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ANALYTICAL REPORT ON CONSUMER PRODUCT SAFETY

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FOREWORD

This analytical report was prepared to facilitate discussion at the OECD Committee on Consumer Policy's Roundtable on Consumer Product Safety, held on 23 October 2008. It has been prepared by Australia, with the support of the OECD Secretariat, and France. It does not reflect the views of all participating countries.

Further information on consumer product safety regimes is available in the addendum to this report [DSTI/CP(2008)18/ADD/FINAL].

EXECUTIVE SUMMARY

In preparing for the OECD Roundtable on Consumer Product Safety, held on 23 October 2008, OECD members, and a number of non-member economies, have provided detailed information on their domestic regimes and international initiatives on consumer product safety issues through their responses to the OECD Questionnaire on Consumer Product Safety (the “OECD Questionnaire”). The need for improved international co-operation was highlighted to address more effectively the increasing number of consumer product safety incidents.

What challenges exist in improving international consumer product safety enforcement?

In responding to the OECD Questionnaire, countries identified a range of specific challenges that need to be addressed:

- Inconsistency in product safety sanctions and remedies in different countries.
- Inconsistency of product standards in different countries.
- Sustained pressure on the resources of product safety regulators as the diversity of manufactured products continues to increase.
- Regulatory complexity in individual countries, which leads to increased business compliance costs, and complexity in enforcement.
- A need for greater co-ordination in enforcement activities; and
- Inconsistency in business obligations internationally.

What do individual countries want out of international product safety co-operation and co-ordination?

In utilising international product safety co-operation and co-ordination mechanisms, individual countries are seeking to address a range of motivations and concerns:

- Effective consumer protection.
- Developing greater issues awareness in terms of emerging risks and current issues.
- Enhancing their capacity to address issues effectively in both pre-market and post-market contexts; and
- Increasing international process and product standardisation.

What is international product safety co-operation and co-ordination intended to achieve?

International product safety co-operation and co-ordination has the following broad objectives:

- Information exchange about policy development, enforcement issues and emerging consumer concerns and problems.
- Warnings and alerts about potential threats to public safety and health.
- International product manufacturing and safety standard harmonisation; and
- Enforcement co-operation and co-ordination.

Where to now? Next steps

The challenges that countries have identified in relation to international consumer product safety enforcement should be addressed soon, to reinforce the effectiveness of enforcement co-operation and to build on the experience of dealing with recent international consumer product safety incidents. The Roundtable will provide a forum in which these and related issues may be discussed, to form the basis of the OECD's work in this important area during 2009-2010.

The OECD's Committee on Consumer Policy (CCP) has a mandate to examine issues of consumer policy and safety, it may be possible to begin co-operation with the International Consumer Product Safety Caucus (ICPSC) with a view to enhancing the current level of interaction between consumer product safety policy and enforcement agencies internationally. Such collaboration could include:

- Preparation of a cohesive strategy on international collaboration.
- Sharing and dissemination of injury data and information.
- Development of a website with accesses to the public and to the civil society; and
- Engagement in preparation of conferences on consumer product safety.

TABLE OF CONTENTS

FOREWORD	2
EXECUTIVE SUMMARY	3
INTRODUCTION	6
A. Scope of the Roundtable: non-food consumer product safety	6
B. Background	7
SECTION I. DOMESTIC CONSUMER PRODUCT SAFETY REGIMES	13
A. Institutions Responsible for Product safety	13
B. Tools used by product safety agencies	16
C. Consumer product safety enforcement challenges	19
D. The Role of business and civil society.....	21
SECTION II. INTERNATIONAL AND REGIONAL CONSUMER PRODUCT SAFETY FRAMEWORKS	23
A. International and regional consumer product safety bodies	23
B. International and regional enforcement co-operation challenges.....	25
SECTION III: ADDRESSING CROSS-BORDER PRODUCT SAFETY PROBLEMS MORE EFFECTIVELY	27
A. Cross-border co-operation and co-ordination mechanisms	27
B. Role of the OECD	32
CONCLUSION.....	34
BIBLIOGRAPHY	35
ANNEX I. OECD CONSUMER PRODUCT SAFETY INSTRUMENTS	37
ANNEX II. INTERNATIONAL AND REGIONAL ORGANISATIONS AND AGREEMENTS.....	39

INTRODUCTION

This analytical report has been prepared as background for the Roundtable on Consumer Product Safety (the Roundtable) held by the OECD on 23 October 2008, in Paris. It is based on information drawn from a variety of sources, including responses to the OECD Questionnaire on Consumer Product Safety (“the OECD Questionnaire”)¹ circulated to member countries and a number of non-member economies in June 2008.

The report examines a range of issues to be addressed at the Roundtable by a variety of international stakeholders, including product safety policy makers, regulators, business and industry, and civil society. Issues include:

- The scope, objectives and nature of consumer product safety regulation.
- Current international consumer product safety policy and enforcement challenges.
- Current approaches to consumer product safety policy and enforcement at both domestic and international levels; and
- Future actions that could be taken to strengthen consumer product safety policy at the international level, including work that could be done through the OECD.

The Roundtable is aimed at informing consumer policy developments and regulatory approaches by providing examples of challenges and examining how domestic and international product safety systems could respond to them.

A. Scope of the Roundtable: non-food consumer product safety

This paper focuses on non-food consumer products, coinciding with the scope of the Roundtable. While both food and non-food safety issues have raised concerns in recent years, given the complexity and diversity of problems, the Committee decided to limit the scope of the Roundtable, and the supporting background analysis, to non-food items. A broader scope would have been difficult, considering the particular issues attached to food products, which are generally covered by specific prescriptive regulatory regimes with an emphasis on public health concerns.

¹ For a compilation of responses, see DSTI/CP(2008)18/ADD/FINAL.

It should be noted that the definition of non-food products covered by agencies can vary significantly among countries. Responsibility for overseeing safety issues for these items in OECD countries is generally overseen by a range of agencies that focus on specific products or services.²

B. Background

What is consumer product safety policy intended to achieve?

The fundamental objective of consumer product safety policy is to prevent consumers from suffering harm as a consequence of using products that present an unreasonable risk of injury. Ensuring consumer product safety is a major intervention in the market by governments, and the motivation for this arises out of the state's fundamental concern with the physical welfare of its citizens. It also represents a social objective designed to minimise the social cost of the consequences of consumer product accidents. While these social motivations are important, the economic effects of market intervention should be taken into account when devising product safety policies.

Markets are generally believed to work best when consumers can act rationally in their best interest, based on symmetric information and competitive markets. On this basis, consumer demand determines which products succeed or fail. However, for this to be true, consumers would need to know about the potential harmful consequences resulting from using products that present an unreasonable risk. But consumers have great difficulty in assessing the relative safety of products, due to information asymmetries, which means that consumers often have no way of 'rationally' assessing the safety of products beyond trusting that they are safe. The role of consumer product safety regulation is to address actual and potential market failures.

The interventionist nature of product safety policy can distort market functions. On the one hand, if too interventionist, product safety regulation may unnecessarily reduce competition, stifle innovation and limit consumer choice. On the other hand, insufficient regulation may lead to increased risks and a lack of consumer confidence, which, in turn, could reduce market efficiency. With this in mind, product safety policy may be seen as a means of enabling consumer product markets to operate efficiently, by balancing consumer safety with business practices and incentives.

Deciding on the appropriate policy path depends on a number of considerations. Just as it is impossible for a government to guarantee that every single consumer product present in a market is safe, so it is impossible for government to ensure that all product safety risks are identified and quantified or that all consumers can assess those risks rationally. A key issue in reaching a balance between these considerations lies in providing consumers with the necessary tools to identify the risks, while taking steps to reduce or eliminate them.

² For instance, in the United States, the Consumer Product Safety Act regulates toys, cribs, pools and spas and playground equipment. In Europe, the General Product Safety Directive (GPSD) and several sector-specific directives regulate non-food consumer products including toys, electrical appliances and cosmetics. In Japan, there are three main acts that regulate non-food products. The Consumer Product Safety Act covers a wide range of products sold to general consumers for use in their daily lives, except automobiles, pool and playground equipment and certain other products. It also includes regulation of second-hand products. The Law for the Control of Household Products Containing Harmful Substances regulates clothing, curtains, detergents, and other household chemicals. The Food Sanitation Law regulates toys, food utensils, containers and packaging materials.

The nature of consumer product safety risks

Consumer product safety risks can be categorised in two ways: risks associated with using a product unsafely, and risks associated with a product which does not meet acceptable safety norms. For example, a chainsaw is an inherently dangerous thing to use, even when handled carefully. One concern of product safety policy is ensuring that consumers have information about the risks of using a chainsaw that will enable them to use it safely. Another key concern of product safety policy is ensuring that the product is safe. Consumers are not generally able to meaningfully determine whether a chainsaw has faulty parts or has been poorly designed from a safety perspective, and so product safety regulation is necessary.

