



GENERAL PRODUCT SAFETY REGULATION (RSGP)

From December 13, 2024, the current directive on General Product Safety and the directive on Products Resembling Foodstuffs (87/357/EEC) will be replaced by the new European regulation (EU) 2023/988 of May 10, 2023 on general product safety.

To define the scope of the General Product Safety Regulation, Article 2 states that it applies “to products which are placed on the market or made available on the market.”

Point 2 of Article 2 of the aforementioned regulation sets out a number of exceptions, including:

- a) medicinal products for human or veterinary use
- b) foodstuffs
- c) animal feed
- d) live plants and animals, genetically modified organisms, and genetically modified micro-organisms in contained use, and plant and animal products that are directly linked with their reproduction
- e) animal by-products and derived products
- f) plant protection products
- g) equipment on which or in which consumers ride, in order to move or travel, where the operation of such equipment is directly ensured by a service provider as part of a transport service supplied to them, and not by the consumers themselves
- h) aircraft as referred to in Article 2(3)(d) of Regulation (EU) 2018/1139
- i) antiques

The General Product Safety Regulation states that: “Where products are subject to specific safety requirements imposed by Union law, **this Regulation applies only to those aspects and risks or categories of risks which are not covered by those requirements.**” (Article 2).

This text also reinforces the obligation of marketers in Europe to provide information on: **the name, registered trade name or registered trade mark, and contact details, including the postal and electronic address, of the economic operator shall be indicated on the product or on its packaging, the parcel or an accompanying document.** (Article 16 3 of the regulations). This information must be clearly and prominently displayed.

Up until now, the current 2001/95/EC directive on general product safety required that “**an indication, by means of the product or its packaging, of the identity and details of the producer** and the product reference or, where applicable, the batch of products to which it belongs, except where not to give such indication is justified”.

The new text is therefore more precise and, consequently, more demanding. As professionals, you have until December 13, 2024 to comply with this new text.

As for distance selling, additional obligations apply for economic players. They are for instance required to provide information which, once again, must be clearly and prominently displayed. This information must mention:



1. The name, company name or registered trademark of the manufacturer as well as the postal and e-mail address where they can be reached.
2. When the manufacturer is not based in the European Union, the name, postal address, and e-mail address of the responsible person as defined in Article 16 paragraph 1 of this Regulation or Article 4 paragraph 1 of Regulation (EU) 2019/1020.
3. Information enabling to identify the product, including an image of the product, the product type, and any other product identifier.
4. Any safety warnings or information that must be affixed to the product or packaging or appear in a complimentary document in accordance with this Regulation or applicable Union harmonization legislation, in a language easily understood by consumers, chosen by the Member State in which the product is made available on the market.

This text is a regulation which means that it is directly applicable - unlike a directive which must be transposed by member states - and will be applicable to all European Union countries from December 13, 2024.

For more information:

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