BIC Bites

BIC Bites are a series of short, high level, papers on topics of interest to BIC Members. If there is a topic you would like to see as a BIC Bite, please contact info@bic.org.uk

Introduction to General Product Safety Regulations (GPSR)

Background

The General Product Safety Regulation (GPSR) is a key instrument in the EU product safety legal framework, replacing the current General Product Safety Directive and the Food Imitating Product Directive from 13 December 2024. It modernises the EU general product safety framework and address the new challenges posed to product safety by the digitalisation of our economies.

The GPSR requires that all consumer products on the EU markets are safe and it establishes specific obligations for businesses to ensure it.

The GPSR provides a safety net for products or risks not regulated in other EU legislation. This safety net function means that EU consumers are always protected against dangerous products, be it now or in the future.

What does this mean for the book industry supply chain?

Under the regulation the manufacturer bears the responsibility to ensure any products placed on the market are safe by design. Under the legislation, the manufacturer is the brand owner who has a product designed, or manufactured, and markets those products under their name or trademark.

Therefore, under this legislation, in the case of books the **Publisher** would normally be seen as the '**Manufacturer**' as they are designing the product and placing it with a printer to have it produced. 'Manufacturers' have an obligation to ensure that their products are safe by design under normal or foreseeable conditions.

Manufacturers (Publishers) are required to:

1. Conduct a risk assessment,
2. Maintain comprehensive and technical documentation, demonstrating product safety, and retain this information for 10 years,
3. Mark products with type (book), batch (for example, an impression number), and serial number (ISBN) so products can be recalled if necessary. The batch number for POD and short run product is more likely to use a barcode in the back of the book to identify when and where the book was printed,
4. Include the name and contact address of the manufacturer (postal and electronic) and the authorised representative in the product or on the packaging of the product in the EU,
5. Provide clear instructions and safety information unless the safe use is guaranteed without these documents,
6. Maintain an internal register of complaints related to accidents concerning the safety of products, product recalls and any corrective measures taken to bring the product into conformity. Any personal data held to investigate the complaint should only be kept for the purpose of the investigation and in any event no longer than 5 years.

Publishers need to work out how they are going to manage the six points above as the onus is on them to comply with the regulations. This will require an update to the imprints page and the need to have a responsible representative in the EU.

With regard to a responsible representative in the EU:

1. Some organisations that already have an EU subsidiary may feel able to appoint that subsidiary as the Responsible Person,

2. Plenty of businesses are offering the service, but the price point is wildly different and includes different services. Some, for example, offer assessments of product safety as part of having the product portfolio details on hand in case of issues. Publishers will need to conduct their own research and take independent advice,
3. Publishers should talk to their printers as they may well be offering a service to help,
4. E-commerce is an area of concern and publishers need to ensure a Declaration of Conformity for each product is loaded onto e-commerce sites such as Amazon, eBay and other retailers. Otherwise, there is a risk that their products could be delisted from European sites. UK sites should be unaffected, but it's worth noting that under GPSR, these rules affect sales to Northern Ireland so we should not assume UK sites will be unaffected indefinitely.

The good news is that books can generally be considered to be a 'safe product' under the definition in article 3 of the regulation which clarifies – "*'safe product' means any product which under normal or reasonably foreseeable conditions of use, including the actual duration of use, does not present any risk or only the minimum risks compatible with the product's use, considered acceptable and consistent with a high level of protection of the health and safety of consumers.*"

The section above has been adapted from the GPSR guide created by BIC member CPI. Please follow the link to read the full documentation and requirements from CPI's perspective.

How ONIX can help with GPSR

ONIX users can deliver the necessary contact details in one of three places in an ONIX Product record

- in <ProductContact> in Block 4 for the publisher
- in <ProductContact> in Block 6 for an in-EU local publisher/sales agent or other publisher representative
- or for an importer / EU distributor using the more-or-less identical <SupplyContact> in Block 6.

In ONIX 3.1, the above contact details can include postal addresses. There are details in the attached release notes for 3.1 revision 2.

In ONIX 3.0, they cannot. However, there is a temporary workaround for those still using 3.0, using <SupportingResource> with <ResourceContentType> code 53, and linking to a simple text file containing the necessary contact details.

As noted, this workaround for 3.0 is temporary, and not as effective as delivering address details in structured form using release 3.1. Not all recipients will accept the workaround.

Product safety information in ONIX

EDItEUR's draft application note about the EU's **General Product Safety Regulation** (GPSR) has now been finalised, with additional information about toy safety declarations and details for products that contain or include batteries. Read the updated application note at **https://www.editeur.org/files/ONIX%203/APPNOTE%20Product%20safety%20requirements%20in%20ONIX.pdf**.

Important points to note:

1. Under the regulation it is upon publishers to make sure their products are compliant
2. Publishers will need to appoint an EU representative

Helpful websites:

https://commission.europa.eu/business-economy-euro/doing-business-eu/eu-product-safety-and-labelling/product-safety/general-product-safety-regulation_en
https://www.productcompliancesupport.co.uk/general-product-safety-regulations-2024-an-overview/

For ONIX: https://www.editeur.org and
https://www.editeur.org/files/ONIX%203/APPNOTE%20Product%20safety%20requirements%20in%20ONIX.pdf.

The information contained within this document is not intended to be considered as legal advice. BIC recommends readers consult with their legal advisors to understand how the requirements of GPSR apply to their particular business.

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