Definitions: safe and unsafe products³

Products may be regarded as safe as long as they meet the required standard and/or they have not caused harm.⁴ Most countries apply broad principles to the question of whether a product may be defined as being safe. For example, in some countries, all products must meet a positive standard: that they are safe for consumers to use or consume. In others, they must not breach a negative standard: that they should not carry an unreasonable risk of injury or death. In addition to imposing sanctions for non-compliance with these broadly expressed rules, governments use these principles as a basis for using *pre-market* tools, which are used to regulate business practices and ensure that their products are safe, and *post-market* tools, in the form of enforcement actions.

A common model, used in the European Union (EU), Chile, Israel, Japan, Mexico and the United States among others, is the imposition of a general *ex-ante* obligation on producers whereby only ‘safe’ products may be placed on the market.⁵ Under such an obligation, which is often referred to as a general safety provision (GSP), businesses selling unsafe goods may be subject to regulatory action, irrespective of whether the product has caused a specific accident, injury or harm to a consumer.

Other countries, including Australia and Canada, adopt a different approach, where a product is defined as ‘unsafe’ if it has caused or is likely to cause injury.⁶ Under such an *ex post* responsibility approach, producers are held liable for the negative effects of their products once placed on the market. A direct causal link between the unsafe product and the detriment to the consumer will need to be evidenced for legal actions to be undertaken. Producer liability may not only apply to detriment caused directly to a consumer, but also to the general public where harm may be proved. In some countries, governments have adopted a mixed approach which relies on both positive obligations and negative liability.

In most countries that responded to the OECD Questionnaire, detailed safety standards or guidelines are used to assess the safety of consumer products. In regulatory systems where a positive obligation is imposed on producers through, for example, GSPs, such standards aim at fleshing out the scope of the

³ Definitions of “safe/unsafe products” are set out in Table 2 of Annex III.

⁴ Government approaches differ by product areas. Market intervention often occurs in food and therapeutic goods, where regulation is generally highly prescriptive, enforced actively and requires a high level of demonstrated compliance. General product safety laws, on the other hand, are general in their application, often enforced on a random or *ad hoc* basis and do not require demonstrated compliance to nearly the same degree.

⁵ See for example Article 3(1) of the EU’s *General Product Safety Directive (Directive 2001/95/EC of the European Parliament and the Council)*, which obliges businesses “to place only safe products on the market.”

⁶ See, for example, section 65B (1) of Australia’s *Trade Practices Act 1974* which provides for investigations “to determine whether the goods will or may cause injury to any person.”

general obligation so as to provide greater clarity as to what constitutes compliance. In systems where a negative liability is imposed on producers, standards serve to provide guidance on the circumstances in which regulatory or other actions may be taken for a breach of standards. As such, standards encourage business compliance and help strengthen consumer confidence in consumer product safety and markets. Standards may be indicative or prescriptive and may be implemented on a voluntary or mandatory basis.

The provision of regulatory guidance also illustrates the tension that underlies all consumer product safety policy: between the imperatives of guaranteeing safety and the open functioning of product markets. Should a regulator embrace rule-making or standard-setting too aggressively, the result may be that the market concerned suffers from restriction of competition and a slowing of innovation. On the other hand, a lack of such guidance may lead to decreased business compliance, caution in product innovation and decreased consumer confidence and choice.

International product safety policies

In developing consumer product safety policies in a national context, governments also seek to address cross-border issues. The OECD, for example, aims at strengthening policy approaches to consumer product safety through national governments sharing their domestic regulatory knowledge and experience and the development of common policy principles for national regulatory approaches. A Working Party on the Safety of Consumer Products was created in 1972 under the OECD Committee on Consumer Policy to deal with non-food consumer product safety. The Working Party, later renamed the Working Party on Consumer Safety, has produced reports and suggestions for action which have, in many cases, led to the adoption of OECD Recommendations (see Annex I for a description of OECD consumer product safety instruments). General international agreements regulating international trade also play an important role in the development of domestic consumer product safety policy. The WTO Agreements on Technical Barriers to Trade (TBT), laying down rules for the preparation, adoption and application of technical regulations, standards and conformity assessment procedures, serve to encourage uniformity and predictability in national consumer product safety regimes.

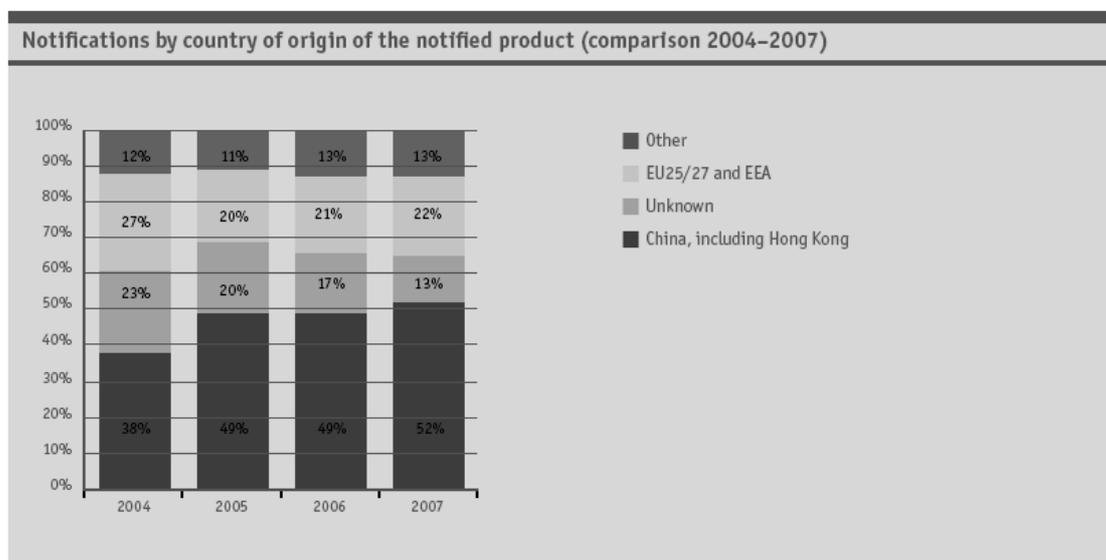
Scope and magnitude of the problem

Based on responses to the OECD Questionnaire, the increasing volume of internationally traded consumer products is a great concern for consumer product safety policy makers and regulators. Specific traded products identified include toys, childcare articles and electrical appliances, as well as the use of harmful chemicals in non-food products. In the EU up to 78% of RAPEX⁷ notifications in 2007 related to products from outside the European Economic Area⁸ (Figure 1).

⁷ RAPEX (Community Rapid Information System) is a European rapid alert system for dangerous consumer products. The Directive on general product safety 2001/95/EC (GPSD) provides the legal framework for RAPEX.

⁸ The European Economic Area includes the 27 EU Member States, Iceland, Lichtenstein and Norway.

Figure 1. Notifications by country of origin, 2004-2007



Developments, trends and emerging issues

In recent years, national governments' efforts to address cross-border product safety problems have intensified in the face of wide-ranging international product safety incidents. Examples of recent developments include:

- National authorities' improved market surveillance and enforcement activities and enhanced co-operation with consumers, notifying bodies and retailers, distributors and brokers. These have contributed to a better detection of unsafe products. For example, the total number of unsafe products detected and notified to the European Commission more than tripled in recent years: from 468 in 2004 to 1 605 in 2007.
- In 2005, members of the World Customs Organization (WCO) adopted *the SAFE Framework of Standards* which enables customs administrations to carry out controls earlier in the supply chain, for example, where the administration of an importing country requests the administration of the exporting country to undertake an examination on its behalf.
- Businesses have also become more aware of their obligations under domestic laws and have improved the mechanisms they have in place to ensure safety of their products. For instance, globally, there has been an increased focus by importers to ensure that toys fulfil required standards, such as the EN 71 series of European harmonised toy safety standards.
- Countries have adapted their legislation and enforcement regime. In Chile, for example, a standard procedure for governing recalls has been developed and since 2004 Chilean citizens can seek redress through collective (or class) actions.⁹ In Estonia and Finland, consumers are now protected legally from the provision of unsafe consumer services (*e.g.*, experience-based services such as equestrian activities or swimming lessons); and

⁹ A "collective action" (or "class action") is a lawsuit in which a large number of people with similar legal claims join together in a group (the class) to sue someone, usually a company or organisation. Common class actions involve cases in which a product has injured many people, or in which a group of people has suffered discrimination at the hands of an organisation. (See 31 July 2008, <http://legalcatch.wordpress.com/2006/10/24/class-action-law-definition>).

- Some countries are implementing new systems for collecting injury information. For example, in Chile, authorities are working on a project to collect information about injuries related to children's products, including toys. In Denmark and Belgium, current systems have been reviewed and will be strengthened.

