



STATUTORY INSTRUMENTS.

S.I. No. 726 of 2024



EUROPEAN UNION (GENERAL PRODUCT SAFETY) REGULATIONS
2024

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I, PETER BURKE, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023¹ on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC, hereby make the following Regulations:

Part 1

General Provisions

Citation and commencement

1. (1) These Regulations may be cited as the European Union (General Product Safety) Regulations 2024.

(2) These Regulations shall come into operation on 13 December 2024.

Interpretation

2. (1) In these Regulations –

“Act of 2007” means the Consumer Protection Act 2007 (No. 19 of 2007);

“Act of 2014” means the Competition and Consumer Protection Act 2014 (No. 29 of 2014);

“authorised officer” means a person appointed under Regulation 8;

“Commission” means the Competition and Consumer Protection Commission;

“General Product Safety Regulation” means Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023¹ on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC;

“Market Surveillance Regulation” means Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019² on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011;

¹ OJ No. L 135, 23.5.2023, p. 1.

² OJ No. L 169, 25.6.2019, p. 1.

“Regulations of 2004” means the European Communities (General Product Safety) Regulations 2004 (S.I. No. 199 of 2004);

“relevant market surveillance authority” means –

- (a) the Commission, or
- (b) an authority designated as a market surveillance authority in the State in accordance with the Market Surveillance Regulation in respect of a European Union instrument listed in Annex I to the Market Surveillance Regulation.

(2) A word or expression that is used in these Regulations and is also used in the General Product Safety Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the General Product Safety Regulation.

(3) Unless the context otherwise requires, a reference in these Regulations to a numbered Article is a reference to the Article so numbered of the General Product Safety Regulation.

Service of documents

3. (1) A notice or other document that is required to be served on or given to a person under these Regulations shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways:

- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address;
- (d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice or document concerned of his or her consent to the notice or document (or notices or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.

(2) For the purpose of this Regulation, a company formed and registered under the Companies Act 2014 (No. 38 of 2014) or an existing company within the meaning of that Act is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

Part 2

Market Surveillance

Market surveillance authority

4. (1) The Commission is designated as the market surveillance authority for the purposes of the General Product Safety Regulation insofar as that Regulation applies to products that are not relevant products.

(2) A relevant market surveillance authority who has been designated as a market surveillance authority in accordance with the Market Surveillance Regulation for the purposes of enforcing the requirements of the Market Surveillance Regulation as regards relevant products shall be designated as a relevant market surveillance authority for the purposes of the General Product Safety Regulation insofar as the General Product Safety Regulation applies to those relevant products.

(3) A relevant market surveillance authority designated under paragraph (2) may use the powers conferred on a market surveillance authority under Article 14 of the Market Surveillance Regulation in respect of a relevant product.

(4) In this Regulation –

“relevant products” means products that are subject to Union harmonisation legislation that are listed in Annex I to the Market Surveillance Regulation;

“Union harmonisation legislation” has the same meaning as it has in the Market Surveillance Regulation.

Language of information made available

5. Where an economic operator, manufacturer, authorised representative, importer or a provider of an online marketplace makes information available pursuant to Article 9, 10, 11, 19, 21, 22 or 36, that information shall be in English.

National contact point

6. The Commission is designated as the national contact point for the purposes of Article 25.

Notice for removal of specific content

7. (1) A relevant market surveillance authority, or a person that is lawfully authorised by a relevant market surveillance authority, may issue a notice to remove specific content (in these Regulations referred to as a “notice for removal of specific content”) in accordance with Article 22 referring to an offer of a dangerous product requiring the provider of an online market place to –

- (a) remove such content from their online interface,
- (b) disable access to that online content, or

(c) to display an explicit warning.

(2) Where a relevant market surveillance authority issues a notice to remove specific content in accordance with paragraph (1), the notice shall meet the minimum conditions specified in Article 9(2) of the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022³ on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act).

(3) A provider of an online marketplace shall take the necessary measures to receive and process the notice as specified in Article 22(4) and (8).

(4) A notice issued under this Regulation may also require the provider of an online marketplace to take the actions specified in Article 22(5).

(5) A provider of an online marketplace shall comply with a notice given under this Regulation within the period specified in the notice.

