



New EU General Product Safety Regulation (GPSR) Updates and state of play

Regulation (EU) 2023/988 on general product safety

*Joint meeting of EUPCN and CSN
26 November, Brussels*

*DG Justice and Consumers
Unit B4 "Product Safety & Rapid Alert System"*

GPSR Timeline

30 June 2021
Commission
proposal



**28 November
2022**
Political
agreement



Adoption
voted by the EP on
30 March 2023
and approved by
the Council on 25
April 2023



23 May 2023
Publication
in the OJEU



Entry into force
12 June 2023



Preparation of
implementation



**Entry into
application**
**13 December
2024**



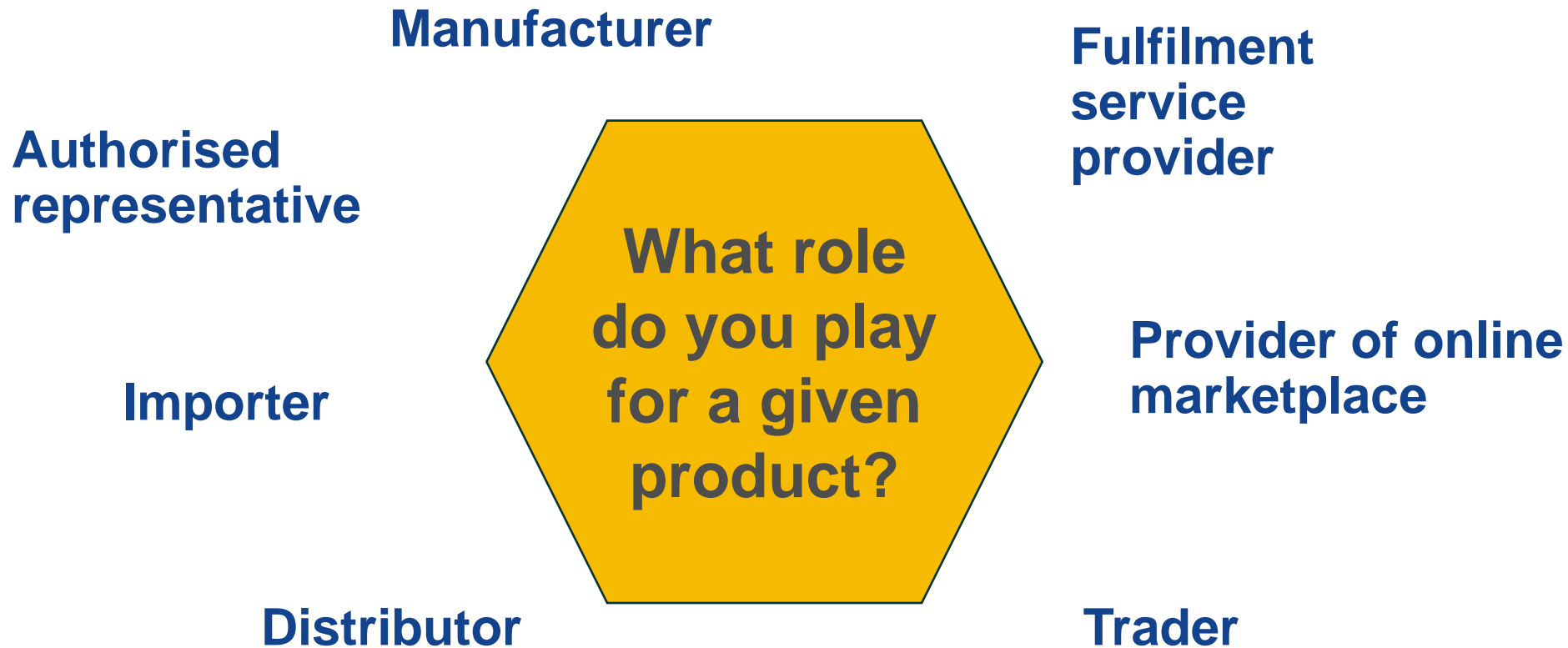
Application

Scope and interlink with harmonisation legislation

The new Regulation (EU) 2023/988 on general product safety (GPSR)