However, challenges remain. Responding countries reported that liaison between agencies involved in consumer products safety must be improved, as should the collection of information:

- Currently, consumer product injury information is being collected by means of systems such as the European Injury Data Base (IDB) and the United States National Electronic Injury Surveillance System (NEISS).
- There are often obstacles in securing access to injury data as some government agencies have either restricted access to such information or cannot directly access it at all (for example, in Portugal).
- Moreover, in some responding countries a system of collecting statistics on consumer product related injuries does not exist. In Mexico, Norway, Estonia and Finland, for instance, no information is collected.
- A majority of consumer product recalls are voluntarily initiated by businesses, and many of those are based on agreements between the enforcement authority and business to undertake the recall process according to certain agreed protocols. In some cases, enforcement authorities may only have a limited role in such voluntary actions; and
- When dealing with specific types of products, some countries have concerns about the lack of consistency of consumer product safety laws within countries and across-borders. For example, in Australia these concerns were highlighted in November 2007 by an incident in which a dangerous children's toy was not banned in all states and territories at the same time, leading to potential risk to consumers and drawing attention to flaws in the existing enforcement co-ordination arrangements.¹⁰

¹⁰ Following the incident, Australia's national, state and territory governments have agreed to major changes to the way in which product safety laws are enforced, including a much-enhanced national enforcement function, which should overcome these problems.

Box 1. Recent examples of unsafe consumer products and chemicals

Toys

- *Choking hazards:* Choking on small parts, small balls and balloons remains a leading cause of toy-related deaths and injuries.
- *Magnets:* Small magnets inside toys are problematic and have caused death. If at least two magnets or a magnet and a metallic object are swallowed, the pieces can attract one another, causing intestinal perforations or blockages, which can be fatal.
- *Toxic chemicals:* Children have swallowed toys containing toxic chemicals; effects can include dizziness, vomiting, serious illness and death.

Children's nursery products

- *Cots (baby and infant beds):* The US CPSC reports that in the United States of America more infants die every year in accidents involving cots than with any other nursery product. Decorative knobs or corner posts have been implicated in brain damage and deaths due to strangulation.
- *Bath seats or rings:* Some bath seats and rings contain three or four legs with suction cups that attach to the bottom of the tub. However, the suction cups may suddenly release allowing the bath ring and baby to tip over. A baby may also slip between the legs of the bath ring and become trapped under it or submerged below the water. There are also bath seats which are integrated into the bathtub where the danger results from slipping out of the seat and under the water.
- *Pacifiers and soothers:* Pacifiers/soothers are a suffocation hazard, there are reports of infants strangling on pacifiers/soothers and pacifier/soother cords, ribbons, key cords, lanyards tied around their necks. Children have caught pacifier/soother cords on cot corner posts, cot toys and gyms, furniture and even doorknobs. Other near-fatal accidents have taken place with babies choking on the teat, as it can be easily ripped or bitten off while sucking. Also, the design of the ventilation holes and the shield around the teat has to be improved to provide additional safety.

Electrical appliances

- Poorly designed electrical appliances can result in a range of risks such as electric shock, fire or burns.

Dangerous chemicals in common household products

- *Flame retardants:* Flame retardants are used in furniture, mattresses and electronic equipment, which are found in the home or office. Although they help avoid injury from fire, they may also lead to severe health consequences. Studies in the last decade indicate that flame retardants may cause impaired learning and memory, delayed onset of puberty, cancer or impaired immune system.
- *Phthalates:* Phthalates are a family of chemicals used to change the characteristics of products such as food packaging, toys, clothing, soap and nail polish by improving their flexibility, softness. According to the Environment California Research & Policy Center (2005), the exposure of large amounts of phthalates in non-food consumer products can harm the genital development of unborn baby boys and lead to premature birth and cancer.
- *Formaldehyde:* The textile industry uses formaldehyde-based resins as finishers to make fabrics crease-resistant. However, skin contact with this substance can cause skin rashes and allergic skin reactions, especially in infants and children.
- *Diethylene glycol:* Diethylene glycol is used in antifreeze and as a solvent. At levels as high as 3% and 4% in personal care products (e.g., tooth paste, skin cream and lotions, deodorants) diethylene glycol is being considered as a poison, especially by swallowing. Thus, in the manufacturing of consumer products, the diethylene glycol is often replaced by the much less toxic diethylene glycol ethers.

SECTION I. DOMESTIC CONSUMER PRODUCT SAFETY REGIMES

A. Institutions responsible for product safety

This Section provides an overview of different national consumer product safety policy institutions and approaches.

Functions of a product safety system

Policy development and implementation for the product safety framework

Policy development and implementation functions relate to the development and maintenance of the product safety framework, and take into account economy-wide and sectoral issues, as well as being informed by enforcement issues. Relevant functions include identifying:

- Emerging concerns in a market and making justified policy and legislative changes. This involves maintaining awareness of market conditions and consumer issues and assessing potential risks for consumers, which can then lead to changes to the policy and legislative framework. Countries use a range of tools, including conceptual frameworks, strategic risk assessments and regulatory and public consultation mechanisms.
- Consumer hazards and developing policy and legislative responses. This function involves addressing specific hazards at a higher level than enforcement action, and can involve making modifications to product safety regulation because enforcement action cannot adequately deal with a specific problem. Tools used in performing this function include regulation of products and services (which can include legislating permanent product standards and bans) or the imposition of specific obligations on suppliers to address a specific concern in the market (for example, specific warnings or packaging requirements).
- Regulatory deficiencies with the existing policy framework and making justified changes to legislation. It reviews the existing regulatory and legislative frameworks to assess whether it effectively achieves their objectives and makes recommendations to governments for change.

Enforcement and market surveillance

Enforcement functions include:

- Ensuring compliance through market surveillance. Agencies monitor product safety compliance in a range of ways, including monitoring the activities of businesses through the investigation of possible statutory breaches, routine and random testing of consumer products and services and requiring specific disclosure from suppliers, assessing production processes, periodic reporting by businesses and dealing with consumer complaints.
- Enforcement of product safety laws when breaches occur. On investigating a statutory breach, an agency may use a range of post-market regulatory interventions to address the specific problem.

Where policy functions are more concerned with economy-wide or sectoral problems: enforcement issues are concerned with addressing specific problems. Enforcement action can include conducting investigations, imposing administrative sanctions, issuing public warnings or adverse publicity, implementing product bans, ordering a recall, mandating product standards, taking legal action against suppliers, seeking civil and criminal sanctions against all responsible parties, seeking remedies on behalf of consumers. A key enforcement function involves liaising with policy makers, and keeping them informed of emerging market issues and problems.

Consumer information of product safety risks

A key function of product safety agencies lies in developing consumer awareness of product safety risks and enabling them to make discerning choices. The key functions in this regard are:

- Raising consumer awareness of product safety generally and specifically in relation to unsafe goods, so as to reduce the risk of product-related injury. In doing this, product safety agencies can use various tools, including focussed public education and awareness campaigns (using various media), public warnings and adverse publicity.
- Developing consumer capacity to identify and manage product related risks. In this way, consumers may make more informed choices about products, thereby reducing the potential for harm arising from asymmetric information. This can be done through public awareness and education campaigns and product information and labelling schemes, which provide consumers with the means to make informed decisions about safety issues.

Institutional structures for product safety

While the features identified above are common to all product safety systems, the way in which responsibility for them is managed within a product safety system varies from country to country. Based on responses to the OECD Questionnaire, four basic institutional models are apparent:

- Institutions with responsibility for both policy and enforcement.
- Enforcement bodies with a significant policy role.
- Institutional arrangements that separate policy and enforcement functions; and
- Institutional arrangements with regionally-focused regulatory functions.

Many countries' systems use aspects of each of the above models, which reflect the variety of political, historic and constitutional factors that determine the form of specific national administrative structures (see Table 1 of the Addendum which sets out the institutional arrangements in each responding country).

Institutions with responsibility for both policy and enforcement

Some countries use a 'single agency' model, which combines consumer product safety policy development, enforcement, information and education functions. These agencies are generally subject to executive and legislative oversight and policy is usually developed in collaboration with other government departments. For example, in Denmark, the DSTA co-ordinates the development of general product safety policy and is also responsible for the co-ordination of enforcement activity. Similar models apply in Chile, where SERNAC has a dual policy and enforcement function, and Canada, where Health Canada has a

domestic policy and enforcement role. This model means that policy and enforcement functions have direct links as part of the one agency, and emerging issues can be communicated easily within the agency and addressed either through policy changes or the adoption of different enforcement priorities and tools. While creating efficiencies, this model can, in some circumstances, also lead to policy becoming reactive to enforcement priorities and concerns and giving insufficient attention to the actual costs and benefits of regulatory change.

Enforcement bodies with a role in policy issues

In other countries, a looser relationship exists between consumer product safety policy and enforcement, although there is still a clear linkage between them, which can arise out of a desire to ensure that consumer product safety policy is responsive to enforcement issues and *vice versa*. For example, the US CPSC is responsible for domestic consumer product safety policy and enforcement, although there are a range of other agencies with roles in consumer product safety policy, including the National Institute of Standards and Technology and the Department of Commerce. Under this model, enforcement functions, including quasi-policy actions such as the development of bans and standards, are concentrated in one agency, although other executive agencies play a role in adapting the consumer policy framework. Again, this model can create the potential for policy development to become unduly reactive to enforcement priorities and concerns.

Institutional arrangements that separate policy and enforcement functions

In many countries, consumer product safety policy and enforcement functions are clearly separated ensuring greater institutional transparency and taking into account wider economic, social and legal considerations. The structural separation of policy and enforcement functions can serve practical needs. Policy issues can be removed from the day-to-day pressures of enforcement concerns, allowing them to be less reactive. This can, however, also mean that policy development processes are insufficiently reactive to practical concerns, and lag behind market developments and problems. Certain quasi-policy functions can also be separated from policy framework issues – as they have an enforcement focus. These functions include the development of product standards and bans and dealing with product safety hazards.

