

Webinar of 2024-03-19

Webinar ‘Ensuring a smooth transition between GPSD and GPSR’ Questions & Answers

1	<p>In Article 35 - Information from economic operators and providers of online marketplaces to consumers on product safety - SAYS 4. Circulate a clear and visible recall notice or safety warning through appropriate channels, widest as possible, example: the company’s website, social media channels, newsletters and retail outlets and, as appropriate, announcements in mass media and other communication channels. Information shall be accessible to persons with disabilities.</p> <p>QUESTION: is this applicable if we contacted all consumers and we refund them, do we still need to make available online the information about the recall in all channels appropriated like website of the company?</p>	<p>Art 35(4) applies if you could not be sure that you have contacted all affected consumers. By precaution it is always better to widely disseminate as well since you cannot know if the product has not been e.g. offered to somebody else (used not by the one who bought it)</p>
2	<p>Are knives safe product under reasonably foreseeable conditions of use?</p>	<p>Indeed, reasonably foreseeable use of the knife will be taken into account in its safety assessment, i.e. the fact that it can cut is normal.</p>
3	<p>For the reference in the OJEU: do we need an assessment by a consultant?</p>	<p>Although it is not a legal requirement, nowadays the commission can rely on HAS consultant assessment as a tool to help assessing whether the standard does into meets the legal requirement for which it was mandated. Please note that such an assessment is not binding.</p>
4	<p>In 2003, DG SANCO (!) published a Guideline (Guidance Document on the Relationship Between the General Product Safety Directive (GPSD) and Certain Sector Directives with Provisions on Product Safety). This was useful to understand which risk the EC considered not covered enough from the other product legislations. Is the EC planning to publish a similar</p>	<p>We do not plan this for the moment. Indeed, since the adoption of the New legislative Framework the sectorial legislation has been quite constantly being revised, also expanding the risks covered. Also new types of risks are emerging constantly (e.g. cybersecurity risks) so difficult to have a static document in a such dynamic environment. Some further explanations will be provided in the GPSR guidelines.</p>

	document now, or it is considered not necessary?	
5	GPSR is talking about risk analysis. But looking at what needs to be done, it's a typical risk assessment, in my opinion. So, why it's not used the term "risk assessment"?	Risk assessment and risk analysis should be understood in the same way.
6	What is Recital 27 and where can this be viewed, please?	It is recital 27 of the GPSR, page 5 in OJ L135
7	Does the GPSR also apply to all products already available in the portfolio, meaning, must a risk analysis be conducted retrospectively for these products as well, or does it only apply to newly developed and provided products?	GPSR applies to products placed or made available on the market as of 13 December 2024. It does not apply retroactively (cf. Art 51 of the GPSR).
8	Regarding slide 15: does this mean, that Standards, which have received a 'Compliance' regarding the (old) GPSD but have not yet been referenced in the OJEU can be expected to be listed under the (new) GPSR?	Standards offered to the commission for citation by CEN-CENELEC under the GPSD needs to be assessed by the Commission and the citation decision will then need to go through comitology.
9	For products outside the scope of LVD (e.g. under 75V DC input). Do the LVD harmonised standards give presumption of conformity with the GPR?	If it is a risk covered by LVD then LVD standards apply and grant presumption of conformity to the LVD. If the risk is not covered by LVD then the GPSR applies and its standards if there are existing standards.
10	<p>In article 35 also says: 3. The Commission may for specific products or categories of products, set requirements to economic operators to be met to provide the possibility for consumers to register a product they have purchased in order to be notified directly in the case of a product safety recall or safety warning."</p> <p>2. Consumer shall be offered the possibility to provide separate contact details only for safety-related purposes. The personal data collected for that purpose shall be limited</p>	The para 2 applies where you have already a registration scheme in place, it does not oblige you to create one. Under para 3 the Commission can indeed impose to provide possibility of registration of certain categories of products.

