



EU legal product safety framework and General Product Safety Regulation GPSR

Regulation (EU) 2023/988 on general product safety

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

EU legal product safety framework

EU product safety framework

The EU has one of the strongest product safety regimes in the world.

All products on the EU market must be safe

The EU product safety framework establishes specific rules for food and non-food products.

EU Product Safety Framework

EU Product Safety Framework					
Products Areas	Non-food				Food
	Non- Harmonised		Harmonised		General Food Law Regulation (EC) No 178/2002 and Regulation (EC) 1935/2004 on food contact materials
	Non-consumer	Consumer		Non-consumer	
Obligations of economic operators	National Law under the Mutual Recognition Regulation	GPSR	Sector specific Union harmonisation legislation + GPSR	Sector specific Union harmonisation legislation	
Market surveillance on the internal market		Market Surveillance Regulation (EU) 2019/1020			Regulation (EC) 1935/2004 on food contact materials
Safety Gate		GPSR	Regulation (EU) 2019/1020 and GPSR	Regulation (EU) 2019/1020 and GPSR	
Customs control for products imported to the EU	Market Surveillance Regulation (EU) 2019/1020				Regulation (EU) 2017/625

The non-food product safety framework is mainly made up of two sets of legislative instruments:

- **Union Harmonisation legislation** ('harmonised legislation') harmonising conditions of the marketing of specific product categories ('harmonised products'). Sets **specific safety requirements** for the given product category.
- **The General Product Safety Regulation (GPSR) Regulation (EU) 2023/988** providing the general EU legal framework for the safety of non-food consumer products and **requires that all products placed or made available on the market be safe: general safety requirement.**

=> SAFETY NET

Union Harmonisation legislation

- ***Product-specific safety legislation (around 70 pieces)***

Exemples: the Toy Safety Directive, Machinery Regulation, Construction Product Regulation or cars legislation, setting common rules across the EU for specific sectors.

- ***Horizontal harmonised rules*** regulating some specific aspects of non-food products

Exemples:

Regulation on the registration, evaluation, authorisation and restriction of chemicals (REACH)

Classification, Labelling and Packaging (CLP) Regulation for chemical products.

Cybersecurity Resilience Act,

The General Product Safety Regulation (GPSR) Regulation (EU) 2023/988

- The objective of the GPSR is to ensure EU consumers are protected from dangerous products and to ensure the proper functioning of the Single Market (level-playing field for businesses).
- As **lex generalis**, it applies to non-food consumer products to the extent that there are no specific provisions with the same objective under Union law governing the safety of the products concerned.

=> It provides a “safety net” for consumers and aims to ensure that EU consumers are protected against any safety risks of consumer products, including future ones.

The General Product Safety Regulation (GPSR) Regulation (EU) 2023/988

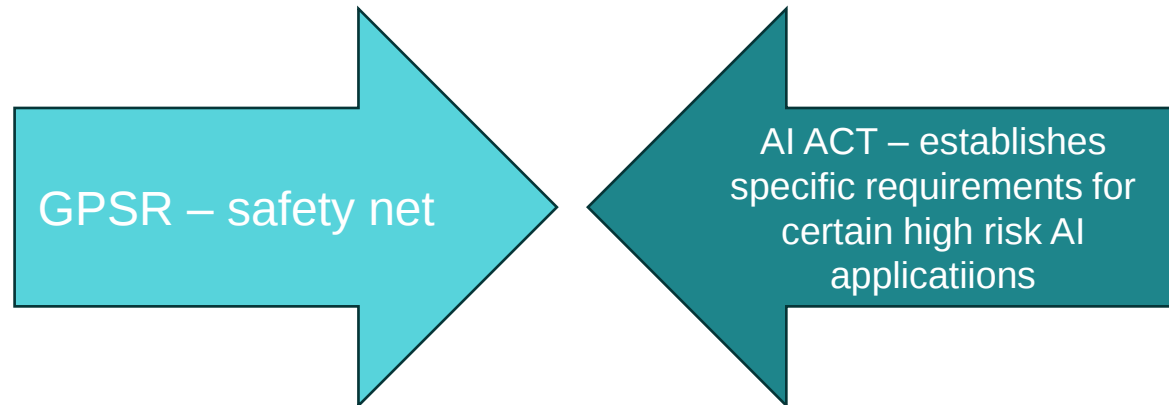
- As **lex generalis**, it complements harmonised legislation in two ways:
 - fully applies to consumer products falling outside the scope of harmonised legislation ('non-harmonised consumer products'), such as child-care articles other than toys, furniture, clothes, etc.
 - partially applies to the consumer harmonised products for aspects of product safety not covered by the harmonised legislation (e.g. accident reporting by businesses, obligations for providers of online marketplaces and distance sales). Specific chapters of the GPSR explicitly do not apply to harmonised products to avoid overlapping requirements.

