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EU Regulations on E-commerce 欧盟关于电子商务的法规要求

SPEAC & GACC STRRC Joint Training 18 July 2024

SPEAC与海关总署标法中心2024年7月18日线上培训

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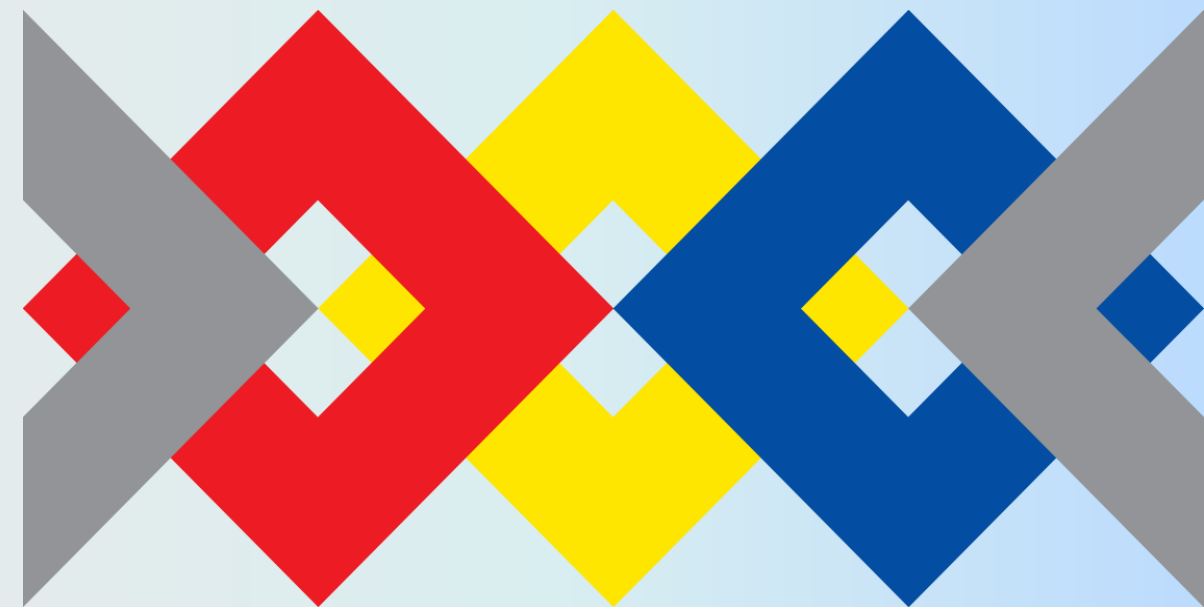


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- E-commerce in the EU, background information
欧盟电子商务背景介绍
- Product safety and consumer protection legislation
产品安全和消费者保护方面的法律法规
- How can a merchant adhere to the rules
经销商如何符合规定

E-commerce in the EU, background information 欧盟电子商务背景介绍



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Introduction to product safety in the EU 欧盟产品安全介绍

Product safety and consumer protection are important
产品安全和消费者保护至关重要

All actors in the supply chain are responsible for the
safety of the product

供应链中的所有参与方都对产品的安全负责

No EU-wide body that approves products prior to selling
them

欧盟范围内没有机构会在产品售卖之前批准该产品

EU Member States check that all actors meet their
responsibility

欧盟各成员国确保所有参与方各负其责

This also applies to products sold online 上述内容同样
适用于线上销售的产品





The EU's market surveillance system 欧盟市场监管体系

- Market surveillance is undertaken by EU's Member States
由欧盟各成员国负责市场监管
- Products are sampled and tested
对产品进行抽样和检验
- Main tasks: 主要职责:
 - monitor the market; 监管市场;
 - check that marking and documentation requirements are respected
检查是否符合标识和文档方面的要求
 - check that products comply with EU requirements
检查产品是否符合欧盟要求
 - check that businesses follow up on complaints and monitor accidents
核查商事主体是否跟进投诉并监控事故





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The Product Safety Pledge 产品安全承诺

- facilitated by the European Commission
由欧盟委员会推动
- objective to increase the safety of products sold online
by third-party sellers via online marketplaces.
旨在提高第三方卖家通过电子商务平台销售的产品安全性。

Online marketplaces commit to regularly checking the EU Safety Gate portal and to remove dangerous product listings from their websites when identified.

