



2024/1740

24.6.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/1740

of 21 June 2024

laying down the rules for the application of Regulation (EU) 2023/988 of the European Parliament and of the Council as regards the modalities for consumers and other interested parties to inform the Commission of products that might present a risk to the health and safety of consumers and for the transmission of such information to the national authorities concerned

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC ⁽¹⁾, and in particular Article 34(4) thereof,

Whereas:

- (1) Regulation (EU) 2023/988 provides for the possibility for consumers and other interested parties to inform the Commission of products that might present a risk to the health and safety of consumers through a separate section of the Safety Gate Portal.
- (2) The information mechanism to be specified by the Commission should consist of the modalities for sending the information by consumers, as well as the modalities for the transmission of such information to the national authorities concerned. This mechanism will coexist with mechanisms at national level enabling consumers and other interested parties to submit complaints to the competent authorities, notably on product safety, as set out in Article 33(4) of Regulation (EU) 2023/988. All these mechanisms should facilitate the transmission of information from consumers and other interested parties to authorities and help authorities to identify potential product safety issues.
- (3) The Commission should design the Safety Gate Portal in a way as to avoid or minimise possible misuses or threats to its technical security. Consumers and other interested parties should use this system to identify themselves when sending information to the Commission on products that might present a risk to the health and safety of consumers and when consulting the status of their complaints.
- (4) Consumers and other interested parties may send information to the Commission on products that might present a risk to the health and safety of consumers even if they have not purchased the concerned product but have for example merely used that product without owning it or have been gifted the concerned product. In those scenarios, the consumer or other interested party reporting this information might not be able to provide detailed information about the product or its supply chain.

⁽¹⁾ OJ L 135, 23.5.2023, p. 1, ELI: <http://data.europa.eu/eli/reg/2023/988/oj>.

- (5) The information submitted by consumers and other interested parties via the Safety Gate Portal should be as complete as possible in order to enable the relevant national authorities to follow up effectively on that information. The information provided should allow the identification of the product and, where that information is available to the consumers or other interested parties, its supply chain. This includes in particular the economic operator or the provider of an online marketplace through which they have purchased the product and, where different, the responsible person for the product, under Article 16(1) of Regulation (EU) 2023/988 or Article 4 of Regulation (EU) 2019/1020 of the European Parliament and of the Council⁽²⁾. The identification provided should also include the possible risks to the health and safety of consumers. In order to enable appropriate follow-up to the information sent, the consumer or other interested party should indicate in which Member State they have their residence or the Member State where they are located, if this latter is more convenient for the consumer or other interested party for the purpose of the follow-up, for instance with regards to the language for communication, where applicable.
- (6) To verify the accuracy and relevance of the information sent by consumers and other interested parties about products that might present a risk to the health and safety of consumers, the Commission should design the specific section of the Safety Gate Portal to which the information is submitted in a way that allows for a preliminary filtering. This filtering should ensure that only information related to product safety issues is retained, and not, for example, information linked to the malfunctioning of products, without any safety concern. This filtering should be automated, to ensure that the verification can be done speedily, thereby enabling cases raising safety issues to be sent promptly to the relevant national authorities. This system should enable national authorities to tackle efficiently products that might present a risk to the health and safety of consumers.
- (7) Once this automated filtering has been conducted, the Commission should transmit the information to the relevant Member States, while ensuring that all Member States have access to the information in the system. To ensure the appropriate follow-up by the relevant Member States, the information should be sent to those Member States where the consumer or the other interested party that has submitted this information resides or is located and, where applicable, the Member State where the product was purchased, as well as the Member State where the responsible person for the product, under Article 4 of Regulation (EU) 2019/1020 or Article 16(1) of Regulation (EU) 2023/988 or the relevant provider of an online marketplace is established. The system should be designed in a way that it transmits cases in which a product poses risks to the health and safety of consumers to those Member States, to ensure the appropriate follow up. This way of sending information to the relevant Member States matches the current practice under the Safety Business Gateway system through which businesses inform authorities about product safety issues. The submission of information to the relevant Member States should not prevent other Member States from having access and following up on that information as well.
- (8) The personal data provided by consumers or other interested parties should be processed by the Commission in line with Union law on the protection of personal data. Any processing of personal data under this Regulation is subject to Regulations (EU) 2016/679⁽³⁾ and (EU) 2018/1725⁽⁴⁾ of the European Parliament and of the Council, and Directive 2002/58/EC of the European Parliament and of the Council⁽⁵⁾, as applicable. When consumers report a product on the Safety Gate Portal, only those personal data that are necessary to report the dangerous product should be stored in a proportionate way and for a maximum period of 5 years after being entered.
- (9) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 26 March 2024.

