

## New EU framework on product safety

Beginning on 13 December 2024, the new EU General Product Safety Regulation ("GPSR") will replace national product safety regimes

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**Effective from 13 December 2024, Regulation (EU) 2023/988 (GPSR) will replace the existing General Product Safety Directive, introducing significant changes with respect to non-food consumer products. The main objectives of the GPSR are to strengthen consumer protection through modernised safety requirements, enhance market surveillance and improve the response times of market players and authorities with regard to product-related safety risk. The GPSR will have a direct effect in all EU Member States and replace their national product safety regimes.**

The key elements of the GPSR are:

- a direct effect on all EU Member States;
- stricter obligations for EU and non-EU market players;
- detailed rules on product recalls;
- the introduction of rules with respect to digital products and online marketplaces; and
- the fact that it only partially applies to products subject to specific harmonisation frameworks (e.g., radio equipment, personal safety equipment) and does not apply to certain types of products (e.g., food, feed, medicinal products).

The major changes brought about by the GPSR include the following:

1. Non-EU manufacturers must appoint a responsible person within the EU to ensure compliance with safety regulations. This person will be accountable for the product's conformity to EU standards.
2. Under the GPSR, online marketplaces are regarded as intermediary services between consumers and traders of a product. A number of strict obligations apply to providers of online marketplaces, such as the rapid removal of unsafe products, enhanced cooperation with market surveillance authorities and better monitoring of products offered by non-EU sellers.
3. The EU Safety Gate (formerly RAPEX), the EU's rapid alert system for dangerous products, will be further integrated to facilitate swift action. If product risks require action at the EU level, the EU Commission will be empowered to take any appropriate measures, either on its own initiative or upon the request of Member States. Those measures may also include prohibiting, suspending or restricting a product's placement on the market.
4. The GPSR introduces detailed procedures for product recalls to ensure unsafe items are effectively removed from the market. Overall, the responsible market players must offer consumers the choice between at least two of the following three remedy options: Repair, replacement or an adequate refund. Recall notices must be clear, easily understandable and provided in the local language(s) of the Member

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States where the product is sold. Furthermore, the GPSR sets out numerous detailed requirements for the content of such notices. The EU Commission will provide a recall notice template to facilitate compliance.

5. The GPSR explicitly includes risks posed by artificial intelligence (AI), Internet of Things (IoT) devices and cybersecurity vulnerabilities. Products with digital components must remain safe throughout their lifecycle, including through timely software updates and cybersecurity measures. It has been acknowledged that new technologies can substantially modify an original product (e.g., through software updates), which should then be subject to a new risk assessment.

Product safety compliance is a critical concern for a wide range of market players, requiring strict adherence to evolving regulatory frameworks. Wolf Theiss proactively supports clients in navigating these complexities by ensuring compliance with new regulations and providing prompt assistance in urgent situations, such as managing product recalls, thereby safeguarding clients' businesses and helping them maintain consumer trust.

## About Wolf Theiss

Wolf Theiss is one of the leading European law firms in Central, Eastern and South-Eastern Europe with a focus on international business law. With 390 lawyers in 13 countries and a central European hub in Brussels, over 80% of the firm's work involves cross-border representation of international clients. Combining expertise in law and business, Wolf Theiss develops innovative solutions that integrate legal, financial and business know-how.

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