电商承诺定期查看欧盟“安全门”官方网站，并在发现危险产品后将其从网站上下架。





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The Product Safety Pledge 产品安全承诺

Commitment of signatories: 签署者承诺:

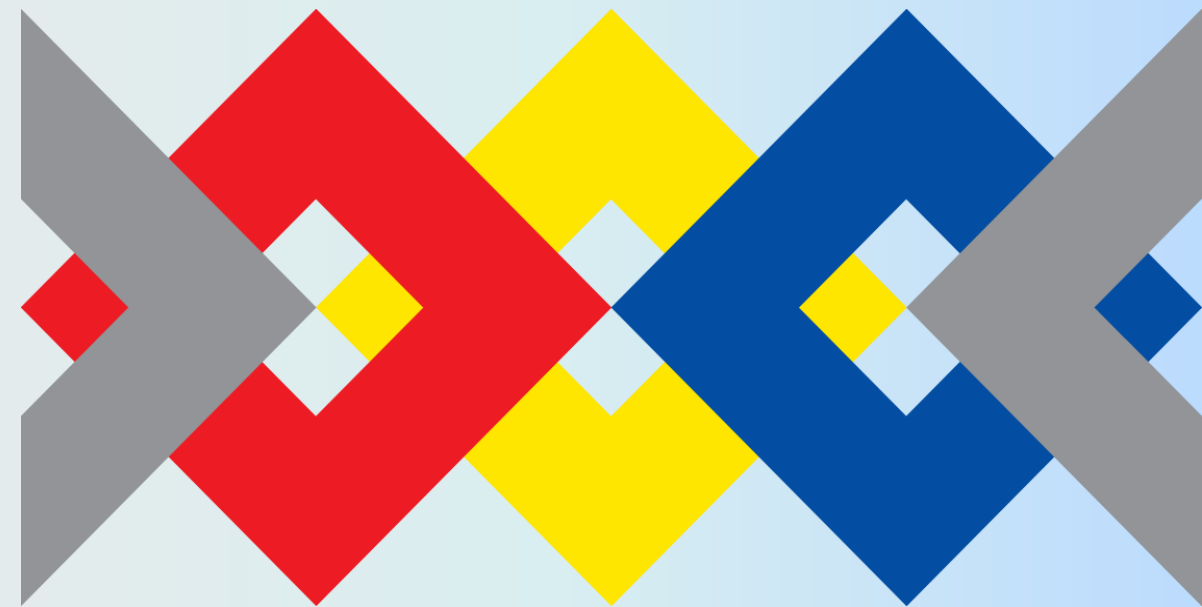
- To remove the product listing;不再展示产品;
- To educate and provide further information to sellers;
教导卖家并向其提供更多信息;
- To take appropriate sanctions against the seller depending on its violation history;
根据卖家的违约记录对其给予适当的处罚;
- To request sellers to contact customers and recall the product;
要求卖家联系消费者并召回产品;
- To warn sellers about notifications of dangerous products;
就有关危险产品的通报通知卖家;
- To inform the reporting authority of their actions;
向通报机构上报其处理措施;
- To take actions to act against offenders.对违规者采取行动。



More details 更多详情=> https://ec.europa.eu/info/business-economy-euro/product-safety-and-requirements/product-safety/product-safety-pledge_en

Product safety and consumer protection legislation

产品安全和消费者保护的法律法规



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Product safety and consumer protection legislation 产品安全和消费者保护的法律法规

The European E-commerce Directive 欧洲《电子商务指令》

(=> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0031>)

The General Product Safety Regulation 《通用产品安全法规》

(=> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023R0988>)

The Market Surveillance Regulation 《市场监管法规》

(=> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1020>)

The Consumer Protection Directive 《消费者保护指令》

(=> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0083>)



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Required to have a responsible economic operator established in the EU 要求在欧盟设立可承担责任的运营者

Products can only be sold on the EU market if there is a responsible economic operator established in the EU

只有在欧盟设立了可承担责任的运营者的情况下，产品才能在欧盟市场上销售

Can be:可以是：

- Manufacturer established in the EU 设立在欧盟的制造商
- An importer 进口商
- An authorised representative 授权代表
- A fulfilment service provider 产品履行服务提供商





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Useful links 实用链接

SPEAC Knowledge video, "Do I need someone in the EU to represent my business?"

