



Product Safety - A 21st Century Approach

On behalf of PROSAFE and its Board, I would like to thank EMOTA, the European eCommerce and Omni-Channel Trade Association, for the invitation to speak today at this event.

I welcome the opportunity to address some remarks on this important issue - product safety in the 21st century.

PROSAFE was established by national market surveillance authorities to help promote their interests and help improve the safety of users of products and services in Europe.

Over the past thirteen years, PROSAFE has been actively engaged in coordinating joint market surveillance activities on behalf of the Member States with generous funding from the European Commission. These Joint Actions have targeted a very broad range of consumer products from toys to electrical appliances, from child care articles to power tools and so on.

More recently the national market surveillance authorities have had to rise to the challenges presented by the exponential growth of e-commerce. Within the Joint Actions an effort has been made to sample products online broadly in line with the market share enjoyed by e-commerce for that specific product.

The European Commission have launched two very significant initiatives aimed at addressing some of the issues that the market surveillance authorities have encountered.

The first of these was the publication of the Commission Notice on the market surveillance of products sold online. This has helped clarify the situation with respect of products sold online and provide practical guidance for authorities.

The second initiative has seen the European Commission and four online marketplaces sign a Product Safety Pledge to remove dangerous products. Thanks to a dialogue facilitated by the European Commission, four major online companies have committed to responding to notifications on dangerous products from Member State authorities within 2 working days, and take action on notices from customers within 5 working days.

These are excellent initiatives that are very much appreciated by the national market surveillance authorities. Even though it is only one part of e-commerce, many of the challenges the market surveillance authorities face have to do with the limited responsibilities of the Internet market places, and therefore the authorities have to rely for a large part on their willingness to act voluntarily. Some do, and the authorities usually have good cooperation with most of the marketplaces, but not everyone is on board yet and it's always possible to do better.

As you know, the legal framework of e-commerce only asks for Internet market places to remove promptly illegal contents when these contents are notified to them. But in the view of market surveillance authorities, an Internet market place which really cares about the safety of consumers should do much more:



The main issue is product recall: market surveillance authorities call for an active cooperation from the Internet market places when the vendor of the product is not doing what is necessary to manage the product recall, by contacting the buyers directly with an adequate message convincing them to stop using the dangerous products and offering to reimburse/replace the product. It should be stressed that many consumers who use market places fail to understand that they bought from an independent seller, and they will turn to the internet market place for information and guidance.

Furthermore, since market surveillance authorities have a duty to monitor that product recalls are properly conducted and bringing results, in our opinion the reporting obligations falling upon the vendor should be fulfilled by the internet market place when the vendor fails to meet these obligations.

The second issue I would like to draw to your attention to concerns monitoring the availability online of dangerous/non-compliant products. With modern technology, combined with human supervision as well, one would expect Internet sales platforms to put systems in place capable of detecting at an early stage products placed on their platform which could cause a problem. For example, the use of key words, use of pop-up windows indicating to the vendor that there might be an issue with his proposed listing, warning messages asking the vendor to confirm that his listing meets a specific requirement, systems placing the suspicious proposed listing on hold until it is reviewed by an employee of the platform before it can appear online, etc.

The authorities are also concerned with monitoring the placing on the Internet market places of products references which have already been flagged by the authorities as dangerous/non-compliant. Again, the use of modern tools, combined with human monitoring, may offer a better capacity to avoid such banned products to reappear on the platform under another vendor's name.

We must be aware that technology is expensive and not infallible, and in some cases rogue vendors who really want to outsmart the system will manage to do so. Yet, in our view e-commerce companies who claim to be committed to offer to their clients safe and compliant products should strive to do more in this area.

Lastly, the growth of e-commerce has served to highlight the importance of cross-border cooperation between the Member States' market surveillance authorities and even cooperation with authorities outside Europe. The Joint Actions have provided a useful platform to develop such cooperation. However, the practical experience from the Joint Actions has also demonstrated the need to further strengthen and enhance the market surveillance framework in Europe. We therefore look forward to the adoption of the compliance and enforcement proposal to improve the effectiveness and efficiency of market surveillance in Europe more broadly.

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