

EU (NI) GENERAL PRODUCT SAFETY REGULATIONS

Guide for the Furniture Industry



Members: Free

Non-Members: £150

Foreword

This guide has been prepared by FIRA International Ltd on behalf of the Furniture Industry Research Association.

This document is intended as a guide for product designers, developers, importers, distributors, retailers and manufacturers of furniture and furniture accessories. It is not intended to replace any legislative documents that are available and simply provides additional information to raise awareness of the relevant requirements, responsibilities and actions which may be taken to ensure compliant products are placed on the market. As such, the regulations (details of which can be found within this this document) must also be understood.

The dates and titles of standards and regulations referenced within this document were current at the time of publication. It is recommended that advice is sought on the status of these and any other applicable documentation when assessing product conformity.

All efforts have been made to ensure this document is correct at the time of going to press. The opinions and advice expressed are given in good faith. However, the authors cannot be held responsible for any action resulting from the content of this guide as the ultimate interpretation of the regulations rests with the courts. Where serious doubt occurs, professional legal opinion should be sought.

For the purposes of this guide, and with specific reference to placing a product on the market, making available any products, distributing products, etc., this is only considered to the extent that it relates to placing a product for use within the EU Market (27 EU member states) plus Northern Ireland, which falls under EU Regulations due to the Windsor agreement (EU GPSR from 13th December 2024).

Version Control

Any amendments or revisions made to this document are recorded here:

Version No	Date	Author	Details of Amendment
1.0	December 2024	B Lovell	First Edition

Contents

1. Introduction	3
2. The Legislative Framework	5
2.1 New Additions to be Noted	6
2.2 Note on Northern Ireland	7
2.3 Note on CE Marking	7
3. What Products are Covered?	8
4. What is the Primary Objective and What is a Safe Product?	10
5. Who Does it Apply to?	12
5.1. Determining Economic Operator's Role in Production Chain	13
6. Placing the Product on the Market	14
6.1 Making a Product Available	15
7. Obligations of Different Economic Operators	16
7.1 Obligations of Manufacturers	16
7.2 Obligations of Authorised Representatives	18
7.3 Obligations of Importers	19
7.4 Obligations of Distributors	21
8. Responsible Person for Products	22
9. Product Recall	24
9.1 Product Recall Remedies	28
10. How is a Product Assessed for Safety?	30
10.1 Risk Assessment	30
10.2 Note on Reasonably Foreseeable Use/misuse	32
10.3 Hazard Marking and Warnings	32
10.4 Voluntary Standards	33
11. Safety Gate	35
11.1 Safety Gate Rapid Alert System	36

- 12. Product Traceability and Labelling Requirements.....37
 - 12.1 Traceability 37
 - 12.2 Labelling 39
- 13. Inter-directive Relationships 41
- 14. Technical Documentation - The Technical File 42
- 15. Internal Processes for Product Safety.....44
 - 15.1 Factory Production Control (FPC) 44
- 16. Online Marketplaces and Distance Selling 46
 - 16.1 Online Marketplace Providers 46
- 17. Market Surveillance 51
- Appendix 1: Harmonised Standards referenced in the OJEU.....53
- Appendix 2: Terms and Definitions 55
- Appendix 3: Example Risk Assessment.....57

1. Introduction

This guide has been written to help furniture manufacturers and retailers comply with the EU General Product Safety Regulations ((EU) GPSR) and the requirements for placing products on the EU and Northern Ireland markets that fall under the new Regulations from 13th December 2024.

Where reference is made to the 'EU GPSR' in this guide, this information pertains to the European Commission published Regulation (EU) 2023/988 on general product safety, also known as the General Product Safety Regulations (GPSR). Published on 23 May 2024, the new Regulation will replace the General Product Safety Directive (GPSD) 2001/95/EC following a transitional period that ends on 13th December 2024.

The original EU Product Safety Directive (2001/95/EC) was incorporated into UK law in 2005 and applied both in the UK and the EU.

So, from 13th December 2024, the EU will have its own General Product Safety Regulation (EU 2023/988-GPSR) and diverge from GB with its own product safety regime and different rules will apply.

To avoid confusion, FIRA has published a separate guide for GB GPSR about Statutory Instrument (S.I.) 2005/1803: The General Product Safety Regulations 2005, which came into force on 1st October 2005 and still apply to the GB market.

GB manufacturers supplying goods to the EU market will need to comply with the new rules from 13th December 2024. As GB is no longer in the EU, this EU GPSR does not apply in the GB market but will affect businesses exporting products to the EU market (including Northern Ireland).

When considering the EU General Product Safety Regulations (EU GPSR) it is often easier to think of it as a safety net in that it is effectively designed to cover the safety of all consumer products, regardless of how sold. This not only includes products that are intended for use by consumers, but also commercial, or non-domestic products that may reasonably find their way into the hands of a consumer. It includes secondhand or reconditioned products as well as new products and contains requirements and obligations regarding the manufacture, supply, distribution, marking, after-sales monitoring, market surveillance, and recall of those products.

The guide aims to give a basic understanding of how the Regulations can apply to furniture products and to:

- Explain the content and reach of the EU General Product Safety Regulation, the products, or industries to which it applies, and its relationship with other existing regulations
- Identify how this impacts manufacturers, producers, or distributors of furniture products in the EU market

- Explain the value of risk assessment, when this should be undertaken, and highlight useful tools
- Highlight the relevance of product testing and the importance of harmonised standards referenced in the OJEU (Appendix 1)
- Identify who is responsible for enforcement of the Regulation including the penalties that may be involved
- explain the Safety Gate system, including actions that may be taken by enforcement and market surveillance authorities

Terms and Definitions used in the EU GPSR can be found in Appendix 2 of this document and have been produced in full for reference.

USING THIS DOCUMENT

Economic operators selling into the EU market should use this document to identify their new obligations under the EU GPSR. Section 5 can help you determine what kind of economic operator you are in the supply chain and section 6 lists the obligations for each type of economic operator. Go through the list of obligations and identify the ones that you currently have in place and those that are required in the new EU GPSR.

For the requirements that you do not have in place, the other sections of the document detail what you will need to do to satisfy the new EU GPSR.

Both economic operators and online marketplaces should scrutinise their product safety practices to ensure they are compliant with the new EU GPSR.

For economic operators, safety assessments will have to be reviewed to ensure they include the new factors and consumer information.

For online marketplaces, the user journey and interfaces for product listings may require a re-design to display all the necessary information in the correct languages.

2. The Legislative Framework

The original General Product Safety Directive (GPSD) 2001/95/EC was established to ensure a high level of consumer protection throughout the European Economic Area (EEA), whilst supporting the principal of mutual recognition. To achieve this goal, each member state within the EEA was required to incorporate the provisions of the Directive into their national legislation. This process involved outlining and facilitating the enforcement of the Directive, clarifying obligations, definitions, and actions, and enabling member states to utilize the additional powers granted by the Directive, including the ability to impose suitably effective punitive measures.

The Directive was enacted as a national law in nearly all member states of the EU in January 2004. The new Directive replaced the earlier GPS Directive 92/59/EEC, introducing important changes and extending coverage of the Directive to include:

- Products used by consumers in the course of a service
- Products intended for professionals that can migrate to the consumer market
- Methods of assessment of whether a product is safe
- Voluntary standards offering presumption of conformity
- Obligations on retention of documentation
- Obligations for producers and distributors to self-monitor products
- Notification of unsafe products placed on the market
- Co-operation of enforcement to reduce risks to consumers
- Restricting or banning the movement of dangerous goods
- "Last resort" provisions for product recall

Compiled under the 'New Approach,' developed in 1985, the Directive lists a single essential requirement that only safe products shall be placed on the market. This approach enables more specific technical requirements to be developed within harmonised European standards, offering a presumption of conformity, which can then be used in the development and assessment of the product itself.

On 23 May 2023, the European Commission published Regulation (EU) 2023/988 on general product safety, also known as the General Product Safety Regulation (GPSR). The new regulation will replace the General Product Safety Directive (GPSD) 2001/95/EC after a transitional period that ends on 13th December 2024.

The new EU GPSR modernises the EU general product safety framework and address safety challenges posed by new technologies and online selling. The legislation aims to bring market surveillance rules for non-harmonised products into line with those that already exist for harmonised products (those carrying a CE mark).

The objectives and additional rules in the EU GPSR from 13th December are:

- Ensuring the safety of all products, including those linked to new technologies
- Addressing challenges posed by the growth of online sales, and in particular via online marketplaces
- Ensuring a better enforcement of the rules and more efficient and even market surveillance
- Improving the effectiveness of recalls of dangerous products in the hands of consumers

2.1 New Additions to be Noted

The new additions to the EU GPSR can be summarized below:

- Precautionary principle shall be widely applied by all stakeholders for product safety
- Specific product safety obligations for both economic operators and providers of online marketplaces
- Reinforced product traceability requirements
- List of aspects to be taken into account when assessing the safety of products, including new technologies
- Accident reporting to authorities by businesses
- Reinforced market surveillance rules
- Specific rules on how to handle product safety recalls, including a mandatory recall notice template, and right to remedy for consumers
- The main requirements in terms of labelling and marking are as below:
 - Label products with the responsible persons name and contact details, type, batch, serial number, or other elements to make it possible to identify the product, and make sure the information is easily visible and legible for consumers.
 - Display the responsible person's name and contact details, including postal and electronic address in online listing.
 - Display a product picture and any other information needed to identify the product in online listings
 - Display warning and safety information – in addition to any other information concerning the labeling and marking required in compliance with applicable EU product safety and compliance law in online listings in the language of the country of sale

This document will explain how these new rules should be applied.

2.2 Note on Northern Ireland

Some of the provisions in the GB GPSR apply differently in Northern Ireland under the terms of the Windsor Framework implemented as part of the withdrawal agreement between the UK and the EU. The original Product Safety Directive (2001/95/EC), incorporated into UK law in 2005, applies both in the UK and the EU, but after 13 December when the EU updates its product safety regime to the new EU GPSR, different rules will apply in NI.

Many UK businesses, not just exporters, are going to be impacted because the new rules will apply in Northern Ireland and will cover 'most non-food consumer products.' Current GB based manufacturers that export into NI will need to follow the EU GPSR regime because, under the Windsor framework, the EU GPSR will apply in Northern Ireland.