	<p>to the necessary minimum and shall only be used to contact consumers in the event of a recall or safety warning.</p> <p>In this articles part, do we have to ask a contact for contacting the consumer and at the same time offer a way to consumer register the product?</p>	
11	<p>What means ESO or COM?</p>	<p>ESO stands for the European Standardization Organizations, ie. CEN, CENELEC and ETSI. COM stands for the European Commission (aka. the EC)</p>
12	<p>Do we need warnings for foreseeable misuse for knives?</p>	<p>Not necessarily, you have to do this analysis case by case of how the product is marketed and presented, target consumers, etc.</p>
13	<p>In accordance to Art 7. paragraph 6 of Reg 2023/988 a childcare article like a baby bottle shall be labelled with the postal and digital address of the manufacturer. The Article 7 para 1 a) states that in case a product complies with the harmonised standard than is presumed to be ok. The actual standard eg EN 14350:2020 does not require such labelling onto the product. Would that mean that products proven to be in compliance with the actual standard are ok, and the implementation of the new labelling requirement is applicable for a product at the moment when the EN 14350 has been revised in accordance to the Regulation?</p>	<p>Presumption of conformity is only for the general safety requirements (ie that a product is safe for the safety risks covered by the standards), this presumption of conformity does not apply for the other obligations contained in the GPSR such as the necessity to include the electronic address. I will address this question orally because it has been asked several times</p>
14	<p>Does this mean the current work on revision of EN 14682 which supports M 309 will not be harmonised if it is published this year</p>	<p>First, it is important to recall that standards published in the OJEU on the basis of the GPSR are not harmonised standards.</p> <p>In this case, M/309 is pre-GPSD and contains only one document including both safety requirements and standardization request -> questionable legal certainty. We should receive new standardization requests in this field to replace this old GPSD mandate. The new</p>

		<p>Standardization Request is needed for the OJ publication to be possible.</p> <p>In the meantime, the European Commission is advising CEN technical bodies developing standards in support of the mandates covering children’s products to use the new safety requirements (Commission Decision (EU) 2023/1338 ‘Safety requirements to be met by European standards for certain children’s products and related products’ adopted in June 2023) for the development or revision of standards and to refer as of now to this decision in the Annex ZA.</p>
15	<p>Article 9, point 6 says: "Manufacturers shall indicate their name, their registered trade name or registered trade mark, their postal and electronic address". Is electronic address meant to be the email, or the www website? Or both could be used?</p>	<p>The electronic address should allow for a direct contact of the manufacturer by the consumers: it can be an email address or e.g. a direct contact form on a website (a static website as such is not sufficient).</p>
16	<p>Will the Annex ZA/ZZ be added to the new hEN cited under the GPSR?</p>	<p>Yes. The Annex ZA/ZZ is an informative Annex demonstrating the relationship between the clauses of the harmonized standards and the requirements of the EU legislation aimed to be covered. For the drafting of the informative Annex ZA/ZZ, the latest template shall be used (see Annex ZA/ZZ section under Forms & Templates on CEN and CENELEC BOSS).</p>
17	<p>Is it documented anywhere what the SRAHG discusses and when it meets? How can experts exert influence here?</p>	<p>Yes here the link to the guidance document approved by CEN and CENELEC technical board (CEN BOSS / CENELEC BOSS)</p>
18	<p>What is an Annex III organisation?</p>	<p>The Societal Stakeholder Organizations (SSO) are referred to as Annex III organizations in EU Regulation 1025/2012. S</p> <p>Societal interests are represented for:</p> <ul style="list-style-type: none"> • Consumers by ANEC - the European consumer voice in standardisation • Employees and workers by ETUC – European Trade Union Confederation