- The GPSR repeals:
 - Directive 2001/95/EC on general product safety
 - Directive 87/357/EEC on the food imitating products
- The GPSR amends:
 - Regulation (EU) No 1025/2012 on European standardisation
 - Directive (EU) 2020/1828 on representative actions for the protection of the collective interests of consumers

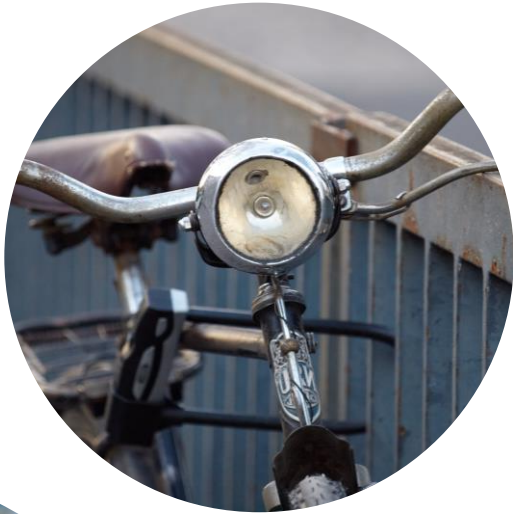
Who is concerned by the GPSR?



One company can have different roles !

Products covered - examples

New and
Second-hand



Reconditioned
and refurbished



GPSR subject and scope

➔ The GPSR lays down essential rules on the safety of consumer products placed/made available on the EU market

Scope:



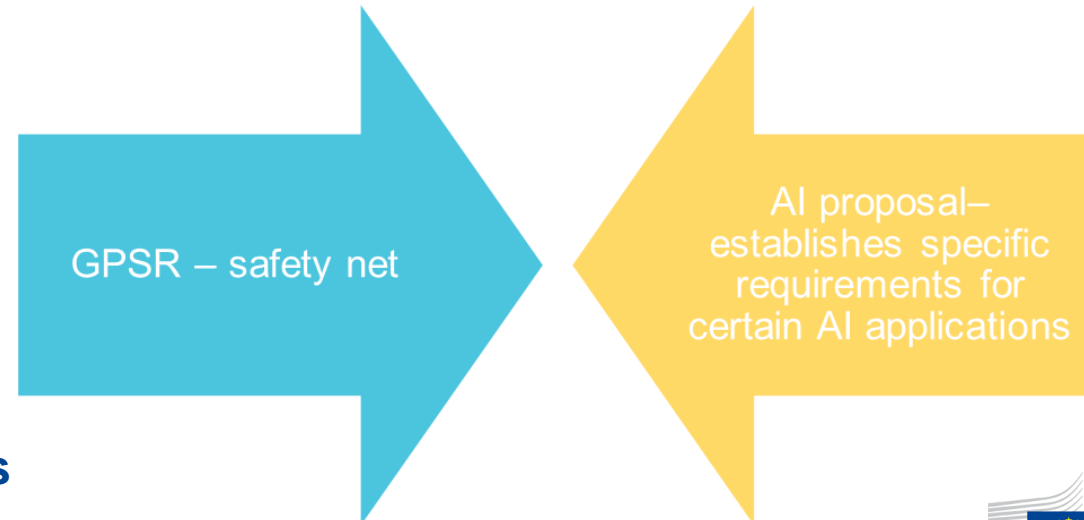
- GPSR applies to consumer products placed / made available on the EU market:
 - for which no specific safety provisions are provided in other EU legislation and
 - for products subject to specific safety requirements (by Union harmonised legislation), the GPSR applies to aspects and risks not covered by those specific safety requirements
- ✓ GPSR clearly underlines that it applies to all kinds of potential health hazards, including mental health risks

GPSR – links to other EU policies

- ✓ In some cases GPSR is *lex specialis*



- ✓ In some cases GPSR is *lex generalis*



- ✓ It does not affect directly liability rules

What's new for harmonised products in the GPSR?

