

NEW REGULATION FOR CONSUMER PRODUCTS: REGULATION (EU) 2023/988

The aim of this Regulation is to contribute to the status of the objectives referred to in Article 169 of the Treaty on the Functioning of the European Union. Whereas it should aim to ensure the health and safety of consumers and the functioning of the internal market as regards products intended for end user. Where products are subject to specific safety requirements imposed by Union law, this Regulation applies only to those aspects and risks which are not covered by those requirements.

Apart from the physical label, product and traceability information as well as instructions can be provided in a digital form additionally, for example via an QR code or a matrix data code on the product that is linked to a website which then leads the consumer to the relevant information. According to scope, this applies to products that are placed or made available on the EU market (whether new, used or repaired) including through online selling, insofar as there are no specific EU provisions with the same objective regulating the safety of such products.

The GPSR will provide for the obligation to display certain product and traceability information not only on the physical product or its packaging, but on the online landing page as well. So manufacturers and distributors will have to indicate the manufacturer's contact details; the responsible person's contact details, in case of a non-EU manufacturer; product identifiers including a picture of the product; and warning or safety information in the suitable language on the website.

As a novelty, online marketplaces will be required by law to process and act upon orders from market surveillance authorities to remove dangerous products from their platforms within a maximum of two working days; and to process notices from non-authorities (including notices from consumers, competitors and consumer associations) within three working days.

Once its entry into force, businesses and market surveillance authorities will have 18 months to adapt to the changes and ensure compliance by the application date on 13 December 2024. Although penalties for non-compliance with the GPSR will be subject to national legislation, it is to be noted that fines of up to 4 % of the economic operator's or online marketplace's annual worldwide turnover had been discussed during the legislative procedure.

This GPSR was published on May 23, 2023, in the Official Journal of the European Union. It entered in force on the 20th day following its publication, June 13, 2023. There will be an 18-month transition period before the new regulation begins to apply, December 13, 2024.

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