EU General Product Safety Regulation

Frequently asked questions (FAQ)

Contents

Important notice

You will find below a compilation of some of the recurring questions received from different stakeholders concerning the application of the General Product Safety Regulation (Regulation (EU) 2023/988) 'GPSR', together with essential replies to these questions. This FAQ is intended to help businesses to better understand the EU general product safety rules.

This document is not intended to be seen as a comprehensive interpretation guide, nor a complete list of all questions and answers received from stakeholders.

The proposed replies do not bind the Commission and/or the Commission services and cannot be relied upon as an authoritative interpretation of the GPSR. Only the General Product Safety Regulation has legal force. Therefore, only the GPSR can create legal rights and obligations for individuals and businesses. The European Commission and its representatives are not responsible for how the following information is used.

This document does not create any enforceable right or expectation. Moreover, only the European Courts can interpret the GPSR with authoritative effect. The views in this FAQ document do not affect the position the Commission might take before the Court of Justice.

As this FAQ reflects best practice at the time it was written, it may be improved and updated without notice. The European Commission reserves the right to change the document at any time and to choose to pursue a different course of action in any and all fora and circumstances.

1. Where to find more information about the GPSR?

1.1 How does the Commission provide information for businesses about the GPSR?

Answer: To support businesses in complying with the GPSR, the European Commission currently provides advice through the page **dedicated to businesses on the** Safety Gate Portal: https://ec.europa.eu/safety-gate/#/screen/pages/obligationsForBusinesses. This "Obligations for Businesses" page offers a comprehensive overview of the GPSR, including a detailed presentation on the GPSR tailored to businesses and recordings of relevant sessions from the International Product Safety Week. This Questions and Answers (Q&A) document is also available on the same webpage and is regularly updated to address new queries.

Also, the Commission organised a **webinar, specifically designed for businesses**, to provide an overview of the rules under the new General Product Safety Regulation (GPSR). The slides of the presentation as well as the recording are already available on the Safety Gate Portal.

The Commission is developing also **guidelines as foreseen in Article 17 of the GPSR,** specifically designed to meet the needs of enterprises, with a focus on supporting small and medium-sized enterprises (SMEs) and microenterprises in fulfilling their new obligations under the GPSR. These guidelines are currently in preparation and to be useful, they will be finalised on the basis of the first experiences in implementation of the GPSR.

2. Scope

2.1 What types of safety risks are covered by the GPSR?

Answer: The GPSR covers health and safety risks for consumers, and these include risks to both physical health and mental health. Environmental risks are also covered when they have an impact on consumers' health.

2.2 Do GPSR obligations apply to businesses of all sizes?

Answer: In general, the GPSR obligations apply to businesses of all sizes. Consumers are entitled to only safe products and therefore exceptions cannot be made based on the size of a business.

However, micro and small online platforms under the Digital Services Act are exempt from certain obligations, unless they qualify as very large online platforms and this exemption also has an influence on certain obligations for providers of online marketplaces under Chapter IV of the GPSR. These exemptions include:

- using information from the Safety Gate Portal to comply with the required ex-post random checks – as specified in Article 31(3) of Digital Services Act;
- suspending the provision of services to traders that frequently offer unsafe products after a prior warning has already been issued;
- designing and organising an online interface that enable traders offering the product to provide at least the minimum information required for each product, making sure that this information is displayed or otherwise made easily accessible to consumers on the product listing.

Nevertheless, all providers of online marketplaces are encouraged to follow these rules.

2.3 Which one should take priority: EU product harmonisation legislation or the GPSR?

Answer: Both are important but have a different role. The GPSR provides minimum safety requirements for products on the EU Single Market **that complement Union product harmonisation legislation to ensure that all products and risks associated to these products are safe and risks associated to these products are covered. The GPSR therefore provides a safety net for all products placed or made available on EU Single Market.**

When does the GPSR apply?

- The GPSR applies to all types of products (physical or digital products too, including software) that are placed or made available on the EU Single Market, as long as there are no specific provisions with the same objective under Union law which regulate the safety of the products concerned (e.g. childcare articles, furniture, gymnastic equipment, etc.).
- If products are subject to specific safety requirements imposed by Union law, the GPSR only applies to those aspects and risks or categories of risks which are not covered by those requirements. For example, for toys with low voltage components, the GPSR would still apply for certain new technology-related aspects not covered by EU toy legislation.