SPEAC知识大讲堂视频, "我的企业必须有个欧盟代表吗?"

=> <https://speac-project.eu/freetrainingservices/do-i-need-someone-in-the-eu-to-represent-my-business/>

European Commission guideline 欧盟委员会指南

=> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021XC0323%2801%29>

SPEAC KNOWLEDGE | SPEAC知识大讲堂

▶ **我的企业必须有个欧盟代表吗?**

Do I Need Someone in the EU to Represent My Business?

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Mandatory to identify the responsible economic operator on the product **必须在产品上标明可承担责任的经济运营商**

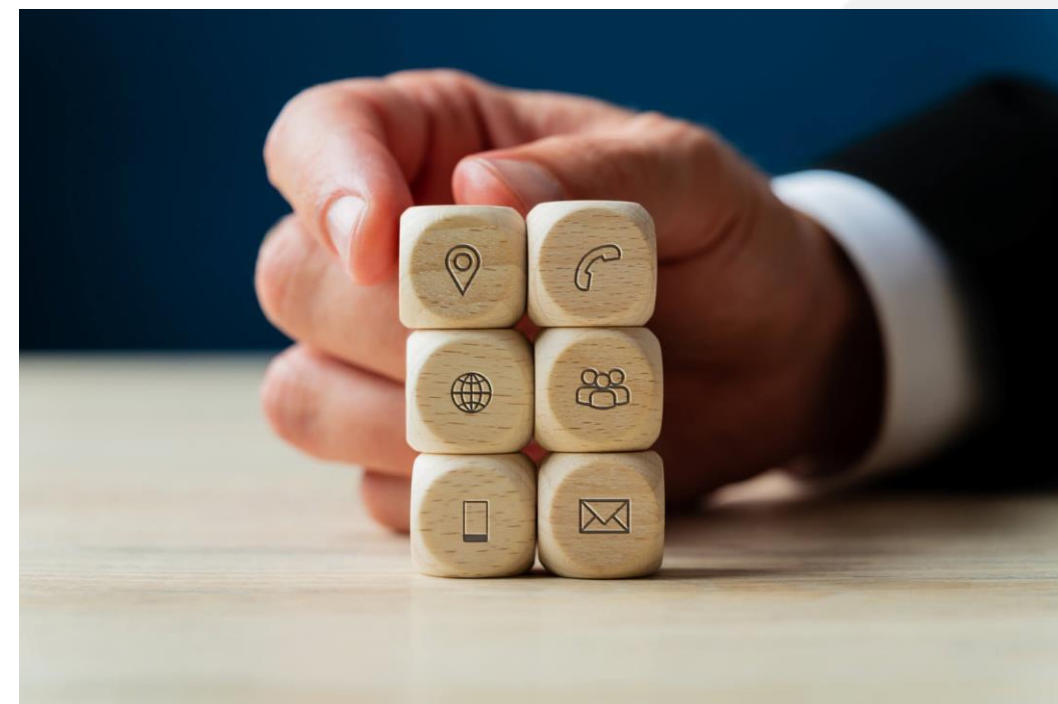
The contact details of the responsible economic operator must be indicated on the product

