



# NEW ERA OF PRODUCT SAFETY

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Taking into account the development of technology and the growth of online sales, the objectives of Regulation (EU) 2023/988 of the European Parliament and Council on general product safety, also known as the GPSR (General Product Safety Regulation), aim to bring about a higher level of consumer protection and more stringent product safety requirements.

The GPSR, which came into force in December 2024, repealed the 2001 General Product Safety Directive and created a new EU product safety framework. The new rules cover manufacturers operating on the EU market, their authorized representatives, importers, distributors as well as the providers of online trading platforms, making the Regulation particularly relevant for the e-commerce industry.

The regulation mandates that products appearing on the market should be appropriately labelled and the consumer should be informed of any possible risks arising from their use. A consumer buying a product online should be able to see the information they would see on the product's packaging when buying it in a brick-and-mortar shop.

## PRODUCTS UNDER REGULATION

The GPSR applies to products available for distribution, consumption or use on the EU market, placed or made available on the market, whether new, used, repaired or reconditioned; and other products offered to EU consumers through all sales channels.

In the case of consumer products covered by the regulation, one should pay close attention to proper information on products, for instance, such as toys

and accessories for children, electrical and electronic equipment, clothing and textiles, furniture and construction tools. On the other hand, the regulation does not apply to, inter alia: medicinal products for people and veterinary medicinal products, food and fodder, live plants and animals, antiques and products needing repair or reconditioning before use where they are clearly marked as needing repair or reconditioning before use.

## THE OBLIGATIONS

Every product placed on the EU market must be assigned a person responsible for the product's compliance with the provisions of the GPSR. The regulation also introduces a catalogue of specific obligations for each actor in the supply chain.

In particular, the manufacturer must ensure and monitor product safety, correctly label products and communicate risks, provide technical documentation, and withdraw unsafe products from the market.

The importer must ensure that the product complies with safety requirements, place its contact details on the product, ensure that the products it imports are accompanied by clear instructions and safety information in a language easily understood by consumers, monitor product safety, and cooperate with surveillance authorities on corrective actions and product withdrawals.

The most important obligations of distributors (natural or legal persons who are neither the manufacturer nor the importer, but who supply a product for distribution, consumption or use) include: monitoring the safety of products, including by refusing to make products available on the market that they be-

lieve do not meet safety requirements; ensuring the safe storage and transport of products; informing manufacturers, importers and national market surveillance authorities, through the Safety Business Gateway portal, when they find an unsafe product on the market and ensuring that appropriate action is taken.

Regardless of their role in the supply chain, each economic operator covered by the GPSR should establish internal product safety processes to ensure compliance with the regulation. They also have to cooperate with market surveillance authorities and are obliged to make detailed product information (hazards, complaints, remedies) available to the relevant authorities upon request for a period of 10 years after the product has been supplied to them or after they have supplied the product, and supply chain traceability information for a period of 6 years. In addition, they must directly inform all affected consumers of withdrawals and safety warnings. The economic operator responsible for the product safety recall should offer consumers either a repair or replacement of the product, or a refund for the withdrawn product.

A product offer regarding wares sold online (or otherwise at a distance) must contain, in particular: the name, registered trade name or registered trade mark of the manufacturer and a postal and electronic address at which the manufacturer can be contacted; and if the manufacturer is not resident or established in the EU the name, postal and electronic address of the person responsible for

acting on its behalf and information allowing the identification of the product, including a picture of it, its type and any other product identifier. In addition, any warning or safety information must be affixed to the product or to the packaging or included in an accompanying document in accordance with this regulation or the applicable EU harmonization legislation in a language which can be easily understood by consumers.

## OUTCOME

The GPSR undoubtedly introduces new product safety standards in the EU, requiring all actors in the supply chain to ensure transparency and safety of products offered to consumers.

Determining the specific obligations of a given trader under the GPSR requires identifying its role in the supply chain, that is qualifying it as a manufacturer (or its authorized representative), importer, distributor or a provider of an online marketplace.

For the largest group of distributors, the regulation undoubtedly creates a number of obligations including that they must offer only the products that meet safety standards; and that they are under an obligation to clearly and fully inform consumers about the origin of the product, its technical characteristics (or composition) and any potential risks. They also must have procedures to quickly and directly inform all consumers concerned about product withdrawals and product-related safety warnings, and the obligation to cooperate with market surveillance authorities.