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## Remarks of the Polish Confederation Lewiatan on the review of the General Product Safety Directive

The Polish Confederation Lewiatan welcomes the European Commission's revision of the General Product Safety Directive the result of which was the General Product Safety Regulation (*hereinafter „GPSR”*) draft. We perceive this document as an important element to complete modernisation of the EU product safety legal framework.

### Consistency

We would like to underline the importance of ensuring consistency with both existing policy provisions, especially those established by Regulation (EU) 2019/1020 on market surveillance as well as with the proposals currently in the legislative pipeline, in particular the Digital Services Act (DSA).

In our opinion, the GPSR is the right legislative instrument to address product safety issues and put the obligations online marketplaces should comply with to ensure adequate consumer protection.

It is crucial for the DSA and the GPSR to build upon the general principles of the existing e-commerce directive, namely the liability exemption and general monitoring obligation prohibition for hosting service providers, including online marketplaces.

We would like to stress that the liability exemption remains an essential element for the functioning and development of online intermediaries - including online marketplaces, and it shall therefore not be undermined.

### Balanced approach

We support the European Commission's balanced approach to the distribution of obligations between relevant economic operators and other actors in the GPSR proposal.

The Polish Confederation Lewiatan appreciates that the proposal assigns manufacturers, distributors and importers leading roles in ensuring product safety and acknowledges platforms' and fulfilment centres' auxiliary positions. It is important that obligations are proportionate to the level of engagement and capacities of a given actor in the supply and distribution process.



## Marketplaces' obligations

We appreciate that the online marketplaces' obligations proposed in the GPSR are largely based on the Product Safety Pledge commitments. We believe this demonstrates how this initiative's positive experience can serve as a standard setter for future regulation.

## Safety Gate

We would like to encourage the Commission to improve the Safety Gate system in order to add necessary precision to the product safety notifications. Only with accurate data can we efficiently address notices related to product safety issues and dangerous products.

## Enforcement

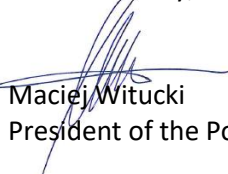
We believe it is important to ensure equal modernised enforcement mechanisms both for online and offline commerce.

## Need for further clarifications in the GPSR

We would like to receive more clarifications concerning the obligation for online marketplaces to provide access to interfaces and share data with market surveillance authorities (art. 20). In our view, this lacks a clear rationale for why such far-reaching access is necessary and how this is connected with the GDPR principles. We advocate in favour of a case by case assessment;

According to the proposal (art. 20) marketplaces should provide an appropriate answer to reports of unsafe or dangerous products within 5 working days. It is unclear to us what is exactly meant by providing an appropriate answer.

Yours faithfully,



Maciej Witucki  
President of the Polish Confederation Lewiatan

