



NEW EU GENERAL PRODUCT SAFETY REGULATION (GPSR) WILL COME INTO FORCE ON 13 DECEMBER 2024

On 13 December 2024, the new Regulation (EU) 2023/988 of the European Parliament and of the Council on General Product Safety (“GPSR”) will come into force. This regulation replaces the more than 20-year-old General Product Safety Directive (GPSD) and brings with it numerous innovations. The GPSR applies directly in all Member States of the European Union.

I. OBJECT OF REGULATION AND SCOPE OF APPLICATION

Through the GPSR, the EU legislator intends to ensure a high level of consumer protection and with this regulation it intends to establish essential requirements for the safety of “consumer products”.

The GPSR applies to all products circulated in the market or made available on the market, unless there are specific provisions on the safety of these products under Union law. This also includes products originally designed for commercial use but which enter the consumer market and could potentially endanger the health and safety of consumers.

Due to the required “broad” interpretation of the term product, the requirements of the regulation are not only relevant for the B2C sector – as one might assume at first glance – but economic operators who exclusively operate in the B2B sector must also comply with the obligations under the GPSR.

Certain products, such as medicinal products for human use and veterinary use, food, animal feed and aircraft, are completely exempt from the GPSR.

For products that are already subject to specific

Union harmonisation legislation, the GPSR applies only to a limited extent.

At this point, it can be stated that

- the scope of the regulation is very broad and that the GPSR applies to almost all **NON-FOOD PRODUCTS**;
- due to the large number of specific harmonisation provisions already in place, it must be clarified on a case-by-case basis whether and to what extent this regulation applies.

II. TIME FRAME AND TRANSITIONAL PROVISIONS

This regulation applies from the point in time a product is brought onto the market, defined as the initial provision of the product in the EU. Products that were already marketed before 13 December 2024 are excluded from the new provisions.

III. OBLIGATIONS OF ECONOMIC OPERATORS

The GPSR addresses a wide range of economic operators in the supply chain, including manufacturers, importers, distributors, authorised representatives, fulfilment service providers and online marketplace providers. These stakeholders must ensure that their products comply with the new safety requirements and, where necessary, include clear instructions and safety information.

1. Manufacturers

Before products are circulated on the market, manufacturers must carry out an internal risk



analysis (risk assessment) and prepare technical documents for the products offered. In this context, they also have comprehensive documentation and retention obligations.

In addition, manufacturers must ensure that the required product information is attached to the product and, where appropriate, instructions and safety information is included.

The GPSR defines the manufacturer not only as the natural or legal person who actually manufactures the product, but also includes persons who have the product designed or manufactured by a third party and then market it in their own name or under their own trademark.

Therefore, persons who circulate their “own brand products” on the market must also comply with the comprehensive manufacturer obligations under the GPSR.

2. Distributors

Before making the products available, distributors must check whether the manufacturer (or, where applicable, the importing party (thus the importer)) has complied with the requirements arising from the GPSR for the individual product.

If this is not the case, there is a sales ban until the products again comply with the requirements of the GPSR. In this context, they must notify the manufacturer (or, where applicable, the importer) immediately so that appropriate corrective actions can be taken.

3. Distance Selling Particulars

Economic operators who make their products available on the market online or via another form of distance selling will in the future have to provide a range of information in their product offering; a link is not sufficient.

The information obligations in distance selling must almost always be compliant. They also apply if there are already specific harmonisation provisions for these products.

IV. CONCLUSION

The new GPSR brings with it comprehensive changes and requirements that must be observed by all economic operators in the EU. We will keep you informed about relevant developments and new findings and our team of experts is happy to assist you with these legal challenges.

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