



The General Product Safety Directive (2001/95/EC) - GPSD

8 June 2006

The General Product Safety Directive (GPSD): scope

□ The GPSD applies to:

Non-food consumer products;

- Placed on the consumer market (new and second-hand);
- Products initially designed for professional use that migrated to the consumer market;
- Products made available to consumers in the context of a service for use by them.

The General Product Safety Directive (GPSD): scope (cont.)

❑ The GPSD does **not** apply to:

- Services;
- Products used by suppliers of services when providing the service to consumers;

The General Product Safety Directive (GPSD): scope (legal)

- ❑ The GPSD applies in its entirety to consumer products not covered by product specific legislation (including Directive 87/357 of 25 June 1987)
- ❑ The GPSD applies to products covered by specific legislation if provisions not included in the specific legislation.

Objectives of the Directive

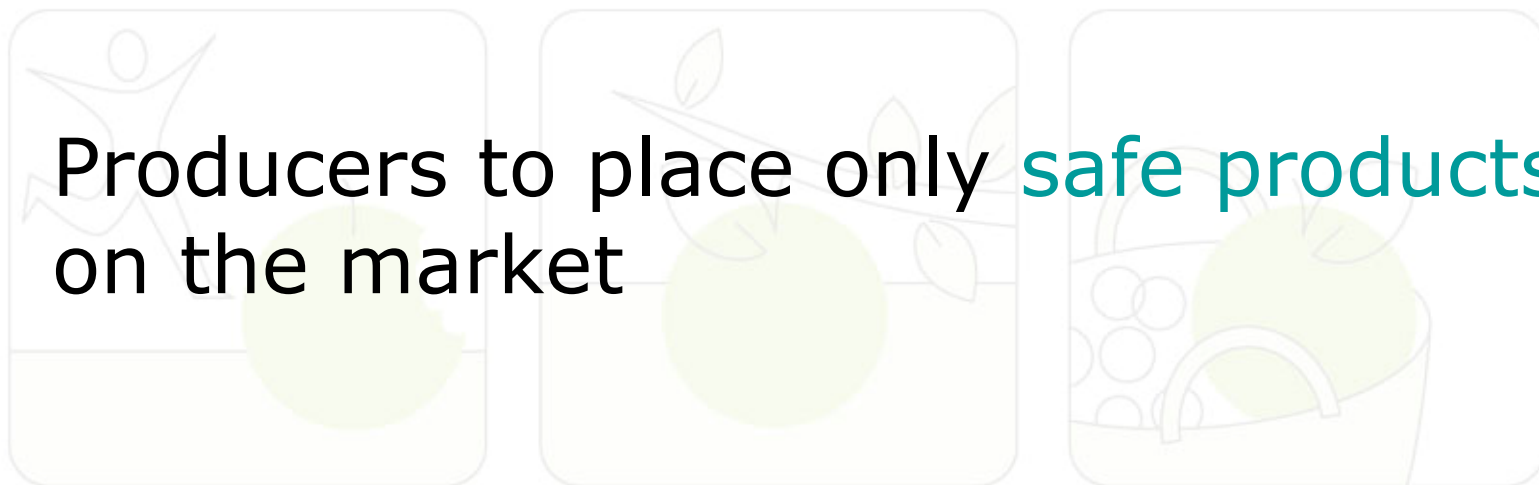
- ❑ Ensure all consumer products placed on the market are safe.
- ❑ Ensure the proper functioning of the internal market.

The « added-value » of the Directive

- ❑ A general safety requirement for products not subject to specific legislation;
- ❑ “safety management” requirements for producers and distributors;
- ❑ general market surveillance obligations for Member States;
- ❑ a rapid alert system for the case of serious risks (RAPEX);
- ❑ powers for Community emergency measures.

General safety requirement:

Producers to place only **safe products** on the market



Conformity assessment criteria:

□ **Presumption of conformity:**

- Specific **Community provisions**;
- **National legislation** on health and safety requirements for the product;
- European standards **referenced in the OJEU** (latest OJ C 258, 15.10.2005);

Conformity assessment criteria:

- **Other elements to assess conformity (no presumption):**
 - European standards **not referenced** in the OJEU;
 - **National standards;**
 - **Commission recommendations** setting guidelines;
 - Industry safety codes, state of the art...