GPSR - interaction with harmonised legislation

➔ Specific application of the GPSR for harmonised products (listed in the Annex of Market Surveillance Regulation (EU) 2019/1020):

- Following rules are applicable to harmonised products:
 - ✓ Chapter I (**general provisions**),
 - ✓ Chapter III, Section 2 (**obligations of economic operators on accident reporting and distance sales**),
 - ✓ Chapter IV (**obligations of online marketplaces**),
 - ✓ Chapter VI (**Safety Gate Rapid Alert System** and **Safety Business Gateway**) and
 - ✓ Chapter VIII (**Right to information and to a remedy, product recalls, memoranda of understanding, representative actions**)
- **Chapter II** GPSR on **safety requirements** applies to harmonised products for risks not covered by EU harmonised legislation

Novelties for harmonised products

- **Chapter II GPSR on safety requirements** applies to harmonised products **for risks not covered by EU harmonised legislation**
 - New non-exhaustive **list of aspects for assessing the safety of products** (including aspects for new technology products, child-appealing, food imitating, etc)
- **Chapter III, Section 2 : obligations of economic operators**
 - **Obligations of economic operators on accident reporting (Art 20)**
 - Mandatory reporting of known accidents by economic operators
 - Manufacturer must notify MSAs via Safety Business Gateway
 - **Obligations of economic operators on distance sales (Art 19)**
 - Same product information online as it is with the product offline : useful for traceability and market surveillance

Mandatory product information



New for harmonised products

PHYSICAL PRODUCT	PRODUCT OFFER in DISTANCE SALES
Type, batch or serial number or other element enabling product identification (e.g. barcode).	Information allowing the identification of the product , including a picture of it, its type and any other product identifier
Manufacturer: <ul style="list-style-type: none"> - name, registered trade name or registered trade mark - postal and electronic address and, if different, the postal address or electronic address of the contact point through which consumers can contact manufacturer 	Manufacturer: <ul style="list-style-type: none"> - name, registered trade name or registered trade mark - postal and electronic address at which it can be contacted
Importer: <ul style="list-style-type: none"> - name, registered trade name or trade mark - postal and electronic address and, if different, the postal address or electronic address of the contact point through which consumers can contact manufacturer 	
Responsible person in the EU: <ul style="list-style-type: none"> - name or registered trade mark - contact details, including the postal and electronic address 	where the manufacturer is not established in the Union: Responsible person in the EU within the meaning of Article 16(1) of this Regulation or Article 4(1) of Regulation (EU) 2019/1020: <ul style="list-style-type: none"> - name - postal and electronic address
clear instructions and safety information in a language which can be easily understood by consumers	any warning or safety information to be affixed to the product or to the packaging or included in an accompanying document in accordance with the GPSR or the applicable Union harmonisation legislation in a language which can be easily understood by consumers

Novelties for harmonised products

- **Chapter IV on product safety obligations of providers of online marketplaces:**
 - Obligation to register in the Safety Gate and to follow up on orders and notices
 - Design of the interface to ensure display of traceability and safety information
 - Cooperation obligations
 - Ex post random checks
 - Close interlink and coherence with the Digital Services Act
- **Chapter VI on Safety Gate Rapid Alert System and Safety Business Gateway:**
 - **Safety Gate Rapid Alert System (Art 25 + 26)**
 - Notification obligations in Safety Gate for MS on serious risk cases within 4 working days after the corrective action is taken
 - 4 days working days deadline for the Commission's check
 - Obligation to inform COM about all other corrective measures as well (choice of info tool)
 - **Safety Business Gateway (Art 27)**
 - Commission's obligation to maintain a web portal enabling the businesses to provide the required information to the MSAs in an easy way