GPSR – links to other EU acts

- ✓ In some cases GPSR is *lex specialis*



- ✓ In some cases GPSR is *lex generalis*



- ✓ **It does not affect directly liability rules:** the GPSR establishes product safety obligations for businesses but it does not provide for the liability regime: the **Product Liability Directive** regulates the compensation of consumers for the harm or damages caused in case of non-compliance of products.

Products excluded from the GPSR

- Some categories of products are specifically excluded from the GPSR as their safety is fully regulated under the EU or national legislation.
- The GPSR does not cover pharmaceuticals, food, feed, plants and animals (and products made of them), GMO, animal by-products, plant protection products, transport equipment, aircraft and antiques (including works of art and collectors' items).

Market surveillance

- **Market Surveillance Regulation (EU) 2019/1020**
 - sets a common market surveillance rules for all products (the GPSR has extended its application to non-harmonised products).
 - It establishes rules for market surveillance procedures in order to control products both within the EU and at its borders.
- **Market surveillance and the enforcement of product safety rules are within the competence of the Member States;** appropriate actions must be taken by the national authorities so that the products posing a risk to the health and safety of consumers are removed from the market and to ensure that businesses respect their product safety obligations.

Market surveillance – EU coordination

- The Commission coordinates the **Consumer Safety Network (CSN)**, a European network composed of national product safety authorities from all EU Member States, as well as EEA and EFTA countries.
- The CSN also cooperates with the **European Union Product Compliance Network (EUPCN)**, a platform for structured coordination and cooperation between enforcement authorities of the Member States and the Commission to streamline the practices of market surveillance within the EU.
- The **EU Safety Gate rapid alert system for dangerous non-food products** allows for a quick exchange between national authorities about measures taken against both harmonised and non-harmonised dangerous products and it provides for the information of consumers via the Safety Gate Portal.
- The Commission has recently developed the eSurveillance webcrawler, an IT application that detects online offers of dangerous products that have been notified in Safety Gate and thus facilitates market surveillance of online sales by national authorities.

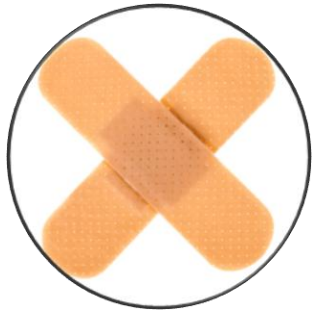
Market surveillance – online platforms

- Regarding the **enforcement of product safety rules by providers of online marketplaces**, depending on the type of obligations and the size of the platform, enforcement is shared by:
 - the national market surveillance authorities
 - the DSC (Digital Services Act Coordinators) and
 - the Commission (for the very large platforms).

GPSR

Objectives and scope

Consumer detriment due to unsafe products in the EU



**Preventable detriment
to consumers &
society**

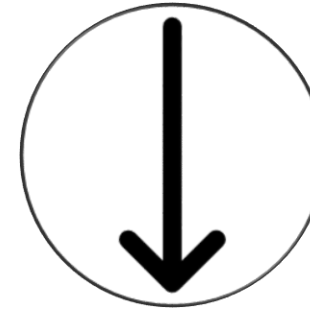
**EUR 11.5 billion per
year**



**Value of unsafe
products**

EUR 19.3 billion

**Reduced
consumer
detriment
by the
GPSR**



**EUR 1 billion in
2025**



**EUR 5.5 billion
over the next
decade**

GPSR objectives

GPSR general OBJECTIVES

Update and modernise
the general framework for safety of
non-food consumer products

to preserve its role as a **SAFETY NET** for
consumers

and

ensure **LEVEL-PLAYING FIELD** for businesses

GPSR specific OBJECTIVES

Safety net
function

Covering
safety of all
non-
harmonised
products

Covering all
types of
safety risks,
also closing
gaps in EU
harmonisation
legislation

