of its kind in the product safety area, establishes voluntary commitments that go beyond the legal obligations of these marketplaces.

The Commission will communicate on first results in June. All the signatories are now actively checking the EU Safety Gate, where RAPEX notifications are posted, and remove the notified dangerous products from their websites when they can identify them. Moreover, all marketplaces set up contact points where authorities can send notifications on dangerous products. Finally, other companies have shown their willingness to join the Pledge.

However, there are some areas where improvement is still needed. Cooperation with market surveillance authorities should be enhanced, for example for the identification of the supply chain of dangerous products.

4. NEXT STEPS

The Commission remains committed to supporting cooperation among Member States and EEA countries in the area of market surveillance to detect dangerous products. The Commission has committed to a significant increase in the budget allocated to Coordinated Activities in this area (€15 million to be financed by the Consumer Programme between 2018 and 2021). Thanks to these actions, products sampled across the EU/EEA are jointly tested and appropriate action is taken when necessary. Knowledge sharing and exchange of best practices are facilitated by an online system.

The Commission has also considerably improved the user-friendliness of the RAPEX system and made alerts available to consumers and business via the online “Safety Gate”.

Other complementary initiatives concern the effectiveness of recalls of dangerous goods targeting end-consumers. A survey on consumer behaviour carried out in 2018 will be followed by specific actions such as targeted awareness campaigns.