2.3 Note on CE Marking

The EU GPSR is not a CE Marking Directive, such as the Toy Directive, Machinery Directive, Radio Equipment and Low Voltage Directive, and as such products that are covered by the EU GPSR alone are not required to be marked with the familiar CE mark. In fact, it is forbidden to affix the CE mark to other products that do not fall under a CE marking directive.

By affixing a CE mark to a product, a producer is declaring that the product meets the requirements of relevant European directives and as such should be allowed to be placed on the market in any part of the EEA (inc. NI).

Where a product is incorrectly CE marked, enforcement officers can demand evidence of compliance with the relevant CE marking directives which can cause delays to the movement of goods or further investigation.

The CE mark is not a mark for safety, but rather a declaration by the producer that it complies with a CE marking directive.

The new EU GPSR has an additional requirement of an electronic address (explained in later chapters). If the product has its own specific safety legislation as many of the CE marking directives have, i.e., toys, electrical equipment, and machinery, then the physical labelling obligations under section 1 chapter 3 of the EU GPSR would not apply to these products. These products would follow the labelling requirements of their own specific safety legislation laid down in the appropriate directive.

3. What Products are Covered?

One of the most frequently asked questions is 'Which products are in-scope of the Regulation?', when it may be more appropriate to ask which products are not in scope.

At the time of publication, sectors of consumer goods where the EU GPSR does not apply are:

- (a) Medicinal products for human or veterinary use
- (b) Food
- (c) Feed
- (d) Living plants and animals, genetically modified organisms and genetically modified microorganisms in contained use, as well as products of plants and animals relating directly to their future reproduction
- (e) Animal by-products and derived products
- (f) Plant protection products
- (g) Equipment on which consumers ride or travel where that equipment is directly operated by a service provider within the context of a transport service provided to consumers and is not operated by the consumers themselves
- (h) Aircraft
- (i) Antiques

This EU GPSR applies to products placed or made available on the market whether new, used, repaired, or reconditioned. It does not apply to products to be repaired or reconditioned before being used where those products are placed or made available on the market and are clearly marked as such.

In short, almost every 'product,' as defined by the Regulation, falls within the scope:

- **(a) 'Product'** means 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

This means in effect any product regardless of whether it is:

- New, second-hand, or refurbished
- Made commercially available for a fee or free of charge including as a loan product
- Provided as part of a service*
- Not originally intended for use by consumers, but reasonably foreseeable that it will be used by them

It is important to note that ex-demonstration or reconditioned models and items such as office furniture which, although initially designed or intended for professional use, may be sold as suitable for home office use and or be purchased by consumers for their own use.

When considering furniture, soft furnishings, and related items supplied for use in the home, all these products will fall under the scope of the EU GPSR.

Consideration should also be given to replacement or spare parts, particularly where such products are not subject to specific sector legislation, therefore falling within the scope of the EU GPSR, and where these are available as a separate product for use by consumers or fitted to a consumer product. This includes parts that are used to maintain or repair an overall product.

For those items that fall within the scope, it is important to note that the EU GPSR only relates to the safety of products, in other words, those that are found to be unsafe.

The EU GPSR does not indicate whether products are of satisfactory quality, fit for purpose, or as described unless this poses a safety issue. This is dealt with by the Consumer Rights Directive 2011/83/EU.

It should be noted that the EU GPSR only applies to commercial interactions, i.e., a business selling a product to the consumer. The private sale of a product by one consumer to another would not be covered by the EU GPSR.

** Whilst the EU GPSR applies to goods that are provided as part of a service, it does not apply to equipment used by service providers themselves, such as a public service vehicle*

4. What is the Primary Objective and What is a Safe Product?

Article 1 of the EU GPSR states its primary objectives:

- '1. The objective of this Regulation is to improve the functioning of the internal market while providing for a high level of consumer protection.'*
- '2. This Regulation lays down essential rules on the safety of consumer products placed or made available on the market.'*

Articles 5 and 6 define the general safety requirements:

'Economic operators shall place or make available on the market only safe products.'

A safe product, as defined by the regulations, means any product which, under normal or reasonably foreseeable conditions of use, including the actual duration of use, does not present any risk or only the minimum risks compatible with the product's use, considered acceptable and consistent with a high level of protection of the health and safety of consumers, taking into consideration each of the following aspects:

- *Characteristics of the product including its design, technical features, composition, packaging, instructions for assembly, and where applicable, instructions for use, installation, and maintenance*
- *The effect on other products, where it is reasonably foreseeable that the product will be used with other products, including the interconnection of those products*
- *The effect that other products might have on the product to be assessed, where it is reasonably foreseeable that other products will be used with that product, including the effect of non-embedded items that are meant to determine, change, or complete the way the product to be assessed works, which must be taken into consideration when assessing the safety of the product to be assessed*
- *The presentation of the product, the labelling, including the labelling regarding age suitability for children, any warnings and instructions for its safe use and disposal, and any other indication or information regarding the product*
- *The appearance of the product where it is likely to lead consumers to use the product in a way different to what it was designed for, and in particular:*
 - (i) Where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size, or other characteristics and might therefore be placed in the mouth, sucked or ingested by consumers, especially by children*

(ii) Where a product, although neither designed nor intended for use by children, is likely to be used by children or resembles an object commonly recognised as appealing to or intended for use by children because of its design, packaging, or characteristics

- *When required by the nature of the product, the appropriate cybersecurity features necessary to protect the product against external influences, including malicious third parties, where such an influence might have an impact on the safety of the product, including the possible loss of interconnection*
- *When required by the nature of the product, the evolving, learning, and predictive functionalities of the product.*

Conversely, a dangerous product may be deemed simply as any product other than a safe product.

The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering a product to be a dangerous product.

5. Who Does it Apply to?

The framework under which the EU GPSR was written was designed specifically to take into consideration each of the businesses or economic operators in the supply chain such as manufacturers, authorised representatives, distributors and importers, and their roles in relation to product compliance.

The EU GPSR defines a 'Manufacturer,' 'Authorised Representative,' 'Distributor,' 'Importer' and 'Fulfillment Service' as:

'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.

'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.

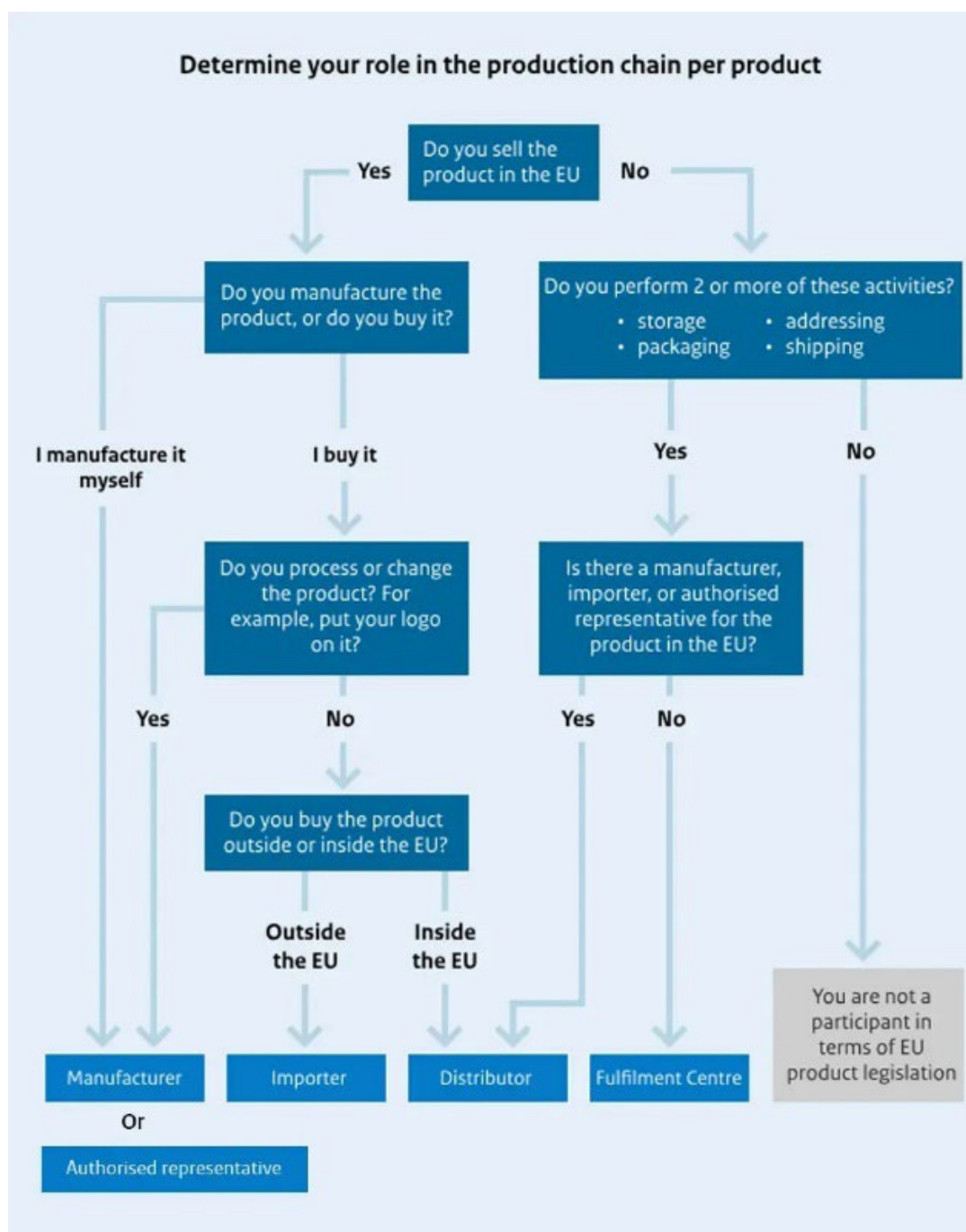
'Importer' means any natural or legal person established within the Union who places a product from a third country on the Union market.

'Distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market.

'Fulfillment centre' means any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing, and dispatching, without having ownership of the products involved, excluding postal services, and any other postal services or freight transport services.

5.1. Economic Operator's Role in the Production Chain

The decision tree below can be used to determine exactly what role a business has in the supply chain. For example, manufacturer, importer, or distributor. Businesses can also have several roles at the same time. Furniture businesses can check what their role is in the supply chain for each product, then ascertain what the specific obligations are in section 7 of this document as applicable to their role.



6. Placing the Product on the Market

The EU GPSR applies to products from the first time they are placed on the market to when the product reaches the end user. This includes any subsequent operations such as distribution or storage which constitute making the product available.