Setting the
minimum safety
obligations for
all businesses

Ensuring
same level
of safety
online as
offline

Ensuring
precautionary
principle

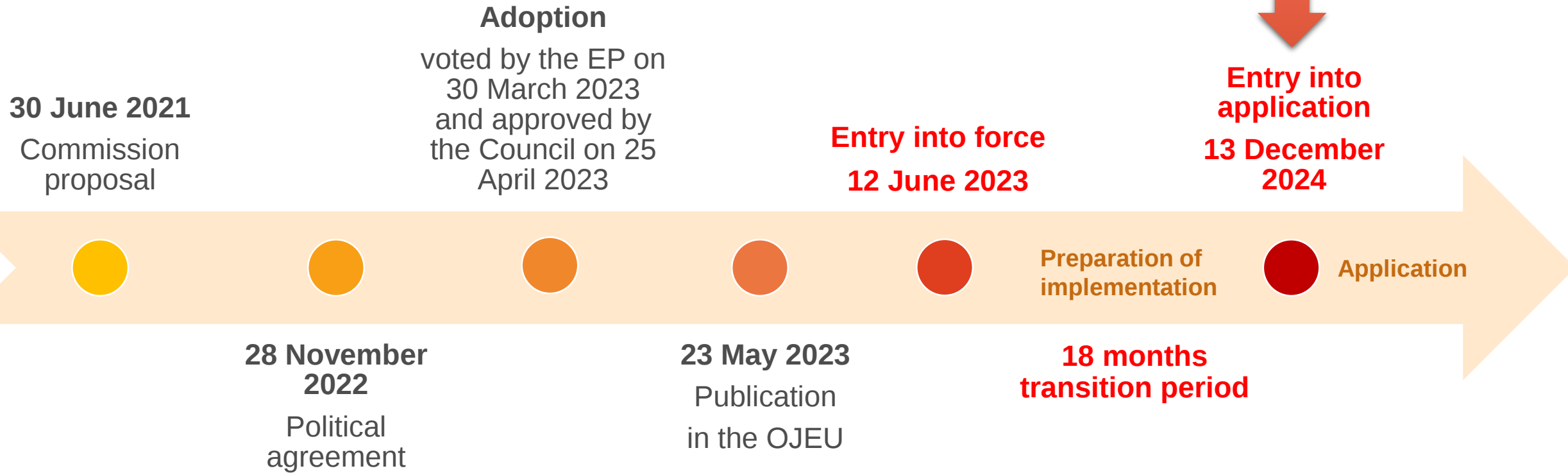
Improving
enforcement
by aligning the
market
surveillance
regime

Addressing
effectiveness
of product
recalls



European
Commission

GPSR Timeline



GPSR in a nutshell

- The GPSR has entered into application on 13 December 2024.
- It has modernised the previous Directive to tackle current challenges such as the safety of new technology products and the safety of products sold online, while providing a future-proof framework.
- It has introduced specific product safety related obligations for providers of online marketplaces that target EU consumers, building on the horizontal framework introduced by the Digital Services Act.
- It ensures that the same product safety and traceability information is being provided to consumers both in brick-and-mortar shops and via distance sales.
- It has also aligned the market surveillance regime for all products, while strengthening and extending the requirement to have a responsible person for all products sold in the EU.

GPSR subject and scope



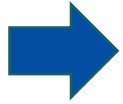
The GPSR lays down essential rules on the safety of consumer products placed/made available on the EU market

All businesses that target EU consumers are subject to the obligations

! Both for online (distance) and offline sales !

- 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 - interaction with harmonised legislation



Specific application of the GPSR for harmonised products (listed in Annex I of the 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

