



The New Product Safety Regulation

As a manufacturer, importer or distributor, your products must comply with an ever-growing number of European and national legal requirements. A significant new development in this area is the Product Safety Regulation (2023/988), which was published in the Official Journal of the European Union on May 23, 2023.

This regulation introduces significant changes and aims to further enhance product safety. This ensures that only safe products are brought to the market within the EU in the future. The new regulation (EU) 2023/988 will apply in all EU member states from December 13, 2024.



Due to the advancing digitalization of products and the ever-growing online commerce, the European legislature saw the need to make numerous adjustments in general product safety law. We have summarized the key changes for you.

SAFETY REQUIREMENTS

Cybersecurity: If necessary due to the nature of the product, appropriate cybersecurity measures should be taken to protect the product from external threats, such as attacks by malicious third parties. This is particularly important if such threats could impair the safety of the product, including potential failures.

DUTIES OF ECONOMIC OPERATORS

Risk Analysis: Before placing their products on the market, manufacturers are required to conduct an internal risk analysis. At a minimum, this analysis should include a general description of the product and its essential characteristics relevant to safety assessment, as well as an assessment of relevant hazards.

Electronic Address: An important new requirement is the indication of the electronic address, which the manufacturer and the importer must place on the product itself, or if not possible, on the packaging or in a product insert.

Safety-Business-Gateway: If a product poses a risk, the manufacturer must report it to the market surveillance authorities of the member states where the product was placed on the market using the Safety-Business-Gateway (formerly the RAPEX system).

DUTIES OF ECONOMIC OPERATORS REGARDING DISTANCE SELLING

Online Trade: When selling a product through online trade, the same labeling requirements apply to the product as in physical retail. Information such as the registered trade name/brand, postal address, electronic address, warnings, or safety requirements for the product must be available online (excerpt, for further information see Article 19).

Important

Please note: This flyer is for informational purposes only and contains a summary of the essential changes. For detailed information, please consult the official documents or your legal advisor.

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