In some cases, consumer product safety policy is located in a policy department which is concerned with broader economic policy issues, such as the Australian Treasury, the Mexican Federal Ministry of Economy, the New Zealand Ministry of Economic Development or the Belgian Federal Public Service Economy. In others, policy is located in a department specifically concerned with business regulation, such as the UK Department of Business, Enterprise and Regulatory Reform, or in a department responsible for social policy issues such as the Norwegian Ministry of Children and Equality and the German Federal Ministry of Food, Agriculture and Consumer Affairs. The location of product safety policy development in a specific policy agency can lead to concerns that the emphasis of policy is focussed on specific concerns and outcomes, to the detriment of other relevant concerns. Another model involves policy responsibility being spread across government in a range of departments responsible for sectoral regulation, with a central coordinating function in a central policy agency, such as Japan's Cabinet Office.

Institutional arrangements with regionally-focused regulatory functions

In some countries, regionally-focussed policy and enforcement structures for consumer product safety are in place, reflecting the division of powers between central authorities and states, provinces or regions, as is the case in the Australia, (to some extent) Canada and the EU, and historic responsibilities vested in local governments, as is the case in the United Kingdom and Germany. To deal with the potential inefficiencies of such arrangements, caused by duplication and the potential for gaps, some countries have developed administrative arrangements to coordinate policy and enforcement in consumer product safety.

The division of responsibilities can pose significant issues for the enforcement of consumer laws, in terms of inefficiency, duplication of efforts and inconsistency across sub-national jurisdictions. In Australia, the split of responsibilities between the Australian Government and the individual states and territories led to increasing inconsistency in jurisdictional laws and in enforcement practices. In July 2008, Australian governments agreed to nationally consistent laws and new enforcement arrangements, which are to be introduced by 2010. In the United Kingdom, local governments have a key role in the enforcement of product safety laws, as part of their historic function of regulating weights and measures and market practices. This means that there are more than 250 local Trading Standards agencies, with a more limited national enforcement function vested in the UK OFT.

B. Tools used by product safety agencies

As previously mentioned, product safety policy and enforcement agencies, regardless of their institutional structures, use a combination of pre-market tools and post-market interventions to effectively manage product safety issues:

Pre-market interventions

In using pre-market tools, governments must balance the potential risks associated with too little intervention (including greater risk of consumer harm and of non-compliance) or too much intervention (including reduced consumer choice, stifled competition and innovation). Governments have a range of options available to them, including:

- *Regulation*: In countries using a principles-based approach, regulation is often based around a GPS provision, which imposes a general obligation on business to supply safe products (or, at least, not to supply unsafe products) (see Table 3 in the Addendum [DSTI/CP(2008)18/ADD/FINAL]). In some respects, this precludes the need for further detailed regulation, as all suppliers in the economy are subject to a general obligation to ensure safety. Accordingly, more flexible approaches can be taken to the development of standards, as it is for business to determine, at the outset, whether they comply with the general obligation. In other countries, the business is subject to sanctions once harm has occurred, or where there is a substantial likelihood that harm will occur, as a consequence of selling unsafe products. Such sanctions may be sought by a regulator or by individual consumers. Under this approach, there is no general obligation to sell safe products, although there is certainly an implicit expectation that businesses will not do so in order to comply with the law and avoid sanctions.
- *Pre-market surveillance*: Some governments monitor consumer product safety prior to the introduction of a product in markets. This is used largely as a means to control the safety and quality of products imported into the country and often involves the involvement of customs authorities in addition to product safety regulators. Pre-market surveillance can also be misapplied, leading to practices which, while providing a measure of consumer protection, also can be used as a means of limiting the impact of import competition in a domestic market through overly rigorous application of product safety laws.
- *Standards and standardisation bodies*: Product safety standards are intended to provide comprehensive technical information for businesses seeking to comply with the law, and accordingly serve to protect consumers. Generally, the development of standards benefits from business technical expertise in relation to consumer products. In most OECD countries, standards are determined by domestic and international standards-making bodies, many of which are not government-funded agencies, but entirely business-based and funded. In cases where they are government agencies, such bodies often have a high level of business involvement. Such bodies

also usually have a high degree of contact with consumer representatives, in order to ensure that the consumer interest is taken into account.

- *Product standards* are applied on a range of bases: they may be mandatory or voluntary and they may require varying degrees of conformity. Decisions about whether standards are mandatory or voluntary are often reserved to government, so as to set a specific standard for all products of a type available in an economy. In other cases, businesses may choose not to use the standard, although there are often powerful incentives to do so, including the use of quality marks, advertising and in building consumer trust.
- *Consumer information*: Governments, business and consumer groups often use public awareness and education campaigns to ensure that consumers are aware of potential product safety risks and how to identify and manage them. For example, consumer product safety agencies, often in co-operation with business and consumer groups, issue warnings to consumers about specific safety issues, and publicise enforcement actions. At specific times of the year, consumers are often informed about specific product safety issues (for example, warnings about dangerous toys at Christmas or children's outdoor wading pools or water toys in the summer).

Another mechanism for improving consumer information is through product labelling and warnings. For example, applying a 'skull and cross bones' mark is internationally recognised as a symbol for a product containing a poison. Such labels must also be understood, and many countries impose specific obligations on businesses in relation to the presentation of information, including prominence, language and specific information requirements. In Finland, while many Finnish consumers understand English, Finnish law requires that product warning labels be in both Finnish and Swedish: the official languages of Finland.¹¹ All other EU countries also require warnings in their official languages.

Post-market tools

Pre-market regulatory tools may be seen as the most effective means for promoting consumer protection as they are designed to prevent loss or damage from occurring.¹² However, the success of pre-market interventions is reinforced by the effectiveness of post-market tools to create sufficient disincentives for behaviour which could lead to consumer harm. In using post-market tools, governments have a range of options available to them, including:

- *Investigative actions*: Investigations are often taken in response to consumer complaints, but enforcement agencies in most of the countries surveyed also carry out safety tests on products independently. Some countries also require businesses to periodically report on matters related to product safety (see Table 4 in the Addendum). Investigative actions are integral to the effective enforcement of product safety laws, as there is a greater possibility of business compliance when there is a real potential for regulatory intervention. The powers that may be used by enforcement agencies vary across jurisdictions (see Tables 4 and 7 in the Addendum), and range from the ability to request information, to powers to issue and act on search warrants where a breach is suspected.

¹¹ See section 9 of the *Government Decree on information to be supplied in respect of consumer products and services* (613/2004) at: www.kuluttajavirasto.fi/Page/22b91260-286f-4d10-a4af-24a29bd57a04.aspx.

¹² Cseres, K. J. (2005): 156.

- *Public warnings and corrective action:* A key tool in ensuring effective product safety and minimising consumer harm is in communicating potential risks to the public quickly. For this reason, most enforcement agencies have specific public warning powers, designed to alter the public and businesses to the potential for harm in dangerous products. Some regulatory regimes include specific powers designed to ‘name and shame’ specific businesses for particularly egregious conduct and also powers to require businesses to undertake corrective action, so as to inform consumers of product safety issues (see Table 7 in the Addendum). Beyond their immediate function, public warning powers also serve a useful education and awareness function, which provides consumers with greater awareness of the risks of unsafe products.
- *Interim and permanent bans:* When a product poses an unreasonable risk to consumers, governments may decide to ban the supply of that product. Such bans may be temporary, providing enforcement agencies time to assess the risks related to the supply of the product and decide whether a permanent ban is required, or other forms of regulation should be applied. In practice, temporary bans may, in effect, be permanent, as the product is withdrawn from sale and demand evaporates. Issuing a permanent ban on unsafe products represents a drastic market intervention, as ‘their effect is to determine permanently the issue of whether or not the recipient [of the ban] can supply the product.’¹³ Almost all jurisdictions surveyed have the power to issue bans on unreasonably risky products (see Tables 7 and 10 in the Addendum). In most cases, use of this power is reserved for products that are likely to cause significant injury or death.

The circumstances in which an interim or a permanent ban is applied may differ. In some cases it may be done by the enforcement body under specific conditions, in others the role of the enforcement agency is limited to requesting that a government minister or a court issue such a ban. Bans can either be imposed personally to a particular supplier, or they can be imposed comprehensively on the total supply of the good in question. Any breach of the ban is usually an offence, which may lead to a fine being imposed on the offending business or company director or a possible imprisonment for individuals involved (see Table 10 in the Addendum).