GPSR subject and scope

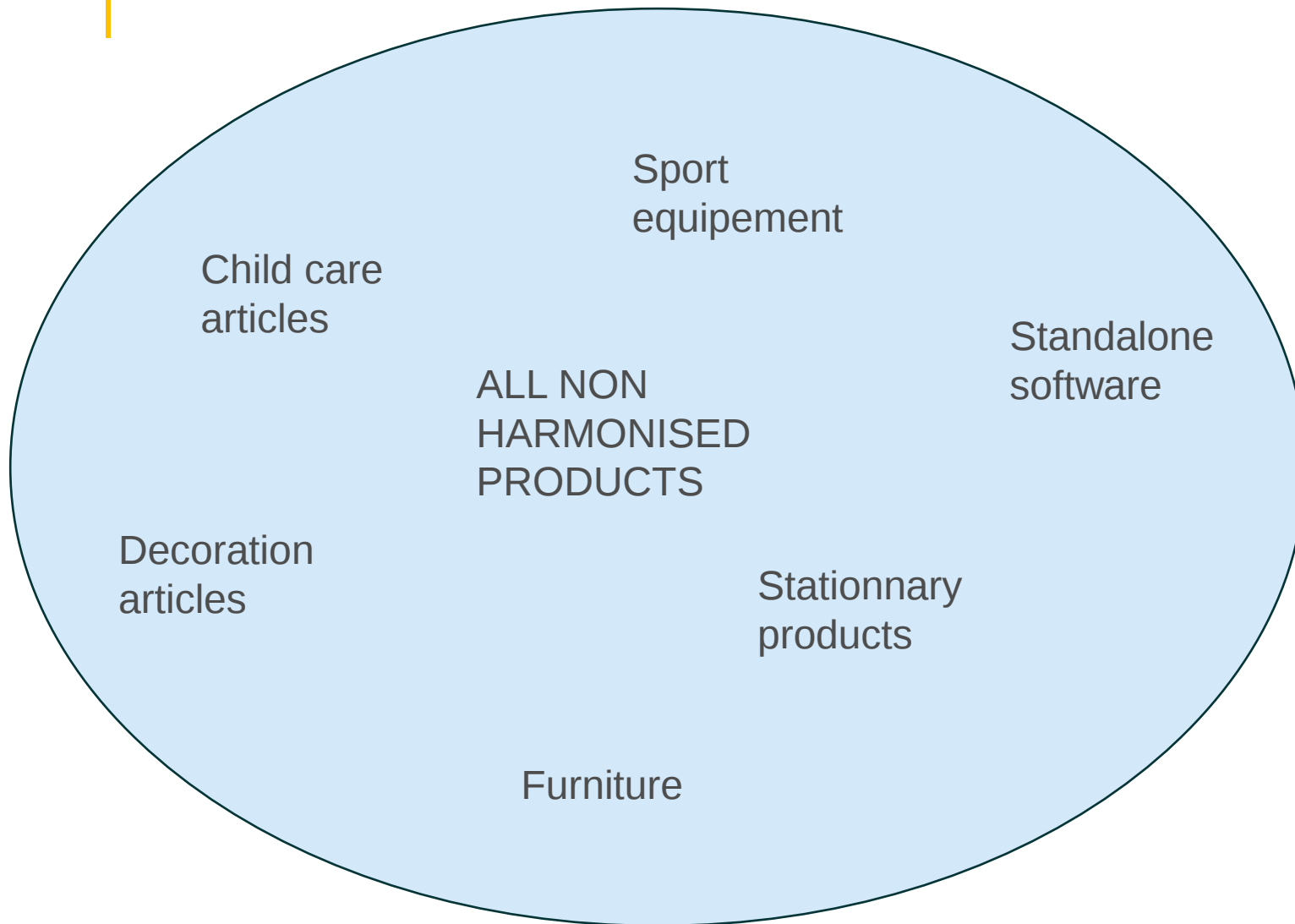
- ✓ GPSR clearly underlines that it applies to **all kinds of potential health hazards**, including **mental health risks**
- ✓ **A dangerous product** under the GPSR is a product that poses an unacceptable risk to the health and safety of consumers.

It can be both physical and mental health risks.

These risks can materialise in different ways but in order to be covered by the GPSR, the risks always have to relate to the health and safety of consumers.

Other types of safety such as material damages are not covered unless they are linked to the safety and health of consumers.

Products covered - examples



Products
offered for free

New and
Second-hand

Reconditioned
and
refurbished

GPSR main features

Reinforcing the safety net

- General application of **precautionary principle** by all actors when implementing the GPSR
- Addressing safety of products linked to **new technologies**:
 - Coverage of **new risks posed by new technologies** to consumer's health and safety and personal security risks → the risks and specific features of new technologies are integral part of the risk assessment
 - Clarification of **software** related rules (definition of product, risk assessment, substantial modification)
- Addressing challenges posed to product safety in **online sales**:
 - **Product safety obligations of online marketplaces**: Art 22
 - +
 - **Product safety obligations for distance sales**:
 - Aligning requirements for online and offline sales: display same information online as for the products offline
- **International cooperation**
 - Different types of information exchange → different instruments
- Change of the **legal instrument** into Regulation: Ensures even application via Regulation

Who is concerned by the GPSR?