A product is considered to have been 'placed on the market' when it is made commercially available for the first time in the EU market. Ordinarily, this action is undertaken by a manufacturer based within the EU or where that manufacturer is outside of the EU market, an importer who will then take on the duties of a manufacturer.

For example, where a product is supplied from a manufacturer directly to a distributor, an importer, or even directly to a consumer for the first time, this would be considered to be placing the product on the market. In layman's terms, placing on the market could equally apply to taking delivery of products into an EU warehouse with a view to supplying consumers as much as it does physically placing a product on a shelf in a store.

Technically a product is placed on the market only once, however where a product has been subject to significant modification, or re-manufacturing, in order to re-purpose or change its original function, this may also be considered to be a new product. As such the person responsible for undertaking the modification would become the manufacturer and would be expected to take on the necessary duties.

The provisions of the EU GPSR apply to all forms of selling, whether direct to consumers in a store or via e-commerce platforms such as a website or via a product catalogue. It is important to remember that a product can be considered to be placed on the market regardless of whether or not a fee has been charged and when offered in the course of providing a service. A good example of this can be seen in additional or promotional items that are offered as a 'free gift' with a product, magazine, or as part of a subscription.

Placing a product on the market requires an offer or an agreement (written or verbal) between two or more legal or natural persons for the transfer of ownership, possession, or any other property right concerning the product in question. It requires that the manufacturing stage has been completed. It does not require the physical handover of the product. Sometimes products are manufactured following the placing of an order. An offer or agreement concluded before the stage of manufacture has been finalised cannot be considered as placing on the market (e.g. an offer to manufacture a product according to certain specifications agreed by the parties to the contract, where the product will only be manufactured and delivered at a later stage).

The distribution chain can also be the commercial chain of the manufacturer or the authorised representative, or an end-user for the first time, the operation is always labelled in legal terms as 'placing on the market.' Any subsequent operation, for instance, from a distributor to distributor or from a distributor to an end-user is defined as making available.

6.1 Making a Product Available

A product is made available on the market when supplied for distribution, consumption, or use on the EU market in the course of a commercial activity, whether in return for payment or free of charge. The concept of making available refers to each individual product, not to a type of product, and whether it was manufactured as an individual unit or in series.

Where a product is supplied for distribution or use, for example from one distributor to another, or from a distributor to a consumer, this is legally described as 'making available.' Whilst this may seem confusing at first, if we consider the initial launch of the product as 'placing on the market,' it follows that all subsequent distribution or shipments may be considered as 'making available' further products.

This act of 'making available' is particularly important when considering compliance, particularly any change in legislation or designated standards that offer a presumption of conformity or even voluntary standards that assess a product's safety.

Although a product may have historically been supplied as compliant with specific legislation or a voluntary standard when it was first placed on the market, where any revised legislation or voluntary standard introduces new mandatory requirements, any products that are placed on the market after the new requirements have come into force will be required to comply with these new requirements.

To clarify, changes to legislation or voluntary standards are rarely applied retrospectively to products that already exist in that they have already been placed on the market. A manufacturer for example would not be required to modify a product that had already been supplied to a distributor or importer if the legislation changes after the item was placed on the market. This includes items held in a storage facility if such product was received before any change to the legislation or voluntary standards were made.

However, subsequent production would be required to meet the new requirements before further products are made available.

Similarly, where a company in the course of its business either sells or re-conditions prior to selling a product, this would be considered to be making the product available, as it had already been placed on the market.

7. Obligations of Different Economic Operators

When considering the duties or obligations that apply to economic operators, these are made as clear as is reasonably possible within the EU GPSR, but when considering the vast range of products to which the regulation applies, there is a degree of flexibility in how these obligations can be met.

7.1 Obligations of Manufacturers

Article 9 of the EU GPSR requires manufacturers to place only safe products on the market, expanded in relation to the supply of goods.

Article 9 Obligations of Manufacturers

1. When placing their products on the market, manufacturers shall ensure that those products have been designed and manufactured in accordance with the general safety requirement laid down in Article 5.
2. Before placing their products on the market, manufacturers shall carry out an internal risk analysis and draw up technical documentation containing at least a general description of the product and its essential characteristics relevant for assessing its safety.

Where appropriate with regard to possible risks related to the product, the technical documentation referred to in the first subparagraph shall also contain, as applicable:

- (a) An analysis of the possible risks related to the product and the solutions adopted to eliminate or mitigate such risks, including the outcome of any reports related to tests conducted by the manufacturer or by another party on their behalf; **and**
- (b) The list of any relevant European standards as referred to in Article 7(1), point (a), or the other elements referred to in Article 7(1), point (b), or Article 8, applied to meet the general safety requirement laid down in Article 5

Where any of the European standards, health and safety requirements, or elements as referred to in Article 7(1) or Article 8 have been only partly applied, the manufacturers shall identify the parts that have been applied.

3. Manufacturers shall ensure that the technical documentation referred to in paragraph 2 is up to date. They shall keep that documentation at the disposal of the market surveillance authorities for 10 years after the product has been placed on the market and make that documentation available to those authorities upon request.
4. Manufacturers shall ensure that procedures are in place for products produced in series to remain in conformity with the general safety requirement laid down in Article 5.

5. *Manufacturers shall ensure that their products bear a type, batch or serial number, or other element enabling the identification of the product, and which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.*
6. *Manufacturers shall indicate their name, their registered trade name or registered trademark, 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.*
7. *Manufacturers shall ensure that their product is accompanied by clear instructions and safety information in a language that can be easily understood by consumers, as determined by the Member State in which the product is made available on the market. That requirement shall not apply where the product can be used safely and as intended by the manufacturer without such instructions and safety information.*
8. *Where a manufacturer considers or has reason to believe, based on the information in that manufacturer's possession, that a product which it has placed on the market is a dangerous product, the manufacturer shall immediately:*
 - (a) *Take the corrective measures necessary to bring in an effective manner the product into conformity, including a withdrawal or recall, as appropriate*
 - (b) *Inform consumers thereof, in accordance with Article 35 or 36, or both; **and***
 - (c) *Inform, through the Safety Business Gateway, the market surveillance authorities of the Member States in which the product has been made available on the market thereof*

For the purpose of points (b) and (c) of the first subparagraph, the manufacturer shall give details, in particular, of the risk to the health and safety of consumers and of any corrective measure already taken, and, if available, of the quantity, by Member State, of products still circulating on the market.

9. *The Commission shall ensure that the information meant to alert consumers can be provided by manufacturers through the Safety Business Gateway and is made available to consumers on the Safety Gate Portal without undue delay.*
10. *Manufacturers shall ensure that other economic operators, responsible persons, and providers of online marketplaces in the supply chain concerned are kept informed in a timely manner of any safety issue that they have identified.*
11. *Manufacturers shall make publicly available communication channels such as a telephone number, electronic address, or dedicated section of their website, taking into account accessibility needs for persons with disabilities, enabling consumers to submit complaints and to inform manufacturers of any accident or safety issue they have experienced with a product.*

12. *Manufacturers shall investigate complaints submitted, and information received on accidents, that concern the safety of products they made available on the market, and which have been alleged to be dangerous by the complainant and shall keep an internal register of those complaints as well as of product recalls and any corrective measures taken to bring the product into conformity.*
13. *The internal register of complaints shall only store the personal data that are necessary for the manufacturer to investigate the complaint about an alleged dangerous product. Such data shall only be kept as long as is necessary for the purposes of the investigation and in any event no longer than five years after the data have been entered.*

7.2 Obligations of Authorised Representatives

Article 10 Obligations of Authorised Representatives

1. *A manufacturer may, by means of a written mandate, appoint an authorised representative.*
2. *An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall provide the market surveillance authorities with a copy of that mandate upon request. The mandate shall allow the authorised representative to perform at least the following tasks:*
 - (a) *Providing 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.*

7.3 Obligations of Importers

Article 11 Obligations of Importers

1. Before placing a product on the market, importers shall ensure that the product complies with the general safety requirement laid down in Article 5 and that the manufacturer has complied with the requirements set out in Article 9(2), (5) and (6).
2. Where an importer considers or has reason to believe, based on the information in that importer's possession, that a product is not in conformity with Article 5 and Article 9(2), (5) and (6), the importer shall not place the product on the market until the product has been brought into conformity. Furthermore, where the product is a dangerous product, the importer shall immediately inform the manufacturer thereof and ensure that the market surveillance authorities are informed thereof through the Safety Business Gateway.
3. Importers shall indicate their name, their registered trade name or registered trademark, 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. Importers shall ensure that any additional label does not obscure any information required by Union law on the label provided by the manufacturer.
4. Importers shall ensure that the product they imported is accompanied by clear instructions and safety information in a language that can be easily understood by consumers, as determined by the Member State in which the product is made available on the market, except where the product can be used safely and as intended by the manufacturer without such instructions and safety information.
5. Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its conformity with the general safety requirement laid down in Article 5 and its conformity with Article 9(5) and (6).
6. Importers shall keep the copy of technical documentation referred to in Article 9(2) at the disposal of the market surveillance authorities for a period of 10 years after they have placed the product on the market and shall ensure that the documents referred to in Article 9(2), as applicable, can be made available to those authorities, upon request.
7. Importers shall cooperate with market surveillance authorities and the manufacturer to ensure that a product is safe.
8. Where an importer considers or has reason to believe, based on the information in that importer's possession, that a product which it has placed on the market is a dangerous product, the importer shall immediately:
 - (a) Inform the manufacturer thereof

- (b) *Ensure that the corrective measures necessary to bring, in an effective manner, the product into conformity are taken including withdrawal or recall, as appropriate; where such measures have not been taken, the importer shall immediately take them*
- (c) *ensure that consumers are immediately informed thereof in accordance with Article 35 or 36, or both; **and***
- (d) *Inform the market surveillance authorities of the Member States in which the product has been made available on the market thereof, through the Safety Business Gateway.*

For the purposes of points (c) and (d) of the first subparagraph the importer shall give details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken, and, if available, of the quantity, by Member State, of products still circulating on the market.

