



INFORMATION ON THE GPSR FOR ARTISTS

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Date of information: 18. Dezember 2024

NOTES

- This presentation was primarily created for the target group „small-business artists."
- Date of information: 18 December 2024
- Disclaimer: This presentation merely provides an excerpt of the provisions of the Product Safety Regulation. No claims are made regarding the completeness, accuracy, or exclusivity of the content. Any liability on the part of the creator of this presentation is excluded. The presentation and the lecture do not replace individual legal advice. Presentations and lectures are non-binding.
- This is a translated version of the German presentation. Due to time issues, google translate was used for it.
- This presentation does not replace your own research.
- All information is provided without guarantee.
- Please note that EU guidelines for GPSR application, as well as practical implementation details and reports of experiences, will/ might become available in the coming weeks and months.

WHAT IS THE GPSR?



WHAT IS GPSR?

- GPSR = General Product Safety Regulation, in German: Verordnung über die allgemeine Produktsicherheit. It replaces the previous Product Safety Directive (2001/95/EC) and is designed to ensure a high level of product safety within the internal market of the European Union.

GSPR OBJECTIVES

- ◎ **Ensuring Product Safety:** It sets rules to ensure that all products on the EU market are safe.
- ◎ **Consumer Protection:** Consumers are to be protected from unsafe products, especially in relation to new technologies and online sales.
- ◎ **Modernisation of Regulations:** The GPSR takes into account digital trade and the rise of online marketplaces.

WHICH PRODUCTS ARE COVERED BY THE GPSR?

- **Expanded Scope of Application:** The GPSR applies to all products that are intended for consumers or that can be used by consumers.
 - ➔ The Product Safety Regulation generally applies to all consumer products placed on the European market. Used, repaired, or refurbished products are also affected!
 - ➔ A consumer product is a product intended for consumers. However, the Product Safety Regulation also covers products that are primarily intended for commercial use if they enter the consumer market and are "likely to be used by consumers under reasonably foreseeable conditions."

DOES THE GPSR REGULATION APPLY TO ALL PRODUCTS?

- The GPSR generally applies to all consumer products – and also to their resale.
- Exceptions: Products already covered by specific EU regulations (e.g., Toy Directive, Machinery Directive).
- However, if you have already introduced products before 13 December, you may sell them off as a manufacturer (please note, sell off ≠ resale).
- Used items (2nd hand) fall under resale. The GPSR applies here.
- Attention: The clearance sale is not uncontested! EU guidelines will follow on this matter. GPSR applies to all resale (2nd hand) products, regardless of the original import date!

OBLIGATIONS

- **Manufacturers:** Must ensure that their products comply with safety requirements.
- **Importers and Distributors:** Must ensure that only safe products are placed on the market.
- **Online Marketplaces:** Share responsibility, particularly in preventing unsafe listings.
- **Traceability:** All products must be clearly labeled, including information about the manufacturer and, if applicable, the importer.
- **Digital Commerce:** The regulation specifically addresses challenges in e-commerce. For example, online marketplaces are required to provide mechanisms for removing unsafe products.

MANUFACTURER OBLIGATIONS



MANUFACTURER DEFINITION

- A manufacturer is, according to the legal definition (Art. 3 para. 8), *"any natural or legal person who manufactures or designs a product or has it manufactured and markets this product in their own name or under their own brand."*

This includes:

- Persons who actually manufacture the product (e.g., a company that produces jewellery in-house).
- Persons who are designing the product or making it and market it under their own name or brand (including artist names):
 - ➔ Designers, authors (self-publishing), and artists who are ordering prints of their own artworks via a factory and sell it are considered as the manufacturer!
 - ➔ You are also considered the importer if you bring goods from abroad!

MANUFACTURER OBLIGATIONS 1/2

- **Manufacturer Labeling:** A type, batch, or serial number must be provided. Additionally, manufacturers must provide their name, their registered trade name or registered trademark, their postal address and their email address, and, if different, the postal address or email address of the central contact point (no P.O. Box!), under which they can be contacted. This information must be provided on the product itself. If the product is too small for this, the information should be provided on the packaging or on a document attached to the product (para. 5 and 6).
- **Risk Analysis and Technical Documentation:** Products may only be placed on the market if compliance with the Product Safety Regulation can be ensured! In addition to the obligations already included in the previous directive 2001/95/EC, manufacturers must now perform an internal risk analysis for each product and create technical documentation.
- **Storage of Technical Documentation:** This technical documentation must be kept for at least 10 years after the product is placed on the market and must be kept up to date (Article 9).
- **Safety Instructions:** The product must include clear instructions and safety information. This information must be provided in a clear and easily understandable manner, and in the language determined by the Member State (para. 7). This is not required if the product can be used safely and as intended by the manufacturer without instructions or safety information.

MANUFACTURER OBLIGATIONS 2/2

- **Communication Channels and Information Obligations:** Manufacturers are required to provide publicly accessible communication channels through which consumers can submit complaints and report safety issues or incidents. These channels must be designed in a way that people with disabilities can also use them. All incoming reports must be carefully examined.
- **In case of issues:** If a manufacturer receives information about potential hazards related to their product, they must investigate these and, if necessary, take corrective actions, including product recalls. Furthermore, they are required to inform the market surveillance authorities of the Member States where the product is sold through the Safety-Business-Gateway. Any incidents related to the product must also be reported there. A complaint register must also be maintained!

FAQ

- **Do I have to provide my business address/residence?**

- ➔ At the current stage, it is only a contact address. Letters must be deliverable, and there must be a contact person.
- ➔ In theory, it would be possible to use another person's address, as long as letters and complaints are forwarded.
- ➔ Caution: EU guidelines may still follow regarding this. However, the manufacturer (person, registered trade or brand name) must be clearly named and identifiable!

FAQ

Do I have to assign a unique item number to each design?

- ➔ No, a unique item designation may be sufficient for printed products such as posters, acrylic pendants, etc., especially if you are producing all designs at once or having them produced in one order (batch).
- ➔ The safety risk would apply to all designs in that order.
- ➔ **Caution:** In case of a product recall, you might have to recall all designs. In this case, batch labeling can be helpful, especially if designs go through multiple production runs. The item designation must primarily be clear for the customer. It must be obvious which product has to be returned, when a safety risk occurs and the item is recalled.

FAQ

- **Can I provide my address as a QR code?**

➡ No, the address and an email address must be directly on the product, packaging, or leaflet..

- **Can I use a P.O. Box as an address?**

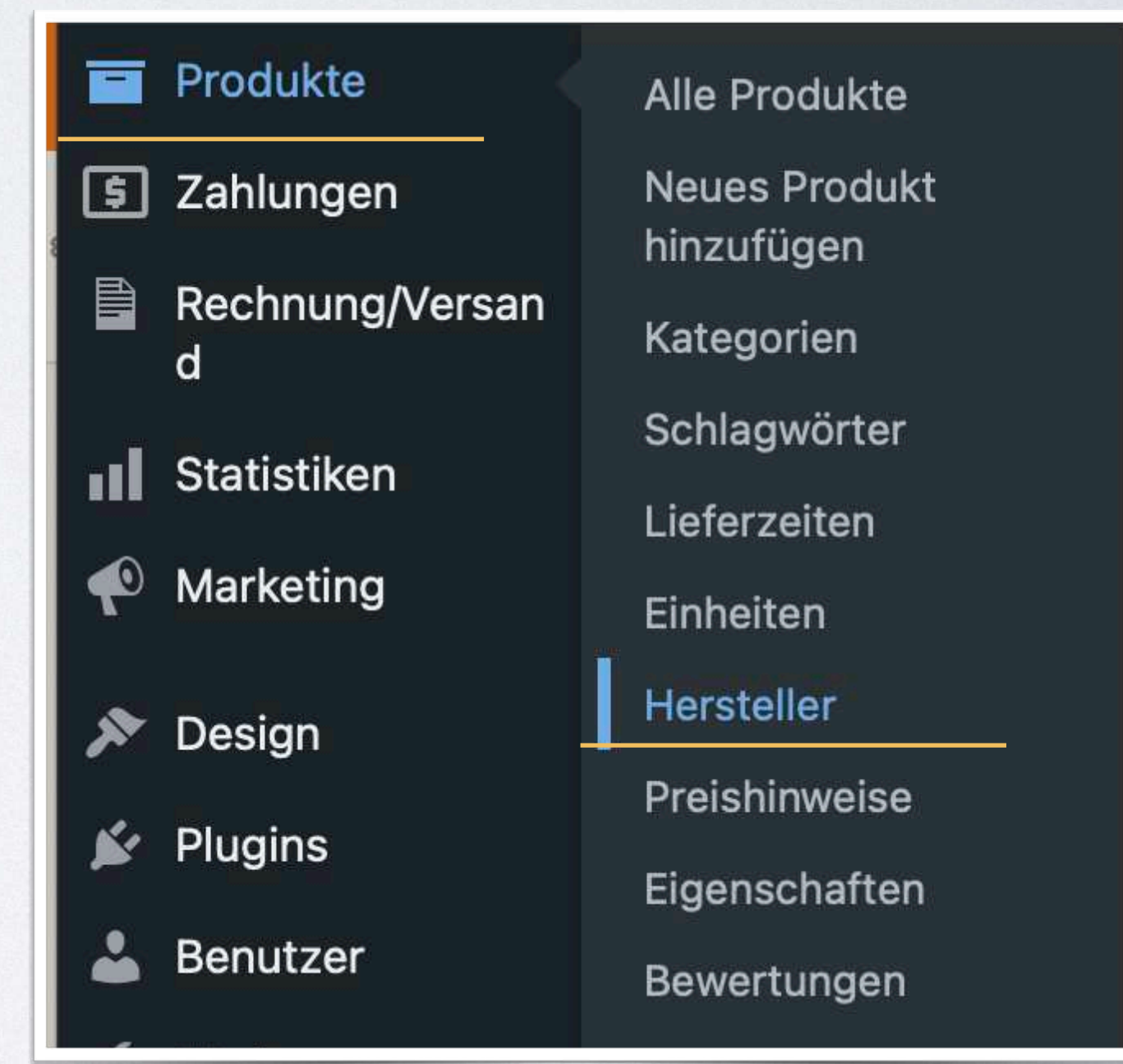
➡ No, it must be an address where a person is present on-site!

E-COMMERCE



WHAT DOES THIS MEAN FOR MY ONLINE STORE?

- In online retail, you should respond quickly, as cease-and-desist lawyers are likely already eyeing it as a new business model.
- You can also be warned from other EU countries if you sell there/shipping to them.
- Generally, your e-commerce platform providers have already taken action and offering appropriate templates. On Shopify and WooCommerce, you can find such templates for providing the required information.



REQUIRED ONLINE INFORMATION:

- Name/brand and postal address, as well as an electronic address (e.g., email or link to a contact form) through which the manufacturer can be contacted.
- For manufacturers without an EU establishment: The name, address, and electronic address (e.g., email or link to a contact form) of the responsible person in the EU.
- Details for product identification, photos, and a product description with features. Warnings/safety information in a language that is easily understandable for consumers, which is spoken in the member state where the product is placed on the market.
- This information must be available on the product, the packaging, or in an accompanying document.

EXCEPTIONS FROM THE GPSR

Bild: esus Solana from Madrid, Spain - Black sheep . Do u also feel different? <https://commons.wikimedia.org/w/index.php?curid=5050231>



THE GPSR DOES NOT APPLY TO ANTIQUES!

(18) Antiques, such as works of art or collectors' items are specific categories of products which cannot be expected to meet the safety requirements laid down by this Regulation, and should therefore be excluded from its scope. However, in order to prevent other products from being mistakenly considered as belonging to those categories, it is necessary to take into account that works of art are products created solely for artistic purposes, that collectors' items are of **sufficient rarity** and **historical** or **scientific interest** to justify their collection and preservation, and that antiques, if they are not already works of art or collectors' items or both, are of an **extraordinary age**. When assessing whether a product is an antique, such as a work of art or a collector's item, Annex IX to Council Directive 2006/112/EC (13) could be taken into account.

DEFINITION OF WORK OF ART

- (1) Pictures, collages and similar decorative plaques, paintings and drawings, executed entirely by hand by the artist, other than plans and drawings for architectural, engineering, industrial, commercial, topographical or similar purposes, hand-decorated manufactured articles, theatrical scenery, studio back cloths or the like of painted canvas (CN code 9701);
- (2) original engravings, prints and lithographs, being impressions produced in limited numbers directly in black and white or in colour of one or of several plates executed entirely by hand by the artist, irrespective of the process or of the material employed, but not including any mechanical or photomechanical process (CN code 9702 00 00);
- (3) original sculptures and statuary, in any material, provided that they are executed entirely by the artist; sculpture casts the production of which is limited to eight copies and supervised by the artist or his successors in title (CN code 9703 00 00); on an exceptional basis, in cases determined by the Member States, the limit of eight copies may be exceeded for statuary casts produced before 1 January 1989;
- (4) tapestries (CN code 5805 00 00) and wall textiles (CN code 6304 00 00) made by hand from original designs provided by artists, provided that there are not more than eight copies of each;
- (5) individual pieces of ceramics executed entirely by the artist and signed by him;
- (6) enamels on copper, executed entirely by hand, limited to eight numbered copies bearing the signature of the artist or the studio, excluding articles of jewellery and goldsmiths' and silversmiths' wares;
- (7) photographs taken by the artist, printed by him or under his supervision, signed and numbered and limited to 30 copies, all sizes and mounts included.

WORK OF ART

Collector's items

- Postage or revenue stamps, postmarks, first-day covers, pre-stamped stationery and the like, used, or if unused not current and not intended to be current (CN code 9704 00 00);
- collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, palaeontological, ethnographic or numismatic interest (CN code 9705 00 00).

Antiques:

- Goods, other than works of art or collectors' items, which are more than 100 years old (CN code 9706 00 00).

WHAT DOES THIS MEAN FOR ME AS AN ARTIST?

- Typical consumer products from artists, such as posters, keychains, and similar items, do not fall under the exception for antiques!
- Second-hand products generally also do not fall under this exception!



GPSR IN PRACTICE

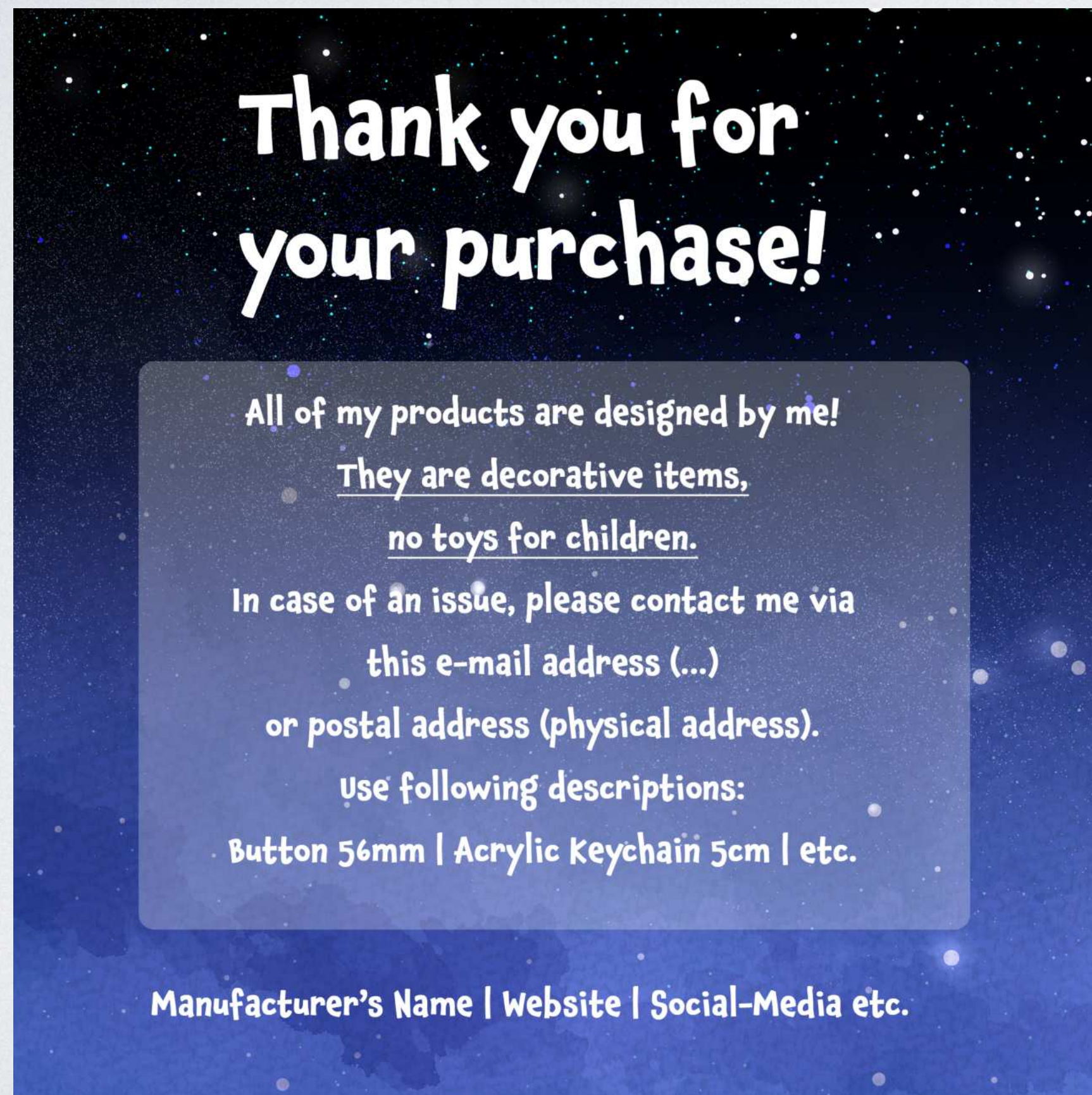
RECOMMENDATIONS FOR ACTION

- Update your online store as soon as possible to protect yourself from cease-and-desist warnings! Even if your products are older! Keyword: Obligation to provide information.
- Set up a contact form/your own GPSR email address and use a reCaptcha if necessary to protect against spam.
- Ask your producers, suppliers, etc., about the composition of materials and safety risks. Have the documents sent to you and conduct a safety assessment. Don't forget to archive these documents!
- When shipping abroad, make sure that any safety instructions are provided in the local language, e.g., via an insert!

GPSR SOLUTIONS FOR ARTISTS ¼

- Artists primarily face the challenge of labeling their products correctly.
- Product recalls would need to be carried out for a product (e.g., keychains) for multiple designs, as these are produced together.
- If you sell items on a larger scale, e.g., to retailers, you can purchase an **EAN** code. This is similar to an ISBN for books and uniquely identifies the product.
- If the product comes packaged, the appropriate labeling must be on the packaging.
- For unpackaged items, a description can also be attached.

GPSR SOLUTIONS FOR ARTISTS 2/4



Example for an insert

- Many products come unpackaged, and the products are too small to place labeling directly on them.
- A solution could be to create an insert, which can be simply handed over with every purchase.
- A unique product name that allows the product to be identified is also possible if there is no item number.

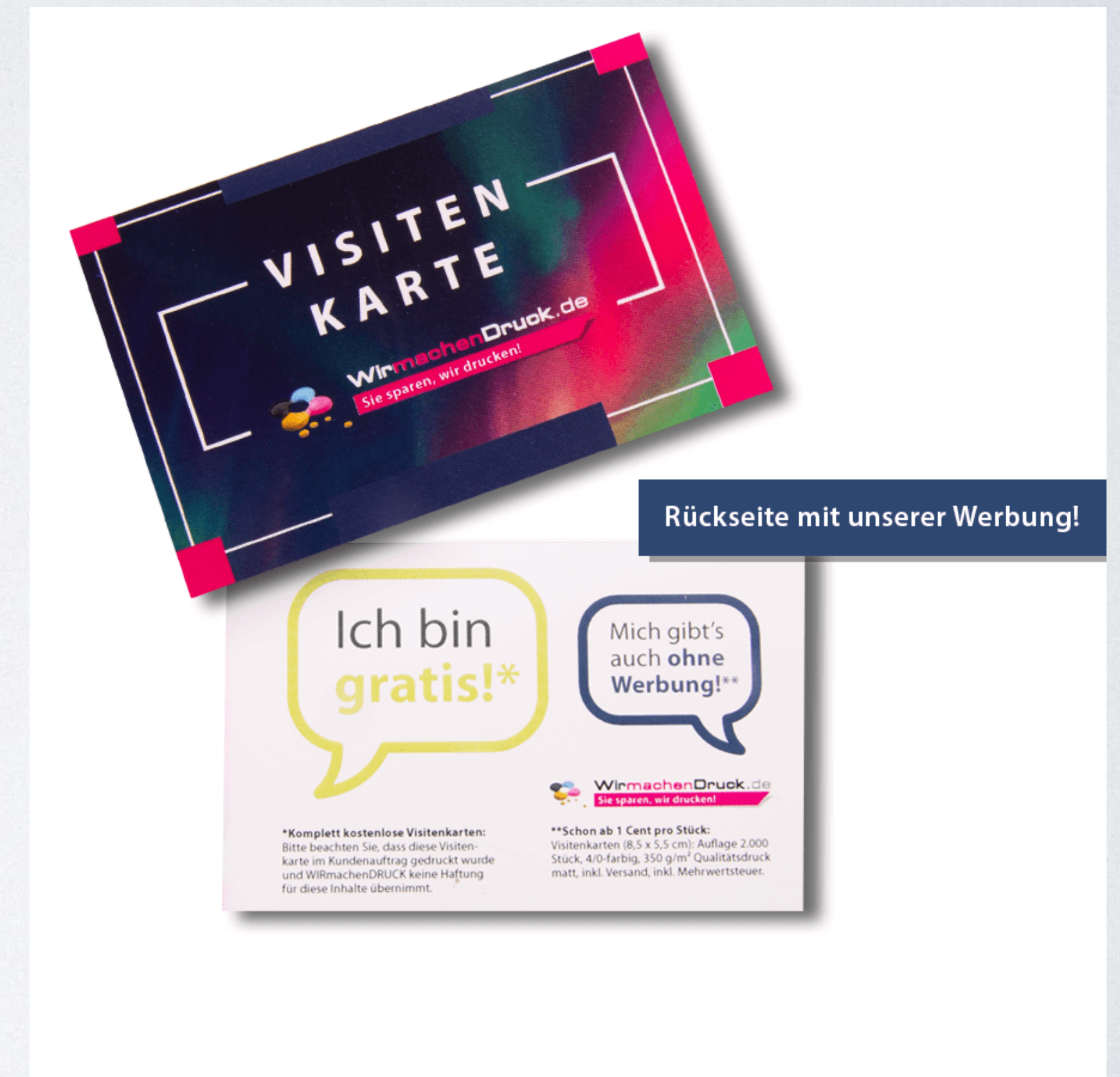
GPSR SOLUTIONS FOR ARTISTS ³/₄



- For printed products, labeling can be placed on the back of the print.
- It can either be printed directly or applied using a stamp/sticker.

GPSR SOLUTIONS FOR ARTISTS 4/4

- The printing company Wir-Machen-Druck offers free business cards (unpaid advertisement).
- These could be designed as inserts, for example.



Bildquelle: Wir-machen-druck.de, unbezahlte Werbung

RISK ASSESSMENT



RISK ASSESSMENT^{1/2}

- Create risk assessment for your products and, if necessary, create safety instructions.
- Note: There are currently no specific guides on what safety instructions should be provided for everyday goods such as books.
- According to the general safety requirement set out in this regulation, economic operators should be required to place only safe products on the market.
- A 'safe product' is defined as any product that, under normal or reasonably foreseeable use, including the actual duration of use, poses no or only minimal risks, which are deemed acceptable and compatible with a high level of protection for the health and safety of consumers.

RISK ASSESSMENT 2/2

- Such a high level of safety should primarily be achieved through the design and characteristics of the product, taking into account the intended and foreseeable use of the product. Any residual risks should be reduced through specific safety measures, such as warnings and instructions.
- The safety of a product should be assessed by considering all relevant aspects of the product. This includes its properties – physical, mechanical, and chemical characteristics, etc. – and its packaging, as well as the specific needs and risks that the product poses for certain consumer groups who are likely to use the products: In particular, children, elderly people, and people with disabilities.

RISK ANALYSIS

UNINTENDED USE

- The safety instructions relate to the intended and foreseeable use. The main focus should be on warning about residual risks. The product should be designed in such a way that it is inherently safe!
 - ➡ You don't need to warn that one could hit someone else with a book (unforeseen uses).
 - ➡ You don't need to warn on a button that the needle is sharp (a requirement for its use and not a toy for children).

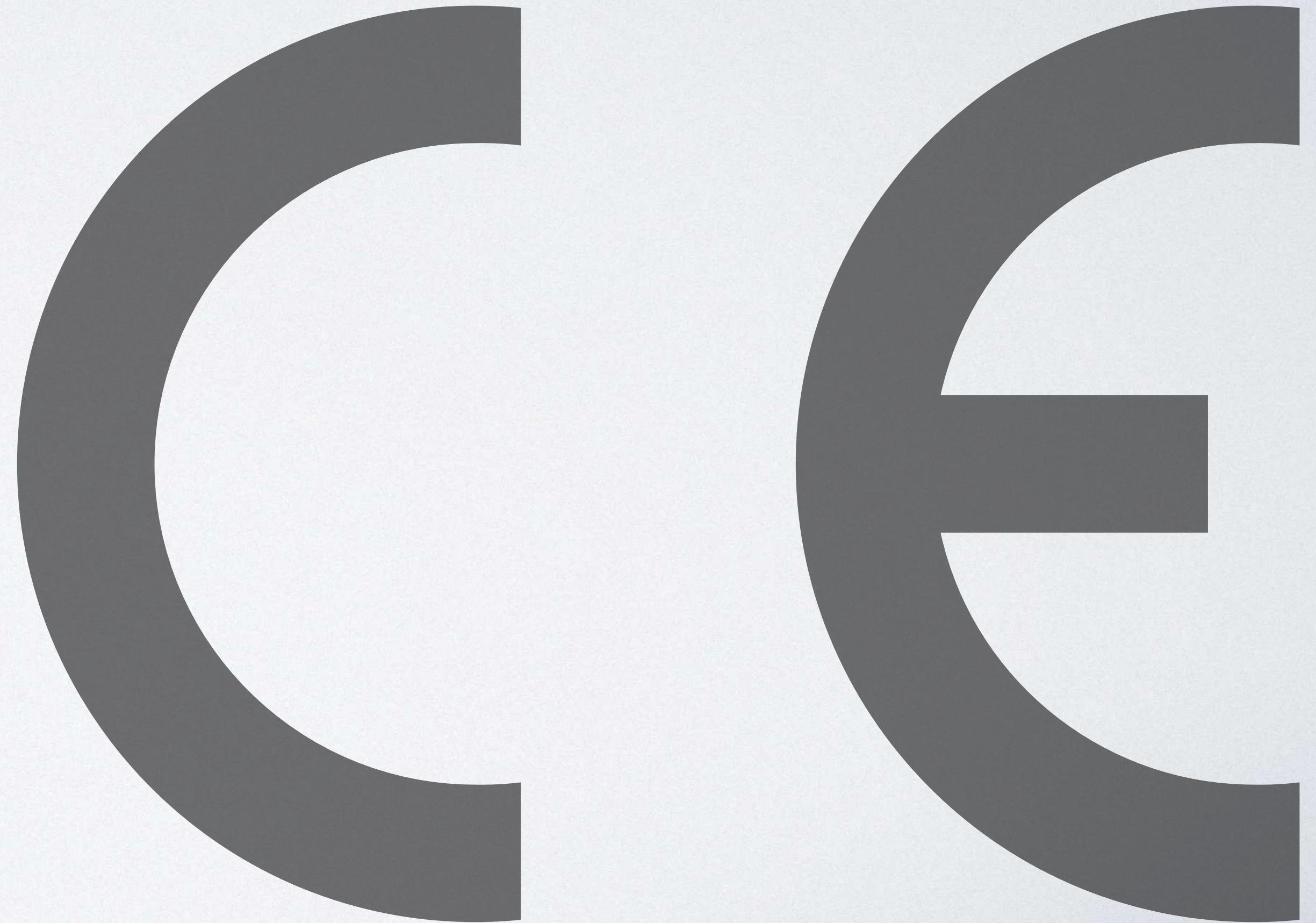
RISK ANALYSIS OF A KEYCHAIN

- Can the print come off? Does the plastic contain plasticizers or other dangerous substances
 - ➔ Metals, for example, should be nickel-free.
 - ➔ Inquire about materials with the printing company and keep the documents.
 - ➔ Are all materials well connected (they should not come apart during normal use)?
 - ➔ If necessary, a clear warning label can be added: Decorative item, not a toy for children!



Keychains by Magical Familiars,
unpaid advertisement

CE MARKING



WHAT IS THE CE MARKING?

- Many products require a CE marking before they can be sold in the EU.
- The CE mark indicates that a product has been tested by the manufacturer and meets all EU-wide requirements for safety, health protection, and environmental protection. It is mandatory for all products manufactured worldwide that are marketed in the EU.

CE-MARKING REQUIREMENT

As the manufacturer of a product, you are solely responsible for the declaration of conformity with all regulations. For labeling the product, you do not need approval, but you must, in advance:

- Ensure conformity with all EU-wide requirements
- Determine whether you are allowed to test your product yourself or if a notified body needs to be involved
- Prepare technical documentation that proves the conformity of your product
- Write and sign an EU declaration of conformity

More for information [here](#) (German)

CE-MARKING REQUIREMENT OF TOYS

For artists, the CE Marking requirement for toys is particularly relevant.

- Toys are any products that have play value
- AND are intended by the manufacturer to be used as toys.
 - ➡ Caution: If items are listed online in the 'Toys' category, they are considered toys. Also, do not show pictures of the product with children if it is not a toy.
 - ➡ Do not sell it in places primarily frequented by children (e.g., toy stores)!

CE-MARKING REQUIREMENT

EXCEPTIONS

- Caution: The term "collector's item" used generically for items is delicate.
- Collector's items are clearly defined. According to 2009/48/EC these are:
 - (a) detailed and faithful scale models;
 - (b) kits for the assembly of detailed scale models;
 - (c) folk dolls and decorative dolls and other similar articles;
 - (d) historical replicas of toys; and
 - (e) reproductions of real fire arms.

CE-MARKING REQUIREMENT

EXCEPTIONS

Exempt from the regulation are (excerpt)

- Decorative objects for festivities and celebrations
- Puzzles with more than 500 pieces (less CE-marking)
- Fashion accessories for children which are not for use in play
(ACHTUNG: Schnullerketten werden häufig als Spielzeug meist eingestuft).

Full list here , <https://www.ce-zeichen.de/templates/ce-zei/richtlinien/ce-spielzeug-2009-48-eg.pdf>

SPECIAL LABELING REQUIREMENTS (I) - PLUSH TOYS



Plüschtier von Magical Familiars, unbezahlte Werbung

PLUSH TOYS



- Three-dimensional products/designs often fall under the Toy Safety Directive.
- Plush toys require a CE marking. They must be suitable for children of all ages.
- Manufacturers typically offer this, and testing usually costs between 100-200€ per plush toy design. For imports from outside the EU, proper labeling should be in place, otherwise, customs may destroy the shipment.
- Caution with crocheted dolls: There is also a CE marking requirement for these. The marking can be done independently, but one must ensure that the standards and guidelines are followed and that appropriate testing procedures can be conducted.
- Recommendation: There is a handbook for this: <https://ce-handbuch.de/produkt/ce-handbuch-weiche-spielzeuge/> (no warranty for the correctness of the information).

PLUSH TOYS

EXCEPTIONS

- Products that are not considered toys include, for example: scale models, folklore or decorative dolls for adults.
- It is possible to label a crocheted doll on a leaflet/label as: "Handmade unique piece, decorative doll for adults, not suitable for children under 14 years old."
- Such labeling is done at one's own risk and may be questioned by authorities.



Pixabay: <https://pixabay.com/photos/knitting-knitted-android-yarn-5542369/>

SPECIAL LABELING REQUIREMENTS (2) - FIGURES AND JEWELRY



Jewelry buy Caffecupcake, unpaid advertising

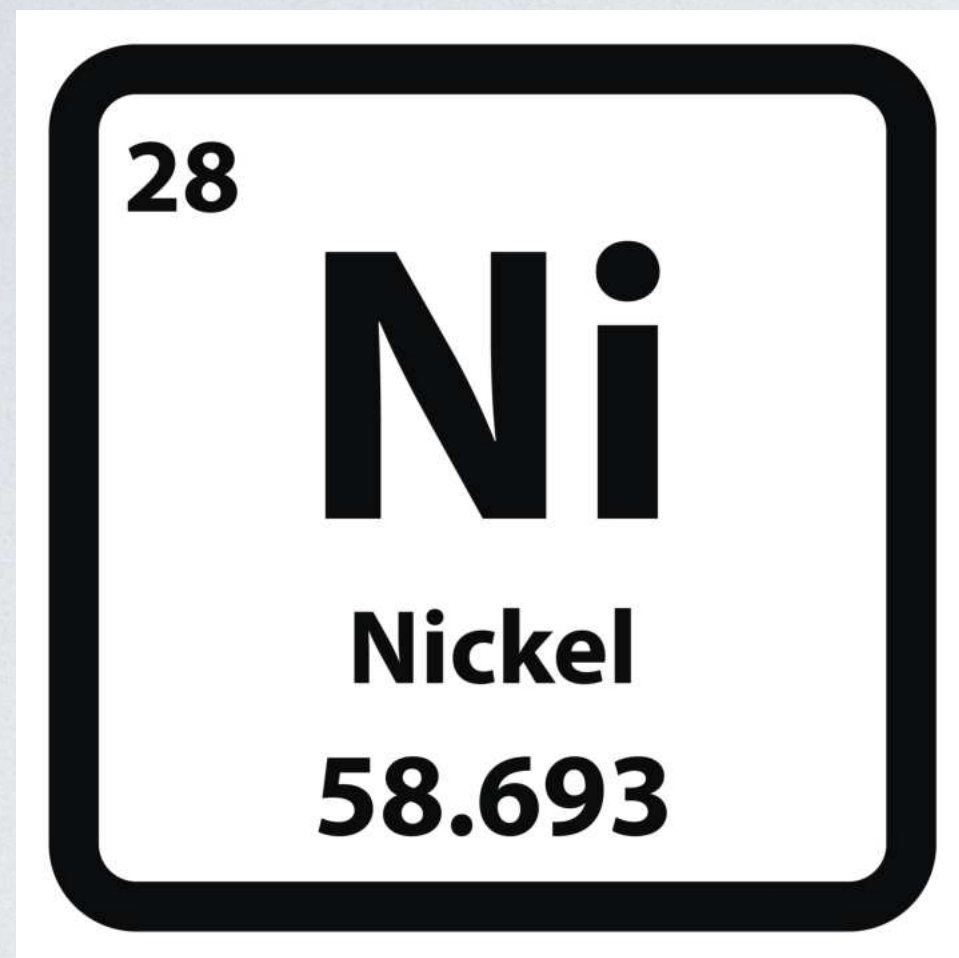
HANDCRAFTED FIGURES



- Special labeling requirements
- Three-dimensional figures are generally classified as toys!
- Here, too, a CE marking is required, or it must be clearly indicated (at one's own risk) that the items are decorative pieces and must not be made accessible to children under 14 years old.
- Additionally, when 3D printing is used, "sensitive" materials may be involved for which one might need to assume liability. Appropriate safety instructions must be provided.
- Instructions such as: "3D figures should not be licked or put in the mouth as this can cause serious health risks, such as choking or poisoning. Broken 3D figures may have sharp edges or pointed objects. Also, residues of loose powder may leak, which must not enter the airways. Keep away from heat or fire. The 3D figures contain flammable material." should be provided.
- Care instructions can also be helpful, e.g.: "Store out of reach of children, protect from direct sunlight, protect from direct moisture or wetness, do not use harsh cleaning agents, clean only with a dry cloth."

JEWELRY

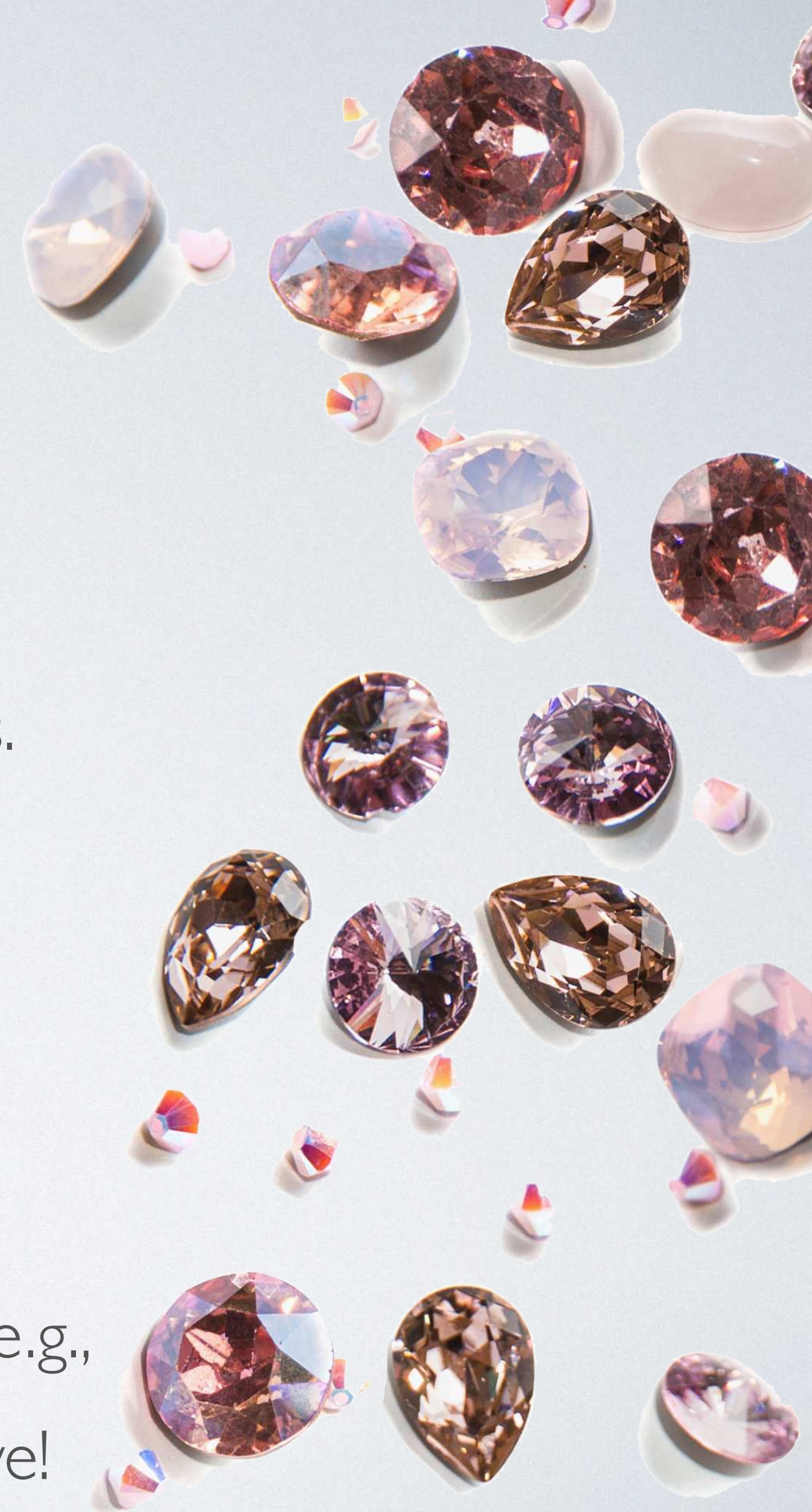
NICKEL



- Nickel is still often found in jewelry.
- Many people are allergic to nickel!
- The EU stipulates that for products that come into direct and prolonged contact with the skin, such as earrings, necklaces, bracelets, chains, anklets, rings, watch cases, watch straps, zippers, etc., the nickel release from the parts of these products that directly and continuously contact the skin must not exceed $0.5 \mu\text{g}/\text{cm}^2/\text{week}$!
- "Nickel-free" should only be understood as meaning that no nickel is actually present in jewelry.
- "Nickel-free" is often used but unfortunately doesn't always reflect the truth. Jewelry with a nickel-free coating is often falsely advertised as completely nickel-free.
- Statements about the nickel content or nickel-free status must always be correct!
- The term "nickel-free" should only be used if it can be properly substantiated.
- Caution: Silver and gold can also contain nickel, as nickel can be added to the alloy to make it harder. Stainless steel generally has better binding in the alloy, making it more compatible, but not nickel-free. Titanium is actually the only material that is completely recommended for allergy sufferers.

JEWELRY

- In connection with the sale of products made from the alloy "Tibetan Silver," the use of the word "silver" should be avoided. There have already been several cases of warnings regarding this.
- Caution is also advised when advertising brand names such as "Swarovski." Brand names should only be used descriptively, e.g., "Swarovski elements" or similar. Additionally, avoid terms like "original" or compatibility references with other brands.
- Caution with jewelry intended for children and with play value (e.g., pacifier chains). This would then fall under the Toy Safety Directive!



JEWELRY

GOLD- AND SILVER

- When selling jewelry made of silver and gold, the laws regarding the fineness of gold and silver goods must be observed.
- There is a seller's liability guarantee for the accuracy of the stated fineness.
- A fineness (e.g., "585" or "333 gold") must not be stated for gold and silver goods if these are filled with other metallic substances (e.g., brass alloy with only a gold-plated surface and not pure gold) according to German FeinGehG.
- Fineness stamps with carat indications, such as "750/18 kt.," are recognized marks for solid gold jewelry.
- These cannot be used for merely gold-plated items due to the associated quality expectations, as this would create the impression of a value that does not actually exist.
- If it cannot be ensured that the product is made of solid silver or gold, the terms "silver" or "gold" should not be used.
- Instead, a term like "silver-colored" or "gold-colored" is recommended. In cases of doubt about the stamp/mark or the manufacturer's/wholesaler's statements, a sample should be sent to a laboratory.
- In the event of a warning due to false statements, the seller cannot claim ignorance as a



SPECIAL LABELING REQUIREMENTS (3) - FOOD CONTACT MATERIALS



FOOD CONTACT MATERIALS



- Food contact materials are defined as all materials and items that are intended to come into contact with food and beverages, such as containers, packaging, kitchen utensils, cutlery, and dishes.
- Pay attention to the indication "for food contact," or the specific purpose statement or the glass-fork symbol.
- All items intended for contact with food must be labeled accordingly.

FOOD CONTACT MATERIALS

Materials and items that have not yet come into contact with food when they are placed on the market must be labeled according to Article 15 of Regulation (EC) No 1935/2004 as follows:

- "For food contact" or a specific reference to the intended use or the glass/fork symbol (pictogram) AND
- if necessary, a safety use instruction AND
- the name AND address or location of the manufacturer, processor, or distributor AND
- according to Article 17, appropriate labeling or identification for traceability AND
- the indication "for food contact or equivalent" is not mandatory if the food regulation is clearly defined for this product.