One company can have different roles !

Businesses of all sizes are concerned by the new obligations of the GPSR !

Type of obligations

PREVENTION

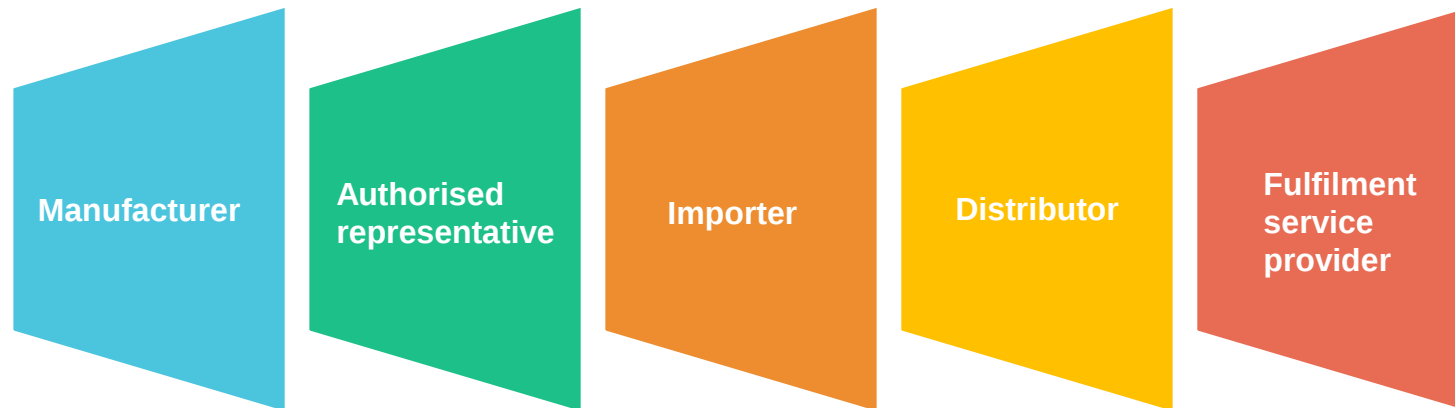
- Safety by design
- Risk assessment and technical documentation
- Appropriate labelling and traceability systems
- Safety information
- Internal processes for product safety
- Complaints handling
- Responsible person in the EU

CORRECTION

- Corrective actions including recalls
- Alerting about dangerous products
- Cooperation with authorities
- Informing about accidents

Clear obligations for economic operators

- **Introduction of specific product safety obligations for economic operators according to their respective role in the supply chain**



- **Alignment with rules applicable to harmonised products**
- **New additional tasks:**
 - accident reporting, complaint handling, internal processes for product safety

Responsible person in the EU: who it is?

All GPSR products offered to EU consumers must have a **responsible person established in the EU**

Manufacturer



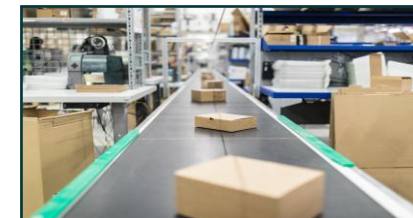
Importer



Authorised representative



Fulfilment service provider



Do not confuse responsible person and authorised representative



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Tasks of the “responsible person”

The responsible person has specific tasks related to product safety:

- ✓ **Verifying the technical documentation** has been drawn up and ensuring it can be made available to authorities upon request
- ✓ **Providing information and documentation** demonstrating product compliance, upon request by authorities
- ✓ **Informing authorities** about dangerous products
- ✓ **Cooperating with authorities**, including ensuring corrective actions
- ✓ **Regular compliance checks:**
 - ✓ Product complies with technical documentation
 - ✓ Product has correct labelling and safety information, instructions

Same as under
Reg (EU) 2019/1020)

Additional tasks
related to safety
under the GPSR

The definition of a manufacturer and substantial modification

The GPSR defines 'manufacturer' as the operator who:

manufactures or has a product designed or manufactured **and** it places a product on the market under its name or trademark (article 3)

or places the product on the market under its name or trademark (article 13)