Part 3

Enforcement

Authorised officers

8. (1) The Commission may appoint such and so many persons as it thinks fit to be authorised officers for the purposes of ensuring compliance with the General Product Safety Regulation and these Regulations and such appointment may be specified to be for a fixed period.

(2) An authorised officer shall be furnished with a warrant of his or her appointment and when exercising any power conferred on him or her under these Regulations or the General Product Safety Regulation, an authorised officer shall, if requested by any person thereby affected, produce the warrant or a copy of it to that person for inspection.

(3) An appointment under this Regulation shall cease –

- (a) if the Commission revokes the appointment, or
- (b) if the appointment is for a fixed period, on the expiry of that period.

Indemnification of authorised officers

9. Section 13 of the Act of 2014 shall apply to an authorised officer appointed under these Regulations.

³ OJ No. L 277, 27.10.2022, p. 1

Powers of authorised officer

10. (1) Subject to paragraph (6), an authorised officer may for the purpose of ensuring that these Regulations and the General Product Safety Regulation are being complied with –

- (a) at all reasonable times enter any premises or a place, at which there are reasonable grounds to believe that a product to which these Regulations or the General Product Safety Regulation apply, are or are likely to be found, or placed on the market or that books, documents or records relating to such a product are kept, and search and inspect the premises or place and any product or books, documents or records found therein,
- (b) secure for later inspection any premises or place or part of it in which such product or books, documents or records are kept or there are reasonable grounds for believing that such product or books, documents or records are kept,
- (c) require any person in charge of or employed in such premises or place or relevant person to produce to the officer such books, documents or records (and in the case of such information in a non-legible form to reproduce it in a permanent legible form) that are in the person's power or control or to give to the officer such information as the officer may reasonably require in relation to any entries in such records,
- (d) inspect, and take copies of or extracts from, any such books, documents or records (including in the case of information in non-legible form a copy of or extract from such information in a permanent legible form),
- (e) take any measurements or photographs or make any tape, electrical or other recordings that the authorised officer considers necessary for the purposes of any inquiry, search, examination, investigation or inspection under the General Product Safety Regulation or these Regulations,
- (f) remove and detain, where the officer has reasonable cause to suspect that there has been a contravention of these Regulations or the General Product Safety Regulation, the product, device, part or component or books, documents or records for such period as may be reasonable for further examination or until the conclusion of any legal proceedings,
- (g) as regards any product or any article or device, part or component used in the manufacture of a product the officer finds at or in a premises, require any person in charge of the premises, or any person who appears to the officer to be in possession of the product or the article or device, part or component, to supply without payment, for test, examination or analysis sufficient samples thereof,
- (h) require any person to give the officer such information as the officer may reasonably require for the purposes of any search,

examination, investigation, inspection or inquiry under these Regulations, in relation to –

- (i) a product or part thereof or any article or substance or process used in the manufacture of a product, or on other product models that have the same technical characteristics as the product in question, or
 - (ii) ascertaining the ownership of websites, where the information in question is related to the subject matter of the investigation,
- (i) require by notice, at a time and place specified in the notice, any person (including the person in charge) to give the officer any information that the officer may reasonably require in relation to such place, any product or part of the place, activity, installation or procedure at such place, and to produce to the officer any records that are in that person's power, possession or control,
 - (j) require any person to afford the officer such facilities and assistance within the person's control or responsibilities as are reasonably necessary to enable the officer to exercise any of the powers conferred on an authorised officer under this Regulation, and
 - (k) examine any procedure connected with the manufacture, import or distribution of a product.

(2) An authorised officer may at all reasonable times for the purpose of enforcing these Regulations or the General Product Safety Regulation enter any place at which there are reasonable grounds to believe that any trade or business or any activity in connection with a trade or business is, or has been, carried on and inspect any products at the place and may –

- (a) on paying or making tender of payment therefor, take any of the products,
- (b) confirm by such other method as appropriate, any other information relating to the products for the purpose of an investigation, or
- (c) acquire product samples, including under a cover identity, to inspect those samples and to reverse-engineer them in order to identify non-compliance with these Regulations or the General Product Safety Regulation and to obtain evidence.

(3) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling unless he or she has obtained a warrant from the District Court under paragraph (6) authorising such entry.

