

# Public consultation on the safety of apps and other non-embedded software not covered by sector-specific legislation\*

\* such as medical devices or radio equipment

Fields marked with \* are mandatory.

## 1 Introduction

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This consultation concerns software and applications (apps) which are neither embedded, nor contained in a tangible medium at the time of their placement in the market, their supply to consumers or when they are otherwise made available to consumers (non-embedded software). Examples include health and well-being apps that can be used on a mobile device, digital models for 3D printing or apps controlling other devices (such as electronic appliances).

The purpose of the consultation is to gather input from various stakeholder groups, in particular consumers, businesses and authorities, on their experience related to the safety of apps and other non-embedded software. The questions aim at obtaining a better understanding of the possible risks and problems that non-embedded software may pose and how these problems could be dealt with. The views gathered will help to define potential next steps and future policies at the EU level including, if appropriate, possible revisions of existing horizontal and/or sector-specific EU legislation.

If apps are giving access to a service, this consultation addresses only the safety aspects in the functioning of the app, and not the underlying service itself (e.g. transport or accommodation). For the purpose of this consultation, only apps and non-embedded software that are downloadable on a device such as a personal computer, tablet or smartphone or accessible on a remote location (cloud) would be covered.

For the purpose of this consultation "safety" and "safe use" should be understood as freedom from unacceptable danger, risk or harm, including security-vulnerabilities ("cyber-security") and cover physical, economic as well as non-material damage.

This consultation will only look into the safety of apps and other non-embedded software which is not already addressed and foreseen by sector-specific legislation such as the [Medical Devices Directives](#), the [Machinery Directive](#) or the [Radio Equipment Directive](#) which include provisions on safety ensuring that equipment within their scope, if compliant, is safe.

## 2 General information on respondents

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Your feedback will be published on the Commission's website unless this would damage your legitimate interests. Do you agree to publication?

- Yes – under the name supplied I consent to publication of all the information in my feedback, and I declare that none of it is subject to copyright restrictions that would prevent publication.
- Yes – anonymously, I consent to publication of all the information in my feedback except my name/the name of my organisation, and I declare that none of it is subject to copyright restrictions that would prevent publication.
- No - my feedback cannot be published, though I consent to its being used internally by the Commission.

\*

I'm responding as:

- An individual in my personal capacity.
- The representative of an organisation/business.
- The representative of a public authority/international organisation/academia.

For representatives of an organisation/business please select the applicable option:

- Manufacturer of the device the software runs on or controls
- App or software manufacturer/developer
- Distributor/intermediary (e.g. app store)
- Industry association
- Trade union
- Consumer organisation
- Other

Please specify:

Please select the correct option:

- National market surveillance authority or customs authority of an EU / EEA Member State
- Other regulatory authority
- Other public body

\*

What is your nationality?

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Italy
- Ireland
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

\*Please write the name of the country you come from:

\*

Is your organisation registered in the Transparency Register of the European Commission and the European Parliament?

Please register your organisation in the [Transparency Register of the European Commission and European Parliament](#) before completing this public consultation.

- Yes
- No

Please register in the [Transparency Register](#) before answering this questionnaire. If your organisation responds without being registered, its input will be considered as that of an individual and will be published separately.

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Please indicate your organisation's registration number in the Transparency Register.

\*

My institution/organisation/business has its main establishment:

- All EU Member States
- Austria
- Belgium
- Bulgaria
- Czech Republic
- Croatia
- Cyprus
- Denmark
- Estonia
- France
- Finland
- Germany
- Greece
- Hungary
- Italy
- Ireland
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Spain
- Slovenia
- Slovakia
- Sweden
- United Kingdom
- Other

\*Please specify:

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Please indicate the name of your institution/organisation/business:

Please indicate your address and contact details:

\*First name:

\*Last name:

\*E-mail address:

Address:

More information:

### 3 Consultation:

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3.1 For individuals or representatives of a public authority / organisation / business.

In your view:

\*1. What type of apps or other non-embedded software pose safety risks? Please give examples.

*10 character(s) minimum*

\*2. What risks can apps or other non-embedded software pose?

- Economic damage
- Physical damage to individuals
- Physical damage to property
- Non-material damage (pain and suffering)
- Other

\*Please explain:

*10 character(s) minimum*

Please give your opinion on the following options:

	No risk	Low risk	High risk	Very high risk
*Economic damage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Physical damage to individuals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Physical damage to property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Non-material damage (pain and suffering)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain:

*10 character(s) minimum*

\*3. In which sectors are apps or non-embedded software most affected by safety problems?