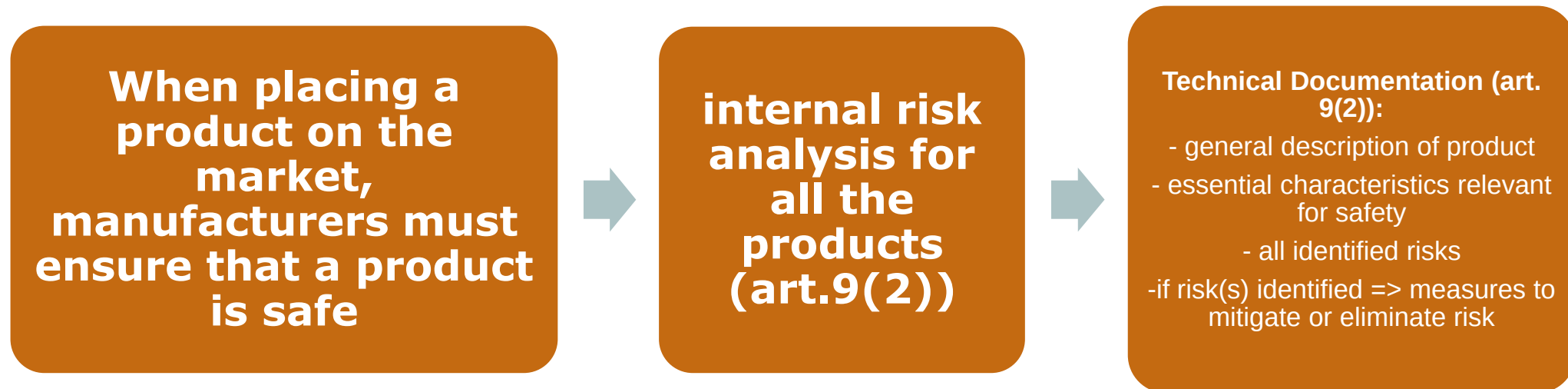
=> **White label/ Rebranding/ adding trademark = manufacturer**

When an economic operator **substantially modifies** a product (i.e. where the modification- physical or digital - has an **impact on the safety** of the product), it will be considered as a **manufacturer**

=> Certain circular business models (case by case basis)

Manufacturer - essential role in product safety

- **Manufacturer – safety by design**



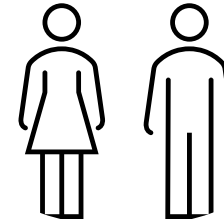
- Technical documentation is a **great tool for manufacturers** to prove they did a risk analysis and **for authorities** to verify whether manufacturers comply with their obligation to perform an internal risk analysis
- **Importers must keep a copy** of the technical documentation for a period **of 10 years** after placing the product on the market, and should make this copy available to the authorities upon request

Risk analysis

New non-exhaustive list of aspects for assessing the safety of products



Characteristics



Categories of consumers



Effects on other products, cybersecurity features, evolving functionalities

Appearance

Child-appealing



Food-imitating

Presentation





Technical documentation under GPSR: for all products

Technical documentation – model template

1. Product identification:

Brand:

Name of product:

Model type/ batch / serial number or other
identification element:

Product description:

Picture of product:

Packaging description:

Picture of packaging:

2. Characteristics and composition of product:

Characteristics:

Material:

Composition:

3. Risk analysis and risk mitigation measures

Potential risk 1:

Description of potential risk:

Measures to address this potential risk:

- All substances used in the product and packaging comply with [...]
- The [...] complies with European standard [...]
- Warnings and instructions for use provided

Potential risk 2:

Description of potential risk:

Measures to address this potential risk:
[...]

Use of standards in the GPSR: Presumption of conformity

- Standards cited in the Official Journal of the EU under GPSR give the “**presumption of conformity with the general safety requirement**” for the risk that they cover.
 - ⇒ Article 7 of the GPSR
 - ⇒ Technical standards **help with compliance** but remain **legally voluntary**
- Childcare articles, lighters, bicycles, gym equipment, lighters, laser products, etc.
- **Alignment** of standardisation procedures to the general regime contained in the Standardisation Regulation (EU) 1025/2012