Novelties for harmonised products

- **Chapter VIII on Right to information and to a remedy**

- **Right to information**

- **MS:** obligation to provide consumers and interested parties the opportunity to submit complaints (Art 33)
- **COM:** obligation to maintain Safety Gate Portal with possibility for consumers and interested parties to inform about possible dangerous products, to develop an interoperable interface for providers of online marketplaces (Art 34)
- **Businesses:** obligation to inform consumers about product safety recalls and safety warnings (Art 35)

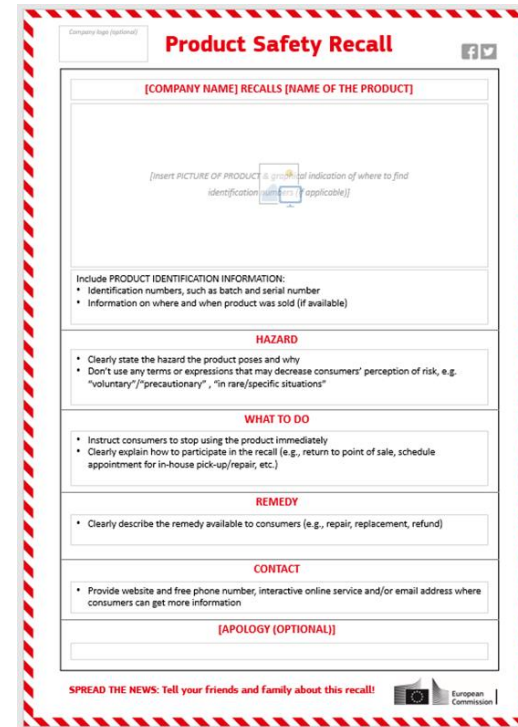
- **Product recalls**

- Mandatory elements for the recall notice
- Template for the recall notice provided by implementing act
- **Mandatory remedies** in case of product recall:

at least 2 between: repair, replacement or adequate refund

- **Memoranda of understanding**

- **Representative actions**



The image shows a template for a Product Safety Recall notice, enclosed in a red and white striped border. The form is titled "Product Safety Recall" and includes the following sections:

- Company logo (optional)**: A small box for the company logo.
- Product Safety Recall**: The main title of the notice.
- [COMPANY NAME] RECALLS [NAME OF THE PRODUCT]**: A header for the recall.
- [Insert PICTURE OF PRODUCT with a graphical indication of where to find identification numbers (if applicable)]**: A placeholder for a product image with a callout box for identification numbers.
- Include PRODUCT IDENTIFICATION INFORMATION:**
 - Identification numbers, such as batch and serial number
 - Information on where and when product was sold (if available)
- HAZARD**
 - Clearly state the hazard the product poses and why
 - Don't use any terms or expressions that may decrease consumers' perception of risk, e.g. "voluntary"/"precautionary", "in rare/specific situations"
- WHAT TO DO**
 - Instruct consumers to stop using the product immediately
 - Clearly explain how to participate in the recall (e.g., return to point of sale, schedule appointment for in-house pick-up/repair, etc.)
- REMEDY**
 - Clearly describe the remedy available to consumers (e.g., repair, replacement, refund)
- CONTACT**
 - Provide website and free phone number, interactive online service and/or email address where consumers can get more information
- [APOLOGY (OPTIONAL)]**: A box for an optional apology.

At the bottom of the form, it says "SPREAD THE NEWS: Tell your friends and family about this recall!" and includes the European Commission logo.

What's new for Member States?