- *Recalls:* Due to the often inconspicuous nature of safety hazards, dangerous products may be in the hands of consumers before being identified as presenting an unreasonable risk. Generally, product safety laws impose rules on the voluntary recall of products by companies, requiring them to inform regulators of their actions and the steps that they propose to undertake. Such voluntary recalls are relatively common and are used to avoid negative reputational affects associated with unsafe products or formal enforcement action. As such, a ban on the supply of a product may not be sufficient and regulators may require a market-wide recall power to adequately protect consumers. Almost all responding countries have the power to recall products (see Table 7 in the Addendum). For example, the EU General Product Safety Directive requires member states to have a power to recall dangerous products, but to use this power only as a last resort. Nonetheless, the challenge remains with regard to effective monitoring and recall of unsafe products from the marketplace.
- *Enforceable undertakings:* In some countries, most notably Australia, court-enforceable undertakings are used as a key enforcement outcome. The undertakings usually include remedial action to address the product hazards and a requirement for the company to implement a compliance programme. This tool can be effective in preventing repeat offences and has a flow-on effect across market sectors.

¹³ Hodges, C., Tyler, M. and Abbot, H. (1996): 150.

- *Civil and criminal court actions:* Court action can be twofold: a remedial action designed to impose sanctions for breaches of the law; a public ventilation of a product safety issue, drawing it to wider public attention. Actions may be undertaken by a regulator, which may seek specific penalties as provided for in the law, or by consumers (either individually or as a class), to seek restitution for harm suffered.
- *Civil and criminal penalties:* Countries have a range of sanctions designed to penalise breaches of product safety laws (see Table 10 in the Addendum). In some cases, countries provide a range of sanctions from civil penalties to criminal penalties, which are designed to permit a proportionate sanction for wrongdoing. In some cases, sanctions may only be obtained by regulators, and consumers cannot use these statutory sanctions, but may only rely on general civil liability for harm (for example, tort law remedies in common law countries) (see Table 10A in the Addendum). Criminal sanctions are generally reserved for the most serious breaches of product safety laws, and can include fines for individuals and companies, and may permit company officers, even if not directly involved in a breach to be found responsible and subject to sanctions, such as being banned from managing businesses and imprisonment. Civil penalties require a lower standard of proof than criminal penalties and so may provide a means of applying more proportionate sanctions for breaches of product safety laws. This provides enforcers with a greater potential for success in regulatory action, which can lead to higher levels of compliance. Most responding countries indicated that the common sanctions used by countries for the supply of unsafe products are such things as recall orders, civil law penalties and remedies and criminal fines. However, only Belgium, Chile, Sweden and the United States have imprisonment for relevant company officers as an enforcement option.

C. Consumer product safety enforcement challenges

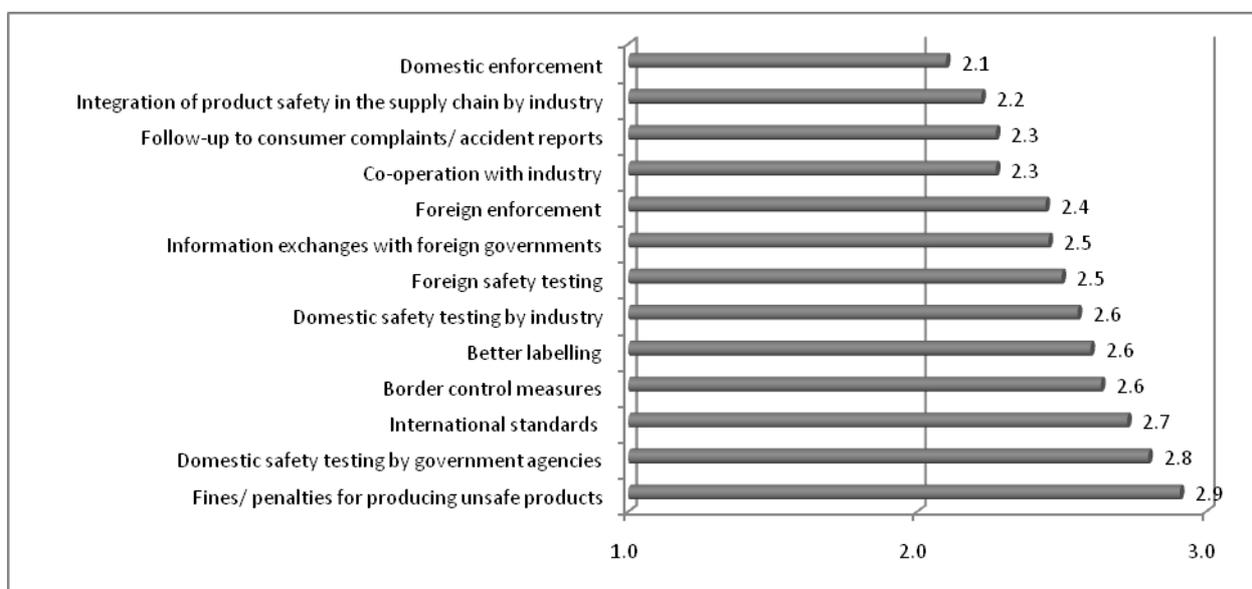
In responding to the OECD Questionnaire, countries reported on a series of consumer product safety enforcement challenges at both domestic and international levels (see Tables 7A and 8 in the Addendum). These include:

- *Effective detection of unsafe products:* national regulators face increasing demands on finite resources, due to the increased need to monitor consumer products (and particularly imported goods) and the consequent need to undertake regulatory enforcement action. All responding countries are actively engaged in product surveillance, including testing of domestically manufactured consumer products and monitoring compliance with product standards. Enforcement agencies also engage in more passive forms of surveillance, based on consumer complaints, and concerns expressed by consumer representative bodies. The efficacy of surveillance activities requires co-ordinated responses from all levels of governments.
- *Involvement of national customs:* With increasing international trade, national customs authorities are also increasingly involved in the monitoring of imported consumer products, co-ordinating with consumer product safety enforcement agencies and enforcement co-ordination networks at both domestic and international levels (see Table 8 in the Addendum and Section II of the present report).
- *Ensuring domestic enforceability of inconsistent domestic and international standards:* National regulators face constraints on cross-border enforcement, which are imposed by inconsistent national consumer product safety laws, particularly in terms of their regulatory powers and inconsistencies in information sharing mechanisms. Businesses also engage closely with the development of national product standards, providing both practical business expertise and

technical information in the process of developing and implementing them. The main concern, however, is that they are usually being engaged too late in the standard's development process.

- *The challenges of operating within a global marketplace:* Growing cross-border trade leads to a wider distribution and availability of consumer products around the world. Furthermore, new approaches to product distribution and marketing, particularly as a consequence of the development of Internet transactions, requires new domestic enforcement approaches and increased resources for surveillance purposes to address emerging concerns about the domestic product safety risks created by internationally traded goods. Enhanced national enforcement could be facilitated through more effective information exchange and could be improved through the establishment of efficient consumer product safety information exchange networks, which exist on multilateral and bilateral bases (this issue is developed further in Section II of the Report).
- *Constitutional arrangements:* In some countries, constitutional arrangements pose enforcement issues for consumer product safety, as there may be various national and sub-national enforcement agencies with complementary or overlapping enforcement responsibilities. For example, in Australia an enforcement database (AUZSHARE) exists to enable information sharing between national and state regulators on enforcement issues, including product safety issues, which is also linked to the national product recalls site (www.recalls.gov.au).
- *Insufficient sharing of injury information across borders:* As reflected in the responses to the OECD Questionnaire, data gathering approaches vary from country to country, complicating or preventing cross-border information sharing. In responding to the OECD Questionnaire, many countries pointed out the need for improved information sharing amongst governments internationally.

Figure 2. Addressing product safety issues more effectively domestically



1- Urgently needed; 2- High priority; 3- Not urgent; 4- Not needed.

This chart represents the views of 13 out of 21 responding countries.

D. The role of business and civil society

As reflected in responses to the OECD Questionnaire, governments work in co-operation with business and civil society to enhance the effectiveness of consumer product safety regulation.

The role of business in consumer product safety

Business has powerful incentives to ensure consumer product safety. While there may be short-term financial incentives to cutting corners and selling less safe products, these are counter-balanced by the medium- to longer-term potential for a loss of consumer confidence in a market which could lead to even greater financial loss for an entire industry sector or economy.¹⁴ For this reason, many businesses will accept a relatively high degree of government intervention in consumer product and service markets to ensure consumer product safety.

Industry self-regulation or co-regulation is also used as a tool to limit government regulation and enhance consumer confidence in markets. Business can also enhance product innovation through knowledge transfers, standardised technologies and reduced manufacturing costs, and so improve competition through increased consumer choice. They can also use product standards as a means for reducing or managing import competition, preventing or reducing potential new entrants on domestic markets.