Mandatory product information

On the product if possible by the size

If not, on the packaging or on accompanying doc

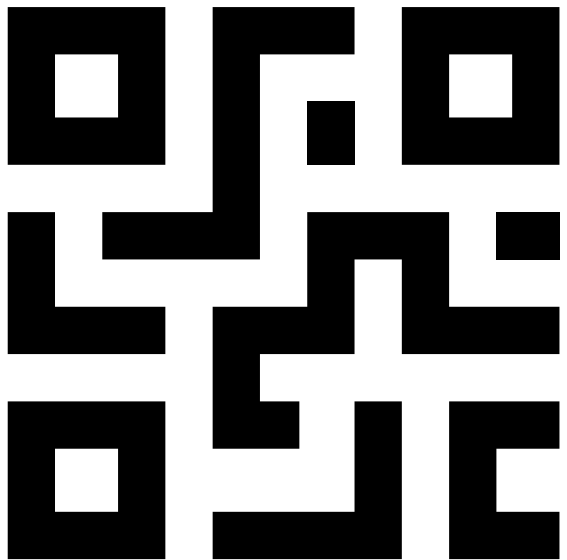
Same product information online as it is with the product offline



Also for harmonised products

PHYSICAL PRODUCT	PRODUCT OFFER in DISTANCE SALES
Product identification: Type, batch or serial number or other element enabling product identification (e.g. barcode).	Product identification: Information allowing the identification of the product , including a picture of it, its type and any other product identifier
Manufacturer: - 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: - name, registered trade name or registered trade mark - postal and electronic address at which it can be contacted
Importer: - 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: - 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: - 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

Labelling

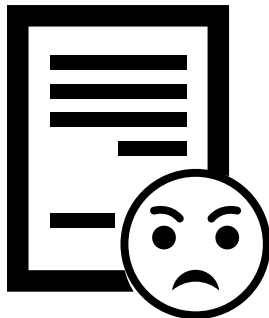


Digital labelling alone is NOT sufficient!

Record-keeping



Risk description



Related complaints



Known accidents



Corrective measures



10 years



Information on
the list of
suppliers



Information on operators the
product has been supplied to



6 years



Checklist for businesses in case of safety issue

- ✓ Inform consumers
- ✓ Take corrective measures
- ✓ Inform Market Surveillance authorities of Member States in which the product has been made available
 - => through the **Safety Business Gateway**
- ✓ Inform supply chain

Make product recalls more effective

Businesses: obligation to inform consumers about product safety recalls and safety warnings (Art 35)

- **Issue 1: Consumers often not aware of recalls affecting them**

→ Mandatory requirements **to raise consumer awareness:**

- direct notification of consumers when possible
- wide dissemination of recall information, including publication of recall notices by online marketplaces
- use of registration schemes

- **Issue 2: Consumers not reacting to recalls affecting them**

→ Mandatory requirements **to increase consumer reaction to recalls:**

- key elements for recall notices with template
- right to remedy

Product Safety Recall

[COMPANY NAME] RECALLS [NAME OF THE PRODUCT]

[Insert PICTURE OF PRODUCT & graphical indication of where to find identification numbers (if applicable)]

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)]

SPREAD THE NEWS: Tell your friends and family about this recall!

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Recall notice template

Product Safety Recall		Date
[Company name] recalls [product]		
Insert picture(s) of product and, if applicable, a graphical indication of where to find product identification numbers on the product. For the online version of the recall notice, it is important that essential information contained in the picture, especially if it is needed to identify the recalled product, is also available in a machine-readable format.		
Include a clear description of the recalled product, including product identification information: • Name and brand of the product • Product identification numbers, such as batch and serial number, and optionally the barcode or the period of production of the product, and, if applicable, graphical indication of where to find them on the product • Information on where, when and by whom the product was sold, if available		
Why is this product dangerous?		
• Clearly state the hazard the product poses and why. • Do not use any terms or expressions that may decrease consumers' perception of risk, such as 'voluntary', 'precautionary', 'discretionary', 'in rare situations' or 'in specific situations'. • Do not indicate that there have been no reported accidents.		
What to do		
• Clearly indicate what safety precautions consumers should take. This indication shall include an instruction to immediately stop using the recalled product, unless a temporary safe use under certain conditions, which should be specified in the notice for the consumer, is possible. • Clearly explain the action(s) consumers should take (for example, return to point of sale, schedule appointment for in-house pick-up/repair, software update...). In case the repair shall be conducted by the consumer itself, please include the instruction in a separate document attached to this recall notice.		
Remedies for consumers		
• Clearly describe the remedies available to consumers in accordance with Article 37 of Regulation (EU) 2023/988 (repair, replacement, refund). • Indicate any other remedy or additional incentives, such as discounts or vouchers, if available.		

