

03 October 2021

Proposal for a Regulation on General Product Safety

JBCE's position

Japan Business Council in Europe (JBCE) welcomes the proposal for the Regulation on General Product Safety, which also addresses New Legislative Framework (NLF) and Market Surveillance Regulation and to reduce the costs of transposition with the choice of a Regulation.

To contribute to a clearer and more efficient Regulation, JBCE members would appreciate if the European Commission could consider the following recommendations:

Article 3: Definitions

Compatibility of products: JBCE suggests adding a provision that where a product is claimed to be a “compatible” of an original equipment manufactured (OEM) product, then the allegedly compatible product should be required to meet/comply with all the same health and safety requirements of the original OEM product.

Article 6: Presumption of Safety

JBCE believes that a well-functioning standardization system is already established by European Commission. The safety and technical requirements covered by different implementing acts aspects will be against the principle of New Legislative Framework. JBCE requests the Commission to make it more clear about the procedure of adopting of implementing acts and its requirements.

Article 7: Aspect of Assessing the safety of Products

The Article no. need to be corrected from Article 5 to Article 6 in the first point.

JBCE understands the intention of introducing the cybersecurity and AI in the regulation as these are the need of the today's technology but for the cybersecurity and AI products, there are not yet agreed standards and requirements, and there is still difficulty for the distributor/manufacturer on how to check/confirm these requirements. Also, there are horizontal regulation on Cybersecurity and AI expected to come which will fully cover this issue. JBCE is concerned about the duplication of the work from the manufacturer and recommends deleting these requirements from the regulation.

Article 8: Obligations of Manufacturer

On this topic, JBCE membership is concerned that the indication of electronic address should require the modification or design change in the nameplate and will increase the cost of product. JBCE recommends deleting this requirement or electronic address should be possible as an option only and not mandatorily and recommends replacing “electronic” as “or electronic”. This will give more flexibility to the manufacturer.

Article 15: Responsible Person

This part of the regulation mentions about the sample testing by the responsible person. JBCE would like to draw your attention that a sample testing by the responsible person is an extra burden on the industry and especially on the SME's and this regulation also doesn't clarify on the basis of what standards or legislation requirements the safety testing should follow. The products in scope of GPSR are already a very low risk products and testing of those products will be an extra cost on the manufacturer. JBCE recommends deleting this requirement.

Article 19: Obligations in case of accidents or safety issues

This article asks the manufacturer to report any accident or safety issue related to the products in the safety gate within 2 days (48hrs) from its occurrence. It is not clear from which point in the incidence this 2 days should be calculated and reporting in 2 days could be quite challenging for the industry and especially the SME's. JBCE recommends that this obligation must be supported by more clear information to help and identify the products and EC should provide some reasonable time to report the incident in the safety gate portal.

Article 40: Penalties

This regulation mentions that the maximum fine for penalties shall be at least 4% of the total turnover in the Member States. In JBCE opinion this penalty is on the higher side and will be problematic for the industry and especially the SME's. JBCE recommend having the Member state law to have the maximum of 4% of company's turn over in that member state where the non-compliance found and not for all EU turnovers.

Article 47: Transitional Period

In this article, a time frame of 6 months is provided for the transition of this regulation. This timeline would not be feasible as there are new labelling and documentation requirements added in this regulation which would require some time for businesses to plan, budget and to develop the required solution. JBCE recommends allowing at least 24 months for the companies to implement the requirements and comply with the new GPSR regulation.

About JBCE

Founded in 1999, the Japan Business Council in Europe (JBCE) is a leading European organization representing the interests of about 90 multinational companies of Japanese parentage active in Europe. Our members operate across a wide range of sectors, including information and communication technology, electronics, chemicals, automotive, machinery, wholesale trade, precision instruments, pharmaceutical, textiles and glass products.

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