

# EU General Product Safety Regulation

## Frequently asked questions (FAQ)

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### 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.

## General rules

**Question:** Does the Commission provide a set of guidelines for the new Regulation?

**Answer:** Yes, the Commission will provide a set of guidelines for businesses, specifically to help small and mid-sized companies and microenterprises to comply with their new obligations, as foreseen in [Article 17 of the GPSR](#).

The EU Safety Gate website also provides useful information about the GPSR:

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

There is also a webpage dedicated specifically to businesses and is regularly updated:

<https://ec.europa.eu/safety-gate/#/screen/pages/obligationsForBusinesses>. On this page you can also find a GPSR presentation about the businesses' obligations and other useful presentations.

## Scope

**Question:** 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.

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**Question:** 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

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

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**Question:** 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.

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**Question:** 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.

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.

(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 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. Products that were already placed on the EU market before 13 December 2024 can remain on the market with no new requirements linked to labelling, including for resale as second hand after that date, provided that they complied with the GPSD.

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**Question:** 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".

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**Question:** 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.

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**Question:** 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 to 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.

## About obligations of businesses

**Question:** Do businesses need to perform a risk assessment for all products? Who is responsible for risk assessment?

**Answer:** When placing a product on the market **the manufacturer must ensure that the product is safe (cf. Art 5 GPSR), and therefore must conduct a risk analysis of the product.** 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.

Art 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.

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**Question:** 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.** Art 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, a list of any relevant European standards, and in the absence of relevant European standards, the list of national requirements or other methods related to the safety of the product (cf. Art 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 GPSR guidelines provide a model template for the technical documentation.

## Responsible person and responsible economic operator

**Question:** Does the 'responsible person' under the GPSR correspond to the 'responsible economic operator' under the Market Surveillance Regulation?

**Answer:** Whereas the scope of [Article 4](#) of 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:

- 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 online marketplaces.
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**Question:** What are the tasks of the 'responsible person' under Article 16(1) of the GPSR?

**Answer:** The responsible person has an important role in product safety. The tasks are enumerated in [Article 16\(2\)](#) and include responsibilities ensuring that the product in question complies with the technical documentation referred to in [Article 9\(2\)](#). The responsible person must also make sure 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. Additional responsibilities are outlined in [Article 4\(3\)](#) of the Market Surveillance Regulation.

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**Question:** 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.

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**Question:** 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, 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 can fulfil this role. In this case, the fulfilment centre becomes a 'responsible person' automatically (no mandate needed).

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.

## Labelling requirements and electronic address

**Question:** What is meant by 'electronic address'?

**Answer:** 'Electronic address' refers to forms of direct communication – e.g. email or contact form on a website. 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.

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**Question:** 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.