Business engagement in regulation takes a number of forms, including:

- *Voluntary actions.* In responding to the OECD Questionnaire, countries noted increased business willingness to initiate voluntary recalls when unsafe products are identified. In some countries, such as the United States, businesses have increased manufacturing and marketing controls to ensure conformity with safety standards. According to the US CPSC, some of these controls, such as better traceability, improved labelling and third-party testing, have become federal requirements. In many consumer product markets in Finland, government agencies have drafted (non-binding) guidelines in co-operation with business associations.
- *Processes to reduce the incidence of consumer product safety incidents.* With the perceived increase in unsafe products in recent years worldwide, business has worked with governments, international bodies and consumer representative bodies to improve its own processes to reduce the incidence of consumer product safety incidents. Ensuring that all parts of the supply chain are responsible for consumer product safety is an effective means for ensuring commitment by businesses to compliance. In some countries, including Australia and Chile, all participants in the supply chain (including manufacturers, importers, wholesalers, distributors and retailers) are liable for product safety breaches on a 'joint and several' basis, meaning that consumers have a right to pursue any or all of them for a breach. In other countries, such as Japan, the application of the law is more restricted, tending to concentrate liability on manufacturers or importers.
- *Codes of conduct.* Codes of conduct are used by the business to regulate industry's behaviour. These can be developed independently from governments, through industry associations, or in co-operation with governments. For example, Australia's *Procedures for the Recall of Vehicles and*

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Jarrell, G. and Peltzman, S. (1985), 'The Impact of Product Safety Recalls on the Wealth of Sellers', *The Journal of Political Economy*, Vol. 93, No. 3, p 512-236. Note: although their study was based on results in the auto and pharmaceuticals industries, the authors' results can be applied more generally to all product markets.

Associated Products with Safety Related Defects (for motor vehicles) is a voluntary code, which describes the procedures to be followed when a supplier is informed (or becomes aware) that a vehicle, part, accessory or service may have a safety-related defect (defect which will or may cause injury). Codes of conduct are also applied by standards-making bodies to maintain the integrity of their industry.

- *Adherence to voluntary standards.* Standards are commonly used to regulate product safety and product quality, and in many cases the business uses standards developed by industry associations or by standards-making bodies to provide quality guarantees for their products. Most regulatory regimes recognise the role of voluntary standards, and many also provide for the making of mandatory standards, which is a significant intervention in the market but is more flexible than a formal legislative response.
- *Involvement in standards-making processes.* In most OECD countries, given their technical expertise, business plays a key role in the development of product standards. In some countries, the business is actively engaged in the development of standards, standards-making bodies form part of government (e.g., Standards New Zealand which is part of the NZ Standards Council, an autonomous Crown agency). In other countries, standards bodies are independent organisations that may however have a degree of direct or indirect government involvement (for example, Dansk Standard (Denmark) and Norge Standard (Norway), which have government-appointed members).

The role of consumers in consumer product safety

A wide range of bodies has been created in many countries to represent consumers' interests. Such bodies have developed a variety of tools to ensure that consumer products are safe on the market and maintain consumer choice. These tools include:

- *Consumer advocacy:* in most market-based economies where civil society is quite developed, consumer advocacy bodies are in place, and, in some cases, funded by governments (such as the UK's Consumer Focus -which includes the former National Consumer Council- and BEUC and ANEC at the EU level). These bodies aim to represent the interests of consumers, while taking into account business interests, in the development of government policy and the legislative process, and the development of industry-based standards.
- *Product testing:* Consumer bodies engage in product comparisons and testing to enable consumers to make informed choices on the market, based on cost comparisons, quality differences and safety. Such information may be available at no cost or based on a subscription fee. This function is undertaken by a number of consumer associations in countries, such as CHOICE (the Australian Consumers Association), by WHICH? (the UK Consumers Association) and the Consumers Union in the United States, all of which are private, membership-based bodies. In Norway, this function is undertaken by the National Institute for Consumer Research (SIFO), which is a government agency.
- *Consumer education and information:* Many national consumer associations publish magazines and are active in the media, drawing consumer issues and concerns to wider attention. Governments also work with consumer agencies to develop consumers' ability to make informed decisions, through the funding of research, education and information initiatives.

SECTION II. INTERNATIONAL AND REGIONAL CONSUMER PRODUCT SAFETY FRAMEWORKS

In recent decades, the increase in internationally traded consumer products has led to an increase in multilateral and bilateral agreements and organisations intended to address product safety issues. These arrangements are identified and their effectiveness is considered in this Section. Recent international product safety incidents indicate that much more needs to be done to improve international arrangements for addressing consumer product safety problems.

A. International and regional consumer product safety bodies

A variety of international organisations specifically address consumer product safety issues. These include:

- *The International Consumer Product Health and Safety Organization (ICPHSO)*, which addresses health and safety issues related to globally marketed consumer products. ICPHSO holds annual symposia involving consumers and consumer advocates, government agencies, businesses, legal firms, and academia. ICPHSO aims at reducing consumer injuries and deaths and providing professionals with the latest information, including how to comply with product safety regulations, how to conduct product recalls and recent legal interpretations of mandatory statutes.
- *The International Consumer Product Safety Caucus (ICPSC)*, which was created in May 2006 at the *ICPHSO Annual Meeting and Training Symposium*. ICPSC is aimed at facilitating information exchange in relation to government policy, legislation and market surveillance. It is intended to strengthen international co-operation between governments and regulatory agencies.
- *The International Standards Organisation Committee on Consumer Policy (ISO-COPOLCO)*, which includes 89 national standards bodies and is a forum for exchanging information and experience on standards and conformity assessment issues of interest to consumers. ISO-COPOLCO identifies priority standardisation areas and promotes and co-ordinates consumer representation in these areas. It also provides input to the ISO's work by proposing new areas for standardisation where there is a perceived need for enhanced consumer protection. ISO-COPOLCO does not develop standards but produces standards development guides, policy statements and informational publications on issues of importance to consumers.
- *Product Safety Enforcement Forum of Europe (PROSAFE)*, which was established in the early 1990s by European enforcement officers dealing with consumer product safety issues. The main objective of the PROSAFE project is to ensure a core set of best practice techniques and cross-sharing of information and expertise in market surveillance, within EEA countries. Members of PROSAFE are carrying out the Enhancing Market Surveillance through Best Practice project (EMARS) aimed at ensuring a basic level of expertise and practical experience in most of the market surveillance organisations of EEA countries. PROSAFE also participates in ICPSC.

There is a wide range of other multilateral agreements and organisations that address consumer product safety issues. These form part of the modern international trade system and their success is, in part,

due to the effectiveness of co-ordination and liaison mechanisms that exist between national authorities and international bodies. These mechanisms are aimed at ensuring greater harmonisation of safety regulations and standards worldwide and encouraging greater enforcement co-operation.

The development of bilateral and multilateral free trade agreements has also increased the level of international engagement in relation to consumer product safety. Work to enhance the safety of consumers is on-going in several international and regional institutions and organisations/networks (for more details, see Annex II to the present report).

United Nations bodies such as the World Health Organisation (WHO) and the Food and Agriculture Organisation (FAO) are also involved in establishing information networks so that developing countries can overcome their information deficit and make informed decisions as to whether products should be permitted to be imported.¹⁵

Integrated international engagement: consumer protection, customs and trade

Tariffs around the world have been lowered or eliminated as a result of the implementation, in 1995, of the *WTO Agreement on Technical Barriers to Trade* (TBT). This has led to many national markets opening their doors to greater volumes of foreign-manufactured consumer products. In accepting the TBT, WTO members have agreed to ensure that their central government standardisation bodies accept and comply with the *Code of Good Practice for the Preparation, Adoption and Application of Standards* and also agree to take reasonable measures to ensure that local government, non-governmental and regional standardizing bodies do the same. The TBT, along with regional and bilateral free trade agreements, has not only played a major role in increasing the prominence of standardisation, but was also one of the few mechanisms at that time to stabilise international trade and empower consumers worldwide.

Bilateral arrangements are increasingly common. In some cases, these form part of wider arrangements relating to free trade or economic co-operation, such as Australia and New Zealand's *Closer Economic Relations Treaty* arrangements, and in others they are specifically concerned with consumer product safety issues. *Mutual Recognition Agreements* (MRAs) on conformity assessment and on testing data have facilitated increased trade and consumer protection. MRAs between governments, between conformity assessment bodies, and between accreditation bodies, have allowed traders to comply more easily and at lower costs with any regulatory requirements they would have to comply with. The United States, Canada and European Union in particular have entered into memorandums of understanding and/or operating agreements with many countries with which they trade and co-operate, which include information sharing. While bilateral agreements provide benefits for the countries involved, they have the potential to result in the formation of trading blocs, limiting trade and competition and leading to a lack of international harmonisation of standards.

Simplification and harmonisation of international trade procedures require taking into account the full range of tools available to protect consumers from unsafe products. Controls performed by customs agencies or under customs supervision play a significant role in supporting market surveillance activities of other consumer product safety regulatory agencies. For example, in the EU, the European Commission Directorate-General (DG) for Taxation and Customs Union works closely with DG Health and Consumers (SANCO), and DG Enterprise and Industry, to ensure consistent policy in product safety regulation and enforcement.

Compliance with customs and trade procedures also demands a great deal of co-ordination between the various business entities involved in the trading of goods. At each stage of a good's progress from

¹⁵ Micklitz, H. W., *Internationales Produktsicherheitsrecht*, (Nomos, 1995), pp. 62-65.

manufacturer to consumer different types of data are generated and different types of information (often containing the same or similar data) are submitted to Customs authorities and other government agencies.