- Agriculture
- Electronic Communications / Telecommunications
- Health
- Home automation/ Domotics
- Energy
- Financial
- Transport
- Other

Please specify:

*10 character(s) minimum*

### 3.2 For representatives of a public authority / organisation / business.

In your view:



\*4. In your professional experience have you already identified unsafe apps or other non-embedded software or have consumers approached you because they encountered problems with unsafe apps or other non-embedded software?

- Yes
- No

Please specify:

*10 character(s) minimum*

4.1 If yes: What did you do to solve these problems?

*10 character(s) minimum*

\*5. Are existing EU or national safety rules and market surveillance mechanisms sufficient to monitor and withdraw, where necessary, unsafe apps or non-embedded software from the market?

- Yes
- No

\*Please explain:

*10 character(s) minimum*

\*6. Have you been held accountable for damage caused to consumers because of unsafe apps or other non-embedded software?

- Yes, as manufacturer of the device the software runs on or controls
- Yes, as an app or software manufacturer/developer
- Yes, as an intermediary/distributor (e.g. app store)
- Yes, other
- No

6.1 If yes: What did you do?

*10 character(s) minimum*

\*7. Do you think that existing horizontal and sector-specific EU legislation (e.g. General Product Safety Directive, Market Surveillance Regulation, Medical Device Directive, Radio Equipment Directive) taken together sufficiently cover the safety of all types of apps or other non-embedded software available on the market?

- Yes
- No

Please explain:

*10 character(s) minimum*

\*8. Have you considered opening up an Application Programming Interface (API) of a device you manufactured or a service you provide to app and software developers to link their app to your device/service and use its functionalities? If so, have you taken into consideration safety aspects?

- Yes
- No
- Not applicable

\*Please provide details:

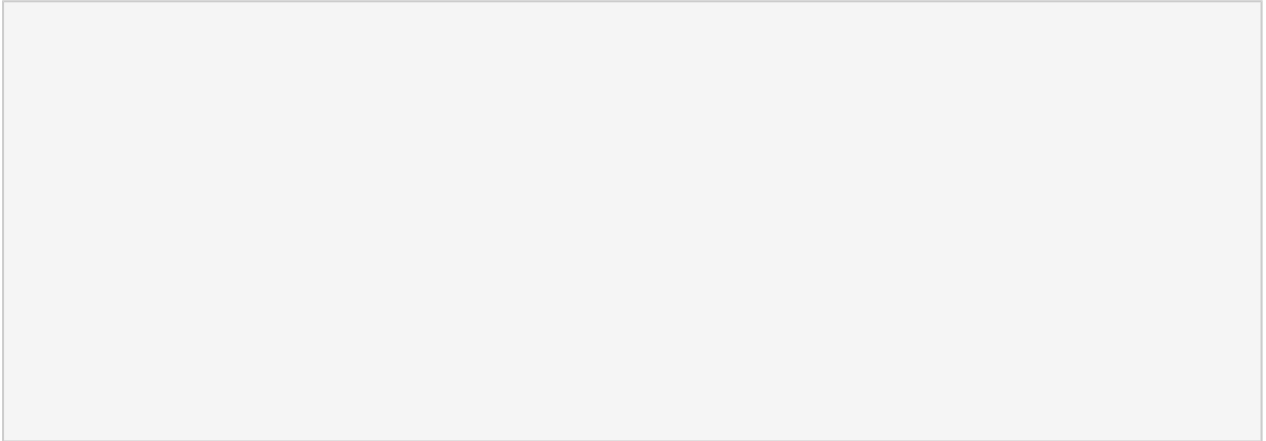
*10 character(s) minimum*

\*9. Has the legal framework on safety influenced your decision on whether to invest in developing apps or software?

- Yes
- No
- Not applicable

Please explain:

*10 character(s) minimum*



\*10. In the EU Member State where you operate, are there specific rules on safety requirements for apps or other non-embedded software?

- Yes
- No

\*Please select the country where you operate:

- All EU Member States
- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Italy
- Ireland
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

Please explain:

*10 character(s) minimum*

### 3.3 For individuals.

In your view:

\*11. Have you encountered problems with unsafe apps or other non-embedded software?

- Yes
- No

Please specify:

*10 character(s) minimum*

11.1 If yes: How often?

- Very often
- Often
- A few times
- Once

11.2 If yes: Did these problems cause any damage? Please explain further the nature and scale of the damage (e.g. physical, financial, other).

