

# Requirements for General Product Safety Directive (GPSD)

**EU requirements:** Directive 2001/95/EC on General Product Safety (the "GPSD") aims to ensure that only safe products are made available to consumers. It defines a number of requirements for producers and distributors of products to ensure that products are safe; consumers are informed of any risks associated with products; and dangerous products can be removed.

It is your responsibility to comply with the GPSD. You must also comply with national laws and regulations in Member States which implement the GPSD.

Please see below for further information about EU requirements

**UK requirements:** The UK's General Product Safety Regulations 2005/1803 (the "GPSR") aims to ensure that only safe products are made available to UK consumers. It defines a number of requirements for producers and distributors of products to ensure that products are safe; consumers are informed of any risks associated with products and dangerous products can be removed. Different rules apply to goods you sell in: (1) Great Britain (England, Scotland and Wales) and (2) Northern Ireland.

It is your responsibility to comply with the GPSR if you are selling products in the UK. If you also sell products on Amazon EU Stores, then you must also comply with national laws and regulations in EU Member States which implement the GPSD.

Please see below for further information about UK Requirements

This material is for information purposes only. It is not intended as legal advice. We encourage you to consult your legal counsel if you have questions about the laws and regulations concerning your product, ~~including the national laws and regulations that transpose the GPSD into EU Member State law.~~ This material only reflects the position at the date of writing and requirements for the EU and the UK may change . You should refer to current UK Brexit guidance about your products (where available) to learn more about changes that may affect you from 1 January 2021.

## I. EU Requirements

### **What products are in the scope of the GPSD?**

The GPSD applies to any new, used, or reconditioned product that is intended for consumers or those where it is reasonably foreseeable that consumers may use it. This includes products supplied or made available in the course of a commercial activity, including in the context of providing a service.

The GPSD also applies to products that come within the scope of sector -specific EU legislation (e.g. Toys Directive, Cosmetics Regulation, etc.) to the extent that specific requirements or standards are not covered under ~~this~~these sector -specific legislation.

~~Specifically~~ Excluded from the scope of the GPSD are pharmaceuticals, medical devices, and food. These product types fall under separate legislation.

### What is a "safe" product under the GPSD?

A product is safe when, under normal or reasonably foreseeable conditions of use, it does not present a risk, or if the product presents a risk that such risk is the minimum risk compatible with the product's use that is considered to be acceptable and consistent with a high level of protection. The concept of a safe product takes into account its characteristics, packaging and presentation, special groups of consumers (e.g. the elderly or young people), and effects on other products.

### Who has obligations under the GPSD?

The GPSD has obligations for "producers" and "distributors~~2,~~"

You are a producer if you are:

1. the manufacturer of a product (if you are established in the EU) ~~or you are~~;
2. the manufacturer's authorised representative ~~or~~ (where the manufacturer is not established in the EU);
3. The importer of the product (in the absence of an authorised representative if the manufacturer is not established in the EU); or
- ~~4.~~any other professional in the supply chain whose activities affect the safety of a product.

If you affix your name, trademark or any other distinctive mark on a product, or you recondition it, you will be considered the manufacturer (and therefore the producer) for the purposes of the GPSD.

You are a distributor if you are any other professional in the supply chain whose activities do not affect the safety of the product (~~for example, e.g.~~ a reseller).

### What obligations do you have as a producer?

Producers should only provide safe products to consumers. In addition, producers must provide consumers with all relevant information needed to use the product safely or take necessary precautions to mitigate any risk.

The presence of warnings does not exempt a person from compliance with the requirements of the GPSD.

The producer should also adopt measures to be kept informed of risks that their product may pose and take appropriate action to avoid these risks (including withdrawal or recall ~~from the market,~~

or warning consumers). Taking appropriate action (including withdrawal or recall) is to be done on a voluntary basis or on the request of a competent authority. However, if producers become aware or know that a product is not safe, they must immediately inform the competent authorities of the Member States and cooperate with them.

The precise requirements of producer obligations may vary between Member States. Examples of other measures that producers may be required to do to ensure the safety and compliance of their products include:

- Including information on the product or its packaging for consumers, such as the identity and details of the producer and the product reference or, where applicable, the batch of products to which it belongs; and
- [In all cases where it is appropriate](#), carrying out sample testing of [marketed your](#) products, investigations and, if necessary, keeping a register of complaints and keeping distributors informed of such monitoring.

### **What obligations do you have as a distributor?**

Distributors have an obligation to act with due care to help ensure compliance with the applicable safety requirements. They must not supply products which they know or should have presumed, based on the information that they have, do not comply with the relevant safety requirements.