- 9. *Importers shall verify whether the communication channels referred to in Article 9(11) are publicly available to consumers, thereby allowing them to present complaints and communicate any accident or safety issue they have experienced with the product. If such channels are not available, importers shall provide for them, taking into account accessibility needs for persons with disabilities.*
- 10. *Importers shall investigate complaints submitted and information received on accidents, that concern the safety of products they made available on the market, which the complainant has alleged to be dangerous, and file those complaints, as well as product recalls and any corrective measures taken to bring the product into conformity, in the register referred to in Article 9(12), or in their own internal register. Importers shall keep the manufacturer, distributors and, where relevant, fulfilment service providers and providers of online marketplaces informed in a timely manner of the investigation performed and of the results of the investigation.*
- 11. *The register of complaints shall only store those personal data that are necessary for the importer to investigate the complaint about an alleged dangerous product. Such data shall only be kept for as long as is necessary for the purposes of the investigation and in any event no longer than five years after the data have been entered.*

7.4 Obligations of Distributors

Article 12 Obligations of Distributors

1. Before making a product available on the market, distributors shall verify that the manufacturer and, where applicable, the importer have complied with the requirements set out in Article 9(5), (6) and (7) and Article 11(3) and (4), as applicable.
2. Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its conformity with the general safety requirement laid down in Article 5 and its conformity with Articles 9(5), (6), and (7) and Article 11(3) and (4), as applicable.
3. Where a distributor considers or has reason to believe, based on the information in that distributor's possession, that a product is not in conformity with Article 5, Article 9(5), (6) and (7), and Article 11(3) and (4), as applicable, the distributor shall not make the product available on the market unless the product has been brought into conformity.
4. Where a distributor considers or has reason to believe, based on the information in that distributor's possession, that a product which it has made available on the market is a dangerous product or is not in conformity with Article 9(5), (6) and (7) and Article 11(3) and (4), as applicable, the distributor shall:
 - (a) Immediately inform the manufacturer or the importer, as applicable, thereof
 - (b) Ensure that the corrective measures necessary to bring in an effective manner the product into conformity are taken, including withdrawal or recall, as appropriate; and
 - (c) Ensure that the market surveillance authorities of the Member States in which the product has been made available on the market are immediately informed thereof through the Safety Business Gateway.

For the purposes of points (b) and (c) of the first subparagraph the distributor shall give appropriate details available to it of the risk to health and safety of consumers, of the number of products involved and of any corrective measure already taken.

8. Responsible Person for Products

Article 16 of the EU GPSR states the responsible person requirements for products placed on the EU market:

'A product covered by the EU GPSR shall not be placed on the market unless there is an economic operator established in the Union'

So, if you are established outside the EU and offer products on the EU market, then as manufacturers or authorised representatives you must have representation in the EU. So, a responsible person must be one of the following:

- The manufacturer of the brand, if established in the EU
- An importer established in the EU
- An authorised representative established in the EU, who is appointed in writing as the responsible person by the manufacturer of the brand
- A fulfilment service provider established in the EU, if no manufacturer, authorised representative, or importer is established in the EU

A fulfilment service provider typically provides services such as storage, packaging and delivery, and businesses use them to dispatch their products. In the EU Regulation on market surveillance, they are defined as:

'A natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved'

If there is no manufacturer, importer, or authorised representative established in NI or the EU, but there is a fulfilment service provider, the fulfilment service provider will automatically be considered the responsible economic operator and expected to fulfil compliance tasks as below.

If there is no manufacturer, authorised representative, importer, or fulfilment service provider you cannot place products on the EU / NI markets.

NOTE - A brand owner in Northern Ireland can act as their own responsible person or can appoint another entity in NI or the EU as the responsible person.

The responsibilities of the responsible person are:

- To ensure the technical documentation and additional documents demonstrating conformity of the product with EU law can be made available by the manufacturer upon request in a language understood by the relevant authority
- Inform authorities of any risks posed by the product, if applicable
- Cooperate with market surveillance authorities to take necessary action to bring a product back into conformance if there are issues found and reported

- Check for compliance with the technical documentation, instruction and safety information
- Provide documented evidence of the checks performed upon request by authorities
- The contact information including the postal and electronic address of the responsible person is required to be displayed on the product, its packaging, the parcel, or any accompanying documents.

9. Product Recall

However well a business is run, a product quality or safety issue can happen at any time, therefore there must be a plan in place to ensure any potential issues are dealt with quickly and effectively. The EU GPSR outlines the specific obligations of producers and distributors in placing only safe products on the market, including initial risk and product assessments; monitoring product safety and recording product information; taking action to protect consumers from potentially unsafe products and communicating product issues to consumers and the relevant authorities as well as the wider supply chain.

Previously it had been left to individual businesses to undertake corrective action in the event of a product safety issue, resulting in a wide range of differing approaches. To harmonize consumer information about safety risks posed by products the EU has laid down a template for recall notices in Regulation 2024/1435 that can be found via the following link

[Implementing Regulation \(EU\) 2024/1435](#)

The Implementing Regulation will apply from December 13, 2024, and thus at the same time as the EU GPSR. The template will apply to product safety recalls in relation to consumers in accordance with the EU GPSR. The requirements for the form and content of information to consumers on a product safety recall are set out in Articles 35 and 36 of the EU GPSR.

Article 35 of the EU GPSR states the requirements of the recall notice:

1. *Where information on a product safety recall is provided to consumers in a written form, in accordance with Article 35(1) and (4), it shall take the form of a recall notice.*
2. *A recall notice which can be easily understood by consumers shall be available in the language(s) of the Member State(s) where the product has been made available on the market and include the following elements:*
 - (a) *A headline consisting of the words 'Product safety recall'*
 - (b) *A clear description of the recalled product, including:*
 - i. *Picture, name and brand of the product*
 - ii. *Product identification numbers, such as batch or serial number, and, if applicable, graphical indication of where to find them on the product; and*
 - iii. *Information on when, where and by whom the product was sold, if available*
3. *A clear description of the hazard associated with the recalled product, avoiding any elements that may decrease consumers' perception of risk, such as by using terms and expressions such as 'voluntary', 'precautionary', 'discretionary', 'in rare situations' or 'in specific situations' or by indicating that there has been no reported accident.*
4. *A clear description of the action consumers should take, including an instruction to immediately stop using the recalled product.*

5. *A clear description of the remedies available to consumers*
6. *A free phone number or interactive online service, where consumers can get more information in the relevant official language(s) of the Union; **and***
7. *Encouragement to share the information about the recall with other persons*

For reference, the images below show the recall notice template, a PDF of the template can be viewed/downloaded from the EU Europa website at [Implementing Regulation \(EU\) 2024/1435](#).

▼ C1

ANNEX

Company logo
(optional)

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

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Company logo
(optional)

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'

9.1 Product Recall Remedies

Article 37 of the EU GPSR states the corrective action options that should be given to the consumer in the event of a product safety recall initiated by an economic operator or ordered by a national competent authority.

Article 37

1. *The economic operator responsible for the product safety recall shall offer the consumer an effective, cost-free and timely remedy.*
2. *Without prejudice to any other remedies that the economic operator responsible for the recall may offer the consumer, the economic operator shall offer the consumer the choice between at least two of the following remedies:*
 - (a) *The repair of the recalled product*
 - (b) *A replacement of the recalled product with a safe one of the same type and at least the same value and quality; **or***
 - (c) *An adequate refund of the value of the recalled product provided that the amount of the refund shall be at least equal to the price paid by the consumer*

By way of exception to the first subparagraph, the economic operator may offer the consumer only one remedy where other remedies would be impossible or, compared to the proposed remedy, would impose costs on the economic operator responsible for the product safety recall that would be disproportionate, taking into account all circumstances, including whether the alternative remedy could be provided without significant inconvenience to the consumer.

The consumer shall always be entitled to a refund of the product when the economic operator responsible for the product safety recall has not completed the repair or replacement within a reasonable time and without significant inconvenience to the consumer.

3. *Repair by a consumer shall only be considered an effective remedy where it can be carried out easily and safely by the consumer and where envisaged in the recall notice. In such cases, the economic operator responsible for the product safety recall shall provide consumers with the necessary instructions, free replacement parts, or software updates.*
4. *Disposal of the product by consumers shall only be included in the actions to be taken by consumers under Article 36(2), point (d) where such disposal can be carried out easily and safely by the consumer and shall not affect the right of the consumer to receive a refund for or replacement of the recalled product under paragraph 1 of this Article.*
5. *The remedy shall not entail significant inconvenience for the consumer. The consumer shall not bear the costs of shipping or otherwise returning the product. For products that*

by their nature are not portable, the economic operator shall arrange for the collection of the product.

Economic operators should familiarize themselves with the new recall notice requirements detailed above to ensure compliance and avoid potential setbacks when the regulations come into effect. Any current internal recall management procedure should be reviewed and adapted if necessary to comply with the new EU GPSR requirements.

10. How is a Product Assessed for Safety?

10.1 Risk Assessment

By performing and recording a product risk assessment at various stages of product development, and after the product has been produced or is in use, a company can demonstrate that it has a good understanding of the risks posed by the product, has the ability to assess this, and where identified has taken reasonable steps to eliminate, reduce or control them.

There are times when the unforeseen may happen and behavioural patterns, awareness, availability of other products or devices and user abilities may change over time. The key is to maintain a risk assessment that remains relevant as the product, materials technology and user considerations evolve.

Although there is no specific guidance within the EU GPSR on how a product risk assessment should be undertaken, there is an online portal tool on the EU Europa website at <https://ec.europa.eu/rag/#/screen/home>

The EU has created an online tool and methodology with the acronym RAG (Risk Assessment for Safety Gate). The Safety Gate Rapid Alert System is explained in section 11 and this methodology is used by manufacturers, market surveillance authorities and enforcing authorities in the EU with responsibility for consumer product safety.

The RAG methodology includes typical hazard scenarios and injuries that may occur along with an indication of the severity, to help producers and distributors to meet their obligations. When using RAG, a producer or distributor is encouraged to base the risk assessment around several considerations and utilise a calculative method.

Generally speaking, a risk assessment should take into consideration the consumer, both the target consumer and anyone who may reasonably use the product; the ability and age or any limitations of the consumer; the hazards presented by the product in both intended and reasonably foreseeable use; the likelihood that the consumer will recognise the hazard, including any marking or instructional information; the injury that may be caused and the severity of that injury; and the overall likelihood of the injury occurring.

The overall level of risk can then be calculated based on the severity of the injury and the likelihood or probability of that injury occurring.

An example risk assessment can be found in Appendix 3.

