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# Press Release

New EU product safety regulation

December 10, 2024

## GPSR: Information from TÜV SÜD about the new era of product safety and CE marking

**Munich.** The new EU Product Safety Regulation (General Product Safety Regulation, GPSR (EU) 2023/988), will come into effect on December 13, 2024. It replaces the current Product Safety Directive (2001/95/EC) and introduces far-reaching changes aimed at regulating the high-growth e-commerce sector. Its objective is to improve the safety of non-food consumer products on the EU market and provide a higher level of consumer protection against risks. The new provisions apply equally to manufacturers, distributors, importers, and exporters. By introducing clearly defined requirements, the GPSR will establish a harmonized framework for all economic operators across the supply chain.

### Background: Urgent reform owing to growing risks

According to "Safety Gate," the EU's rapid alert system for non-food consumer products, the first months of 2024 saw over 2,200 alerts concerning dangerous products—a clear increase compared to previous years, which underlines the need for reform. The focus is on products offered for sale online, as this distribution channel accounts for 31 percent of notified cases. Leading violations include safety problems associated with toys, clothing, and electronics, frequently coupled with chemical hazards, strangulation, or fire risks. The GPSR is responding to this trend and establishing a new standard of product safety.

### Key changes introduced by the GPSR

The GPSR redefines the term "safe product," closing regulation gaps and expanding the criteria for product-safety assessment.

#### 1. More comprehensive safety standards

In addition to physical and chemical properties, the GPSR also considers cybersecurity aspects, product identification, warnings, and instructions for safe use and disposal. Another significant change aimed at enhancing transparency of, and trust in, product safety, while also facilitating the collaboration between businesses and authorities is the obligation to appoint a responsible person based in the EU and provide its contact details in clearly visible form on

either the product itself or the product packaging. The objective is to provide clear assignment of responsibility, particularly in the case of manufacturers based outside the EU. This ensures consumers will receive rapid support in case of safety issues and market surveillance authorities can act more efficiently.

- What details have to be provided?

Contact details must include as a minimum the name or company name of the responsible person and its regular mail address, and an email address or telephone number.

Consumers can use these details to contact the responsible person directly in case of safety issues or complaints.

- Where do these details have to appear?

The information must be affixed in clearly visible and permanent form to the product itself, its packaging, or accompanying documents such as instructions for safe use.

- Who counts as a “responsible person”?

A responsible person can be either an importer, distributor, or EU-based authorized representative. This person or organization takes over the responsibility for compliance with product safety requirements and acts as contact for market surveillance authorities and consumers.

## 2. Identical standards online and offline

Products must be subject to the same safety standards, regardless of whether they are offered for sale online or offline. Online trade enables products to be offered for sale worldwide quickly and easily. As a downside, this has resulted in a growing number of unsafe products, many of which originate from suppliers based outside the EU and have been difficult to regulate up to now. Under the new provisions of the GPSR, online retailers will now become more accountable for ensuring the same safety standards as brick-and-mortar stores.

- Identical safety standards across all distribution channels

Online sales are subject to the same requirements as sales in brick-and-mortar stores. In other words, products distributed through e-commerce platforms, including online marketplaces, online shops, and social media platforms, need to be safe and in compliance with the applicable EU Directives. As part of this, they need to be accompanied by warnings, instructions for use, and the relevant product identification.

- Obligations to be fulfilled by platforms:

Ecommerce platforms must introduce internal procedures to ensure that any products they offer for sale are in compliance with the relevant safety requirements. In concrete terms, this involves:

- Checking traders: E-commerce platforms must ensure that traders that offer products on their platforms comply with statutory requirements.
- Product monitoring: E-commerce platforms should perform regular checks to identify and remove nonconforming products.
- Safety Gate portal:
  - Duty to register: In the future, e-commerce platforms will have to register on this portal.
  - Efficient recall actions: In case of a recall action, platforms can use the portal to respond quickly, removing the products concerned, notifying traders, and issuing consumer warnings.
- Extended liability for online marketplaces  
 E-commerce platforms that act as “brokers” and have no direct control over products will still be liable unless they can prove that they have complied with their monitoring and checking obligations.

### 3. Clear-cut obligations for economic operators

The GPSR defines clear-cut obligations for economic operators such as manufacturers, importers, and distributors, which are designed to increase safety across supply and distribution chains. By listing precise requirements regarding product storage, collaboration with market surveillance authorities, and the appointment of a responsible person in the EU, the GPSR clearly regulates responsibilities and minimizes the risk of dangerous products.

- Storage conditions in conformity with product safety standards:
  - Product safety: Businesses must take steps to ensure that products are stored under conditions that guarantee their safety. For sensitive or chemical products in particular, this covers aspects such as temperature control and protection from moisture or mechanical damage.
  - Documentation of storage conditions: Manufacturers and importers should document how products are stored so that they can prove compliance with safety standards in case of questions by authorities.
  - Special requirements for hazardous goods: Specific additional safety measures in compliance with the applicable EU regulations must be applied in storage of products subject to special safety requirements (e.g., lithium-ion batteries or chemical substances).

- Collaboration with authorities:
  - Provision of information: If requested by market surveillance authorities, businesses need to be able to submit technical documentation and evidence of product safety, including risk analyses, test certificates, and declarations of conformity.
  - Investigation support: Economic operators undertake to support public authorities in their investigations of safety violations. This can extend from the provision of product samples or specimens to disclosure of the supply chain or collaboration in recall actions.
  - Duty to notify: On becoming aware of any safety deficiencies or potential hazards of their products, businesses must notify the market surveillance authorities without delay and initiate suitable actions such as warnings or recall actions.

### **Opportunities for businesses**

In addition to challenges, the GPSR also offers businesses numerous opportunities.

Compliance with the requirements of the regulation enables manufacturers and distributors to strengthen consumers' trust in their products, thereby benefiting their brand reputation.

Enhanced product safety also improves their competitiveness, because conforming products facilitate EU market access. At the same time, compliance with the GPSR minimizes legal risk such as high fines or costly recall actions, enabling businesses to avoid financial losses and strengthen their market positions in the long term.

Moving cybersecurity and environmental protection into the limelight, the new requirements also promote sustainable processes. Overall, the GPSR offers businesses the possibility to take proactive steps to ensure compliance, and thereby enhance both their market reputation and the efficiency and sustainability of their operations.

### **TÜV SÜD: Expert partner for product safety**

“While the GPSR brings new challenges for enterprises, it also offers enormous potential based on higher safety standards“, explains Florian Hockel, Director Business and Service Development Consumer Products at TÜV SÜD. “Our comprehensive testing, inspection, and certification (TIC) offer supports manufactures and distributors, helping them to implement the new requirements efficiently—from product development to market introduction.”

Drawing on 150 years of experience in the fields of safety and quality, TÜV SÜD offers integrated solutions that help enterprises to minimize risks, optimize processes, and ensure consumer safety.

For more detailed information about the GPSR, required identifications, and TÜV SÜD services, go to [tuvsud.com/en/services/product-certification/ce-marking](https://tuvsud.com/en/services/product-certification/ce-marking)

**Note for editorial staff:** The press release is available on the Internet at [tuvsud.com/newsroom](https://tuvsud.com/newsroom).

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