



2024/2958

2.12.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/2958

of 29 November 2024

**determining the output indicators relevant for Regulation (EU) 2023/988 of the European Parliament
and of the Council on general product safety**

(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 24(2) thereof,

Whereas:

- (1) To ensure a high level of consumer protection across the European Union, and to carry out their obligations under Regulation (EU) 2023/988 efficiently, Member States should, as noted in Recital 65 of that Regulation, commit sufficient resources, including budget and staff, to market surveillance activities. With sufficient resources, market surveillance authorities are able to conduct thorough investigations, identify dangerous products, cooperate via the Safety Gate Rapid Alert System under Articles 25 and 26 of Regulation (EU) 2023/988, and respond promptly to emerging risks in the market. Moreover, by upholding a uniform level of product safety, a high level of market surveillance ensures fair competition among businesses. It is therefore essential that Member States report, including where relevant in an estimated manner, on the resources allocated to implement Regulation (EU) 2023/988 or to market surveillance activities generally, where it is challenging to differentiate between surveillance activities under Regulation (EU) 2023/988 and other market surveillance activities.
- (2) Regulation (EU) 2023/988 provides Member States with a variety of means to ensure that products available on the EU market are safe. These include a range of powers to tackle market surveillance challenges, and in particular online and distance sales, together with coordination activities with other Member States and the Commission. It is therefore important to measure the degree to which Regulation (EU) 2023/988 is implemented and applied to its full potential.
- (3) Member States should communicate data in line with the indicators that measure the results of their checks of compliance with Regulation (EU) 2023/988. This reporting should concern both the number and types of products or product groups tested and identified as dangerous. It should also concern any other market surveillance activities, including those relating to economic operators and providers of online marketplaces; essential product safety and traceability information displayed on products, such as the details of the responsible persons; and relevant documentation. This reporting should include indications of safety issues from consumers and other interested parties, communication and cooperation with economic operators and measures imposed for breaches of the Regulation.
- (4) To facilitate the communication of data pursuant to the output indicators established in this Regulation, the Commission services will develop together with the Consumer Safety Network a standardised template allowing to communicate the necessary information in a standardised manner or to indicate the source via which the Commission could access and process the information directly in an electronic format.

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

- (5) Where appropriate, Member States should be able to provide the data in an aggregated and/or indicative manner.
- (6) The output indicators under this Implementing Regulation should not create unnecessary burden for Member States, including potential double reporting obligations.
- (7) Reporting obligation under this Implementing Regulation should not duplicate their obligation under Regulation (EU) 2019/1020 of the European Parliament and of the Council ⁽²⁾ and notably information to be communicated to the information and communication system for market surveillance (ICSMS) referred to in Article 34 thereof or their obligation to notify measures to the Safety Gate Rapid Alert System under Article 26(1) and (7) of Regulation (EU) 2023/988.
- (8) Therefore, for reporting purposes under Article 24 of Regulation (EU) 2023/988 Member States may indicate that the information relevant for a specific indicator has already been communicated to the Commission via any other means or is already available to the Commission.
- (9) Where relevant, Member States should be encouraged to report on other aspects of the implementation of Regulation (EU) 2023/988, even if these are not directly covered by one of the indicators listed in the Annex of this Regulation.
- (10) Based on the data supplied by the Member States, along with other information available to it, the Commission should draw up a summary report each year and make this available to the public.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the General Product Safety Regulation Committee set up in line with Article 46(1) of Regulation (EU) 2023/988,

HAS ADOPTED THIS REGULATION:

Article 1

Output indicators

This Regulation establishes the output indicators on the basis of which Member States shall communicate data referred to in Article 24(1) of Regulation (EU) 2023/988 to the Commission.

The list of output indicators is set out in the Annex.

Article 2

Reporting

Member States shall communicate the data mentioned in Article 1 in a consolidated manner concerning all their market surveillance authorities designated under Regulation (EU) 2023/988 by 22 December 2026 and every year thereafter.

⁽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>).

Article 3

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

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

Done at Brussels, 29 November 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Output indicators referred to in Article 1 of this Regulation

- (1) Resources allocated to market surveillance authorities (staff and budget, potentially expressed via aggregated and/or indicative figures covering all market surveillance activities of a Member State);
- (2) Number of consumer or other interested party complaints received by the market surveillance authorities under Article 33(4) (excluding information sent under Article 34(3) of Regulation (EU) 2023/988);
- (3) Number and type of checks of compliance with Regulation (EU) 2023/988 (products or product groups checked, modalities and types of checks);
- (4) Number of completed requests for mutual assistance by the market surveillance authorities divided into requests for information and requests for enforcement measures;
- (5) Number and type of corrective actions or measures taken by national authorities or by economic operators (where required by national authorities or when they are aware otherwise) to ensure product safety (excluding measures notified under Article 26 of Regulation (EU) 2023/988 to the Safety Gate Rapid Alert System);
- (6) Number and value of penalties imposed per type of infringement, including cases where economic operators or providers of online marketplaces did not reply to a request under Article 15 or 22 of Regulation (EU) 2023/988 within the deadline set by the market surveillance authority.

Member States shall ensure that when they communicate the data referred to in this Annex, this concerns all their market surveillance authorities designated under Regulation (EU) 2023/988.
