



2024/1761

25.6.2024

COMMISSION IMPLEMENTING DECISION (EU) 2024/1761

of 21 June 2024

repealing 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

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽¹⁾, and in particular Article 5(3), second subparagraph thereof,

After consulting the General Product Safety Directive Committee,

Whereas:

- (1) Directive 2001/95/EC establishes in its Article 5(3) that producers and distributors should immediately inform the competent authorities if they know or ought to know, on the basis of the information in their possession and as professionals, that a product they have placed on the market poses risks to the consumer that are incompatible with the general safety requirement, giving details, in particular, of action taken to prevent risk to the consumer.
- (2) Commission Decision 2004/905/EC ⁽²⁾ provides operational guidelines concerning the most relevant notification criteria and practical aspects related to the notifications. These guidelines particularly aimed at assisting producers and distributors in the implementation of their obligation under Article 5(3) of Directive 2001/95/EC.
- (3) Regulation (EU) 2023/988 of the European Parliament and of the Council ⁽³⁾ introduces new obligations for economic operators to make use of the Safety Business Gateway in order to inform the market surveillance authorities of the Member States in which the product has been made available about the corrective measures taken to bring the product into conformity in an effective manner. These measures include withdrawal or recall measures, as appropriate.
- (4) Since Regulation (EU) 2023/988 repeals Directive 2001/95/EC from its date of application and introduces new obligations concerning economic operators' notifications, Decision 2004/905/EC will become obsolete and should be repealed.
- (5) This Decision should apply from the same date as Regulation (EU) 2023/988,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2004/905/EC is repealed.

⁽¹⁾ OJ L 11, 15.1.2002, p. 4, ELI: <http://data.europa.eu/eli/dir/2001/95/oj>.

⁽²⁾ Commission Decision 2004/905/EC of 14 December 2004 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, ELI: <http://data.europa.eu/eli/dec/2004/905/oj>).

⁽³⁾ 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 (OJ L 135, 23.5.2023, p. 1, ELI: <http://data.europa.eu/eli/reg/2023/988/oj>).

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 13 December 2024.

Done at Brussels, 21 June 2024.

For the Commission
The President
Ursula VON DER LEYEN
