



Subject: Children’s rights in the General Product Safety Regulation (GPSR)

09 May 2022

Dear Members of the European Parliament and Council of Ministers of the EU,

The EU’s General Product Safety Directive has set a global standard that is critical to the trust and safety of all consumers and not least the most vulnerable such as children.

We – representing more than 2000 children’s rights organisations as well as parents’ and mental health stakeholder associations, and speaking on behalf of some 200 million children, parents and mental health professionals in the EU – urge you to maintain this high standard and ensure EU product safety law fully respects children’s rights, by providing them with a high level of protection across all the products that they use, including apps and standalone software.

A large proportion of consumer products are now either partially or fully digital, from connected devices to apps and software. Many of these products are not intended primarily for children but are widely used by them. There is extensive evidence of the risks a wide range of digital products pose to the health and safety of children.¹ Currently, few of these products undergo risk assessments regarding their potential impact on children’s health and safety. Due diligence requirements in the Digital Services Act and upcoming Artificial Intelligence (AI) Act will affect only a minority of digital products. Those falling through the gaps should be covered by the GPSR, which should ensure all digital products meet the highest standards of safety by design and default, with special consideration of risks to children’s physical and mental health and safety.

We call on the co-regulators to ensure the GPSR implements children’s rights as set out in EU and International law, notably the UN Convention on the Rights of the Child and General comment No. 25 as regards the digital environment². The GPSR should:

- Maintain the current precautionary approach and ensure all products put on the EU market meet the highest available standards of safety, by design and default.
- Act as a full safety net by including in scope all digital products, and explicitly mentioning the inclusion of apps and standalone software, and including App stores as “online marketplaces”, “economic operators” and in some cases “importers”;
- Assess the safety of products with specific consideration to the following criteria:
 - o Whether they are likely to be accessed by or impact on children³ (defined as all under 18s) as consumers or end users;

¹ See for example 5Rights Foundation, See for example 5Rights’ reports [Disrupted Childhood; Pathways: How digital design puts children at risk](#) (2021) or the interactive microsite [riskyby.design](#).

² [UNCRC General comment No. 25 on children’s rights in relation to the digital environment \(2021\)](#)

³ For product to be “likely to be accessed by or impact on children”, the possibility of this happening needs to be more probable than not. Whether a digital or connected product is “likely to be accessed by children” will depend upon whether the content and design of the system is likely to appeal to children, and any measures in place to restrict or discourage their access to the service. Importantly, it does not entail a requirement of age assurance or monitoring of users. See: <https://ico.org.uk/for-organisations/guide-to-data-protection/ico-codes-of-practice/age-appropriate-design-a-code-of-practice-for-online-services/services-covered-by-this-code/#code4> Alternative language is that of the OECD Recommendation on Children in the Digital Environment and Guidelines for Digital Service Providers, which applies to services “where it is reasonably foreseeable they will be accessed or used by children”.

- Risks to children, including mental health risks;
- Security, data protection and privacy risks of digital and connected products.
- Require manufacturers of products likely to be accessed by or impact children to conduct child risk assessments based on the 4Cs framework⁴ and ensure their products meet the highest available standards of safety, security and privacy by design and default, with particular attention to the best interests of children.⁵ The age-appropriateness of products should be reflected in product labelling, which should be consistent between manufacturers and economic operators such as app stores.

We caution strongly against any weakening of the precautionary principle or move towards a risk-based approach to product safety which will expose all consumers to higher levels of risk, but harm in particular children. Especially with regards to digital and connected products it is extremely difficult to predict new technological developments as well as the uses made of new technology and their impacts. Already in the draft AI Act, the absence of ex-ante risk assessments to determine which AI systems are high-risk for children is a critical weakness that will leave children exposed to a wide range of systems that negatively impact on their rights, health and safety.

Children are the target market for many consumer products and are often early adopters of new products and technologies. For too long they have been the guineapigs who have paid with their physical and mental health and safety the price of an unregulated digital environment, upon which they are increasingly dependent. European citizens and children around the world are looking to the EU to remedy this and lay the groundwork for a renewal of trust in the European marketplace, so we can build a safe and secure digital world in which our children can thrive.

Sincerely yours,



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⁴ The EU-funded CO:RE project classification of online risk covers content, contact, conduct and contract risks. Livingstone, S., & Stoilova, M. (2021). The 4Cs: Classifying Online Risk to Children. (CO:RE Short Report Series on Key Topics). Hamburg: Leibniz-Institut für Medienforschung | Hans-Bredow-Institut (HBI); CO:RE -Children Online: Research and Evidence. <https://core-evidence.eu/posts/4-cs-of-online-risk>

⁵ IEEE Standard P2089 sets out how manufacturers of digital products can ensure their design is age-appropriate [IEEE 2089-2021 Standard for Age Appropriate Digital Service Framework](https://www.ieee.org/standards/publications/2021/01/ieee-2089-2021-standard-for-age-appropriate-digital-service-framework)