(4) Where an authorised officer in the exercise of the officer's powers under this Regulation or the General Product Safety Regulation is prevented from entering any premises, an application may be made to the District Court under paragraph (6) for a warrant authorising such entry.

(5) An authorised officer, where he or she considers it necessary, may be accompanied by a member of the Garda Síochána when performing any powers conferred on an authorised officer under this Regulation.

(6) If a judge of the District Court is satisfied on the sworn information of an authorised officer that there are reasonable grounds for suspecting that there is information required by an authorised officer under this Regulation held on any premises or any part of any premises or there is a product or article, device, part or component of a product which an authorised officer requires to inspect for the purposes of these Regulations or that such inspection is likely to disclose evidence of a contravention of these Regulations or of the General Product Safety Regulation, the judge may issue a warrant authorising an authorised officer, accompanied by either or both authorised officers and members of the Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter, if need be by reasonable force, the premises and exercise all or any of the powers conferred on an authorised officer under this Regulation.

(7) An application under paragraph (6) shall be made to the judge of the District Court in whose District Court district the premises is situated.

(8) A person shall not –

- (a) obstruct or interfere with an authorised officer in the exercise of the officer's powers under this Regulation,
- (b) without reasonable excuse, fail to comply with a request or a requirement of an authorised officer under this Regulation, or
- (c) make a statement to such officer which the person knows is false or misleading.

(9) In this Regulation –

- (a) premises or a place includes a vehicle or vessel, and
- (b) reference to a product shall be deemed to include the components and constituent materials of a product.

Notice for removal of content to eliminate serious risk

11. (1) Where there are no other effective means to eliminate a serious risk, an authorised officer may issue a notice to remove content to eliminate the serious risk (in these Regulations referred to as a “notice for removal of content to eliminate serious risk”) –

- (a) to require –
 - (i) the removal of content referring to the related products from an online interface, or
 - (ii) the explicit display of a warning to end users when they access an online interface, or
- (b) where a request under subparagraph (a) has not been complied with, to require information society service providers to restrict

access to the online interface, including by requesting a relevant third party to implement such measures,

within the period specified in the notice.

(2) A person who has been issued a notice for removal of content to eliminate serious risk in accordance with paragraph (1) shall comply with the notice.

(3) A word or expression that is used in this Regulations and is also used in the Market Surveillance Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Market Surveillance Regulation.

Contravention notice

12. (1) An authorised officer who is of the opinion that a person is contravening or has contravened any provision of these Regulations or the General Product Safety Regulation may serve a notice (in these Regulations referred to as a “contravention notice”) on the person.

(2) A contravention notice shall –

- (a) state that the authorised officer is of the opinion referred to in paragraph (1),
- (b) specify the exact grounds for the opinion,
- (c) specify every provision (including the particular paragraph and subparagraph of such provision as appropriate) of these Regulations or the General Product Safety Regulation upon which the opinion is based,
- (d) direct that the person, where required, do one or more of the following in respect of the product to which the notice relates:
 - (i) remedy the contravention or the matters occasioning the contravention notice;
 - (ii) refrain from placing the product on the market;
 - (iii) refrain from making the product available on the market;
 - (iv) withdraw the product from the market;
 - (v) recall the product;
 - (vi) dispose of the product;
 - (vii) destroy the product;

by a date specified in the contravention notice that shall not be earlier than the expiration of the period within which an appeal may be made under paragraph (9),
- (e) include information regarding the making of an appeal under paragraph (6),
- (f) include any other requirement that the authorised officer considers appropriate, and

(g) be signed and dated by the authorised officer.

(3) A contravention notice may include –

- (a) directions as to the measures to be taken to remedy any contravention or matter to which the contravention notice relates, or to otherwise comply with the notice, and
- (b) directions to bring the contravention notice to the attention of any person who may be affected by it or to the attention of the public generally.

(4) A person on whom a contravention notice has been served who is of the opinion that the contravention notice has been complied with shall confirm in writing to the authorised officer concerned that the matters referred to in the notice have been so remedied.

(5) Where a person on whom a contravention notice has been served so confirms in writing in accordance with paragraph (4) that the matters referred to in the contravention notice have been remedied, the authorised officer concerned shall, on being satisfied that the matters have been so remedied, within one month of receipt of such confirmation, give notice to the person concerned of compliance with the contravention notice.

