Product safety in the digital age – legislative changes

* **As of today, new provisions are in force to ensure the purchase of safe products for every consumer – regardless of the sales channel.**
* **Not only manufacturers, importers and distributors but also e-commerce platforms must monitor the safety of the products they sell.**
* **A dangerous product? The consumer gains an easier way to return, replace or repair a product.**

**[Warsaw, 13 December 2024]** Poland is implementing the EU [General Product Safety Regulation](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R0988) - which raises the safety standards of products offered to consumers and adapting the law to the reality of the digital economy. The GPSR replaces a directive that is more than 20 years old. Retail has largely moved online, which is why the new regulations place greater demands on sales platforms, manufacturers and importers, ensuring the safety of every consumer – regardless of the sales channel.

“The product safety regulations in force as of today are an important step towards enhancing consumer protection, especially in the era of growing popularity of online shopping. They introduce a number of changes that guarantee access to safe goods, regardless of where and how we buy them. At the same time, the regulation expands the circle of entrepreneurs responsible for safety and imposes additional obligations on them. It makes it easier to recover the product from buyers in the event of a recall, i.e. the withdrawal of dangerous goods from the market. It also gives them clear guidelines to streamline the purchase of safe products. We are in the process of working on implementing provisions to increase, among other things, the range of sanctions for placing a dangerous product on the market, so as to give a clear signal to entrepreneurs that we expect them to see a visible improvement in the market”, **explains Tomasz Chróstny, President of the UOKiK.**

**Who is responsible for product safety?**

**The new rules expand the circle of entities responsible for product safety to include online shopping platforms.** Until now, this obligation rested mainly with manufacturers and importers. **This means that platforms such as Allegro, Amazon, Temu, etc. can no longer only act as intermediaries, but must actively participate in ensuring the safety of products sold through them. E-commerce websites are obliged to monitor offers and remove those that do not meet safety requirements. If the shopping platform does not take appropriate action, it will be held liable.**

**What does it mean that a product is safe?**

Under the new rules, in addition to traditional criteria such as composition, physical or mechanical properties, market surveillance authorities will also check the following when assessing safety:

* **Product presentation: Labelling and instructions, durability, location and legibility of warnings, impact on other products, including disposal and its impact on the environment.**
* **Cybersecurity level: For products that connect to the internet, it is essential that they are safe from hacker attacks and other cyber threats.**
* **Product appearance: If the appearance of the product may suggest a different use, it must carry a warning against use other than the intended purpose. For example, a cookie-like candle must carry a warning that it is not intended for consumption**, and at the same time, it must not pose a risk to users, particularly children, by imitating food (each case is assessed individually by the authorities).

**Stronger consumer rights**

**The EU regulation strengthens consumer protection. It gives consumers the right to:**

* **Buy products that are as safe online as they are in brick-and-mortar stores.**
* **Get clear information on a product, no matter how bought.**
* **Identify the party responsible for product safety more easily.**
* **Report dangerous products in a simpler way – manufacturers, importers and shopping platforms must provide communication channels through which it will be possible to report threats.**
* **Choose how to be compensated for a dangerous product: repair, replacement or refund.**
* **Report dangerous products to the European Commission more easily using the** [Safety Gate](https://ec.europa.eu/safety-gate-alerts/screen/search) **portal.**

**What do businesses need to do?**

**Manufacturers or importers:**

* **Develop technical documentation of the product, including an analysis and minimisation of the risks involved in its use**
* **Ensure product traceability by specifying the serial or batch number. This will make it easier to recall the product from buyers in the event of an emergency.**
* **Provide their details to make it easier for consumers to get in touch.**
* **Report all consumer accidents related to the products they offer to the Safety Business Gateway portal.**

**E-commerce platforms:**

* **Monitor product offerings for safety.**
* **Remove offers of dangerous products, both if they themselves determine that the product poses a risk and at the request of the market surveillance authority.**
* **Develop and implement procedures to respond to reports of dangerous products.**

**Penalties for violations**

**The President of UOKiK is planning to increase administrative penalties for placing a dangerous product on the market from PLN 100,000 to PLN 1,000,000. Penalties are also envisaged for:**

* **Lack of technical documentation (up to PLN 40,000)**
* **Lack of product identification, including contact details (up to PLN 100,000)**
* **Failure to attach safety instructions, failure to provide information about consumer accidents or to warn consumers of risks (up to PLN 200,000).**

Work is underway on legislation to ensure the application of the regulation coming into force, including changes to the levels of fines.

**Support for entrepreneurs**

The European Commission has developed a special website<https://ec.europa.eu/safety-gate/#/screen/pages/effectiveRecalls> where it explains the obligations of entrepreneurs in the event of detecting dangerous products among the products on offer. It also provides a [template of the warning](https://uokik.gov.pl/download.php?id=19583) applicable in such situations.

In addition, the GPSR provides for the establishment of an information point in each Member State, which will provide information related to the application of EU and national legislation on general product safety free of charge.