产品上必须标明可承担责任的经济运营商的联系方式

Name, trademark, postal address

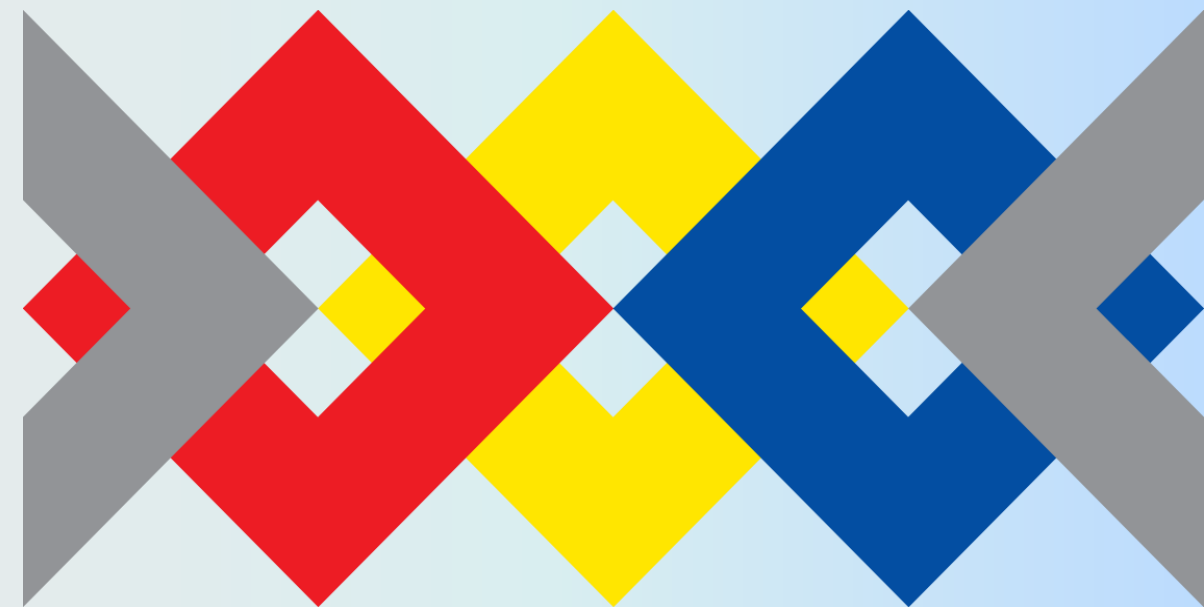
(Email address or website is not sufficient)

名称、商标、通讯地址（仅提供电子邮件地址或网站还不够）



Practical tips and tricks for merchants

适用于经销商的实用技巧和窍门



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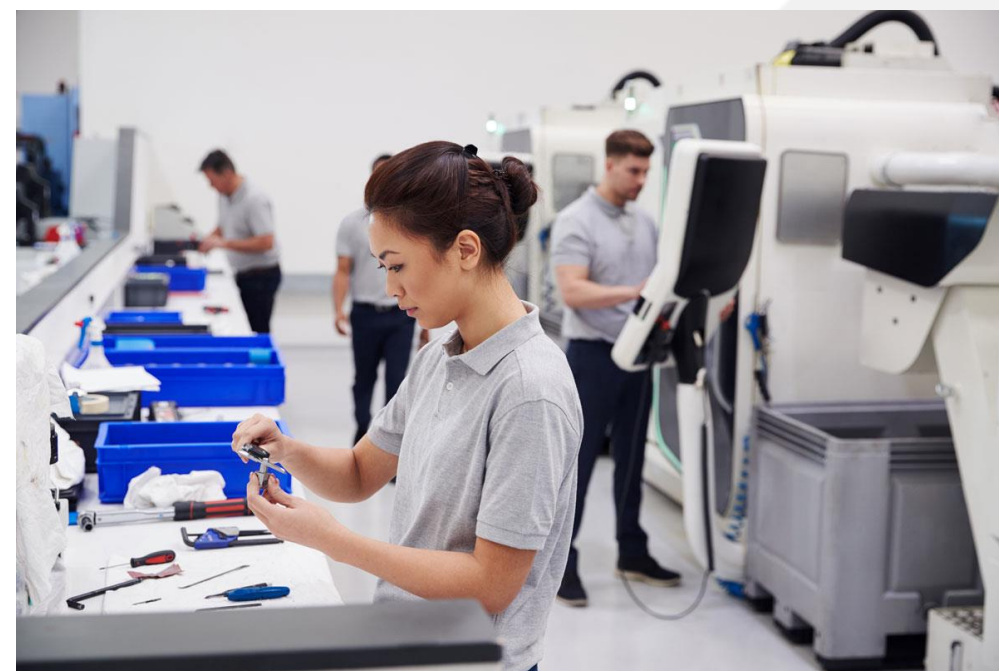


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Practical checks and tips for merchants – overview 适用于经销商的实用技巧和窍门一览

- Selecting a supplier 挑选供应商
- Checking the EU Declaration of Conformity
核查欧盟《符合性声明》
- Checking the technical documentation
核查技术文档
- Checking test reports and test certificates
核查测试报告和认证证书
- Checking the CE mark
核查CE标志
- Checking labelling warnings and instructions
核查警告标识和使用说明
- “Desk top testing” of products 产品的 “桌面测试”