Some chapters of the GPSR apply to all products, even if the given product is covered by the EU harmonisation legislation. For instance, providers of online marketplaces must comply with the GPSR for all products offered by traders on their interface.

Which chapters are those that apply also to products under Union harmonisation legislation?

For products subject to specific requirements under Union harmonisation legislation, the following chapters of the GPSR apply

- Chapter I: General provisions
- Chapter II: Safety requirements (limited to risks or categories of risks not covered by Union harmonisation legislation)
- Chapter III, section 2: Obligations of economic operators (for distance sales, reporting accidents related to safety of products and provisions on information in electronic format)
- Chapter IV: Providers of online marketplaces
- Chapter VI: Safety Gate Rapid Alert System and Safety Business Gateway
- Chapter VIII: Right to information and to a remedy

2.4 What is understood by the term 'precautionary principle'?

Answer: The principle is not a new element introduced by the GPSR. It is referenced in Article 191 TFEU[1] in the field of environmental protection and has been gradually extended to other areas via the jurisprudence of the CJEU and Regulation.

Broadly, the principle is understood as providing a basis to apply a precautionary measure where scientific evidence is insufficient, inconclusive or uncertain, but there are indications through preliminary objective scientific evaluation that there are reasonable grounds for concern that the product might pose risk for the health and safety of consumers. An in-depth discussion of the principle may be found in the Communication from the Commission on the precautionary principle[2].

Regarding the precautionary principle, the GPSR builds on the previous General Product Safety Directive (GPSD), under which Member State Authorities could already use the principle in the presence of scientific uncertainty. Now also businesses must take into account the precautionary principle when implementing the GPSR, when for example carrying out an internal risk assessment, or deciding on their risk mitigating measures or any other the obligation under the GPSR.

2.5 How does the GPSR interact with the Digital Services Act?

Answer: The GPSR and the Digital Services Act work together to address safety concerns linked to illegal online content, such as an unsafe product offered via online marketplaces. Chapter IV of the GPSR is relevant for all consumer products, including those under Union harmonisation legislation (within the meaning of Article 3(27) of the GPSR). The provisions of this chapter, particularly Article 22, should be considered alongside the Digital Services Act, which provides a general and horizontal

[1] EUR-Lex - 12016E191 - EN - EUR-Lex (europa.eu)
[2] See EUR-Lex - 52000DC0001 - EN - EUR-Lex (europa.eu)

framework, which leaves room for introducing specific product safety requirements building on the horizontal framework.

2.6 Can one business be considered as an online marketplace and in other instances as an economic operator?

Answer: Yes, given the complex business models linked to online sales, a concrete service provided by a business in relation to a specific product listing defines their status and obligations under the GPSR.

The specific obligations for providers of online marketplaces as such are set out in Article 22 of the GPSR. However, it is important to note that a business may also carry out the functions of other categories of economic operator, as often it can be that online marketplaces offer more than intermediary services.

For example, a business that typically provides online marketplace services, for specific product listings may act as an economic operator, e.g., a manufacturer where it markets its own branded products, or as a fulfilment service provider, distributor or importer.

2.7 Can service providers fall under the scope of the GPSR when products are used as part of their service?

Answer: Services as such are not covered by the GPSR. However, to protect consumers' health and safety, the GPSR does cover products that are supplied or made available to consumers (placed on the market) to provide services, including products to which consumers are directly exposed during a service.

For more details, see Recital 17 of the GPSR.

2.8 Does the GPSR apply to products sold B2B?

Answer: Products directly sold to consumers (B2C) fall under the scope of the GPSR provided they are not covered by other provisions in the Union harmonisation legislation. If these products are exclusively intended for professional use (B2B) and are not reasonably likely to be used by consumers themselves, they do not fall under the GPSR.

2.9 Does standalone software fall within the definition of 'product' as defined in the GPSR?

Answer: The GPSR obligations apply to standalone software being as a "product" and as it does not fall into the categories of exceptions enumerated in Article 2 GPSR. The definition of 'product' in the Regulation has a wide scope so as to cover also intangible items such as standalone software, stating: *'any item, whether or not it is interconnected to other items, supplied or made available, whether for consideration or not, including in the context of providing a service, which is intended for consumers or is likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them.'* The GPSR nevertheless is not to be seen as a software regulation as such, it regulates only the safety aspects of software.

