

EN
E-001835/2024
Answer given by Mr Reynders
on behalf of the European Commission
(6.11.2024)

The General Product Safety Regulation (GPSR)¹, like the current General Product Safety Directive (GPSD)², applies to second-hand products except for those products marked as to be repaired or reconditioned prior to their use. The GPSR does not apply to antiques, work of art or collectors' items³.

Second-hand products not excluded under one of the above-mentioned categories and made available on the EU market from 13 December 2024 will need to comply with the requirements laid down in the GPSR: distributors must verify that the manufacturer or the importer complied with certain specific requirements of the GPSR on traceability and labelling⁴ before making a product available on the EU market, and ensure that they do not jeopardise the safety of the product during storage or transport. Products that were already placed on the EU market before 13 December 2024 can remain on the market with no new requirements linked to labelling, including for resale as second hand after that date, provided that they complied with the GPSD.

However, when making products available on the EU markets, distributors of cultural products, such as books, CDs, DVDs or video games will need to ensure that products placed by manufacturers or importers on the EU market as of 13 December 2024 fulfil the applicable traceability and labelling requirements, unless these products fall into one of the categories explicitly excluded from the scope of the GPSR.

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, focussing on the needs of SMEs, including micro-enterprises, on how to fulfil their obligations.⁵

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 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).

³ Under Article 3 of the GPSR 'antiques' means products, such as collectors' items or works of art, in relation to which consumers cannot reasonably expect that they fulfil state-of-the-art safety standards. In the EU legal framework, works of art are products created solely for artistic purposes usually created 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. This definition can be found in Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1). As referred to in recital 18 GPSR.

⁴ Article 12 of the GPSR indeed requires distributors to verify that the manufacturer and, where applicable, the importer have complied with the requirements set out in Article 9(5), (6) and (7) and Article 11(3) and (4), as applicable before placing a product on the market.

⁵ In addition to the guidelines and 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.