(6) Where a contravention notice is served, any person aggrieved by the notice may, within 14 days of the service of the notice upon him or her, appeal to the judge of the District Court in whose district the notice was served.

(7) A person who appeals under paragraph (6) shall at the same time notify the Commission of the appeal and the grounds for the appeal and the Commission shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal.

(8) Where an appeal under paragraph (6) is made, and the contravention notice is not cancelled, the notice as confirmed or varied shall take effect on the later of –

- (a) the day next following the day on which the notice is confirmed or varied on appeal or the appeal is withdrawn, or
- (b) the day specified in the notice.

(9) Where there is no appeal under paragraph (6), the contravention notice shall take effect on the later of –

- (a) the end of the period for making an appeal, or
- (b) the day specified in the notice.

(10) An authorised officer may –

- (a) withdraw a contravention notice at any time, or
- (b) where no appeal is made or pending under paragraph (6), extend the period specified under paragraph (2)(d).

Forfeiture orders

13. (1) An authorised officer may apply to the District Court for an order (in these Regulations referred to as a “forfeiture order”) for the forfeiture to the Commission of any product to which these Regulations or the General Product Safety Regulation apply on the grounds that the product, when properly stored and used for their intended purpose, endangers the health and safety of persons.

(2) An application under this Regulation shall be made to the judge of the District Court in whose District Court district the person against whom the forfeiture order is sought ordinarily resides or carries on business.

(3) Any forfeiture order may contain such provision as appears to the court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal.

(4) A product the subject of a forfeiture order may be seized by the Commission.

(5) Subject to paragraph (6), where any product is forfeited under a forfeiture order it shall be disposed of or destroyed in accordance with such directions as the District Court may give.

(6) On making a forfeiture order the District Court may, if it considers it appropriate to do so, direct that the product to which the order relates shall (instead of being destroyed) be released to such person and on such conditions as the Court may specify.

(7) Any person aggrieved by the making of a forfeiture order or by a decision of the District Court not to make such an order, may appeal against that order or decision to the Circuit Court.

(8) An appeal under paragraph (7) shall be made to a judge of the circuit in which the forfeiture order was made or refused or the circuit in which the appellant ordinarily resides or carries on business.

(9) On hearing of an appeal under paragraph (7), the Circuit Court may either confirm or vary the order, or allow the appeal.

(10) A decision of the Circuit Court on an appeal under paragraph (7) shall be final, save that, by leave of the Court an appeal from the decision shall lie to the High Court on a specified question of law.

Prohibition notice

14. (1) Where an authorised officer is of the opinion that –

- (a) a person has contravened a provision to which these Regulations or the General Product Safety Regulation applies, or
- (b) a product presents, or is likely to present, a serious risk to the health or safety of persons, including a serious risk the effects of which are not immediate,

he or she may serve a notice (in these Regulations referred to as a “prohibition notice”) on the person concerned in accordance with paragraph (2).

(2) A prohibition notice shall –

- (a) be signed by the authorised officer issuing it,
 - (b) state that the authorised officer is of the opinion that a product presents a serious risk or that there has been a contravention referred to in paragraph (1),
 - (c) specify the provision or provisions of these Regulations or the General Product Safety Regulation in relation to which the suspected contravention referred to in paragraph (1) relates, and
 - (d) direct the person on whom the prohibition notice is served to ensure that the relevant product –
 - (i) is not to be placed or made available on the market until such time as all appropriate measures, including corrective measures, have been taken to bring the product into compliance with these Regulations or the General Product Safety Regulation,
 - (ii) is prohibited from being placed or made available on the market,
 - (iii) is to be withdrawn or recalled from the market within a specified time-limit, or
 - (iv) is to be destroyed or disposed of within a specified time limit and in a manner prescribed by the authorised officer or is to be detained for the purposes of destruction by an authorised officer.
- (3) A prohibition notice may include directions –
- (a) as to the measures to be taken to remedy any contravention or matter to which the notice relates, or to otherwise comply with the notice, and
 - (b) to bring the notice to the attention of any person who may be affected by it, or to the public generally.
- (4) A prohibition notice shall take effect –
- (a) where the prohibition notice so declares, immediately the notice is received by the person on whom it is served, or
 - (b) in any other case –
 - (i) where no appeal is taken against the prohibition notice, on the expiration of the period during which such an appeal may be taken or the day specified in the prohibition notice as the day on which it is to come into effect, whichever is the later, or
 - (ii) where an appeal is taken, on the day next following the day on which the prohibition notice is confirmed on appeal or the appeal is withdrawn or the day specified in the prohibition notice as the day on which it is to come into effect, whichever is the later.