Consider the consumer, for example:

- Who the product is intended for and who may reasonably be exposed to it
- Would they be of a particular age group or is this reasonably limited through the function of the item

- Whether they are physically capable of using the product or could the product be used by those with restricted abilities or experience
- If a consumer would be able to identify the hazard and take action accordingly, for example, does the item feature any hazard warning symbols or markings to alert the user to a potential issue

It should also be considered how the consumer will use the product, including both intended and reasonably foreseeable use, and whether it is likely to be used only occasionally or repeatedly, including for prolonged periods. An example of reasonably foreseeable use could be a footstool, which, although intended to rest feet or lower limbs, may be used as seating for a small child due to its size or appearance or even stood upon as a step stool.

Next, consider the hazards presented by the product, for example, typical hazard types can include:

- **Mechanical** - (hazards from moving parts, sharp points, edges, insufficient strength, or stability)
- **Electrical** - (risk of electric shock, risk of overheating, risk of fire)
- **Thermal** - (risk of burns (hot or cold), scalds, hypo, or hyper-thermic reactions)
- **Materials/substances** - (risk of exposure to materials and or substances of very high concern such as plasticisers, brominated fire retardants, and lead)
- **Ergonomic** - (does the fit of the product to the user cause an unsafe condition to occur)
- Hazards associated with the environment in which the product is used, such as outdoors or in a small space; (posing a trip hazard, entrapment between an item and a structure; hazards from water ingress or weakening from exposure to UV)
- Combination of hazards

Finally, consider how an injury could occur, including the steps that a consumer would need to take to be hurt whilst using the product (the injury scenario) and what type of injury could be caused. Although the injury scenario may have several different steps it should be evaluated based on the shortest number of steps required for the injury to occur.

Each step should be assigned a value, for example, if a step is to be expected such as a user sitting on a chair this could be expressed as 1/2 or 50%; whereas a user sitting on a table could in some cases be described as a probability of 1/10.

Consideration should also be given to the severity of any injury, whether it would be minor such as a graze to the finger, or serious such as amputation or partial amputation of a finger or toe. The guidance document gives details of how injuries may be classified using a scale of 1 to 4.

10.2 Note on Reasonably Foreseeable Use/misuse

The term 'reasonably foreseeable use' is a common feature of both product and general legislation which contains requirements for the safety and health of consumers or users of products or equipment. It is important that this, along with its counterpart 'reasonably foreseeable misuse' is considered carefully but whilst employing a common sense approach.

A good example of reasonably foreseeable use/misuse is the alternative use for a dining chair. Whilst the primary function of the product is to be used as an item of seating it is also reasonably foreseeable that this same product will be stood upon to replace a light bulb or hang decorations. We understand this as being reasonably foreseeable, as many of us have either seen this done or have done this ourselves. We also understand that it is not what the product was designed or intended for, and yet we do it anyway assuming the product will be safe when used thus.

Another example of reasonably foreseeable use/misuse is in relation to a child's bed. Whilst the primary function is to support a child whilst sleeping, it would be entirely foreseeable that a child will stand or jump on the bed. It is also reasonably foreseeable that an adult will sit on the bed for example to read a story.

The same could be considered for a wide range of products, by persons of varying age or experience, therefore when considering what may or may not be reasonably foreseeable it is worth seeking the opinion of a number of potential consumers or observing how they would interact with a product or potential design.

10.3 Hazard Marking and Warnings

It is important to note that whilst good use of hazard markings and warning statements can alert consumers to risks posed, for example, that are inherent in the materials a product is made from (such as glass) or in the operation of the product (such as moving parts), this should only be used as a last resort for example where the risk cannot be mitigated by design.

There is a wide range of inherently unsafe products, which can be used in a safe manner with clear and concise hazard identification and guidance on use. Such information should be short, and concise and highlight the hazard and risk posed for example a warning triangle and the words 'Caution – moving parts' or 'maximum user weight 95kg'. Long, complex, or overly worded statements are likely to either be misunderstood or worse, not read fully.

It is also important to include translations of both instructional and warning text where a product is sold in EU markets. Whilst English is a common language, there is no guarantee that the end user will understand English only instructions. To avoid excessive labelling, the use of pictograms is often employed. Again, these must be clear and concise and not confusing to the user.

10.4 Voluntary Standards

It may be of surprise to note that the vast majority of standards relating to furniture, are voluntary.

Under the EU GPSR, there is no specific requirement for a manufacturer to test a product, however, the onus is on the producer to ensure that all products placed on the market are safe products and that reasonable steps have been taken in relation to any risks identified following a risk assessment.

Although not mandatory, compliance with published standards is commonly used to show that reasonable steps have indeed been taken to address identified risks such as that posed by insufficient strength or inadequate stability.

However, there is a group of harmonised standards which if met, confer a presumption of conformity with the EU GPSR (Article 7) and therefore, the General Safety Requirement of the Regulation itself. Where the reference number and title of a European harmonised standard has been listed in the Official Journal of the European Union (OJEU) under the framework of the General Product Safety Directive, the general safety requirement is presumed to have been met but only as far as the risks that are covered by that standard are concerned.

The list of harmonised standards is published on a regular basis as a Commission Communication. Further details of this and how the list can be used can be found in Appendix 1 Harmonised Standards referenced in the OJEU.

If there is no harmonised standard published in the OJEU then additional elements may be taken into account for assessing the safety of products when available:

- (a) European standards other than those the references of which have been published in the *Official Journal of the European Union*
- (b) international standards
- (c) international agreements
- (d) voluntary certification schemes or similar third-party conformity assessment frameworks, in particular, those conceived to support Union law
- (e) Commission recommendations or guidelines on product safety assessment
- (f) national standards drawn up in the Member State in which the product is made available
- (g) the state of the art and technology, including the opinion of recognised scientific bodies and expert committees
- (h) product safety codes of good practice in force in the sector concerned
- (i) reasonable consumer expectations concerning safety
- (j) safety requirements adopted in accordance with Article 7(2) of the EU GPSR

When considering the development cycle of a product safety standard that can be measured in years, product design and available technology will inevitably evolve at a much faster rate. Therefore, an ongoing assessment of risk, in line with any amended published documents, commission decisions, or scientific articles is essential.

11. Safety Gate

Articles 25, 26, and 27 of the EU GPSR establish an EU wide Rapid alert system, known as 'the safety gate', to enable the rapid exchange of information on any actions taken on products sold within the EU market that are found to pose a serious risk to the health and safety of consumers between the Member States and the European Commission.

Economic operators must ensure, through the Safety Gate, that accidents caused by a product are notified without undue delay to the competent market surveillance authority. Accident is defined as an occurrence associated with the use of a product that resulted in an individual's death or serious adverse effects on their health and safety, permanent or temporary, including injuries, other damages to the body, illnesses, and chronic health effects.

Article 20 of the EU GPSR details the obligations of Economic operators in the case of accidents in the EU market that are related to the safety of products.

Upon receiving accident information, the economic operator shall ensure that, through the Safety Business Gateway, an accident caused by a product placed or made available on the market is notified, without undue delay from the moment they know about the accident, to the competent authorities of the Member State where the accident has occurred. The notification shall include the type and identification number of the product as well as the circumstances of the accident if known. The manufacturer shall notify, upon request, the competent authorities, of any other relevant information.

The manufacturer should notify the competent authorities of the occurrences associated with the use of a product that resulted in an individual's death or in serious adverse effects on that individual's health and safety, permanent or temporary, including injuries, other damage to the body, illnesses and chronic health effects.

The importers and the distributors who 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. The manufacturer shall make the notification in accordance with paragraph 1 or instruct the importer or one of the distributors to make the notification.

Where the manufacturer of the product is not established in the EU, the responsible person who has knowledge of an accident shall ensure that the notification is made.

11.1 Safety Gate Rapid Alert System

Safety Gate comprises three elements:

1. **Safety Gate Rapid Alert System** - The Safety Gate Rapid Alert system allows for the exchange of information to prevent circulation and restrict the supply of those products identified as posing a serious risk to consumers by requiring member states to notify the Commission when products subject to a notification are found in their home market. As well as preventing further movement of unsafe goods, this also enables the Commission to monitor the effectiveness and consistency of market surveillance and enforcement activities.
2. **Safety Gate Portal** - A web portal to inform the public and enable them to submit complaints themselves - [Safety Gate: the EU rapid alert system for dangerous non-food products](#)
3. **Safety business Gateway** - A web portal to enable businesses to comply with their obligation to inform authorities and consumers of dangerous products and accidents - <https://webgate.ec.europa.eu/gpsd/screen/public/home>

The Safety Gate system enables information on measures taken against non-food dangerous products to be circulated quickly among the national authorities responsible for product safety in the single-market countries.

Every day, national authorities send alerts to the Safety Gate. Each alert contains information on the kind of product detected as dangerous, a description of the risk, and the measures taken by the economic operator or ordered by the authority. Every alert is followed-up by the other EU national authorities, who take their own measures if they find the same product on their own national market.

Other countries must follow up on this information and if they find the same product in their own market, they must share this information on Safety Gate as well. An extract of alerts is published on the Safety Gate Portal to inform the public about dangerous products - <https://ec.europa.eu/safety-gate-alerts/screen/webReport>

The notification of dangerous products through this system is where a member state notifies corrective measures taken concerning products presenting a serious risk. The other Member States shall notify through the Safety Gate Rapid Alert System the corrective measures or other actions taken subsequently relating to the same products and any other relevant information, including the results of any tests or analyses carried out, without undue delay and in any event no later than four working days after the measures or actions are taken.

The Safety Gate is a core dataset, providing insight into the market surveillance activity of regulatory officers across the EU and highlighting where the greatest levels of activity are taking place in terms of product sectors, as well as providing an oversight of the most reported hazards and corrective actions taken.

12. Product Traceability and Labelling Requirements

The EU GPSR requires that products sold within scope of the EU GPSR must meet certain labelling and traceability requirements.

From a regulator's perspective, traceability matters because it enables effective enforcement through market surveillance via corrective measures including withdrawals and recalls. It enables unsafe or non-compliant products to be traced up the distribution chain and identifies the roles and responsibilities of the economic operator throughout the chain. Traceability enables market surveillance authorities to trace products up to the factory gate and from the factory to the end-user in certain cases.

From a manufacturer's perspective traceability matters because it enables effective control of the production process and suppliers before the marketing of the products, and control of their distribution chain after the placing of the product on the market. In case of non-compliance, manufacturers are able to reduce the impact of recalls or withdrawals depending on the details in their traceability system.

12.1 Traceability

The EU GPSR has enhanced traceability requirements to make it easier to trace and recall unsafe products. Manufacturers are required to designate a single point of contact for consumers to use to raise issues of safety, related to the product.