New tools for Member States

- To address safety of products linked to **new technologies**:
 - **New risks posed by new technologies** to consumer's health and safety are part of the risk assessment
 - Clarification of **software** related rules (definition of product, substantial modification)
- To address product safety challenges in **online sales**:
 - **Product safety obligations of online marketplaces** and **for distance sales**
 - **Aligning requirements for online and offline sales**:
 - Same product information online as it is with the product offline : useful for traceability and market surveillance
- Possibility to **check the internal risk assessment** via the **technical documentation**

New tools for Member States

- **New channels of information:**
 - **Mandatory use of the Safety Business Gateway for businesses** to contact MSAs
 - **Consumer Safety Gateway:** new reporting tool for consumers on the EU Safety Gate website
- **Provisions to solve divergences in risk assessment between MS: Possibility to request an opinion from the Commission if divergences in risk assessment between MS.** COM can issue opinion on own initiative.
- **New and updated market surveillance mechanisms (as under the Market Surveillance Regulation)**
- Possibility for COM to set further requirements for **traceability** systems through delegated acts

New powers for Member States

- Strengthening the **market surveillance powers of Member States:**
 - **Aligning the market surveillance powers of Member States of the Market Surveillance Regulation** for all consumer products
 - **Extended cooperation obligations of economic operators** with MSAs:
 - Traceability information (+electronic address)
 - Progress reports about corrective actions
 - **Requiring information on transposable risk from manufacturers**
- To address **safety of products coming from outside the EU:**
 - **Responsible economic operator** in the EU for all non-harmonised products: cooperation obligations with MSAs and additional tasks
- Requiring **cooperation by online marketplaces:**
 - **Cooperation obligation of online marketplaces:**
 - Including on recalls, Safety Business Gateway (accidents and unsafe products), supply chain, online market surveillance
- Power to **promote voluntary memoranda of understanding**

New obligations for Member States

- **Notification obligations** in Safety Gate on serious risk cases within 4 working days (and mandatory follow-up) + Obligation to **inform COM of all national market surveillance measures**, on **serious risk** cases **mandatory use of the Safety Gate**
- **Mandatory participation in simultaneous coordinated control actions** ('Sweeps') by market surveillance authorities concerned
- **Reporting obligations** on the GPSR application:
 - Based on **reporting indicators set out in the implementing act**
 - **Annual** obligation **starting 2 years after the adoption of the implementing act**
- Allowing possibility for **submission of consumer complaints**:
 - **Obligation to follow-up and inform complainant**
- **Notifying the penalty rules** and related measures to the Commission: by entry into application of the GPSR! – Article 44(3)

New obligations for Member States

- **Provide information to economic operators**
 - Member States shall provide economic operators, at their request and free of charge, **with specific information with respect to the implementation of this Regulation** at national level and national rules on product safety applicable to products covered by this Regulation.
 - COM will provide general information on its website and in the guidance document
- **Cooperation between CSN and EUPCN (Article 30(6))**
- **Notify the Single Liaison Office (responsible for the GPSR) – by 13 December 2024**
- On request, **providing information necessary for the GPSR evaluation**

GPSR implementation

State of play of GPSR implementation

Secondary legislation

- **5 Implementing acts:**
 - Art 34(4) : modalities for sending of information by consumers and transmission to Member States
 - Art 34(6) : interoperable interface for online marketplaces on the Safety Gate Portal
 - Art 36(3) : recall notice template
 - Art 25(2) : roles and tasks of the Safety Gate single national contact points
 - Art 24(2) : reporting indicators
- **Delegated act** on functioning of the Safety Gate Rapid Alert System

Other COM obligations

- GPSR guidance for businesses
- Guidance on Safety Business Gateway, Guidance on arbitration
- Update of Safety Gate applications



State of play of GPSR implementation

Advocacy

- Promotion of the GPSR by stakeholders
- Presentations to national authorities
- GPSR communication campaign for businesses end 2024
- GPSR communication campaign for consumers in 2025

GPSR advocacy at national level for businesses:

- Awareness raising on the GPSR and its obligations
- Enhancing the understanding of the GPSR provisions

Important to join efforts COM + MS to raise awareness about the GPSR

Data gathering

Studies and workshops to support the GPSR implementation:

- Study on product safety in circular economy (ongoing)
- SME Sounding Board (Nov 24)
- Workshops on enforcement of product safety rules for new technology products, including AI
- Workshop on inclusiveness in product safety
- Study on e-vulnerabilities and product safety