⁽²⁾ 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 (OJ L 169, 25.6.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/1020/oj>).

⁽³⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

⁽⁴⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

⁽⁵⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37, ELI: <http://data.europa.eu/eli/dir/2002/58/oj>).

- (10) This Regulation should apply from the same date as Regulation (EU) 2023/988.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the General Product Safety Regulation Committee established under Article 46(1) of Regulation (EU) 2023/988,

HAS ADOPTED THIS REGULATION:

Article 1

Information to be submitted by consumers and other interested parties

1. The Commission shall design the Safety Gate Portal to allow consumers and other interested parties to inform the Commission of products that might present a risk to the health and safety of consumers and to provide the following information:

- (a) elements identifying the product that might be presenting a risk to the health and safety of consumers;
- (b) any available data on the supply chain of the product concerned, in particular the economic operator or the provider of an online marketplace through which they have purchased the product and the country of establishment of this economic operator or provider of an online marketplace, and the responsible person for the product, under Article 4 of Regulation (EU) 2019/1020 or Article 16(1) of Regulation (EU) 2023/988, where applicable;
- (c) elements supporting the suspected risk to the health and safety of consumers posed by the product, including where relevant the description and the circumstances of the accident and the description of injuries or other harm that have occurred;
- (d) their Member State of residence or the Member State in which they are located;
- (e) their name and contact details;
- (f) any information on direct contacts the consumer or other interested party had with the relevant economic operator or provider of an online marketplace.

2. The Commission shall design the Safety Gate Portal in a way that avoids or minimises a possible misuse or threats to its technical security.

Article 2

Verification of accuracy and relevance of the submitted information

The Commission shall design a dedicated section of the Safety Gate Portal in such a way as to ensure that, following the receipt of the information submitted pursuant to Article 1(1) via the Safety Gate Portal, that information is filtered by the Portal in an automated manner to verify whether the information provided by the consumer or other interested party concerns a product safety issue.

Article 3

Transmission of the information by the Commission to the relevant Member State or Member States

1. If it appears from the verification conducted pursuant to Article 2 that the information provided by the consumer or other interested party concerns a product safety issue, the Commission shall without undue delay transmit that information to the following Member State or Member States:

- (a) where the consumer or the other interested party that has submitted this information resides or is located, as applicable;
- (b) where the product was purchased, where applicable;
- (c) where the responsible person for the product, under Article 4 of Regulation (EU) 2019/1020 or Article 16(1) of Regulation (EU) 2023/988 or where the relevant provider of an online marketplace is established, where applicable.

2. The Commission shall inform the consumer or other interested party of its action and, where applicable, of the Member State or Member States to which it transmitted the information referred to in paragraph 1.

3. The Commission shall design the Safety Gate Portal to ensure that all other Member States have access to the information submitted by the consumer or interested party at the moment the information is transmitted to the relevant Member State or Member States in accordance with paragraph 1.

Article 4

Data retention

The personal data provided by the consumer and other interested party shall be stored in the Safety Gate Portal and in the national systems only as long as necessary for ensuring an appropriate follow-up of the cases. In any event, such data shall be stored for a maximum of 5 years after being entered.

Article 5

Entry into force and date of application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 13 December 2024.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 June 2024.

For the Commission
The President
Ursula VON DER LEYEN