“safety management” requirements for producers and distributors

❑ Ensure means to be informed about risks

❑ Take appropriate action:

- Warning to consumers
- Withdrawal from market
- Recall from consumer

❑ Inform MS authorities of non-conform products [Business application]

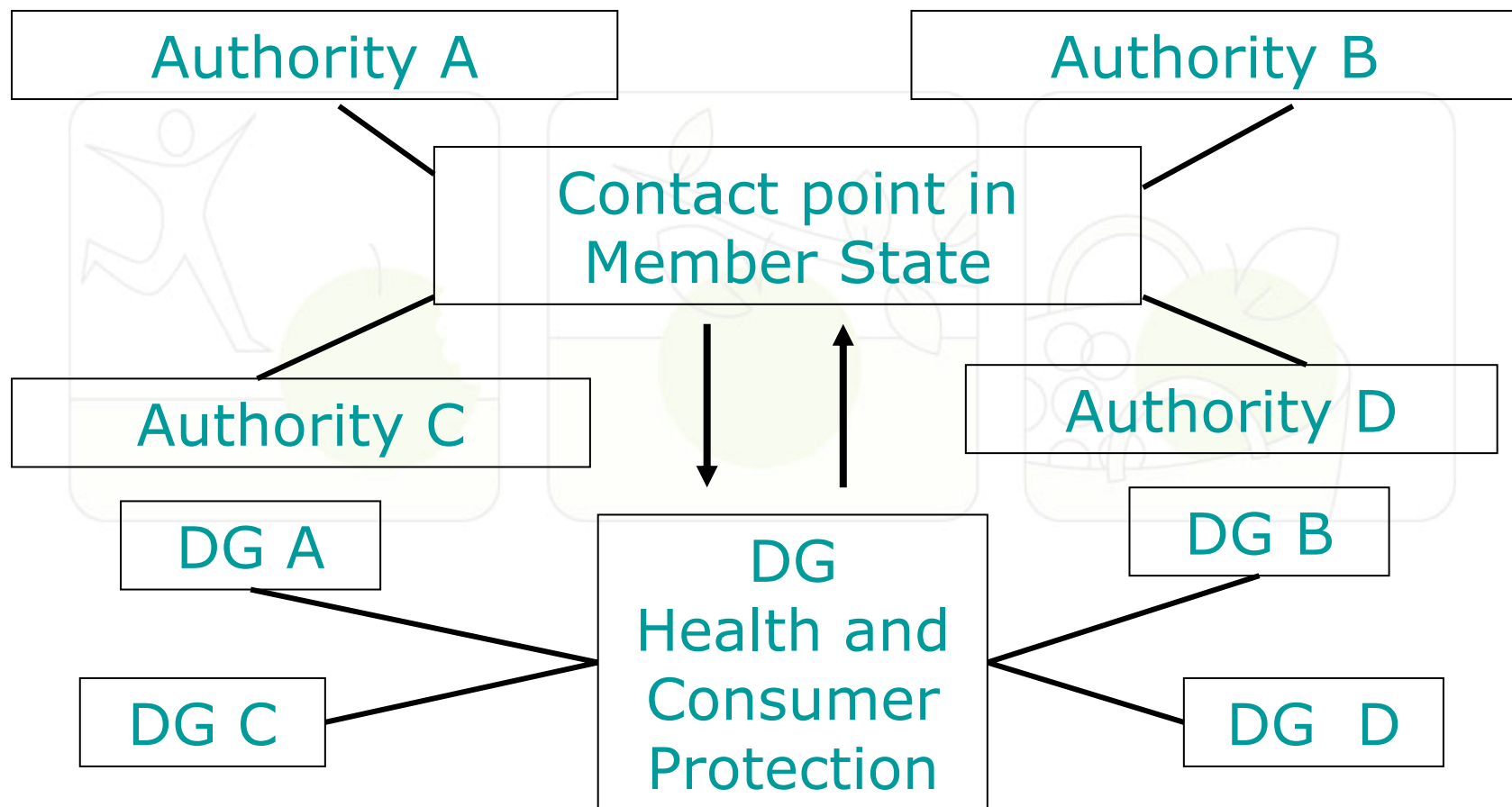
Guidelines:

http://ec.europa.eu/comm/consumers/cons_safe/prod_safe/gpsd/guidelines_en.htm

Member States obligations

- ❑ Provisions on market surveillance and sanctions
 - Ensure compliance with the Directive;
 - Create the necessary administrative structure;
 - Set applicable rules and sanctions;
 - Organise periodic checks and take appropriate measures.
- ❑ Network (obligation to co-operate)

RAPEX: Rapid Information System



RAPEX (cont.)

