

Directive 2001/95/EC of the European Parliament and of the Council of
3 December 2001 on general product safety (Text with EEA relevance)

CHAPTER I

Objective — Scope — Definitions

Article 2

For the purposes of this Directive:

- (a) ‘product’ shall mean any product — including in the context of providing a service — which is intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them, and is supplied or made available, whether for consideration or not, in the course of a commercial activity, and whether new, used or reconditioned.

This definition shall not apply to second-hand products supplied as antiques or as products to be repaired or reconditioned prior to being used, provided that the supplier clearly informs the person to whom he supplies the product to that effect;

- (b) ‘safe product’ shall mean any product which, under normal or reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation and maintenance requirements, does not present any risk or only the minimum risks compatible with the product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons, taking into account the following points in particular:

- (i) the characteristics of the product, including its composition, packaging, instructions for assembly and, where applicable, for installation and maintenance;
- (ii) the effect on other products, where it is reasonably foreseeable that it will be used with other products;
- (iii) the presentation of the product, the labelling, any warnings and instructions for its use and disposal and any other indication or information regarding the product;
- (iv) the categories of consumers at risk when using the product, in particular children and the elderly.

The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering a product to be ‘dangerous’;

- (c) ‘dangerous product’ shall mean any product which does not meet the definition of ‘safe product’ in (b);
- (d) ‘serious risk’ shall mean any serious risk, including those the effects of which are not immediate, requiring rapid intervention by the public authorities;
- (e) ‘producer’ shall mean:

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- (i) the manufacturer of the product, when he is established in the Community, and any other person presenting himself as the manufacturer by affixing to the product his name, trade mark or other distinctive mark, or the person who reconditions the product;
 - (ii) the manufacturer's representative, when the manufacturer is not established in the Community or, if there is no representative established in the Community, the importer of the product;
 - (iii) other professionals in the supply chain, insofar as their activities may affect the safety properties of a product;
- (f) 'distributor' shall mean any professional in the supply chain whose activity does not affect the safety properties of a product;
- (g) 'recall' shall mean any measure aimed at achieving the return of a dangerous product that has already been supplied or made available to consumers by the producer or distributor;
- (h) 'withdrawal' shall mean any measure aimed at preventing the distribution, display and offer of a product dangerous to the consumer.