2.10 How does the GPSR apply to second-hand products?

Answer: The GPSR applies to all products placed on the EU Single Market, whether new, used or repaired. The only exception is products clearly marked as to be repaired or reconditioned as well as antiques. The GPSR also covers second-hand products, which as new products were initially covered by Union harmonisation legislation[3].

The requirements differ, similarly to new products, depending on who sells the product:

(1) If an economic operator or trader sells the second-hand product, they must ensure it complies with the GPSR obligations.

(2) If a consumer sells the second-hand product, they have no specific obligations under the GPSR, unless they are considered to be an 'economic operator' or a trader who offers the product for sale via an online marketplace.

Second-hand products initially placed on the EU market as first hand product from 13 December 2024 will need to comply with the requirements laid down in the GPSR: distributors must in particular verify that the manufacturer or the importer complied with certain specific requirements of the GPSR on traceability and labelling before making a product available on the EU market; and ensure that they do not jeopardise the safety of the product during storage or transport and the other obligations of distributors under the GPSR.
Products that were already placed on the EU market before 13 December 2024 can remain on the market, including for resale as second-hand after that date, with no new requirements linked to labelling provided that they fully comply with the previous General Product Safety Directive (GPSD).

2.11 Does an item provided free of charge fall within the scope of the GPSR?

Answer: Yes, an item provided free of charge falls within the scope of the GPSR. See Article 3(1) of the GPSR for the definition of a product as "*any item, whether or not it is interconnected to other items, supplied or made available, whether for consideration or not, including in the context of providing a service, which is intended for consumers or is likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them*".

2.12 Are spare parts considered finished products and fall therefore under the GPSR?

Answer: On the applicability of the GPSR to aftermarket spare parts, it should be noted that the GPSR applies to all consumer products placed/made available on the EU market, as defined in Article 2 of the GPSR. A "consumer product" refers to any product intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers, even if not intended for them. Aftermarket spare parts, such as filters, rims, and mufflers, would be considered consumer products if they are intended for, or reasonably likely to be used by, consumers.

[3] Please note that for products covered by the Union harmonisation legislation, Union harmonisation legislation applies to used and second-hand products imported from a third country when they enter the Union market for the first time. Furthermore, a person who places on the Union market second-hand products from a third country, or any product not designed or manufactured for the Union market, must assume the role of the manufacturer (see the Blue Guide on the implementation of EU product rules 2022) and the respective Union harmonisation legislation applies.

3. About obligations of businesses

3.1 Do all products covered by the GPSR need to have a technical documentation?

Answer: Yes, all products covered by the GPSR must be accompanied by a technical documentation. Article 9(2) stipulates that the technical documentation must include at least the general description of the product and its essential characteristics relevant for assessing its safety. The amount of information that needs to be included will be determined on a case-by-case basis, depending on the complexity of the product.

Where a possible risk of the product has been identified, the technical documentation shall also contain an analysis of the possible risk and solutions adopted to eliminate or mitigate this risk and a list of any relevant European standards, and in the absence of relevant European standards, the list of national requirements or other methods applied to ensure the safety of the product (cf. Article 9(2)).

The technical documentation must be saved for at least 10 years and be kept at the disposal of market surveillance authorities. Importantly, the responsible person for products placed on the EU Single Market must regularly check that the product still complies with the technical documentation.

The information on the GPSR published on the Safety Gate Portal[4] provide a model template for the technical documentation.

3.2 Do businesses need to perform a risk assessment for all products? Who is responsible for the risk assessment?

Answer: When placing a product on the market the manufacturer must ensure that the product is safe (cf. Article 5 GPSR), and therefore must conduct a risk analysis of every product it manufactures. The GPSR does not prescribe how this should be carried out but establishes some minimum aspects that need to be taken into account when assessing the safety of products as provided by in Chapter II.

Article 9(2) sets out that the manufacturers must document their risk assessment with some minimum information, including the essential safety characteristics of the product, in the technical documentation. Additionally, in the technical documentation manufacturers need to indicate all identified risks, irrespective of their risk level.

3.3 Are individual risk assessments required for each individual manufactured product, or can a risk assessment be carried out for a type of product together?

