

# **PRODUCT SAFETY THE OBLIGATIONS FOR E-COMMERCE**

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# 1. WHAT IS THE GPSR

Regulation (EU) 2023/988 in force since 12 June 2023



## OBJECTIVE

Defining the general safety requirement, requiring businesses to place or make available only **safe products** on the EU market

Modernised framework also focuses on **online and distance sales**.

## SAFE PRODUCT

A product is considered safe if – when used normally or as intended – it does not pose any risk or only presents minimal risks acceptable for its use.

- ✓ Must undergo a **risk assessment**
- ✓ **Precautionary principle**

## SCOPE

- Applies to all Member States (MS) and the EEA
- Applies to **all consumer products made available on the EU market** which are not covered by other specific EU product safety legislation.
  - Exclusions: medicinal products, food, antiques, etc. (article 2 of GPSR)
- Services are also excluded (however, GPSR covers products provided to consumers as part of a service)
- **Products designed for professional use** should also comply with the GPSR should they subsequently reach the consumer market.

# 2. RULES AND OBLIGATIONS IN THE SUPPLY CHAIN

## ECONOMIC OPERATORS

- Manufacturers
- Authorised representatives
- Importers
- Distributors
- Fulfilment service providers
- EU responsible persons for products placed on the EU market

GPSR also applies to:

- **Providers of online marketplaces**
- Non-EU sellers, where they target consumers in the EU

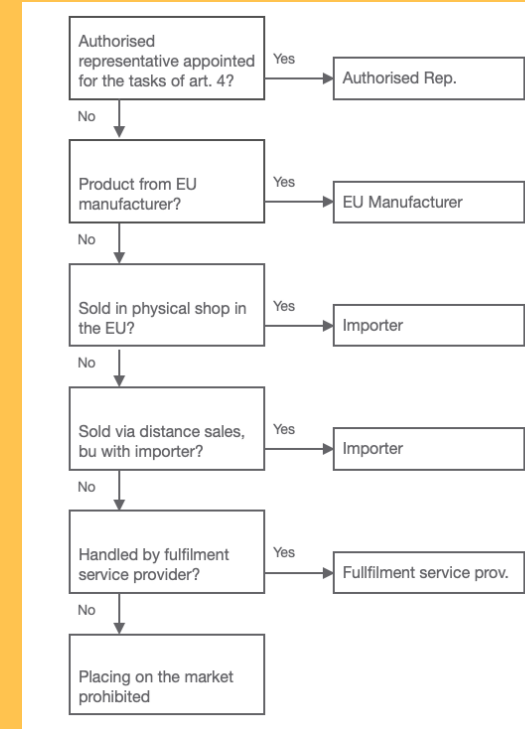
## EU RESPONSIBLE PERSON

A product can **only be placed on the EU market** if there is a **responsible person established in the EU, either:**

- Manufacturer
- Importer
- Authorised Representative
- Fulfilment Service Provider

**Identification & contact details** must appear on:

- The product itself, or
- Its packaging, parcel, or an accompanying document



# 3. ONLINE SALES AND OBLIGATIONS



## 1 – Requirements on the offer for sale if it targets EU Consumers

An offer for sale is considered to be **targeted at consumers in the EU where the economic operator directs its activities to one or more EU MSs.**

### 1) Relevant factors to assess whether an offer targets the EU include:

- The geographical areas to which delivery is offered;
- The languages used for the offer or ordering process;
- The means of payment available;
- The use of a MS's currency or a domain name registered in an EU MS.

### 2) Offer of products must clearly and visibly indicate at least the following information:

- If the manufacturer is :
  - established in the EU: **Name, registered trade name or registered trademark + postal and electronic address;**
  - not established in the EU: **Name, postal and electronic address of the responsible person established in the EU;**
- Information allowing the **identification of the product** (incl. picture, type, any other product identifier);
- **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 EU harmonisation legislation
  - in a language which consumers can easily understand, as determined by the MS in which the product is made available on the market (For LU: FR, DE or LU).

# 3. ONLINE SALES AND OBLIGATIONS



## 2- Obligations of online marketplaces

- Designate a **single point of contact (SPOC)**:
  - For market authorities regarding product safety
  - For consumers to report safety issues directly and quickly
- Register and maintain SPOC details on the **Safety Gate Portal**
- Establish **internal processes** for product safety management
- Respond to **national authority orders**:
  - Take action without undue delay, within 2 working days
  - Report back to authorities
  - Track and disable access to identical product listings if required
- Integrate **Safety Gate Portal alerts** into due diligence and tracking systems
- **Cooperate** with market surveillance authorities

# 4. CORRECTIVE ACTIONS AND MARKET SURVEILLANCE



## 1/2 - Actions to be taken by the Economic Operator

If an Economic Operator **considers or has a reason to believe that a product he placed on the market is dangerous**, he must:

Take **corrective measures to manage the safety risk and bring the product into conformity** (recall, withdrawal, stop of sales...)

**Inform consumers & Market surveillance authorities** of the relevant Member States

**Inform other economic operators, responsible persons and online marketplaces in the supply chain concerned of the safety issue**



### **Recall & Remedies:**

- Notices must be **clear and accessible**
- Must include at least two options:  
**Repair, Replacement, Refund**

# 4. CORRECTIVE ACTIONS AND MARKET SURVEILLANCE



## 2/2 – Cooperation with Market Surveillance authorities

### ROLE OF THE MARKET SURVEILLANCE AUTHORITY

**Ensure compliance of products** on the market with EU laws and health & safety requirements

Monitor products sold both in physical shops **and online marketplaces**

**Collect and inspect samples** and, where necessary, test them in specialised laboratories

Take **enforcement measures when a dangerous product** is identified, including but not limited to:

- Informing customs to block products at the border
- Ordering product recalls or withdrawals from the market
- Imposing sales bans
- Issuing consumer warnings
- Imposing fines and penalties, where necessary

### OBLIGATIONS OF ECONOMIC OPERATORS TOWARDS AUTHORITIES

Full cooperation with market surveillance authorities

- Upon request, economic operators must provide:
  - A **full description of the risk**, including complaints and known accidents
  - Details of corrective measures taken to address the risk (This information must be kept for 10 years after the product is supplied)
  - Economic operators must also provide product traceability information (To be kept for 6 years after the product is supplied)

All measures and decisions issued by market surveillance authorities **must be implemented by economic operators without exception.**

# 5. ILNAS



To go further...

**ILNAS – Institut luxembourgeois de la normalisation, de l'accréditation, de la sécurité et qualité des produits et services**

Web: [www.portail-qualite.public.lu](http://www.portail-qualite.public.lu)

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Two contact points for GPSR and information on products:

## **Market Surveillance**

T.: +352 247 743 20

E.: [surveillance@ilnas.etat.lu](mailto:surveillance@ilnas.etat.lu)

## **Product Contact Point**

T.: +352 247 743 20

E.: [pcpluxembourg@ilnas.etat.lu](mailto:pcpluxembourg@ilnas.etat.lu)