		<ul style="list-style-type: none"> Environment by ECOS – Environmental Coalition on Standards
19	<p>Mandate M/527, which is given as still valid under the GPSR, is based on Decision 2013/121/EU. In this safety decision only the manufacturer physical address is required, while the GPSR requires also the electronic address. Can we anyway assume that standards cited based on Mandate M/527 and EC Decision 2013/121/EU, which only require physical address to be provided, give presumption of conformity to the GPSR? Or will the manufacturers need to add the electronic address even if not required by the cited standards (e.g. EN 14988+A1:2020</p>	<p>Presumption of conformity granted by certain standards cited in the OJEU under the GPSD/R is only for the general safety requirements (ie that a product will be presumed safe for the safety risks covered by the standards), this presumption of conformity does not apply for other risks or the other obligations contained in the GPSR such as the necessity to include the electronic address. We will address this question further orally because it has been asked several times.</p>
20	<p>When is the call for members of each SRAHG launched?</p>	<p>When we receive the first draft Standardization Request from the European Commission.</p>
21	<p>Do I get it right that the new GPSR allows for digital manufacturer's instructions?</p>	<p>The Article 21 of the GPSR allows only to provide ADDITIONALLY some information in digital format, it does not replace the obligation to have it also in the physical format.</p>
22	<p>And what is exactly an electronic address? Is the webpage of the manufacturer considered to be the electronic address if from the home page a contact page can be easily reached through a visible link / button? Can a QR code with the link to a "contact us" page satisfy the requirement? In some localized versions of the GPSR (e.g. German language), the electronic address has been translated as "e-mail address", but e-mail is only one of the many ways of managing electronic communication. Will this translation be corrected to avoid confusion among stakeholders (which has already been raised as questions to standardisation committees)?</p>	<p>Indeed, there is a mistake in the German version, it will be corrected. Electronic address is a wider term than email address. Electronic address, as explained above, needs to provide for a possibility of a direct contact.</p>
23	<p>Products approved under other regulations using hEN are they also deem to be compliant for the consumer market? Would</p>	<p>The GPSR covers products not covered by another harmonisation legislation but it also covers the risks for harmonised products not</p>

	they be accepted as safe, or is it necessary to judge those in addition under the new GPSR rules?	covered by harmonisation legislation. So to answer your question, not necessarily no
24	The WG dealing with revision of EN 14682 is working very hard to try and revise. if there is to be a new standardisation request, so save work of industry , should the work of WG 20 stop until the new request is issued?	<p>European standards are voluntary and market-driven, CEN and CENELEC technical committees are responsible for developing or revising standardization deliverables in their work programme. When the new standardization request is available, it will always be possible to revise/amend the European standard if necessary.</p> <p>See also reply to question 14.</p>
25	In the Regulation, art 2 it is reported: 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. With regard to products subject to specific requirements imposed by Union harmonisation legislation as defined in Article 3, point (27). Question: Since products subject to specific requirements imposed by Union harmonisation legislation as defined in Article 3, point (27) are almost all products Food Contact, Textile (not only CE product) what does it means in terms to applicability to GPSR, also for these products some articles are not applicable?	To avoid overlapping provisions, some chapters as explained in Art 2(1) do not apply to harmonised products. The reason is that there exist already provisions with the same objective there.
26	Articles entering the EU, coming from a 3rd world country, before 23.12.2024: can they be sold under the new gpsr?	The applicable regime until 13.12.2024 is the current General Product safety Directive. The new GPSR applies of products made available on the EU market as of 13 December 2024.
27	Wasn't the risk analysis/assessment of one product part of directive? Or is this a new change introduced by the GSPR?	Yes, also under the GPSD there was a general product safety requirement, but the provisions have been less detailed. GPSR provides for specific obligations to ensure that all businesses understand what they have to do concretely, similarly as it is done in the NLF for harmonised products.

28	Annex ZA : introducing the reference to the Commission Decision on children's products, does the new template also include all requirements listed in the Decision in addition to what we have in the current annex ZA	No. The Annex ZA/ZZ template is a table used to accommodate all possible cases and independently how detailed correspondence is established or is possible to give depending on the scope of the European standard. The CEN and CENELEC technical committees and their working groups are responsible for providing the correspondence between the related European standard and the safety requirements to be covered (listed in the Commission Decision (EU) 2023/1338 'Safety requirements to be met by European standards for certain children's products and related products').
29	Is there a transition period for articles entering before 23.12.2024 of selling? If so, what will be the transition period to sell these goods?	Art 51 GPSR specifies that product made available under the GPSD should remain. there is no transition period on top of it but the economic operator will need to demonstrate that the product has been well made available after the date of application of the GPSR.
30	This session was on standardization work, will you also propose a presentation for stakeholders: industry,etc ?	We are preparing the GPSR guidelines for businesses. We also plan organising some webinars for industry once these guidelines are adopted.
31	If we have product: ex. Roller blinds, and it was tested according to GPSD and existing standard, does it mean that according to GPSR new standard will be prepared and we will have to test product again?	No, recital 27 of the GPSR states that all standards cited under the GPSD are taken over by the GPSR.
32	What would be applicable for quick commerce website like Uber and Deliveroo?	The GPSR provides for obligations for providers of online marketplaces. Every business model needs to be assessed on a case-by-case basis, obligations of businesses depend on their roles. Look also for DSA obligations that apply in parallel of the GPSR.
33	Does a product in scope of harmonised regulation (like LVD) need an electronic address?	You should refer for that to LVD or other harmonised legislation.
34	Should a product only under the CEM directive, comply to the GPSR?	GPSR covers all products which do not fall under harmonisation legislation as well as for the risks not covered by harmonisation legislation.