B. International and regional enforcement co-operation challenges

A series of recent international consumer product safety incidents has raised serious questions concerning the adequacy of product standards and their enforcement at the international level. For example:

- In 2007, the European Commission was informed about two RAPEX notifications concerning voluntary recalls conducted by Mattel Inc. The toys contained small powerful magnets and illegal levels of lead. The Commission immediately forwarded the RAPEX notifications to the competent authorities of 30 European countries participating in RAPEX. A total of 436 000 toys were recalled worldwide.
- In 2007, the US Food and Drug Administration (FDA) informed consumers about risks associated with toothpaste labelled as “*Made in China.*” The incident resulted from products being found at retail stores containing diethylene glycol but not being labelled as containing that chemical. As a consequence, the FDA issued an Import Alert to prevent Chinese toothpaste containing diethylene glycol from entering the United States and requested foreign companies to prove that their toothpaste did not contain harmful levels of diethylene glycol.
- In 2006, Japanese consumers suffered burn injuries caused by the overheating and rupturing of the batteries of particular notebooks and mobile phones. These incidents led to the biggest ever recall of consumer electronics in Japan. Following these recalls, the Japanese government expressed concern about its inability to inform other countries rapidly and so could not avoid the distribution of the batteries overseas.
- WTO agreements have provided increased opportunities for interested parties to influence proposed measures relating to standards and conformity assessment at both domestic and international levels. However, horizontal collaboration between different organisations has been lacking due to inadequate engagement of interested parties on specific issues, such as the industry, consumers and market surveillance authorities, as part of the standardisation process. Based on responses to the OECD Questionnaire, there are often no formal consultation mechanisms in the development of standards, stakeholders being usually involved at a late stage of the process.
- Another issue raised by responding countries was the widespread lack of harmonisation between domestic and international standards and the way in which they are enforced. Countries have different structures for enforcing standards, reflecting prevailing legal and administrative mechanisms and practices. Sub-national and local governments, which tend to have less concern for global market issues and efficiency, may impose additional requirements to those set by central governments and international institutions. Inconsistent legislation and enforcement has led to regionalisation of standards, with resulting inconsistency in product safety standards and enforcement.

The lack of consistency and transparency resulting from institutional diversity also arises in relation to market surveillance activities. Responding countries noted that uneven participation and information exchange between stakeholders, as well as limited enforcement resources, are major obstacles to effective market surveillance both domestically and internationally. Moreover, methods and priorities for effective

market control vary from country to country and in many cases, from region to region, and monitoring of consumer products is usually carried out on a random basis.

One of the major shortcomings for effective market monitoring and enforcement in relation to globally traded goods is the extent and dynamics of the global marketplace. Currently, market surveillance authorities must deal with sophisticated products with component parts manufactured in many different countries (and in many cases on different continents). These goods are then distributed and sold worldwide. In addition, the prevalence of Internet-based consumption is increasing, which places greater demands on regulators as products enter markets at a wide variety of different points. A number of responding countries expressed concern about the ineffectiveness of legal and enforcement frameworks in making the entire economic chain responsible.

As a general proposition, products that are assessed as being unsafe in one country, where their distribution and sale is banned or regulated as a result, may also be considered harmful to consumers in other countries. Growing consumer awareness and the interest of the media in consumer and product safety matters necessitates an improved real time-based exchange of information at the international level.

SECTION III: ADDRESSING CROSS-BORDER PRODUCT SAFETY PROBLEMS MORE EFFECTIVELY

Improvements to cross border enforcement can address a range of policy and enforcement issues that countries have specifically identified in their OECD Questionnaire responses, by increasing awareness and capabilities across borders. These include a lack of information about injuries caused by consumer products; a lack of expertise on chemical safety; a lack of resources for market surveillance and consumer complaint responses; lack of controls on product distribution; lack of co-operation with industry; inferior product labelling; and a lack of consistent product compliance with standards.

A. Cross-border co-operation and co-ordination mechanisms

Over recent decades, countries have developed a range of multilateral and bilateral mechanisms for sharing information about product safety issues (see Table 8 in the Addendum), at both the policy and enforcement levels (these have been described in Section II above). These mechanisms are a critically important means for product safety regulators to exchange information about dangerous goods as they are detected across a range of markets, and also to co-ordinate action internationally to deal with and prevent consumer product safety problems. In recent years, there have been a series of international product safety incidents, including concerns about children's toys, playground equipment, chemicals in clothing and cigarette lighters, which have been addressed through, and have helped to develop, international product safety enforcement mechanisms.

Potential problems and issues for international co-operation and co-ordination mechanisms

The increasing volume of international trade, the mobility of manufacturing around the world and within countries, particularly in fast-expanding economies like China and India, the concentration of manufacturing in specific countries and ever-improving efficiency in distribution means that consumer products can be quickly and widely distributed across the globe. For these reasons, it is increasingly important that systems to provide timely warnings and exchange information become more responsive, efficient and comprehensive. While cross-border co-operation and co-ordination mechanisms have proven effective in dealing with previous international product safety incidents, there is considerable scope for the improvement of the way in which they work. Such networks are capable of inefficiency and failure in some cases. Basic issues like time differences, holidays, and staffing changes can result in delays in the distribution of potentially life-saving information internationally. Systemic issues may also pose problems, as networks may have inconsistent objectives and unclear communications networks, which have the potential to cause delays and incomplete information exchange.

What are international co-operation and co-ordination mechanisms intended to achieve and what do countries want out of them?

When considering how international product safety co-operation and co-ordination bodies may be made more effective, it is important to bear in mind the objectives that international co-operation is intended to achieve, while also considering the differing motivations and concerns of countries in engaging with these co-operation mechanisms. International product safety co-operation and co-ordination bodies have the following broad objectives:

- *Information exchange*: exchanging information about policy development, enforcement issues and emerging consumer concerns and problems.
- *Warnings and alerts*: informing regulators around the world of potential threats to public safety and health arising out of product safety concerns and problems.
- *International product manufacturing and product safety standards harmonisation*: exchanging information and working to develop better consumer product manufacturing and quality standards, so as to reduce product safety risks after products enter markets; and
- *Enforcement co-operation and co-ordination*: working with other countries' enforcement agencies to exchange information and coordinate enforcement action in relation to specific consumer product safety incidents.

In utilising international product safety co-operation and co-ordination mechanisms, individual countries are seeking to address a range of motivations and concerns:

- *Consumer protection*: by exercising both pre-market controls (in terms of preventing the entry of dangerous goods into a domestic market) and post-market interventions (in terms of being aware of potential dangers and being in a position to take enforcement action promptly).
- *Issues awareness*: developing awareness of emerging product safety policy and enforcement concerns, as they occur elsewhere and before they may emerge in a domestic market.
- *Capacity development*: developing skills and knowledge to deal with product safety issues more effectively, and to improve consumer awareness and decision-making capacity; and
- *Process and product standardisation*: the development of international networks also allows countries more fully to develop their commitment to good manufacturing and product safety standards harmonisation, leading to greater efficiencies and opportunities for international trade.

Issues in developing an international information exchange system

One of the key objectives of the Roundtable is to consider future action that could be taken to enhance and develop consumer product safety policy internationally, including work that could be done through the OECD. This section will consider issues that may be taken into account in developing an international information exchange system, as a basis for the discussion to take place at the Roundtable.

Objectives of an international information exchange system

In considering the potential for an enhanced international information exchange system for product safety, it is important to consider what the key practical objectives of such a system might be. These could include:

- *Rapid exchange of product warnings and alerts*: this could include a series of key informational issues in relation to a product, including:
 - Mandatory product recalls: information about mandatory product recalls undertaken by governments.

- Detailed technical information: a description of the product safety problem and accurate images of both the product and the problem. This could include the results of product testing undertaken by various jurisdictions.
 - Manufacturing information: the manufacturer’s details, the time and place of manufacture, batch information.
 - Distribution information: details of the distribution of the product internationally, including import/export and distributor details (to the extent known); and
 - Retail information: details of the retailers affected (or potentially affected) in relation to a product safety issue (if known).
- *Rapid exchange of information about voluntary business recalls*: this could include information about voluntary product recalls undertaken within jurisdictions (where there is an obligation on businesses to publicly disclose such actions).
 - *Exchange about regulatory interventions*: this could include information about:
 - Mandatory product standards: covering new standards mandated in specific countries along with supporting information about those product standards; and
 - New legislative changes: this could cover information about legislative changes to regulate products in specific sectors or more general changes to a countries’ product safety laws.

The implementation of such a system would require jurisdictions to commit to providing information to each other in a formal way and a commitment to the accuracy and timeliness of the information delivery mechanisms, which would have cost implications. However, it would also have significant benefits for consumers in relation to the safety of products in the market.

There are a number of current examples, from which useful models may be drawn in the development of a more comprehensive international information exchange mechanism:

- US/EU information exchange: The *Guidelines for information exchange and on administrative co-operation*¹⁶ between the US CPSC and the EU DG SANCO provide a framework for voluntary information exchange.¹⁷ The Guidelines set out commitments for the exchange of scientific, technical and regulatory information, emerging issues of significant health and safety relevance; standardisation activities; market surveillance and enforcement; identified risks and measures taken in relation to identified products originating from certain areas; information relative to withdrawal and recall operations and information on risk assessment and product testing. However, they do not specify the manner in which this information is to be exchanged.
- RAPEX: The EU’s Rapid Alert System for non-food consumer products (RAPEX) facilitates the rapid exchange of information between EU member states and the European Commission on

¹⁶ See www.ustr.gov/assets/World_Regions/Europe_Middle_East/Europe/US_EU_Regulatory_Cooperation/asset_upload_file656_7235.pdf. These Guidelines do not describe the means by which such an information exchange should occur.