The contact details of the legally responsible party must be on the product or its packaging:

- If the manufacturer is located in the EU, the contact details of the manufacturer must be on the product
- If the manufacturer is established outside the EU, then the contact details of the importer or the authorised representative must also be on the product or its packaging as well as the manufacturer's details (two labels)

From Article 9 of the EU GPSR For manufacturers (& authorised representatives) – Traceability Requirements

'Manufacturers shall ensure that their products bear a type, batch or serial number or other element enabling the identification of the product, and which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.'

'Manufacturers shall indicate their name, their registered trade name or registered trademark, 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.'

From Article 11 of the EU GPSR For Importers – Traceability Requirements

Importers should check whether the manufacturer's traceability requirements, as above, are complied with or should not place the product on the market.

'Importers shall indicate their name, their registered trade name or registered trademark, 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. Importers shall ensure that any additional label does not obscure any information required by Union law on the label provided by the manufacturer.' Two labels

From Article 12 of the EU GPSR For Importers – Traceability Requirements

Importers should check the manufacturer's traceability requirements, as above, are complied with or should not place the product on the market until in conformity.

The purpose of these requirements is to enable the user or the market surveillance authorities to contact the manufacturer. The term 'business name' refers to the name under which the company concerned is registered. The term 'full address' means a postal address that is sufficient to enable a letter to reach the manufacturer. The term 'electronic address' means any electronic address (such as an email address) or website that provides direct communication, e.g., by contact template. A static website would not suffice.

The Consumer must be able to clearly understand the traceability information and on request, the economic operator should identify the relevant traceability information to the market surveillance authorities.

- (a) any economic operator who has supplied them with the product, or with a part, a component, or any software embedded into the product; and
- (b) any economic operator to whom they have supplied the product.

Economic operators should be able to retain and present this traceability information to market surveillance authorities for a period of six years after they have been supplied with the product, or with a part, a component, or any software embedded into the product, or after they have supplied the product, as applicable.

12.2 Labelling

The physical labelling requirements and obligations follow the same rules and practices as outlined in the EU document Blue Guide on the implementation of the product rules Publications Office (europa.eu) located at:

https://single-market-economy.ec.europa.eu/news/blue-guide-implementation-product-rules-2022-published-2022-06-29_en

As a rule, manufacturers must affix traceability information to the product. Article 9 (5) of the EU GPSR gives an exemption for manufacturers where 'if that is not possible, on its packaging and/or in a document accompanying the product.'

So, it may exceptionally be moved from the product if this rule cannot be followed. This would be justified where affixing it to the product was not possible under reasonable technical or economic conditions excluding however esthetical reasons. It is up to the manufacturer to make this assessment. This assessment must be done according to the size or nature of the product.

Some products e.g. hearing aids, sensors, or the like are simply too small to carry such information. In such cases, the order of priority is that as a first alternative, the information should be on the packaging, as a second alternative on an accompanying document such as the instructions for use.

Digital labelling can be used but strictly in addition to the physical labelling requirements and cannot be used as a substitute. Unless otherwise specified by Union harmonisation legislation, the information on the name and address of the different economic operators does not need to be affixed indelibly. However, this information should be visible on the product, or the packaging or accompanying documentation.

LABEL TEMPLATE EXAMPLE

Name of Manufacturer*: <Trade Name / Trademark>
Address of Manufacturer*: <Company Postal Address>
Electronic Address: < name@mail.com >
Type / Batch / Serial No.: < Batch number / ID number >

* Replace Manufacturer with another economic operator if required

Different Scenario Examples

The product must always bear the manufacturer's name and address. Imported products must also bear the importer's name and address. Hence, in conclusion, a product normally bears one or two addresses.

Scenario 1 - If the manufacturer is within the European Union, the product will bear only one (manufacturer's) address as there is no importer involved.

Scenario 2 - If the manufacturer (declaring himself as a manufacturer by putting his name and address on the product) is outside the EU and the products are placed on the Union market by an importer, the product will bear two addresses: the one of the manufacturer and the one of the importer.

Scenario 3 - If the original manufacturer is outside the EU and the importer places the product on the market under his own name or trademark or modifies the product already placed on the market (in such a way that compliance with the applicable requirements may be affected), the importer is considered the manufacturer. The only address that in this case will figure on the product (or packaging or accompanying document) is the address of the importer who is considered as the manufacturer.

Scenario 4 - If the manufacturer is within the EU (a company located in the EU declaring itself to be a manufacturer by putting its name and address on the product) although the products are manufactured outside the EU, that company is considered to be the manufacturer who places the product on the Union market, even if actual importation is done by another company. In this case, there is no importer in the meaning of the importer's definition, and it is sufficient to put only the manufacturer's address.

13. Inter-directive Relationships

There is a belief that the EU GPSR only covers those products that do not fall into the scope of a specific Regulation of their own, such as toys or electrical products. This is not strictly true.

Whilst a sector-specific regulation may be considered as the primary legislation, many of these regulations focus on specific safety risks that have been identified or considered foreseeable at the time of implementation and as such could be described as static in their approach. The EU GPSR, whilst not product or sector-specific, is more flexible in its approach and can be utilised where a product has evolved to include materials or functions that sector-specific legislation does not take into account or sufficiently cover.

The EU GPSR may also apply where there is a gap in requirements and the provisions and obligations within the EU GPSR go further than the primary regulation in respect of safety aspects covered or specific obligations, such as requirements to mark a product or requirements to warn the consumer.

For example, the current Toys Safety Directive does not include an obligation on producers to inform authorities of dangerous products, therefore Article 7 – Obligation for producers to inform the authorities of dangerous products and action taken to prevent the risk of the EU GPSR will apply to toys despite there being existing specific legislation for these products.

Another example perhaps more relevant is concerning the Low Voltage Directive. Although this Directive covers essential health and safety requirements for electrical equipment, only equipment that operates with a voltage of between 50 and 1000 V AC (alternating current) and between 75 and 1500 V DC (direct current) falls within scope.

The EU GPSR will therefore cover those electrical products that fall outside the scope of the LVD, with an operating voltage below 50 V AC (alternating current) or 75 V DC (direct current).

Whilst the majority of more recently published regulations include common provisions made within the EU GPSR aimed at reducing the potential of overlapping requirements over time, it should be remembered that products will nearly always develop and evolve at a far quicker rate than safety legislation, particularly given the processes that legislation and standards must follow. Therefore, the EU GPSR may be relied upon to cover those unique features that a sector Directive may not.

14. Technical Documentation - The Technical File

One of the requirements of the new EU GPSR is that manufacturers should have in place technical documentation (sometimes known as a technical file) regarding the products that they are placing on the market. The technical documentation should be based on a risk analysis carried out on the product by the manufacturer. The manufacturer must make this technical file available to importers and distributors of the product.

What should be in the technical file depends on the product type and the regulations applicable to that product. Check which EU legislation applies to your product in terms of harmonised standards and what the main requirements are that the product must meet. Make sure the product meets these requirements, and in the technical documentation set out in detail what standards you have used, and which technical specifications ensure that your product is safe.

Technical Documentation Suggested Contents List

As a general guide, the following items should be included in the Technical Documentation:

- General description of the product or furniture and intended use
- Bill of materials, including any treatments or coatings applied, and a list of parts including reference to the supplier or unique identifier, in the case of multiple sources
- Datasheets for any materials which may pose a hazard to the user
- Design and manufacturing drawings with descriptions as appropriate
- A list of the standards or technical specifications that have been applied; particularly where harmonised standards have been used
- Records of all risk assessments and assessments to any standards
- Copies of any packaging used, with particular reference to safety information or restrictions in use (age or weight limits), including where this information is presented to the consumer at the point of sale
- Copies of any product markings and labels and if relevant, point of sale information including issue dates to identify any subsequent amendments
- Copies of instruction leaflets/manuals (user, maintenance, installation), including issue dates to identify any subsequent amendments
- Test reports for components and final product and reference to any re-testing methodologies
- Quality control and inspection procedures (incoming goods, in-line, or pre-shipment)
- Details of any complaints and where relevant details of the corrective actions or modifications undertaken to address these

- Particular reference should be made to when modifications were made and how these can be identified in production
- Information on batch numbering (how it is displayed and what it means)

The amount of information to be provided in the technical documentation should be proportionate to the complexity of the product and the possible risks identified by the manufacturer. There is nothing to stop the documentation from containing a great deal more information than the content listed above. The focus however should be on the quality of the information presented, not the quantity and its relevance to how the product operates and how it has been assessed to be 'safe.'

The EU GPSR specifically states some other rules that technical documentation must follow:

- *Anyone dealing with your product must be able to read and understand the technical documentation. EU legislation states that the technical documentation must be written clearly in a language used in the country where the product is sold. This can also be the second or third language of that country.*
- *The technical documentation for a product must be kept for 10 years and made available on request by market surveillance authorities. This applies from the time the product was put on the market. This is the responsibility of the manufacturer or an authorised representative in the EU.*
- *If the product's design changes, the technical documentation must be updated, and a reassessment of whether the product is safe and meets all legal requirements must be done. The technical documentation must include all versions of the product and describe all the changes to the product and the differences between the versions. If the design changes affect the risk analysis, how are the different versions assessed to meet the safety requirements?*

15. Internal Processes for Product Safety

Article 14 states that economic operators shall ensure that they have internal processes for product safety in place, allowing them to comply with the relevant requirements of the EU GPSR.

For furniture produced in volume, the manufacturer must ensure that each piece of furniture remains in conformity with the provisions of the regulations. The manufacturer must carry out the necessary research and tests on components, fittings, and/or the completed product to determine whether, by its design or construction, it is capable of being assembled and put into service safely. If changes are made to the design, for example where materials or components from different suppliers are incorporated, or where improvements are made to the design, the conformity of the aspects of the design that have been modified must be reassessed and the technical documentation updated accordingly.

The internal checks for manufacturing the product described in the regulations refer to ensuring that the manufacturing process is strong enough to maintain consistency in production. This is important so that all products comply with the technical documentation and the relevant essential health and safety requirements (EHSRs). Quality Control is especially important to ensure that every product made meets safety standards, not just the first one.

The EU GPSR also states that there should be a customer complaints procedure keeping a register of complaints and also a non-conformance management procedure to apply corrective measures to bring the product back into conformity with the Regulations. Implementing a Factory Production Control system within the manufacturing environment is one such way to satisfy these requirements.