Answer: The GPSR does not prescribe the modalities of the risk assessment to be carried out by manufacturers. Instead, the obligation is to have technical documentation prepared, including the essential safety characteristics of the product, and the results of the internal risk assessment. Every product must have this documentation. Whether the manufacturer can have for example a common template with minor modifications for each article should be decided on a case-by-case basis; what is important is that the relevant information is included in the technical documentation.

---

[4] https://ec.europa.eu/safety-gate/#/screen/pages/obligationsForBusinesses

3.4 How is the manufacturer defined? If an economic operator who has not manufactured a product modifies it or creates new packaging, does this constitute a modification such that the economic operator assumes the obligations of the manufacturer?

Answer: Following Article 3(8) "'*manufacturer' means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under that person's name or trademark;*". This implies that while a business might not produce a product itself, it will be considered as the manufacturer, if the product is marketed under its own name or trademark.

Article 13 further clarifies cases in which GPSR obligations of manufacturers apply to other persons:

any natural or legal person that either places a product on the market under their own name or trademark or substantially modifies a product in such a way that conformity with the requirements of this Regulation might be affected, should be considered to be the manufacturer and should assume the obligations of the manufacturer.

- Article 13(1) of the GPSR provides the following: *'A natural or legal person shall be deemed to be a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer set out in Article 9 where that natural or legal person places a product on the market under the natural or legal person's name or trademark.'*
- Regarding the substantial modification, Article 13 clarifies that, for a modification to be deemed to have substantially changed the product, it must have an impact on the safety of the product and meet the following cumulative criteria:

  (a) the modification changes the product in a manner which was no foreseen in the initial risk assessment of the product;
  (b) the nature of the hazard has changed, a new hazard has been created or the level of risk has increased because of the modification, and
  (c) the modifications have not been made by the consumers themselves or on their behalf for their own use.

Thus, in this scenario, changing the packaging alone would not constitute a substantial modification. The packaging would nevertheless have to comply with the labelling requirements as set out in the obligations of different economic operators (cf. Articles 9-13) and repackaging should not impact the safety of the product.

Additionally, it is important to note that if the repackaging entails also a rebranding, then per Article 13(1) the economic operator would *de jure* become the manufacturer when placing "*a product on the market under the natural or legal person's name or trademark.*"

4. Responsible person in the EU & authorised representative

4.1 Does the 'responsible person' under the GPSR correspond to the responsible economic operator under the Market Surveillance Regulation (MSR)?

Answer: The responsible person in the GPSR and the MSR are the same concept fulfilling the same objective: ensure that there is an economic operator in the EU for products placed on the EU market.

The GPSR extends the scope of this obligation to all non-harmonised products: Whereas the scope of Article 4 of the Market Surveillance Regulation covers only certain harmonisation legislation, the GPSR responsible person requirement covers all products in its scope.

Also, the tasks of the EU 'responsible person' under the GPSR are larger and include, on top of those under the Article 4 of the MSR:

- ensuring the product meets the technical documentation requirements referred to in Article 9(2) of the GPSR;
- making sure the product complies with the requirements on labelling and information provision specified in Article 9(5), (6) and (7) of the GPSR;
- providing documented evidence of checks if requested by market surveillance authorities;
- as a pre-requisite of the marketing of the product, the postal and electronic address of the 'responsible person' shall be indicated on the product itself, its packaging, the parcel or on any accompanying documents and this information shall also appear in distance sale offers and offers placed on online marketplaces.
- In case the manufacturer is located outside of the EU, the responsible person should also ensure that notification of accidents under Article 20 is made.

4.2 What are the tasks of the 'responsible person' under Article 16(1) of the GPSR?

Answer: Under the GPSR, the responsible person has an important role in product safety. The tasks are enumerated in Article 16(2) and include obligation to regularly check that the product in question complies with the technical documentation referred to in Article 9(2). The responsible person must also regularly check that the product meets the requirements of Article 9(5), (6) and (7), which obliges manufacturers to provide information on the identification of the product, of the manufacturer and other safety information appropriately. Under Article 20, in case the manufacturer is located outside of the EU, the responsible person should also ensure that notification of accidents in the Safety Business Gateway is made. Additional responsibilities are outlined in Article 4(3) of the Market Surveillance Regulation.