35	How is the situation for products covered by an "outdated Mandate" which will not be replaced by a standardization request in the near future, i.e. Mandate for ladders?	The European Commission established a priority setting and rolling plan, in order to renew standardization requests as there are a certain number, as listed in the AUWP 2024. Standardization Requests are needed for the OJ publication to be possible. For the mandates (category of products) not covered yet, as replied for question 24, European standards are voluntary and market-driven, CEN and CENELEC technical committees are responsible for developing or revising standardization deliverables in their work programme. When the new standardization request is available, it will always be possible to revise/amend the European standard if necessary.
36	Will a standard which is currently harmonised be de-harmonised this year? If so this will confuse industry.	First, standards under the GPSR are not harmonized standards. Secondly, recital 27 of the GPSR states that all standards referenced under the GPSD are also valid under the GPSR.
37	Is an official guidance document going to be published like for the Toys Safety Directive, with examples and clarifying explanations? If yes, when can we expect the guidance to be available to the general public? And will relevant standardisation committees be consulted for a deep dive into the application of the GPSR requirements to the specific product categories?	There will be GPSR guidelines for economic operators published this year and available to the public.
38	How long will be the process to adopt a standardization request? including SRAHG, ... etc	If it refers to the drafting and issuing a SReq, this is in the remit of the EC timeframe. A SHRAG is created when a first working draft is available from the EC. The different steps are explained in the PPT of the Webinar (slide 36) and include stakeholder's consultations and formal vote/adoption by the EC and CEN and CENELEC. It is difficult to give a timeframe as it depends on various factors (e.g. number of standards to develop/revise, deadlines, etc.).
39	Some standards are under the process to be referenced, but they have not been drafted taking into account all the requirements listed in the new decision on children's	As a transitional solution in 2023 agreed with the EC, the citation was still possible provided a case by case 'urgency' can be demonstrated. CEN and CENELEC technical committees have been

	<p>product: what about these standards ? will the citation be postponed ? will we have a clear view in the next weeks to get prepared ?</p>	<p>contacted separately to provide this rationale. The list of European Standards offered for OJ citation and accepted by the EC should be published in April 2024 (list detailed in slide 26 of the PPT of the Webinar).</p>
<p>40</p>	<p>Should a product (ex. window blinds) which is under the Construction Product Regulations, comply also with the GPSR? If there is a conflict which regulations are more important to follow?</p>	<p>First it is important to get a confirmation from the European Commission about the EU legislation(s) that apply to window blinds. If multiple legislation applies (e.g., CPR and GPSR) both requirements are important. It is important to ensure that there is no conflict or overlap of requirements.</p>
<p>41</p>	<p>It is also not clear, what is meant by the fact information shall take into account disabilities ... how?</p>	<p>Dangerous products can have very negative consequences for consumers and citizens. All consumers, including the most vulnerable, such as children, older persons or persons with disabilities, have the right to safe products.</p> <p>The safety of a product should thus be assessed taking into account all relevant aspects of the product, in particular its characteristics, such as the physical, mechanical and chemical characteristics, and its presentation, as well as the specific needs and risks which the product represents for certain categories of consumers who are likely to use the products, in particular children, older persons and persons with disabilities.</p> <p>The GPSR provides for several obligations regarding information giving to consumers. This information should be easily accessible by persons with disabilities.</p> <p>There are also guidelines developed by CEN and CENELEC to address accessibility in standardization: please see the detailed brochure.</p>
<p>42</p>	<p>Will there be an interdependence or another relation to ESPR - when an ESPR/delegated act for the very product range are finalized - are available?</p>	<p>Too premature to answer.</p>