Spread the word about this recall, especially if you know that the recalled product was offered, lent or sold to someone else

Product Safety Recall		Date
Contact		
• Provide the address of an interactive online service (such as a website with a contact form, or an email address) and/or free phone number where consumers can get more information in relevant official language(s) of the Union. • Provide the postal address of the company (optional).		
[Apology (optional)]		
[Links to social media post /website informing about the recall (optional)] [QR code or other technical solution leading to recall page/more information (optional)]		

Spread the word about this recall, especially if you know that the recalled product was offered, lent or sold to someone else

Remedies in case of product recall

Provide at least two remedies:



Adequate
Refund



Repair



Replacement

Product safety related obligations of providers of online marketplaces (chapter IV)

- **Obligations are linked to the intermediary function of these businesses**
- **Close interlink and coherence with the Digital Services Act**

Main obligations (amongst others)

- ✓ Obligation to **register in the Safety Gate Portal** and indicate the **point of single contact**
- ✓ Have **internal processes** for product safety in place in order to comply without undue delay with the relevant requirements of the GPSR
- ✓ **Follow up on orders within 2 working days at latest** (and "staydown")
- ✓ Process **notices** within 3 working days at latest

Product safety related obligations of providers of online marketplaces

➔ Main obligations (amongst others)

- ✓ **Design of the interface** to ensure display of minimum traceability and safety information by the traders
- ✓ **Ex post random checks** based on the Safety Gate
- ✓ Measures against **repeat offenders**
- ✓ **Cooperation obligations**, including on:
 - Recalls
 - Not hindering web scrapping
 - Informing relevant authorities and traders on unsafe products
 - Use of the Safety Business Gateway

➔ Encouragement to go beyond the legal requirements via voluntary cooperation (Product Safety Pledge+, MoU)

Enhancing market surveillance

- Ensuring a **better enforcement** of product safety rules and **more efficient and even market surveillance**
 - Alignment with **market surveillance** and **traceability rules** applicable to harmonised products
 - Introduction of a new market surveillance mechanism: Conducting simultaneous coordinated control actions of market surveillance authorities (**'Sweeps'**)
 - Possibility for COM to set further requirements for **traceability** systems through delegated acts
 - Provisions to **solve divergences in risk assessment** between MS: possibility for MS to request an opinion from the Commission if divergences in risk assessment between MS / COM can issue opinion on own initiative.

GPSR next steps

GPSR next steps

- GPSR advocacy
- Reporting on GPSR implementation by Member States
- GPSR enforcement actions: sweeps, etc
- Coordination: Coordinated Actions on Product Safety, CSN exchanges
- Use of AI tools: webcrawlers
- International cooperation
- Progressive evaluation
- European Product Act Q3 2026

Where to find more information (1)

- **Safety Gate Portal**

<https://ec.europa.eu/safety-gate/#/screen/home?lang=en>

- **Product safety legislation**

<https://ec.europa.eu/safety-gate/#/screen/pages/productSafetyLegislation>

- **GPSR:**

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32023R0988>

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legissum:4670517>

- **Information for businesses**

<https://ec.europa.eu/safety-gate/#/screen/pages/obligationsForBusinesses>

https://commission.europa.eu/business-economy-euro/doing-business-eu/eu-product-safety-and-labelling/product-safety_en

- **Technical standards**

https://commission.europa.eu/standards-and-risks-specific-products_en

Where to find more information (2)

- **Safety Business Gateway**

<https://webgate.ec.europa.eu/safety-business-gateway/screen/public/home>

- **Safety Gate - Online Marketplace Registration Module**

<https://ec.europa.eu/safety-gate/Online-Marketplace-Registration/screen/home>

- **Member States Market Surveillance Authorities**

https://webgate.ec.europa.eu/safety/consumers/consumers_safety_gate/menu/documents/Business_Gateway_contacts.pdf

- **Alerts on measures taken against dangerous products:**

<https://ec.europa.eu/safety-gate-alerts/screen/search?resetSearch=true>

- **Consumer Safety Gateway**

<https://webgate.ec.europa.eu/consumer-safety-gateway/screen/public/home>

Thank you!