4.3 Is the 'responsible person' under the GPSR the same as the single contact point?

Answer: No, the 'responsible person' and the single contact point are legally distinct.

Single contact point: this refers to a contact point that manufacturers, importers and providers of online marketplaces must provide for communication purposes.

Responsible person: this is an economic operator based in the EU who is responsible for the product placed on the EU Single Market.

These two can overlap in the case of the responsible person being the manufacturer located in the EU.

4.4 How does the assignment of the responsible person work? If neither the manufacturer nor the importer is established in the Union, could the 'authorised representative' from Article 10 of the GPSR be considered the 'responsible person'?

Answer: Yes, if neither the manufacturer nor the importer is established in the EU, then the 'authorised representative' specified in Article 10 can act as the 'responsible person', if mandated for this role by the manufacturer. To determine the responsible person, the cascade system from the Market Surveillance Regulation Article 4(2) should be followed:

1) If the manufacturer is established in the EU, they are the 'responsible person'.
2) If the manufacturer is not established in the EU, the importer becomes the 'responsible person'.
3) If neither of these are established in the EU or if the EU manufacturer appointed an authorised representative, then the 'authorised representative' can be the 'responsible person', if it is mandated for this role by the manufacturer (written mandate required).
4) As a last resort, the fulfilment centre will fulfil this role. In this case, the fulfilment centre becomes a 'responsible person' automatically (no mandate needed).

In any case, it needs to be clear upfront who assumes the responsibilities of the EU-based responsible person. The EU-based 'responsible person' must be listed on the product packaging along with the manufacturer's contact details. This requirement also applies to distance sales and online offers.

For more details, see Article 19(b) and Recital 21 of the GPSR.

4.5 What is the difference between the responsible person in the EU and the authorised representative?

Answer: Irrespectively of whether it is established in the EU or not, **the manufacturer may appoint an authorised representative** in the Union (it is not a requirement) to act on his behalf in carrying out certain tasks required under the GPSR. As defined in Article 3(9) of the GPSR: *'authorised representative' means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on that manufacturer's behalf in relation to specified tasks with regard to the manufacturer's obligations under this Regulation*'. This appointment **must be done by means of a written mandate**. It can be mandated for tasks for tasks under Article 16 GPSR but also for any other manufacturer's tasks under the GPSR.

Responsible person in the EU required under Article 16 of the GPSR is a distinct concept from the authorised representative. This responsible person in the EU can be, among others, the authorised representative who has a written mandate of the manufacturer for the tasks under the Article 16(2) GPSR, but it can be also the manufacturer in the EU, the importer in the EU or the fulfilment service provider. The tasks of the responsible person are established in Article 16(2).

4.6 Could the manufacturer stipulate in the mandate the full delegation of all his obligations to his authorised representative?

Answer: Indeed, under the GPSR (contrary to the MSR/Decision 768) there is no limitation to what could be covered by the written mandate of the manufacturer to act on that manufacturer's behalf in

relation to specified tasks with regard to the manufacturer's obligations under this Regulation. This also potentially includes the preparation of the technical documentation, on behalf of the manufacturer.

Accordingly, for example appointing an authorised representative would not shift the responsibility of the original manufacturer regarding the technical documentation. The manufacturer would remain the main contact for market surveillance authorities in this regard.

Moreover, when looking at the labelling requirements of Article 9(5)-(6) GPSR, it should be always the manufacturer indicated on the product (or packaging/accompanying document). The authorised representative would only need to be indicated if it is also the EU responsible person of the product, and in any case, it would be indicated in addition to the manufacturer.

The responsibility (towards MSAs) remains with the manufacturer in this scenario.

Manufacturers then can, due to their contractual relationship, bring in the authorised representative if needed.

Nevertheless, if the authorised representative is also appointed to be the EU responsible person, it would be the main contact for MSAs in the EU and would need to comply with all their obligations, including Article 16(3) of the GPSR.

4.7 What is the procedure for a manufacturer to appoint an authorised representative under the GPSR?

Answer: The GPSR does not prescribe the procedure for the appointment of an authorised representative. Respecting the freedom to contract, the GPSR only specifies that this appointment must be by written mandate and outlines some minimum tasks which the contractee must perform to be considered an authorised representative for the purpose of the GPSR.