(5) The bringing of an appeal against a prohibition notice which is to take effect in accordance with paragraph (4)(a) shall not have the effect of suspending the operation of the prohibition notice, but the appellant may apply to the District Court to have the operation of the prohibition notice suspended until the appeal is disposed of and, on such application, the District Court may, if it thinks it proper to do so, direct that the operation of the prohibition notice be suspended until the appeal is disposed of.

(6) In the event of non-compliance or delay by the person on whom the prohibition notice has been served, an authorised officer shall take whatever steps are considered necessary to ensure compliance with the direction given under this Regulation and this may include the withdrawal, recall, seizure and destruction of the products in question or the making of any arrangements for such withdrawal, recall, seizure or destruction.

(7) (a) A person who is aggrieved by a prohibition notice may, within the period of 7 days beginning on the day on which the prohibition notice is served on him or her, appeal against the order to a judge of the District Court in the District Court district in which the prohibition notice was served and in determining the appeal the judge may –

(i) if he or she is satisfied that in the circumstances of the case it is reasonable to do so, confirm the prohibition notice, with or without modification, or

(ii) cancel the prohibition notice.

(b) Where on the hearing of an appeal under this paragraph a prohibition notice is confirmed, notwithstanding paragraph (6), the judge of the District Court by whom the appeal is heard may, on the application of the appellant, suspend the operation of the prohibition notice for such period as in the circumstances of the case the judge considers appropriate.

(8) A person who appeals against a prohibition notice or who applies for a direction suspending the application of the prohibition notice under paragraph (5) shall at the same time notify the Commission of the appeal or the application and the grounds for the appeal or the application and the Commission shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.

(9) An authorised officer may for stated reasons, revoke or vary a prohibition notice made in accordance with this Regulation.

(10) (a) Where a prohibition notice has been served and activities are carried on in contravention of the prohibition notice, the High Court may, on the application of the Commission, by order prohibit the continuance of the activities.

(b) An application to the High Court for an order under this paragraph shall be by motion on notice to the person and the Court, when considering the matter, may make such interim or interlocutory order (if any) as it considers appropriate and the order by which an application under this paragraph is determined may contain

such terms and conditions (if any) as to the payment of costs as the Court considers appropriate.

Seizure and disposal of unsafe products

15. (1) Notwithstanding Regulations 13 and 14, any product that appears to an authorised officer to present a serious risk, may be seized and destroyed or otherwise disposed of by the authorised officer and in such manner and at such time and place as the authorised officer may direct, and the costs of seizure and disposal may be charged to the economic operator, manager of the premises or place where the product was found, or the person having lawful possession of the product at the time of seizure where known.

(2) In this Regulation, “disposed of” includes any manner of disposal which in the opinion of the authorised officer will least endanger the public, and includes –

- (a) the surrender of the product to a member of the Garda Síochána, or to any other competent agency or organisation for its destruction, or
- (b) the certified return of the product to the economic operator who manufactured, imported, distributed or supplied the product, in order to remove it from the market, at the expense of the economic operator, manager or person having lawful possession of the product at the time of seizure, where known.

(3) An authorised officer, when taking a measure referred to in paragraph (1), shall notify the person concerned in writing, setting out –

- (a) the reasons for the seizure and disposal of the product, and
- (b) the right of appeal under Regulation 16.

Right of appeal against certain measures

16. (1) A person aggrieved by a measure taken under Regulation 7, 11 or 15 may appeal to the appropriate court against the giving of the notice or direction or taking of the measure.

(2) An appeal under this Regulation shall state the grounds on which the appeal is made and be made by written notice, which shall be lodged with the appropriate office of the court not later than 14 days from the date upon which the notification concerned was given to him or her or the measure was taken.

(3) A copy of the notice by which a person makes an appeal under this Regulation shall be given by him or her to the Commission or the relevant market surveillance authority, where appropriate.