*10 character(s) minimum*

11.3 If yes: What did you do to tackle these problems?

- Contact the manufacturer of the device the software runs on or controls
- Contact app or software manufacturer/developer
- Contact an intermediary or distributor (e.g. app store)
- Contact a national authority
- Nothing
- Other

Please explain:

*10 character(s) minimum*

11.4 If yes: Was your problem solved?

- Yes
- No

Please explain:

*10 character(s) minimum*

\*12. Do you feel there is enough possibility to hold somebody accountable in case of damage linked to the use of unsafe apps or other non-embedded software?

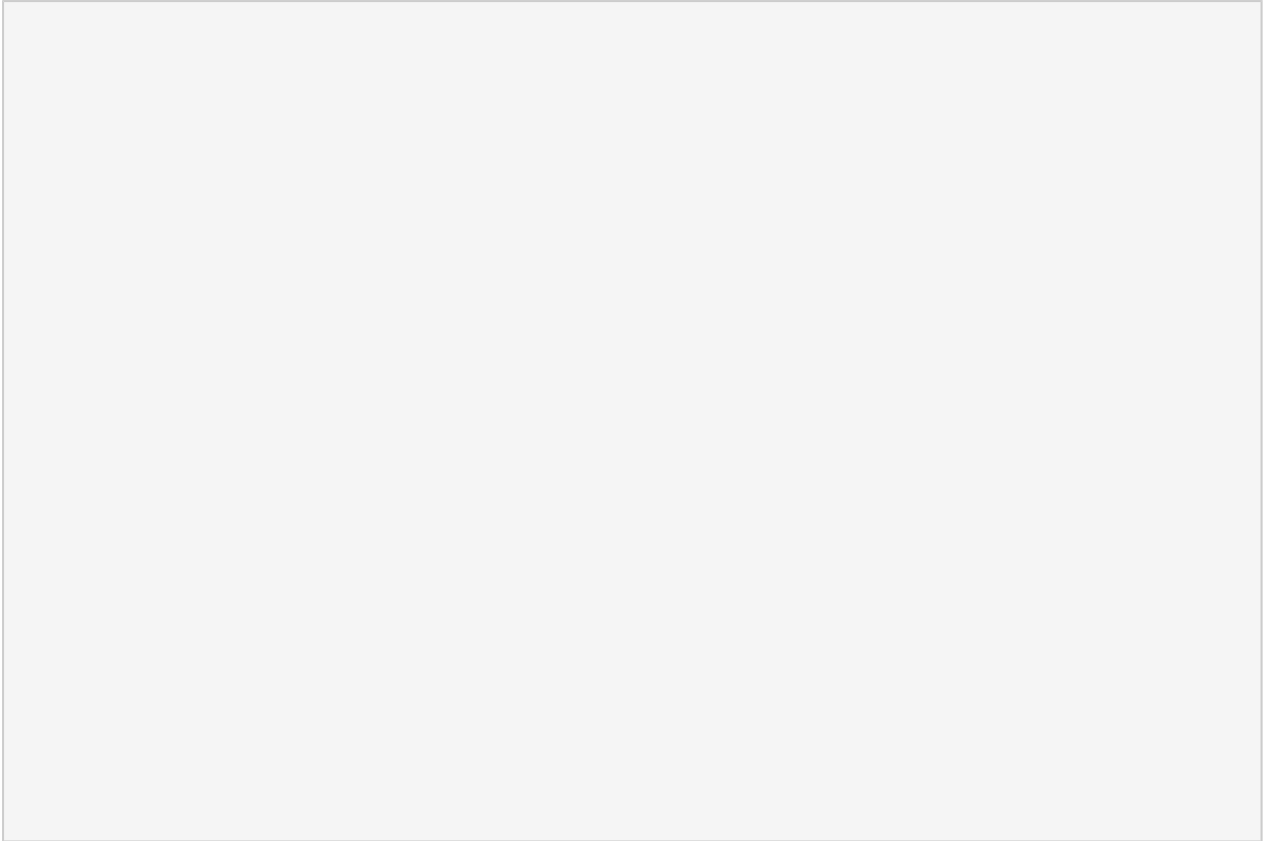
- Yes, the manufacturer of the device the software runs on or controls
- Yes, the app or software manufacturer/developer
- Yes, the intermediary or distributor (e.g. app store)
- Yes, all the above
- Other party
- No

\*Please specify:

*10 character(s) minimum*



13. Do you have any further comments?



14. Please upload any files with evidence or references that you consider relevant: