

Brussels, 3 July 2009

## Questions and answers on the "GPSD Business Application"

### What is the "GPSD Business Application"?

The "GPSD Business Application" is a new on-line application that was established (in May 2009) by the European Commission to facilitate businesses' obligation to notify Member States' competent authorities of dangerous products recalled from the EU market. Businesses can use this application – instead of traditional methods such as e-mail or fax, to submit their notifications on dangerous products to national authorities. Using this application, they can also notify all Member States at the same time.

The application consists of two elements: the notification form that is intended for companies and the online database (where all notifications are stored) that is intended exclusively for competent authorities of Member States.

The application is accessible via the Internet website

<https://webgate.ec.europa.eu/gpsd-ba/>

### Why are businesses obliged to notify dangerous consumer products?

The businesses' obligation to notify national authorities about dangerous consumer products recalled from the EU market is regulated in Article 5(3) of the General Product Safety Directive (2001/95/EC)<sup>1</sup>. The Business Guidelines (2004/905/EC)<sup>2</sup> were drawn up by the European Commission in cooperation with Member States to clarify the key aspects of the notification obligation.

### When do businesses have to notify dangerous consumer products to national authorities of Member States?

Companies have to ensure that only safe consumer products are put on the EU market. Therefore, once they become aware that a product poses a risk to the health and safety of consumers, they must immediately take measures to prevent these risks. Furthermore, they must inform national competent authorities, clearly identifying the product in question, the risks it poses and the information necessary to trace it. This information should be sent to competent authorities in all Member States where the product in question has been marketed.

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<sup>1</sup> 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

<sup>2</sup> Commission Decision 2004/905/EC laying down guidelines for the notification of dangerous consumer products to the competent authorities of the Member States by producers and distributors, in accordance with Article 5(3) of Directive 2001/95/EC of the European Parliament and of the Council; OJ L 381, 28.12.2004, p. 63

### **Which companies can use the "GPSD Business Application"?**

The application can be used by all companies (established in the EU or by their representative established in the EU) that have placed a consumer product posing risks to the health and safety of consumers on the EU market.

### **Can all Member States be notified via the "GPSD Business Application"?**

Yes. All 27 EU Member States and 3 countries that are parties to the European Economic Area (EEA) have access to the "GPSD Business Application". Companies can indicate in the notification form the countries they want to notify.

### **Where can I find contact details of national authorities in charge of treating notifications on dangerous products sent by businesses?**

All Member States have nominated an authority that is in charge of receiving and treating notifications on dangerous products sent by businesses under Article 5(3) of the GPSD. Businesses are encouraged to contact competent national authorities as soon as they are aware of a product that poses a risk to consumers. National authorities may be able to help businesses to correctly carry out their notification duty and in particular to correctly prepare and submit a notification via the "GPSD Business Application".

For a list of competent national authorities in charge of notifications sent by businesses, visit the Commission's website:

[http://ec.europa.eu/consumers/safety/rapex/guidelines\\_business\\_en.htm](http://ec.europa.eu/consumers/safety/rapex/guidelines_business_en.htm)

### **In which language should a notification be prepared?**

The notification form can be downloaded and prepared in one of the five following languages: English, French, German, Italian and Spanish. If a notification is to be sent through the application to Member States that do not work in that language, a company should prepare necessary translations of the notification and attach them to it. For example, if a notification was prepared in English and Hungary is one of the countries to receive it, the Hungarian translation should be attached to the notification.

### **Will my notification sent via the "GPSD Business Application" be forwarded via RAPEX?**

Information on consumer products posing a *serious* risk to the health and the safety of consumers sent to national authorities via the "GPSD Business Application" will be conveyed via the RAPEX system to the Commission and other countries participating in the RAPEX system.

RAPEX is a Community rapid alert system for dangerous non-food consumer products withdrawn from the EU market and/or recalled from consumers. RAPEX network connects 27 Member States, 3 EFTA/EEA countries and the European Commission. For more information, visit: [www.ec.europa.eu/rapex](http://www.ec.europa.eu/rapex)

**Where can I find additional information on the businesses' obligation to notify dangerous consumer products and on the "GPSD Business Application"?**

For additional information on the businesses' obligation to notify dangerous products and on the "GPSD Business Application", including a manual explaining how to prepare and submit a notification via the application, visit the Commission's website:

[http://ec.europa.eu/consumers/safety/rapex/guidelines\\_business\\_en.htm](http://ec.europa.eu/consumers/safety/rapex/guidelines_business_en.htm)