Thus, the appointment must be by written mandate, obliging the authorised representative to perform at least the following tasks:

(a) providing a market surveillance authority, upon that authority's reasoned request, with all information and documentation necessary to demonstrate the safety of the product in an official language which can be understood by that authority;

(b) where the authorised representative considers or has reason to believe that a product in question is a dangerous product, informing the manufacturer thereof;

(c) informing the competent national authorities about any action taken to eliminate the risks posed by products covered by their mandate through a notification in the Safety Business Gateway, where the information has not been already provided by the manufacturer or upon instruction of the manufacturer;

(d) cooperating with the competent national authorities, at their request, on any action taken to eliminate in an effective manner the risks posed by products covered by their mandate.

4.8 Does the authorised representative have to add its name and address on products?

Answer: According to the GPSR, it is only the manufacturer, importer, and the EU responsible person who are required to have their name and postal and electronic address indicated on the product or its packaging. Yet if the authorised representative has a written mandate from the manufacturer to perform the tasks of a responsible person under the GPSR on manufacturer's behalf, the authorised representative has to comply with the obligations linked to this role and its contact details need to be displayed on the product or its packaging in accordance with Article 16(3).

5. Labelling requirements and electronic address

5.1 What is meant by 'electronic address'?

Answer: 'Electronic address' refers to forms of direct communication – e.g. email or contact form on a website, allowing the consumers to contact the company directly. It does not include static websites or phone numbers.

This term is designed to be adaptable to future technologies and uses neutral phrasing to cover various forms of direct communication.

5.2 If a company provides its dynamic website address on the packaging / labelling of its products along with a single point of contact postal address, would they be compliant for an "electronic address" as defined under the GPSR?

Answer: Under Article 9(6) "*Manufacturers shall indicate their name, their registered trade name or registered trade mark, their postal and electronic address and, **where different**, the postal or electronic address of the single contact point at which they can be contacted. That information shall be placed on the product or, where that is not possible, on its packaging or in a document accompanying the product*."

Therefore, only indicating the contacts of the single contact point, would comply with the requirement given that it is not different from those of the manufacturer. Should these be different, both should be indicated. Regarding the requirement to have an "electronic address" indeed a dynamic website with a direct communication template would suffice.

Moreover, it is important to stress that if an importer or other EU responsible economic operator is involved in relation to the product, their contacts should also be indicated.

5.3 Can manufacturers label products digitally only, e.g. with a QR code?

Answer: No, to fulfil the obligations of the GPSR solely digital labelling does not suffice. The current labelling obligations state that all necessary information must be placed on the product. If this is not possible (for other than aesthetic reasons), then it must be placed on its packaging or in an accompanying document.

Businesses can still make the information available electronically. However, as digital labelling cannot replace physical labelling, this must be in addition to the physical labels they provide.

For more information on digital labelling, see Article 21 of the GPSR.

5.4 Under which conditions can product labelling information under the GPSR be placed separately from the product itself?

Answer: Derived from the 'Blue Guide' (2022/C 247/01), **only the size** (and therefor for example not aesthetic reasons or similar) is a criterion for potentially placing product information (product identification, manufacturer's, importer's and responsible person's contact details required under Articles 9(5), 9(6), 11(3) and 16(3), outside of the product itself, on its packaging or in a document accompanying the product.

Furthermore, any sort of symbol (for example, a scissor) or detail potentially enticing the consumer from removing mandatory information from the product should be avoided, as the consumer might be tempted to remove the label and thereby lose the required information.

6. Distance Sales & Online Marketplaces

6.1 If the manufacturer is not established inside in the Union, do online retailers have to display both the manufacturer and the responsible person in the product offer on their website?

Answer: The requirements under **Article 19 (a) and (b) are to be read as cumulative.** Consequently, an online product offer / distance sales product offer should bear the required information on the manufacturer as requested under Article 19 (a) in any case, including those cases when the manufacturer is established outside the Union. If the manufacturer is not established in the Union, the product offer should bear, in addition to the requested information on the manufacturer, the name as well as postal and electronic address of the responsible person.

Article 22(9)b) GPSR also introduced similar requirement for sales via online marketplaces and requires that providers of online marketplace have to ensure that the information is displayed or otherwise made easily accessible by consumers on the product listing of their online interface.

6.2 Can a full picture of the product suffice to satisfy the obligation of providing information on the product listing in Article 22(9)?