Member States notify the Commission when they:

- adopt measures to prevent, restrict or impose conditions on the marketing or use of a product intended for consumers or that may be used by them;
- recommend or agree with producers and distributors measures on products.

RAPEX (cont.)

Commission's role:

- check if the requirements are fulfilled
- inform the Member States and ask for reactions
- can propose additional measures

RAPEX (concl.)

- Open to Candidate countries, Third countries and International organisations
- Transparency: weekly reports in:
Europa – consumer affairs - RAPEX

(http://ec.europa.eu/comm/dgs/health_consumer/dyna/rapex/rapex_en.cfm)

- Operational guidelines:

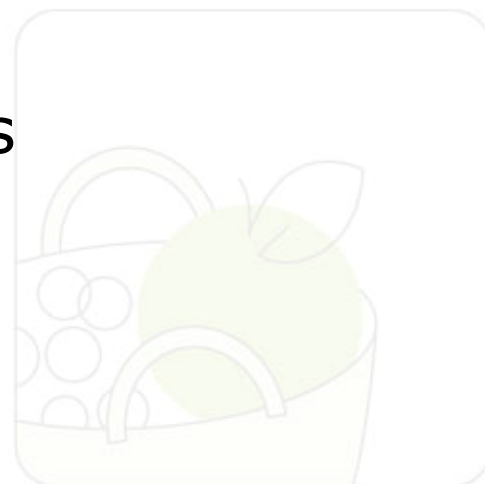
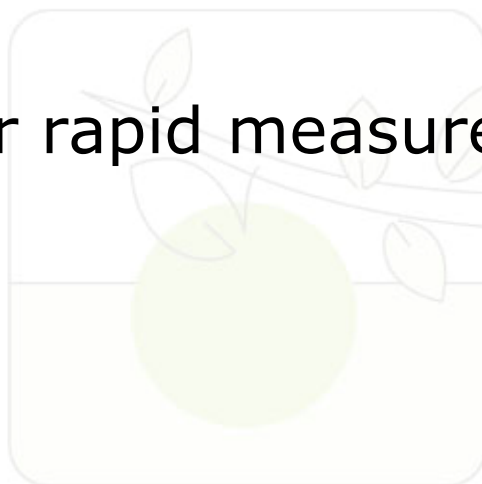
http://ec.europa.eu/comm/consumers/cons_safe/prod_safe/gpsd/rapex_guid_en.pdf

Committee of GPSD

- Regulatory procedure
- Consultative procedure

Emergency measures and transparency

- Procedures for rapid measures
- Export ban
- Transparency



Guidance documents:

- **Borderline with sectoral directives**
(http://ec.europa.eu/comm/consumers/cons_safe/prod_safe/gpsd/revisedGPSD_en.htm)
- **Business notification Guidelines:**
(http://ec.europa.eu/comm/consumers/cons_safe/prod_safe/gpsd/guidelines_en.htm)
(Internet application in preparation)
- **RAPEX operation (OJ L 151, 30.4.2004, p.86)**
http://ec.europa.eu/comm/consumers/cons_safe/prod_safe/gpsd/rapex_guid_en.pdf

Directive 87/357/EEC

Scope:

Products that are NOT foodstuffs but can be mistaken as foodstuff by consumers, in particular children, and might be dangerous and cause suffocation, poisoning or perforation or obstruction of the digestive tract.

Directive 87/357/EEC

Member States to take measures to prohibit:

- The marketing;
 - Import;
 - Manufacture;
 - Export
- of products under the directive.

Thank you for your attention!



Directorate for Consumer Affairs
Unit B3 - Product and service safety
Address: rue Belliard, 232 6/6 B-1040 Brussels
Tel. +32.02.299.33.29.
Fax+32. 02.299.18.58
e-mail: Sanco-Unit-B3@cec.eu.int