15.1 Factory Production Control (FPC)

The EU GPSR article 14 requires the technical documentation to contain information relating to the internal production control or Factory Production Control (FPC) system which would include any in-process or final quality control and commissioning procedures.

A formal Quality Management System (QMS) such as ISO 9001 would satisfy such a requirement and technical documentation should reference such a system.

The following elements would demonstrate the requirements of a typical FPC:

Scope and policy - Covers the scope of the products covered by the FPC system and includes statements related to the inspection of incoming materials, products, and components. A policy statement related to the company's commitment to maintaining a proactive FPC system is aimed at ensuring the understanding and ongoing implementation of procedures and compliance with the technical and performance characteristics of the product to meet the essential requirements of the EU GPSR.

FPC system review - There shall be a formal procedure for annual review meetings to evaluate the functioning and performance of the FPC system and its associated procedures. The outputs of the meeting, including the minutes, shall be clearly communicated and all decisions taken, and actions agreed.

Documentation and records - Document issue and control must be in place and must contain appropriate references, including an index, approval, and dates of issue. In addition, any revisions or amendments shall be recorded.

Training/awareness - The organisation must be proactive in identifying ongoing training and awareness needs for individuals employed in the management of the system as well as wider quality management aspects.

Purchasing process - The company must have a recorded supplier evaluation and approval process whereby vendors of materials, products, services, and components are scrutinised for suitability and performance.

Customer order process - There shall be a documented order entry process following the initial receipt of a customer enquiry. Following receipt of customer order details, these shall be recorded, collated, and verified before acceptance to ensure that the specification is within the capabilities of the manufacturer.

Manufacture/assembly, inspection, testing - A procedure shall exist detailing the manufacturing process together with the quality control points and employees responsible for inspection. Any non-conformities shall also be recorded along with details of corrective actions.

Measurement and testing - The FPC shall define which measurement, test equipment and machines used for manufacture, inspection and verification purposes are subject to internal calibration control and ensure records are maintained.

Non-conformity management - The manufacturer must have a process for the identification, and recording, of non-conformities. Details of the non-conformity must be recorded and discussed with concerned parties to determine the root causes (which may be internal or external customer complaints), and for agreed corrective action to be taken to resolve the non-conformity or complaint at the earliest opportunity.

16. Online Marketplaces and Distance Selling

Modern selling techniques involve distance selling and online marketing of products. Within the EU GPSR certain new obligations are placed on economic operators when this type of selling occurs. These obligations include displaying specific product and traceability information not only on the physical product or its packaging but also on the online landing page. This information must include the seller's contact details and, in the case of a non-EU manufacturer, the contact details of the responsible person. Additionally, product identifiers such as a product picture and any warning or safety information must also be provided in the appropriate language on the webpage.

Products offered online in this manner must display clearly and visibly the following information, as described in Article 19:

- (a) *Name, registered trade name, or registered trademark of the manufacturer, as well as the postal and electronic address at which they can be contacted*
- (b) *Where the manufacturer is not established in the Union, the name, postal and electronic address of the responsible person*
- (c) *Information allowing the identification of the product, including a picture of it, its type, and any other product identifier; **and***
- (d) *Any warning or safety information to be affixed to the product or the packaging or included in an accompanying document in accordance with this Regulation or the applicable Union harmonisation legislation in a language that can be easily understood by consumers, as determined by the Member State in which the product is made available on the market*

16.1 Online Marketplace Providers

The EU GPSR has a whole new section related to providers of online marketplaces and specific obligations for these providers related to product safety.

These online marketplaces have specific obligations detailed in Article 22.

Product Safety - Online marketplaces must have a process that quickly assesses product safety and compliance against the requirements of the EU GPSR, being the primary objective that 'Economic operators shall place or make available on the market only safe products.'

'Online marketplace providers should ensure that they have internal processes for product safety in place in order to comply without undue delay with the relevant requirements of the EU GPSR.'

The internal processes referred to above should include mechanisms that enable online traders to provide:

- (a) information on the manufacturer established in the Union or, where applicable, the responsible person; and
- (b) their self-certification committing to offer only products that comply with the EU GPSR.

Single point of contact. Online marketplaces must establish a single contact point for direct and quick communication with both the Member State authorities and consumers about any product safety issues. The marketplace must also register itself on the EU's Safety Gate and display this contact information on that portal.

Online marketplaces should have a single point of contact allowing for direct communication, by electronic means, with Member States' market surveillance authorities in relation to product safety issues. Providers of online marketplaces should register with the Safety Gate Portal and indicate on the Safety Gate Portal the information concerning their single contact point.

Online marketplaces shall designate a single point of contact to enable consumers to communicate directly and rapidly with them in relation to product safety issues.

Product Information - Marketplace interfaces must be designed to enable traders to provide the key contact, product and safety information required by manufacturers on the product listing. This also applies to businesses offering products for sale online (as well as marketplaces). UK businesses will be in-scope where they are considered to 'target' these consumers by dispatching to their EU regions, offering services in their languages or currencies or simply registering under a domain name of a Member State.

'Providers of online marketplaces shall design and organise their online interface in a way that enables traders offering the product to provide at least the following information for each product offered and ensure that the information is displayed or otherwise made easily accessible by consumers on the product listing:

- (a) Name, registered trade name, or registered trademark of the manufacturer, as well as the postal and electronic address at which the manufacturer can be contacted;
- (b) Where the manufacturer is not established in the Union, the name, postal and electronic address of the responsible person
- (c) Information allowing the identification of the product, including a picture of it, its type and any other product identifier; **and**
- (d) Any warning or safety information to be affixed on the product or to accompany it in accordance with this Regulation or the applicable Union harmonisation legislation in a language that can be easily understood by consumers as determined by the Member State in which the product is made available on the market.

Enforcement - Member State authorities will be given powers to compel online marketplaces to address illegal content relating to dangerous products on their platforms. Marketplaces can be required to remove the content, disable access to it, or display clear warnings for end-users about it. Marketplaces will have to comply with any such orders without delay.

'Market surveillance authorities in member states have the power to issue an order to the online marketplace provider to remove the content of a dangerous product from their online interface.'

'Order the provider of an online marketplace, for the prescribed period, to remove from its online interface all identical content referring to an offer of the dangerous product in question, to disable access to it or to display an explicit warning, provided that the search for the content concerned is limited to the information identified in the order and does not require the provider of an online marketplace to carry out an independent assessment of that content and that the search and the removal can be carried out in a proportionate manner by reliable automated tools.'

Non-compliant products - Consumers must be directly notified of any product recalls (see section 9), and online marketplaces must publish information about the recall on their online interface to reach impacted consumers that they don't have knowledge of. Marketplaces must also have mechanisms to deal with traders that repeatedly offer non-compliant products for sale, first issuing a warning and then suspending them from the marketplace for a reasonable period of time.

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

In particular, providers of online marketplaces shall:

- (a) *Ensure that they provide appropriate and timely information to consumers including by:*

Directly notifying all affected consumers who bought through their interfaces the relevant product in the event of a product safety recall of which they have actual knowledge or where certain information has to be brought to the attention of consumers to ensure the safe use of a product

Publishing information on product safety recalls on their online interfaces

- (b) *Inform the relevant economic operator of the decision to remove or disable access to the content referring to an offer of a dangerous product*
 - (c) *Cooperate with market surveillance authorities and with relevant economic operators to ensure effective product recalls, including by abstaining from obstructing product recalls*
 - (d) *Immediately inform, through the Safety Business Gateway, the market surveillance authorities of the Member States in which the relevant product has been made*
-

available on the market about dangerous products that were offered on their online interfaces, of which they have actual knowledge, by providing the appropriate details available to them of the risk to the health and safety of consumers, of the quantity by Member State of products still circulating on the market, if available, and of any corrective measure that, to their knowledge, has already been taken

- (e) cooperate with regard to accidents notified to them, including by:
 - (i) Informing the relevant traders and economic operators without delay about the information they have received regarding accidents or safety issues, where they have knowledge that the product in question was offered by those traders through their interfaces
 - (ii) Notifying without undue delay through the Safety Business Gateway of any accident, of which they have been informed, resulting in a serious risk or actual damage to the health or safety of a consumer, caused by a product made available on their online marketplace and inform the manufacturer thereof
- (f) cooperate with law enforcement agencies at Union and national levels through regular and structured exchange of information on offers that have been removed on the basis of this Article by providers of online marketplaces
- (g) allow access to their interfaces for the online tools operated by market surveillance authorities to identify dangerous products
- (h) cooperate in identifying, as far as possible, the supply chain of dangerous products by responding to data requests where the relevant information is not publicly available
 - (i) upon a reasoned request of the market surveillance authorities, when providers of online marketplaces or online sellers have put in place technical obstacles to the extraction of data from their online interfaces (data scraping), allow the scraping of such data only for product safety purposes based on the identification parameters provided by the requesting market surveillance authorities

Providers of online marketplaces shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to traders that frequently offer products which are non-compliant with this Regulation.

Information sharing - There is a requirement for online marketplaces to co-operate with other EU Member State national authorities on any dangerous goods discovered to be sold on their platform. Information should be exchanged with law enforcement agencies at the EU and national level, informing all other Member State authorities where the products were offered of the risks involved, how many products were sold, and any corrective measures taken. If needed, authorities must be allowed to access the marketplace's online tools to identify further dangerous products.

'Providers of online marketplaces shall take into account regular information on dangerous products notified by the market surveillance authorities, received through the Safety Gate Portal, for the purpose of applying their voluntary measures aimed at detecting, identifying, removing or disabling access to the content referring to offers of dangerous products on their online marketplace, where applicable, including by making use of the interoperable interface to the Safety Gate Portal. They shall inform the authority that made the notification to the Safety Gate Rapid Alert System of any action taken by using the contact details of the market surveillance authority published in the Safety Gate Portal. Providers of online marketplaces shall use at least the Safety Gate Portal.'

17. Market Surveillance

Under Regulation (EU) 2019/1020, national market surveillance authorities have clear obligations to check products made available on the EU market, ensure coordination between themselves at the national level, and cooperate at the EU level.

The EU GPSR contains requirements on market surveillance that economic operators are obliged to cooperate with the national market surveillance authorities and to take corrective action where necessary.