Answer: The points of information which must be listed on the product listing are set out **cumulatively** in Article 22(9). For a simple picture to meet these criteria, it would also need to display the warning or safety information, which is often affixed to the product or found inside the packaging. Thus, *prima facie,* it would be difficult to satisfy this obligation with just a picture.

Moreover, read together with the references in the GPSR to access of information to persons with disabilities, and Article 22(9) highlighting that the required information must be ***easily accessible,*** it is not advisable to display the required information only in a simple picture.

6.3 What are the obligations of online marketplaces concerning consumer product recalls?

Answer: While the provider of an online marketplace is not responsible in general for the safety of the product, Article 22(12) of the GPSR sets out a number of obligations for providers of online marketplaces.

Providers of online marketplaces shall cooperate with market surveillance authorities, with traders and with relevant economic operators, to facilitate any action taken to eliminate or, if this is not possible, to mitigate the risks presented by a product that is or was offered online during through their service.

If contact is established online, they must directly notify the consumer. Moreover, they need to disseminate the information widely. In both cases by using the recall template ought to be used.

Moreover, if the product sold on the marketplace is one of their own, in this case the business would be considered as an economic operator and would need to assume the responsibilities of an economic operator (manufacturer, importer, distributor or fulfilment service provider as relevant).

7. Safety Business Gateway

7.1 What constitutes an accident within the meaning of Article 20 GPSR?

Answer: There is no specific legal definition of an accident included in the GPSR. Nevertheless, Article 20(2) frames what is to be considered an accident for the purpose of the accident reporting obligation under the GPSR, including: use of a product that resulted in an individual's death or in serious adverse effect on that individual's health and safety, permanent or temporary, including injuries, other damage to the body, illnesses and chronic health effects.

Not any accident "associated" with the product should be reported. When an accident occurs where a product is involved, the GPSR expects the manufacturer to check whether a product caused this accident. This does not require to assess the safety of the product itself but just to understand whether the circumstances of the accident can show some potential causality between the safety of the product and the accident. If there is a possible causality, the accident should be **reported via the Safety Business Gateway without undue delay**. Only after that moment the proper risk assessment of the product will start, determining whether the product is or is not dangerous. Since the risk assessment can take some time (e.g. can include some laboratory checks, etc), the accident should be reported already before.

Therefore, the obvious cases as for example when a person falls down over a toy laying down on the floor, are not to be à priori reported. But this needs to be assessed by the manufacturer on a case-by-case basis, taking into the circumstances and the foreseeable use and misuse of the product.

7.2 What happens if another economic operator than manufacturer becomes aware of the accident?

Answer: Article 20 of the GPSR requires manufacturers to notify accidents caused by a product which is placed or made available on the market by them via the Safety Business Gateway. If the accident is discovered by an economic operator other than the manufacturer, Article 20(3) states that the importers and the distributors which have knowledge of an accident caused by a product that they placed or made available on the market shall without undue delay inform the manufacturer thereof, who will proceed to make the notification in accordance with Article 20(1) or instruct them to make this notification in the Safety Business Gateway. In case the manufacturer is located outside of the EU, the responsible person should ensure that this notification is made.

8. Recalls

8.1 Where can a template for the recall notice be found?

Answer: The product safety recall template has been set up in the Commission's Implementing Regulation (EU) 2024/1435. A pdf version of the recall notice is available on the Safety Gate Portal. The elements of this template are mandatory to be included into a recall notice.

8.2 Who is responsible for issuing a product recall?

Answer: Article 35 states that in the event of a product safety recall, economic operators and providers of online marketplaces, in accordance with the obligations of Articles 9, 10, 11 and 12, and 22(12) respectively, shall ensure that all affected consumers that can be identified are notified directly.

8.3 In the event of a product safety recall, is there a time limit in which consumers may exercise their right to a remedy?

Answer: The specificity of Article 37 GPSR on remedies, compared to the Sale of Goods Directive, is that **there is no time limit for consumers to claim remedies in the case of a product recall**.

This is explained by the different objective of the GPSR, which is to make sure that consumers stop using a recalled product, as it is dangerous. On the contrary, the Sale of Goods Directive might concern products that have a simple quality defect, hence the limit for the legal guarantee (often 2 years after purchase).