

General Product Safety Regulation

2021/0170(COD) - 23/05/2023 - Final act

PURPOSE: to make products safer for consumers.

LEGISLATIVE ACT: Regulation (EU) 2023/988 of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.

CONTENT: the increasing number of goods and products sold online required an update to keep the rules fit for current digital and technological developments. The General Product Safety Regulation transforms the general product safety directive into a regulation. It modernises the rules applicable to all economic operators, online businesses and online marketplaces.

The regulation lays down the **essential rules on the safety of consumer products** placed or made available on the market. It strengthens the safety rules applicable to products sold both offline and online. The regulation will strengthen market surveillance for dangerous products and consumer rights for anyone who has been sold a dangerous product. A single market surveillance regime will apply to all products.

The main elements of the regulation are as follows:

Better assessment of the safety of products

Economic operators should place or make available on the market only safe products. When assessing whether a product is a safe product, the following aspects in particular should be taken into account: (i) the characteristics of the product, including its design, technical features, composition, packaging, instructions for assembly and, where applicable, for installation, use and maintenance; (ii) the categories of consumers using the product, in particular by assessing the risk for vulnerable consumers such as **children, older people and persons with disabilities**.

Obligations of economic operators

The new regulation strengthens the obligations of economic operators (manufacturers, importers and distributors).

Before placing their products on the market, manufacturers will carry out an internal risk analysis and draw up **technical documentation** containing at least a general description of the product and its essential characteristics relevant for assessing its safety.

Economic operators should have a **person responsible for products sold online and offline** (independently of the product's origin), who will ensure the availability of technical documentation, instructions, and safety information.

Where an economic operator has reason to believe that a product which it has placed on the market is a dangerous product, it will immediately: (i) take the necessary **corrective action** to bring the product into effective compliance, including **withdrawal or recall**, as appropriate; (ii) inform consumers; and (iii) inform the market surveillance authorities of the Member States in which the product was made available on the market.

The manufacturer will ensure that an accident caused by a product placed on the market is notified, via the Safety Business Gateway and without undue delay from the moment it becomes aware of the accident, to the competent authorities of the Member State where the accident occurred.

Providers of online marketplaces

The new regulation introduces clear obligations for online marketplace providers.

Online marketplaces will have to **co-operate with market surveillance authorities** if they detect a dangerous product on their platform and must establish a single point of contact in charge of product safety.

Member States will confer on their market surveillance authorities the necessary power, as regards specific content referring to an offer of a dangerous product, to **issue an order** requiring the providers of online marketplaces to **remove such content** from their online interface, to disable access to it or to display an explicit warning. Providers of online marketplaces will take the necessary measures to receive and process orders issued and they will act without undue delay, and in any event within two working days from receipt of the order.

Providers of online marketplaces will ensure that they provide appropriate and timely information to consumers including by directly notifying all affected consumers who bought through their interfaces the relevant product in the event of a product safety recall of which they have actual knowledge.

Remedies in the event of a product safety recall

The revised legislation improves the product recall procedure. In the event of a product recall for safety reasons initiated by an economic operator or ordered by a competent national authority, the economic operator responsible for the product recall for safety reasons will have to offer the consumer **effective, free and rapid redress**.

If a product has to be recalled, consumers will be entitled to repair, replacement or reimbursement (and will be able to choose between at least two of these options).

Safety Gate rapid alert system

The Commission will develop, modernise and manage the rapid alert system for exchanging information on corrective measures concerning dangerous products (Safety Gate rapid alert system), and increase its effectiveness.

Representative actions

Consumers will also have the right to bring representative actions for infringements by economic operators and providers of online marketplaces of provisions of this Regulation that harm, or may harm, the collective interests of consumers.

ENTRY INTO FORCE: 12.6.2023.

APPLICATION: from 13.12.2024.