Article 15 of the EU GPSR states that:

1. *Economic operators shall cooperate with market surveillance authorities regarding actions which could eliminate or mitigate risks that are presented by the products which they made available on the market.*
2. *On request by a market surveillance authority, the economic operator shall provide all necessary information, in particular:*
 - (a) *A full description of the risk presented by the product, related complaints and known accidents; **and***
 - (b) *A description of any corrective measure taken to address the risk.*
3. *On request, the economic operators shall also identify and communicate the following relevant traceability information for the product:*
 - (a) *Any economic operator who has supplied them with the product, or with a part, a component, or any software embedded into the product; **and***
 - (b) *Any economic operator to whom they have supplied the product*
4. *Economic operators shall be able to present the information referred to in paragraph 2 for a period of 10 years after they have been supplied with the product or after they have supplied the product, as applicable.*
5. *Economic operators shall be able to present the information referred to in paragraph 3 for a period of six years after they have been supplied with the product, or with a part, a component, or any software embedded into the product, or after they have supplied the product, as applicable.*
6. *Market surveillance authorities may request the economic operators to submit regular progress reports and may decide whether or when the corrective measure can be considered completed.*

National market surveillance authorities have the power to take appropriate sanctions in case of violation of legislative requirements

The European Commission has the task of facilitating cooperation and the exchange of information between authorities across the EU. It aims to ensure that market surveillance is effectively EU-wide.

The need for market surveillance is to ensure that products fulfil the applicable requirements of the EU GPSR and member states take measures to prevent non-compliant products from being made available on the EU market.

Article 23 of the EU GPSR states

'Where a dangerous product has been identified, market surveillance authorities may request from the manufacturer information on other products, produced using the same procedure, containing the same components, or being part of the same production batch, which are affected by the same risk.'

Market surveillance entitles citizens to an equivalent level of protection throughout the single market, regardless of the origin of the product.

Member States must ensure effective surveillance of their market. They are required to organise and carry out the monitoring of the products made available on their market or imported through both online and offline sales and distribution channels. The objective is to ensure that products have been designed and manufactured in accordance with the requirements laid down in the EU GPSR and that the marking and documentation requirements have been respected.

Where Member States find this is not the case, they must require the relevant economic operators to take appropriate and proportionate corrective action to ensure compliance with the applicable requirements. Where economic operators fail to take corrective action, market surveillance authorities can take appropriate and proportionate measures to ensure that unsafe products or products which otherwise do not conform to applicable requirements set out in the EU GPSR are taken off the market (Product Recall) and unscrupulous or even criminal operators punished.

Appendix 1: Harmonised Standards referenced in the OJEU

Where references to harmonised standards have been published in the Official Journal of the European Union (OJEU) they may be considered as offering a “Presumption of Conformity” with the EU GPSR under which they are referenced.

An up-to-date list of those standards that have been harmonised under the EU GPSR specifically can be found at:

https://single-market-economy.ec.europa.eu/single-market/european-standards/harmonised-standards/general-product-safety_en

The purpose of this website is to provide an easily accessible and updated list of references of harmonised and other European standards published in the Official Journal of the European Union (OJEU).

Summary of references of European standards published in the Official Journal – Directive 2001/95/EC1 of the European Parliament and of the Council of 3 December 2001 on general product safety.

Each edition of the document is document controlled by date – at the publication of this document, the date of this document was 13.9.24.

Legislation reference (A)	ESO (B)	Reference number of the standard (C)	Title of the standard (D)	Date of start of presumption of safety (1)	OJ reference for publication in OJ (2)	Restriction (3)	Date of start of presumption of safety with restriction (4)	OJ reference for publication of a restriction in OJ (5)	Date of withdrawal from OJ (end of presumption of safety) (6)	OJ reference for withdrawal from OJ (7)
2001/95/EC	CEN	EN 1129-1:1995	Furniture - Foldaway beds - Safety requirements and testing - Part 1: Safety requirements	15/10/2005	OJ C 256 - 15/10/2005	-		-		-
2001/95/EC	CEN	EN 1129-2:1995	Furniture - Foldaway beds - Safety requirements and testing - Part 2: Test methods	15/10/2005	OJ C 256 - 15/10/2005	-		-		-
2001/95/EC	CEN	EN 1130:2019, EN 1130:2019/AC:2020	Children's furniture - Cribs - Safety requirements and test methods	16/08/2022	OJ L 213 - 16/08/2022	-		-		-
2001/95/EC	CEN	EN 1130-1:1996	Furniture - Cribs and cradles for domestic use - Part 1: Safety requirements	24/04/2004	OJ C 100 - 24/04/2004	-		-	16/08/2022	OJ L 213 - 16/08/2022
2001/95/EC	CEN	EN 1130-2:1996	Furniture - Cribs and cradles for domestic use - Part 2: Test methods	24/04/2004	OJ C 100 - 24/04/2004	-		-	16/08/2022	OJ L 213 - 16/08/2022
2001/95/EC	CEN	EN 1272:2017	Child care articles - Table mounted chairs - Safety requirements and test methods	16/08/2022	OJ L 213 - 16/08/2022	-		-		-

How to use the list

Column A - Reference number of a relevant Directive or Regulation under which it was published in the OJEU

Column B – ‘ESO’ indicates the European Standards Organisation responsible for the document itself. This could be CEN or in the case of electrical products CENELEC or ETSI.

Column C - Shows the reference number of the relevant EU standard

Column D - Full title of the European standard itself.

Column 1 - Date when a presumption of safety starts or started in cases where a reference was published in the OJEU without restriction. This date is usually, but not always, the same as the OJEU reference date in column 2.

Column 2 - Reference number and date of a relevant publication where a reference was published in the OJEU without restriction. Dates and OJEU references for establishing a presumption of safety with restriction.

Column 3 - Restriction published in the OJEU to restrict a presumption of safety - this includes restrictions on the basis of formal objections.

Column 4 - Date when a presumption of safety with restriction starts or started in cases where a reference was published in the OJEU with restriction. This date is usually, but not always, the same as the date in column (5).

Column 5 - Reference number and date of a relevant publication in the OJEU in cases where a reference was published in the OJEU with restriction dates and OJEU references for ending a presumption of safety.

Column 6 - Date when a presumption of safety ends or ended.

Column 7 - Reference number and date of a relevant publication in the OJEU where the date of withdrawal from the OJEU (date in column (6)) was published.

Important Notes:

Where a harmonised standard has been revised and the previous version superseded in general use, the presumption of conformity does not automatically pass to the new version. This means caution should be used in ensuring the standard used to assess a product is 'state of the art' in terms of product safety.

It does not automatically follow that where one part of a series is harmonised, all parts will be. A good example of this is the EN 581 series for Outdoor furniture, where only Part 1 General Safety Requirements is cited in the OJEU.

Appendix 2: Terms and Definitions

The following Terms and Definitions can be found in Chapter 1, Article 3 of the EU GPSR and have been reproduced in full for clarity:

'Product' means 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.

'Safe product' means any product which, under normal or reasonably foreseeable conditions of use, including the actual duration of use, does not present any risk or only the minimum risks compatible with the product's use, considered acceptable and consistent with a high level of protection of the health and safety of consumers.

'Dangerous product' means any product which is not a 'safe product'.

'Risk' means the combination of the probability of an occurrence of a hazard causing harm and the degree of severity of that harm.

'Serious risk' means a risk which, based on a risk assessment and taking into account the normal and foreseeable use of the product, is considered to require rapid intervention by the market surveillance authorities, including cases where the effects of the risk are not immediate.

'Making available on the market' means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge.

'Placing on the market' means the first making available of a product on the Union market.

'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.

'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.

'Importer' means any natural or legal person established within the Union who places a product from a third country on the Union market.

'Distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market.

'Fulfilment service provider' means any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services.

'Economic operator' means the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider, or any other natural or legal person who is subject to obligations in relation to the manufacture of products or making them available on the market in accordance with this Regulation.

'Provider of an online marketplace' means a provider of an intermediary service using an online interface which allows consumers to conclude distance contracts with traders for the sale of products.

'Online interface' means any software, including a website, part of a website, or an application, including mobile applications.

'Market surveillance' means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the requirements set out in this Regulation.

'Market surveillance authority' means an authority designated by a Member State as responsible for organising and carrying out market surveillance in the territory of that Member State.

'Recall' means any measure aimed at achieving the return of a product that has already been made available to the consumer.

'Withdrawal' means any measure aimed at preventing a product in the supply chain from being made available on the market.

'Antiques' means products, such as collectors' items or works of art, in relation to which consumers cannot reasonably expect that they fulfil state-of-the-art safety standards.

Appendix 3: Example Risk Assessment

The following example risk assessment has been reproduced using the online portal Risk Assessment Guidelines (RAG) which can be found on the EU Europa website via the following link: <https://ec.europa.eu/rag/#/screen/home>

A folding chair has a folding mechanism constructed in such a way that, if the user is distracted or inattentive, their fingers may get entrapped between the seat and the folding mechanism. This can lead to fractures or even loss of one or more fingers.

Determination of the risk(s)



European
Commission

RAG - Risk Assessment

1 | General Information and Overview

Product		Risk assessor	
Product name:	Folding Chair	Organisation:	FIRA
Product category:	Furniture	Country:	Ireland
Description:	A folding chair with a folding mechanism		

2 | Product risks - Overview

Scenario 1 :

Serious risk - Person is sitting on the chair; person wants to move the chair and tries to lift it by gripping the chair at the rear part of the seat; finger gets caught between seat and backrest



European
Commission

RAG - Risk Assessment

Scenario 1 : Vulnerable consumers - Missing or incorrectly fitted protection

1 | Product hazard

Hazard Group: Product operating hazards
Hazard Type: Missing or incorrectly fitted protection

2 | Consumer

User type: Vulnerable consumers - Young children. Older children. Others: persons having reduced physical, sensory or mental capabilities (e.g. partially disabled, elderly having some reduction in their physical and mental capabilities), or lack of experience and knowledge (e.g. older children)

3 | How the hazard causes an injury to the consumer

Injury scenario: Person is sitting on the chair; person wants to move the chair and tries to lift it by gripping the chair at the rear part of the seat; finger gets caught between seat and backrest

4 | Severity of Injury

Injury: Entrapment/ pinching
Level: 3 (refer to the final outcomes bruising, crushing, fracture, dislocation, amputation, as applicable)

5 | Probability of the steps to injury

Step	Step(s) to Injury	Probability
1	Sitting on chair	1
2	Moves the chair: 1/3	0.33
3	Grips chair at rear part	0.25
4	Finger gets caught	0.1

Calculated probability	Overall probability	Risk of this scenario
0.00825	> 1/1000	Serious risk





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Published December 2024