### **Additional information**

We strongly encourage you to visit the European Commission's website for more information on GPSD: [General product safety directive](#)

## **II. UK Requirements**

### **Where does the GPSR apply?**

[The GPSR apply to all products sold in the UK, but the provisions apply differently to Great Britain \(England, Scotland and Wales, “GB”\) and Northern Ireland. You can read more about the position in Northern Ireland \(“NI”\) below.](#)

### **What products are in the scope of the GPSR?**

[The GPSR applies to any new, used, or reconditioned product that is intended for consumers or those where it is reasonably foreseeable that consumers may use it. This includes products supplied or made available in the course of a commercial activity, including in the context of providing a service.](#)

[The GPSR also applies to products that come within the scope of sector specific legislation \(e.g. Toy Safety Regulations, Electrical Equipment \(Safety\) Regulations etc.\) to the extent that specific requirements or standards are not covered under this sector specific legislation.](#)

Excluded from the scope of the GPSR are pharmaceuticals, medical devices, and food. These product types fall under separate legislation.

### **What is a "safe" product under the GPSR?**

A product is safe when, under normal or reasonably foreseeable conditions of use, it does not present a risk, or if the product presents a risk that such risk is the minimum risk compatible with the product's use that is considered to be acceptable and consistent with a high level of protection. The concept of a safe product takes into account its characteristics, packaging and presentation, special groups of consumers (e.g. the elderly or young people), and effects on other products.

### **Who has obligations under the GPSR?**

The GPSR has obligations for "producers" and "distributors."

You are a producer under the GPSR if you:

1. are the manufacturer of a product or the manufacturer's representative and you are established in the UK ; or
2. import a product from outside the UK and sell it in GB and you are established in the UK

If you affix your name, trademark or any other distinctive mark on a product, or you recondition it, you will be considered the manufacturer (and therefore the producer) for the purposes of the GPSR.

You are a distributor if you are any other professional in the GB supply chain whose activities do not affect the safety of the product (e.g. a reseller).

### **What obligations do you have as a producer?**

Producers should only provide safe products to consumers. In addition, producers must provide consumers with all relevant information needed to use the product safely or take necessary precautions to mitigate any risk.

The presence of warnings does not exempt a person from compliance with the requirements of the GPSR.

The producer should also adopt measures to be kept informed of risks that their product may pose and take appropriate action to avoid these risks (including withdrawal or recall or warning consumers). Taking appropriate action (including withdrawal or recall) is to be done on a voluntary basis or at the request of Trading Standards. However, if producers become aware or know that a product is not safe, they must immediately inform Trading Standards and cooperate with them.

Measures that producers will usually be required to take to ensure the safety and compliance of their products include:

- Indicating on the product or its packaging for consumers the name and address of the producer and the product reference or, where applicable, the batch of products to which it belongs; and
- where and to the extent it is reasonable to do so, carrying out of sample testing of your products, investigations and, if necessary, keep a register of complaints and keep distributors informed of such monitoring.

The UK Government has released guidance on alternative means of providing GB importer traceability information until 31 December 2022. See the “BREXIT: UK Government Guidance” section below for links to this guidance.

### **What obligations do you have as a distributor?**

Distributors have an obligation to act with due care to help ensure compliance with the applicable safety requirements. They must not supply products which they know or should have presumed, based on the information that they have, do not comply with the relevant safety requirements.

### **Northern Ireland**

Please note that different rules apply in NI from 1 January 2021 as a result of the Northern Ireland Protocol. In particular:

- You should ensure that products meet EU requirements .
- You are an importer if you are established in the EU or NI and you sell products from a country outside of the EU and Northern Ireland (including from GB) into NI. Products sold in NI should be marked with details of any EU / NI based importer.
- Authorised representatives can be based in NI or the EU.
- “Qualifying Northern Ireland goods” will be able to be sold in GB with the CE mark. The UK Government is issuing guidance on how this will work.

### **BREXIT: UK Government Guidance**

The UK Government has released guidance on selling products in GB and NI from 1 January 2021. This guidance provides information for producers and distributors regarding compliance requirements from 1 January 2021, including on:

- whether your legal responsibilities will change ;
- whether you need to provide GB importer information, and methods for doing this (including transitional arrangements until the end of 2022);

- [how to deal with existing stock;](#)
- [what documentary evidence is required to show that products have been placed in the UK or EU before 1 January 2021; and](#)
- [specific rules for selling products in NI.](#)

[We encourage you to review this guidance \(linked below\), alongside any other specific UK Government guidance that applies to your product. You should consult your legal counsel if you have questions about how the laws and regulations apply to your products from 1 January 2021.](#)

GB:

- [Product Safety and Metrology in GB from 1 January 2021](#)
- [General Product Safety Regulations - GB](#)

NI:

- [Product Safety and Metrology – NI](#)
- [General Product Safety Regulations - NI](#)

**Additional information**

[We strongly encourage you to review guidance provided by the UK Government Office for Product Safety and Standards, see here:](#)

- <https://www.gov.uk/guidance/product-safety-advice-for-businesses>

[We also encourage you to visit the Business Companion website, which contains guidance on UK product compliance rules:](#)

- <https://www.businesscompanion.info/en/get-started>
- <https://www.businesscompanion.info/en/quick-guides/product-safety/general-product-safety-producers>
- <https://www.businesscompanion.info/en/quick-guides/product-safety/general-product-safety-distributors>