Product to be CE-marked or not 需要贴CE标志的产品

Examples 示例

CE /应加贴CE标志

- Electrical products 电子电器产品
- Toys 玩具
- Personal protective equipment
个体防护装备

Not CE /不应加贴CE标志

- Textiles and footwear 纺织品和鞋类
- Children's articles 婴童用品
- Furniture 家具

It is illegal to put CE-marks on products that shouldn't carry them.
在不应该加贴CE标志的产品上贴CE标志是违法的。

SPEAC Video on CE marking SPEAC关于CE标志的视频=>
<https://speac-project.eu/freetrainingservices/product-safety-and-ce-marking/>





CE-marking – tricky cases CE标志——复杂情形

CE /应加贴CE标志

- A pushchair for a doll must be CE marked because it is a toy.
给娃娃玩具使用的推车必须贴CE标志，因为它是玩具。

Not CE /不应加贴CE标志

- A pushchair for a small child must not be CE marked, because it is a juvenile product.
适用于婴幼儿的推车不应贴CE标志，因为它属于婴童用品

SPEAC website has plenty of guidance

SPEAC网站上有大量相关指南

=> <https://speac-project.eu/>



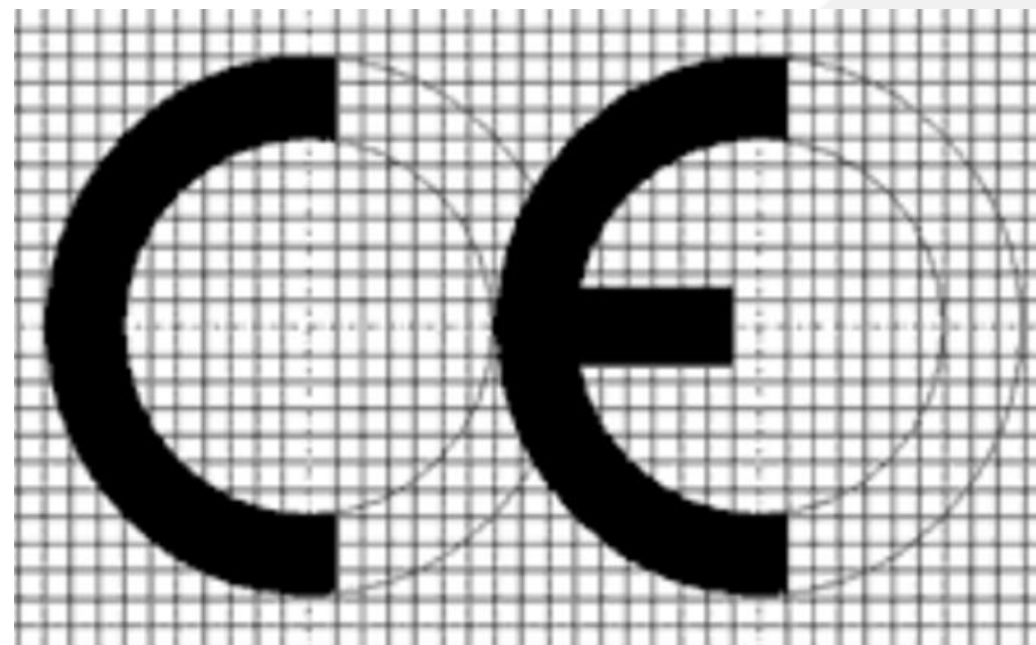


Selecting a supplier 挑选供应商

Characteristics of a good supplier:

优秀供应商应有的特质:

- experience with exporting to the EU;
有出口到欧盟的经验;
- knows about CE marking; 了解CE标志;
- is familiar with the EU directives and regulations;
熟知欧盟的指令和法规;
- possesses relevant European standards;
拥有相关欧洲标准;
- runs a production control system that handles design changes and helps control deliveries from the suppliers
有生产控制系统, 可处理设计变更并帮助控制供应商的交货情况





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Declaration of Conformity 符合性声明

EU DECLARATION OF CONFORMITY 欧盟符合性声明

Identification of manufacturer/制造商信息:

Name/厂名
Address/地址

Identification of product/产品标识号:

Product type/产品品类

This declaration of conformity is issued under the sole responsibility of the manufacturer./本声明由制造商全权负责发布。