(4) Where an appeal is made under paragraph (1), the notification shall remain in force until the appeal is determined or withdrawn, subject to any decision to the contrary by the High Court.

(5) On the hearing of an appeal under this Regulation, the appropriate court may either confirm or vary the measure or notice or allow the appeal and make any other such order as it considers appropriate.

(6) In this Regulation, “appropriate court” means –

- (a) in any case where the estimated value of the product concerned does not exceed €15,000, or such other amount as may stand specified for the time being by law as that Court’s jurisdiction in tort, the District Court,
- (b) in any case where the estimated value of the product concerned does not exceed €75,000, or such other amount as may stand specified for the time being by law as that Court’s jurisdiction in tort, the Circuit Court, and
- (c) in any case, the High Court.

(7) If, in relation to an appeal under this Regulation to the District Court, that court becomes of opinion during the hearing of the appeal that the value of the product, the subject of the appeal, exceeds that court’s jurisdiction in tort, it may, if it so thinks fit, transfer the appeal to the Circuit Court or the High Court, whichever it considers appropriate having regard to its opinion of the value of the product.

(8) If, in relation to an appeal under this Regulation to the Circuit Court, that court becomes of opinion during the hearing of the appeal that the value of the product, the subject of the appeal, exceeds that court’s jurisdiction in tort, it may, if it so thinks fit, transfer the appeal to the High Court.

(9) Paragraphs (6) and (7) are without prejudice to the jurisdiction of a court (being either the District Court or the Circuit Court) to determine an appeal under this Regulation in relation to which it was, at the time of the hearing of the appeal, the appropriate court.

(10) An appeal under this Regulation to the District Court shall be determined by the judge of the District Court for the District Court district in which the product concerned was placed on the market or the appellant ordinarily resides.

(11) An appeal under this Regulation to the Circuit Court shall be determined by the judge of the Circuit Court for the circuit in which the product concerned was placed on the market or the appellant ordinarily resides.

(12) A decision of the District Court on an appeal under this Regulation shall be final, save that, by leave of the Court an appeal from the decision shall lie to the High Court on a specified question of law.

(13) A decision of the Circuit Court on an appeal under this Regulation shall be final, save that, by leave of the Court an appeal from the decision shall lie to the High Court on a specified question of law.

(14) A decision of the High Court on an appeal under this Regulation shall be final, save that, by leave of the Court an appeal from the decision shall lie to the Court of Appeal on a specified question of law.

Part 4

Offences and Penalties

Certain offences

18. (1) A person who fails to comply with a notice for removal of specific content under Regulation 7 within the period specified in the notice commits an offence.

(2) A person who contravenes Regulation 10(8) commits an offence.

(3) A person who fails to comply with a notice for removal of content to eliminate serious risk under Regulation 11 within the period specified in the notice commits an offence.

(4) A person who fails to comply with a contravention notice under Regulation 12 within the period specified in the notice commits an offence.

(5) A person who fails to comply with a prohibition notice under Regulation 14 within the period specified in the notice commits an offence.

Offences under General Product Safety Regulation

19. (1) An economic operator who contravenes Article 5, 14, 15, 16, 19, 20, 35 or 37 commits an offence.

(2) A manufacturer who contravenes Article 9, 20 or 35 commits an offence.

(3) An importer who contravenes Article 11 commits an offence.

(4) A distributor who contravenes Article 12 commits an offence.

(5) An online marketplace who contravenes Article 22 or 35 commits an offence.

(6) An authorised representative who contravenes Article 10 commits an offence.

Offence of providing false or misleading information

20. A person who provides to the Commission information which the person knows or ought reasonably to know to be false or misleading (whether on the person's own behalf or on behalf of another person) in purported compliance with a requirement imposed by these Regulations or the General Product Safety Regulation, commits an offence.

Penalties

21. (1) A person who commits an offence under these Regulations shall be liable –

- (a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or to both, or

- (b) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 2 years or both.

(2) Where a person is convicted of an offence under these Regulations, the court may order the forfeiture to the Commission of any product to which the offence relates.

(3) Where an order is made under paragraph (2), the Commission may for the purpose of giving effect to it seize and detain the product where it has not already been seized under this Regulation.