FOOD CONTACT MATERIALS

When handing over to the end consumer, the labeling elements must be placed:

- a on the item itself,
- on its packaging,
- on labels or on a display in immediate proximity to the item.

At other stages of trade before the handover to the end consumer, the required information can also be included in the accompanying documents.

SPECIAL LABELING REQUIREMENTS (4) - TEXTILE LABELING



Pillow by Magical Familiars, unpaid advertising

TEXTILE LABELING



Quelle: Pixabay

- For every textile product placed on the market in the EU, the composition of the fibers must be clearly labeled. These labels must be firmly attached to the product, for example, sewn in.
- This regulation applies to all products with a fiber content of at least 80% by weight.

TEXTILE LABELING

A label must meet the following criteria

- The composition of the fabric must be listed in descending percentage order.
- It must be easily readable and presented in a uniform font style (font size, style, and type).
- There should be a clear distinction between the textile composition information and other information, such as product care instructions.
- Translation into all official languages of the countries where the product is offered.
- Care instructions (legally required, but strongly recommended): Symbols or instructions for the care of the product, such as washing temperatures, ironing instructions, or dry cleaning. This prevents damage due to incorrect handling and promotes the product's longevity.

TEXTILE LABELING

A label must meet the following criteria

- **Name and address of the manufacturer and importer:**

The name, address, and electronic contact details of the manufacturer must be provided. These details must be clearly visible on the product or its packaging. They are meant to quickly identify the manufacturer in case of questions, complaints, or issues.

- **Batch number or other unique product identification:**

Each product must be uniquely identifiable. This helps to accurately trace products in the event of a recall or other safety measures. The identification can be provided on the label, packaging, or an accompanying card. If no unique serial or batch number is assigned, you may have to recall the entire production batch in the event of a recall!

TEXTILE LABELING

- To achieve uniform textile labeling across the EU, only certain terms prescribed by law may be used.
- The indication of brand names or company names like "Spandex," "Lycra," or "Pashmina" is not sufficient for correct labeling. Similarly, word combinations or descriptive terms cannot be used (see § 4 paragraph 3 of the Textile Labelling Act), for example, the word "Merino wool." Since the law does not recognize this term, the correct designation in this case is "wool."
- Textile list + translations under this [link](#).

EXCEPTIONS TO THE TEXTILE REGULATION

- The labelling and marking requirements laid down in this Regulation should not apply in cases where textile products are contracted out to persons working in their own homes or to independent firms that carry out work from materials supplied to them without the property therein being transferred for consideration
- or where customised textile products are made up by self-employed tailors!

EXCEPTIONS TO THE TEXTILE REGULATION

Exceptions to the Textile Regulation

"Attention: Textile parts
of animal origin,
such as leather and
fur, are subject to
labeling requirements!

- Labels and badges
- Stuffed pan-holders of textile materials, Coffee cosy covers, Tea cosy covers, Oven gloves and cloths
- Travel goods of textile materials
- Plush Toys (CE Marking requirement)
- Make-up cases
- Fancy goods and saddlery, of textile materials
- Spectacle, cigarette and cigar, lighter and comb cases of textile fabric
- Flags and banners

ATTENTION: Exception from the textile regulation does not mean that there is no GPSR labeling requirement!

Full list here: <https://eur-lex.europa.eu/eli/reg/2011/1007/oj/eng>



IMPORT



CAUTION WHEN IMPORTING

- Imported items must comply with the GPSR.
- In case of issues, the market surveillance authority will be notified.
- Incorrectly labeled items may be destroyed by customs!
- When shipping, it may be helpful to include a detailed description in German with the customs documentation!
 - If not already labeled/finally packaged: e.g., 100 animal acrylic keychains, 5cm, manufacturer and importer (name, address, contact), decorative item for further processing in Germany/Austria.
 - Caution: Plush toys must have a CE marking!



LEGAL NOTICES

WHO CAN ISSUE A CEASE-AND-DESIST LETTER?

- Cease-and-desist warnings can be issued for various reasons, including failure to provide required information:
 - ◆ Competitors
 - ◆ Lawyers
 - ◆ Trade associations
 - ◆ Consumer centers/authorities
- The fees for cease-and-desist warnings vary and are usually in the three-digit range.

PENALTIES

Example: Germany

- In Germany, no law has yet been passed that specifically regulates the sanctions for violations of certain GPSR requirements.
- However, a draft law for changes to the German Product Safety Act (ProdSG) is available.
- The draft law includes penalties of up to €100,000 for non-compliant products. For violations of information obligations in distance selling, fines of up to €10,000 are provided.

PENALTIES

Example: Germany

- In Austria, there is currently no draft law regulating the amount of penalties *(as of December 18, 2024)*.

WARNING ABOUT FAKE CEASE-AND-DESIST LETTERS

- Attention: Not Every Cease-and-Desist Letter is Legitimate!
- There are many fake cease-and-desist letters circulating.

CONTACT

Who is consulting in Germany and Austria?

- In Austria: Wirtschaftskammer Österreich WKO (Achtung: Membership necessary)
- In Germany: Industrie und Handelskammer (IHK)
- In Germany: Bayern Innovativ
- Similar institutions are available in many EU countries.

THANK YOU

Thank you for their time and consulting:

- Friedhelm Forge (IHK)
- Klaus Pelz (IHK)
- Gerd Engelhardt (Bayern Innovativ)
- Und das Team von Bayern Innovativ
- Die Rechtsberatung und Außenwirtschaftsberatung der Wirtschaftskammer Wien



THANK YOU FOR YOUR ATTENTION

This presentation took more than 15 hours to create. I had several calls with institutions and had to do a lot of research. If this presentation was of help for you, you can thank me, by buying a me a »coffee« on Ko-Fi.

Ko-Fi: <https://ko-fi.com/yunuyei>



ABOUT ME

I'm a manga artist, author and illustrator based in Austria and Germany. Besides art, I'm doing business coaching, trainings and teaching. I'm a lecturer for communication, marketing, economics, social and academic skills.

If you want to know more about me, check out my website: www.yunuyei.com
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You can follow me on Social Media too:

www.instagram.com/yunuyei

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Please note, that I can't and won't do any consulting!



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