The object of the declaration/声明对象:

Product (model name, type number-photo if feasible)/产品(型号、品类-如果可以请提供图片)

The object of the declaration described above is in conformity with the relevant Union harmonization legislation/上述声明对象符合的相关欧盟协调法规:

Reference/参考号	Title/名称

References to the relevant harmonized standards used or references to the other technical specifications in relation to which conformity is declared/参考文件（相关的协调标准或符合性声明相关的技术规范）:

Reference/参考号	Title/名称

Signed for and on behalf of MANUFACTURER/制造商代表签字

City/城市
Name of person/姓名: Person's title/职务:



The EU Declaration of conformity – common errors 欧盟《符合性声明》——常见错误

- Not written as explained in legislation.
未按立法解释编写。
- “Certificate of conformity” issued by a test laboratory.
是检测机构出具的“合格证”。
- Declaration not signed or dated.
《声明》未签字或未注明日期。
- Outdated versions of standards or directives.
参考的是过期的标准或指令。
- Missing important standards or directives.
缺失重要的标准或指令。
- The document doesn't exist.
没有这份文件。



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The technical file 技术文件



TOYS 玩具

The technical file for toys and what it needs to contain 玩具的技术文件及其内容

=> <https://speac-project.eu/freetrainingservices/the-technical-file-for-toys-and-what-it-needs-to-contain/>



The technical file and confidentiality 技术文件及其保密性

- Technical file contains commercially sensitive information
技术文件包含商业敏感信息
- Only market surveillance authorities have the right to see it
只有市场监管机构有权查看该文件
- EU importer must verify that it exists and deliver it on request
欧盟进口商应确定其存在并按要求提交

Tips:提示:

- Send table of contents to importer
给进口商发送文件目录
- Oblige manufacturer to help if EU market surveillance authority asks questions
如果欧盟市场监管机构提出任何问题，制造商有义务提供协助





The technical file – common errors 技术文件——常见错误

- File doesn't exist
文件不存在
- Documents are missing
文件丢失
- Impossible to find what you are looking for.
无法找到您需要的内容。





The technical file – what to do 技术文件——如何准备

Ask the manufacturer to prepare a very clear and well-structured table of contents that lists all the documents in the technical documentation.
要求制造商编制一份内容清晰、结构明了的目录，列出技术文档中的所有文件。

- easier to find documents 便于查找相关文档
- easier to answer questions from a European market surveillance authority
更容易回答欧洲市场监管机构提出的问题
- easier to discover omissions 更容易发现纰漏之处
- conveys the impression of a manufacturer in control
给人一种制造商了解全部情况的印象





Test reports and certificates 检测报告和证书

- Issued by an accredited test house? (CNAS)
是否由 (CNAS) 认可的机构出具?
- Outdated test reports or certificates?
检测报告或证书是否过期?
- Outdated versions of standards or directives?
标准或者指令的版本是否已被废止?
- Correct version of product?
产品版本是否正确?
- Product has changed since test?
测试后产品是否有变更?





Marking 标识

- Name and address of manufacturer plus importer or EU representative - full contact details.
制造商及进口商或欧盟授权代表的名称和地址——详细的联系方式。
- Product name, model name or type number plus serial number, batch number or another timestamp.
产品名称、型号名称或型号，以及序列号、批次号或其他时间戳。
- More requirements for most products. Check the applicable legislation and standards.
对大多数产品来说还有更多要求。查看适用的法律法规和标准。
- Marking must be permanent.
采用耐久性标签。
- Correct language.
使用正确的语言。





Desktop testing – toys and childcare articles “桌面测试”——玩具和儿童护理用品

- No small detachable parts.
不应有可分离的小零件。
- No splinters on wooden products.
木制产品上不应有毛刺。
- No sharp edges.
不应有锐利边缘。
- No protruding parts.
不应有突出部件。
- Long cords or drawstrings
长的绳索或拉带





Desktop testing – electrical toys “桌面测试”——电子玩具

- Accessible button cell batteries?
纽扣电池是否可触及?

Check the EU Safety Gate for notifications
查看欧盟“安全门”的通报





Contact SPEAC 联系SPEAC

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联系邮箱: contact@speac-project.eu



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WeChat account
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