Offences by bodies corporate

22. (1) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Summary proceedings and costs of prosecution

23. (1) Subject to paragraph (2), an offence under these Regulations may be prosecuted summarily by the Commission.

(2) An offence under Regulation 18(1) may be prosecuted summarily by a relevant market surveillance authority.

(3) Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Commission or a relevant market surveillance authority, where appropriate, the costs and expenses, measured by the court, reasonably incurred by the Commission or the relevant market surveillance authority, in relation to the investigation, detection and prosecution of the offence, including costs incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisers.

Legal privilege

24. (1) Subject to paragraph (2), nothing in these Regulations shall compel the disclosure by any person of privileged legal material or authorise the taking of privileged legal material.

(2) The disclosure of information may be compelled, or possession of it taken, pursuant to these Regulations, notwithstanding that it is apprehended that the information is privileged legal material provided that the compelling of its

disclosure or the taking of its possession is done by means whereby the confidentiality of the information can be maintained (as against the person compelling such disclosure or taking such possession) pending the determination by the High Court of the issue as to whether the information is privileged legal material.

(3) Without prejudice to paragraph (4), where, in the circumstances referred to in paragraph (2), information has been disclosed or taken possession of pursuant to these Regulations, the person –

- (a) to whom such information has been so disclosed, or
- (b) who has taken possession of it,

shall (unless the person has, within the period subsequently mentioned in this subsection, been served with notice of an application under paragraph (4) in relation to the matter concerned) apply to the High Court for a determination as to whether the information is privileged legal material and an application under this section shall be made within 30 days after the disclosure or the taking of possession.

(4) A person who, in the circumstances referred to in paragraph (2), is compelled to disclose information, or from whose possession information is taken, pursuant to these Regulations, may apply to the High Court for a determination as to whether the information is privileged legal material.

(5) Pending the making of a final determination of an application under paragraph (3) or (4), the High Court may give such interim or interlocutory directions as the court considers appropriate including, without prejudice to the generality of the foregoing, directions as to –

- (a) the preservation of the information, in whole or in part, in a safe and secure place in any manner specified by the court, or
- (b) the appointment of a person with suitable legal qualifications possessing the level of experience, and the independence from any interest falling to be determined between the parties concerned, that the court considers to be appropriate for the purpose of –
 - (i) examining the information, and
 - (ii) preparing a report for the court with a view to assisting or facilitating the court in the making by the court of its determination as to whether the information is privileged legal material.

(6) An application under paragraph (3), (4) or (5) shall be by motion and may, if the High Court directs, be heard otherwise than in public.

(7) In this Regulation –

“computer” includes a personal organiser or any other electronic means of information storage or retrieval;

“information” means information contained in a book, document or record, a computer or otherwise;

“privileged legal material” means information which, in the opinion of the court, a person is entitled to refuse to produce on the grounds of legal professional privilege.

Part 5

Miscellaneous

Amendment of Act of 2007

25. The Act of 2007 is amended –

- (a) in section 102(3), by the substitution of “any of the Directives or Regulations” for “any of the Directives”,
- (b) in Schedule 7 –
 - (i) by the deletion in the first column of “S.I. No. 199 of 2004” and in the second column of “European Communities (General Product Safety) Regulations 2004”, and
 - (ii) by the insertion in the first column of “S.I. No. 726 of 2024” and in the second column of “European Union (General Product Safety) Regulations 2024”, and
- (c) in Schedule 8 –
 - (i) by the deletion of “Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on the approximation of the laws of the Member States relating to general product safety”, and
 - (ii) by the insertion of “Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC”.

Transitional provision

26. A product which is in conformity with the Regulations of 2004 which was placed or made available on the market before 13 December 2024 may continue to be made available on the market.

Revocation

27. The Regulations of 2004 are revoked.



GIVEN under my Official Seal,
13 December, 2024.

PETER BURKE,
Minister for Enterprise, Trade and Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations, which come into operation on the 13th December 2024, replace the European Communities (General Product Safety) Regulations 2014 (S.I. No. 199 of 2014) which implemented Directive 2001/95/EC and give effect to Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.

The Regulations update and modernise the general framework for safety of non-food consumer products and applies to both online and offline sales channels.

The Regulations lay down essential rules on the safety of consumer products placed/made available on the EU market and establishes specific obligations for economic operators to ensure that only safe products are placed on the market.

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