

(English version)

**Question for written answer E-001775/24
to the Commission
Virginie Joron (PFE)
(20 September 2024)**

Subject: Is the sale of second-hand items on the Internet under threat from Brussels?

The European General Product Safety Regulation (GPSR) is due to enter into force on 13 December 2024 ⁽¹⁾ and has set off a deluge of demands to sellers from Amazon and other marketplaces. There is a risk that thousands of second-hand, old and rare (back catalogue) items will no longer go on sale as a result. There could be significant consequences for SMEs, but also for cultural diversity and consumers' buying power.

The regulation does not apply to antiques or products such as collectors' items or works of art, which consumers cannot reasonably expect to meet more recent safety standards.

1. What steps has the Commission taken to ensure that procedures used by major marketplaces under the GPSR do not indirectly exclude small businesses selling second-hand cultural items?
2. Does the Commission believe that CDs, DVDs and video games that are less than 100 years old fall under the 'antiques' exception, since they can be collected like stamps, or does it believe they pose a safety hazard ⁽²⁾?

Submitted: 20.9.2024

**Answer given by Mr McGrath on behalf of the European Commission
(6 January 2025)**

The General Product Safety Regulation (GPSR) ⁽¹⁾, indeed requires providers of marketplaces to comply with a number of specific obligations from 13 December 2024.

Amongst these, and notwithstanding their obligations under the Digital Services Act ⁽²⁾, these providers need to design their online interface in a way that enables traders offering the product to provide key safety and product-related information and ensure that this information is displayed on the product offers.

The same information would also be required from businesses if they offer their products in distance sales, for example via their e-shops.

The consistent and effective enforcement of the GPSR will be a priority for the Commission as of its entry into application. The Commission will provide guidance to support businesses' compliance with the GPSR, taking into account the needs of smaller businesses ⁽³⁾.

Businesses will not need to comply with additional labelling requirements for products which were originally placed on the internal market before 13 December 2024, and are then made available on the EU market for resale, provided that they complied with the General Product Safety Directive ⁽⁴⁾.

Antiques, such as works of art or collectors' items are excluded from the scope of the GPSR. Works of art are products created solely for artistic purposes, usually by hand.

Collectors' items must be of sufficient rarity and historical or scientific interest to justify their collection and preservation. Antiques are goods, other than collectors' items or work of art which are of an extraordinary age ⁽⁵⁾.

¹ <https://eur-lex.europa.eu/eli/reg/2023/988/oj?locale=en>

² Annex IX to Directive 2006/112/EC could be the basis for determining whether or not a product is an antique, such as a work of art or a collectors' item: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0112> (Collectors' items: Stamps...of historical, archaeological, palaeontological, ethnographic or numismatic interest/Antiques less than 100 years old).

⁽¹⁾ Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety (OJ L 135, 23.5.2023, p. 1-51).

⁽²⁾ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1-102). The DSA's horizontal rules apply to all intermediary service providers in the EU, including online marketplaces. The DSA sets due diligence obligations for all online platforms to address illegal content, including illegal goods, focusing on preventing illegal activities and harmful content online. Specific rules for online marketplaces (Articles 29-32) apply only to providers facilitating distance contracts between consumers and traders, excluding online sales by natural persons.

⁽³⁾ In accordance with Article 17 GPSR, support designed to facilitate compliance of SMEs with the GPSR will be made available. In particular, the Commission is in the process of adopting guidelines for economic operators, focusing on the needs of SMEs, including micro-enterprises, on how to fulfil their obligations. Furthermore, in accordance with Article 47 of the GPSR, the Commission is to carry out an evaluation by the end of 2029, where it will assess if the regulation has achieved its objectives while also taking into account its impact on SMEs.

⁽⁴⁾ Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4-17).

⁽⁵⁾ These definitions stem from the Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (tax (OJ L 347, 11.12.2006, p. 1), as referred to in Recital 18 GPSR.

Whether CDs, DVDs and video games fall under one of these categories will need to be assessed by economic operators and market surveillance authorities on a case-by-case basis.