¹⁷ The Guidelines note that they are not intended to create binding obligations under international law.

measures taken to prevent or restrict the marketing or use of products posing a serious risk to the health and safety of consumers. Measures ordered by national authorities and measures taken voluntarily by producers and distributors are reported by RAPEX.¹⁸

- AUZSHARE: AUZSHARE is a computer database used by national and sub-national consumer and product safety law enforcement agencies in Australia and New Zealand to share enforcement information. AUZSHARE is Internet-based but its access is limited to member agencies. AUZSHARE has been upgraded recently to include a graphic capability, which will enhance its utility for product safety issues.

Advantages of an international information exchange system

In enforcing product safety laws, there are two fundamental advantages for exchanging information on potential product hazards:

- *More effective pre-market intervention*: for many countries, consumer injuries are prevented as dangerous products may be prevented from reaching the market, through pre-emptive action such as banning the sale of specific products or seizing products as they enter the country. Information exchange can also prevent future incidents if the same supplier or manufacturer is involved with multiple traders in a number of countries; and
- *More timely post-market actions*: where products are in a market, information exchange provides regulators with the ability to respond in a timely way, by allowing them to act quickly to commence investigations or take enforcement action to deal with specific risks and also to sanction illegal conduct.

Effective international information exchange also presents other, no less important, advantages for countries in terms of:

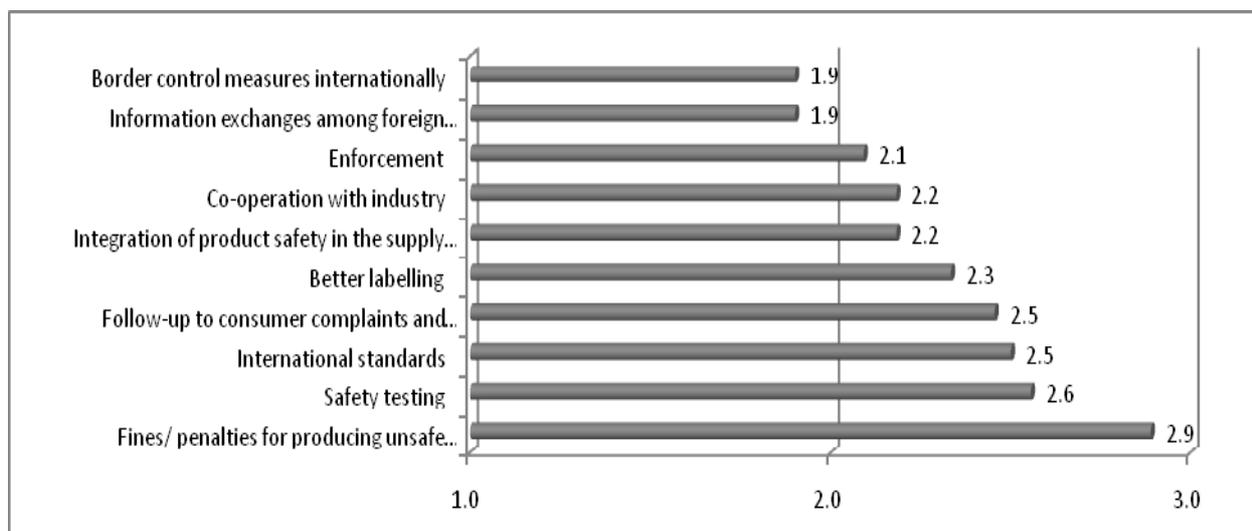
- Enhancing their practical capability for dealing with product safety issues, through developing practical skills and awareness of product safety issues; and
- Developing a depth of knowledge and evidence on which to base policy decisions in relation to the ongoing legislative and institutional frameworks that exist for consumer product safety policy.

Future challenges for international information exchange

There are a range of future challenges facing consumer product safety policy and enforcement agencies, which might be addressed, to a greater or lesser degree, by improved international information exchange. Countries responding to the survey, gave an indication of the seriousness with which they regard these issues (see Figure 3).

¹⁸

www.ec.europa.eu/consumers/safety/rapex/index_en.print.htm, accessed 25 July 2008.

Figure 3. Addressing product safety issues more effectively internationally

1- Urgently needed; 2- High priority; 3- Not urgent; 4- Not needed.
 This chart represents the views of 13 out of 21 responding countries.

These challenges include:

- Inconsistency in product safety sanctions and remedies, which has the potential to allow businesses to adopt inconsistent approaches to compliance depending on the potential for enforcement action, the likelihood of sanctions or remedies being applied and the potential impact of those remedies and sanctions. All of these can contribute to encouraging non-compliance by businesses.
- Inconsistency of product standards in different countries. While there has been a great deal of work done to develop increased international consistency in product and service standards through the International Standards Organisation and through other multilateral and bilateral mechanisms, there remains much to be done. The adoption of common frameworks for the development of such standards could serve to improve matters, for example by adopting a common series of policy objectives (*e. g.*, a requirement that standards be hazard based).
- Sustained pressure on product safety regulators as the diversity of manufactured products continues to increase, through further expansion of international trade and increased product innovation and differentiation. This means that both the prevention of product safety incidents and the timeliness of responses will assume increasing importance.
- Regulatory complexity in individual countries, which leads to increased business compliance costs, and complexity in enforcement. In some countries product safety enforcement functions are spread across a wide range of sectoral regulatory bodies, which can lead to differing enforcement practices and cultures and create issues in terms of business compliance.
- A need for greater co-ordination in enforcement activities as increasing cross-border trade increases the risks of faulty or dangerous products being exported in large volumes to multiple jurisdictions.

- Inconsistency in business obligations internationally. For example, differing obligations apply to businesses in different countries in relation to the requirement for the sale of 'safe' goods, the reporting of dangerous products and the processes by which those issues may be addressed.

B. Role of the OECD

The OECD Committee on Consumer Policy (CCP) provides a means for consultation between industrialised member countries in relation to product safety matters. In addition, the Committee enables member countries to engage developing countries through the OECD's *Accession* and *Enhanced Engagement* programmes. Part of the CCP's role is to co-ordinate information and enforcement exchanges between member countries, accession countries (Chile, Estonia, Israel, Russia, Slovenia) and enhanced engagement countries (Brazil, China, India, Indonesia, South Africa). The CCP's reports are made available to all countries and the Committee also plays a major role in harmonising standards and regulations across member countries and in supporting non-member countries adopting similar policies. Given that the vast majority of products traded globally are produced by countries outside of the OECD, the ability to engage non-member economies like China and India is vital to the success of the CCP's work.

The OECD Notification System on Consumer Safety Measures

According to the Decision-Recommendation on the OECD Notification System on Consumer Safety Measures (1989) member countries were to notify to the OECD all measures related to consumer product safety and set up 'National Contact Points'. The OECD Council recommended that notifications should be made of all new legislation, regulations and guidelines, as well as bans, recalls, public warnings and voluntary actions taken by producers. In the late 1990s the system had been developed into an Internet-based system called *Prodsafe*.

Prodsafe was an Internet-based mailing list run by the New Zealand Ministry of Consumer Affairs. Membership was restricted to agencies involved in the administration and enforcement of product safety legislation, with the core membership made up of the OECD Working Group on Consumer Safety. It was intended that the list should be used to carry OECD notifications of product bans and new product safety legislation, as well as news about publicity initiatives, forthcoming conferences and general information on consumer product safety issues. However, the main obstacle to the continued development of Prodsafe was inferior input from member countries due to the fact that the CCP delegates were generally not product safety specialists.

Current and possible future work of the CCP

At the CCP's 74th Session in October 2007, the Australian delegation expressed interest in exploring the role that the CCP could play in addressing certain consumer product safety issues, and subsequently submitted a proposal for consideration at the Committee's February 2008 meeting. One of the specific items related to international work was the role of the International Consumer Product Safety Caucus (ICPSC). As indicated in the proposal:

"The Caucus met on 26 - 30 November 2007. As part of these meetings, we understand that there was a discussion about effective international co-operation between product safety authorities. This mirrors, in part, some of the recent OECD CCP discussion about increased co-operation amongst OECD members on product safety. Importantly, the Caucus' focus is on operational and enforcement matters, which differs from the CCP's broader policy focus."

Bearing in mind that the CCP has a mandate to examine issues of consumer policy and safety, it may be possible to begin co-operation with the ICPSC with a view to enhancing the current level of interaction between consumer product safety policy and enforcement agencies internationally. Such collaboration could include:

- Preparation of a cohesive strategy on international collaboration.
- Sharing and dissemination of data injury information.
- Development of a website with accesses for the public and to the civil society; and
- Engagement in preparation of conferences on consumer product safety.

CONCLUSION

This report, which is based on the detailed country responses provided to the OECD Questionnaire, shows that over the past decade many countries have undertaken significant and ongoing efforts to improve the effectiveness of consumer product safety regulation and, as a result, improve the safety of consumer products. In addition, improved market surveillance and enforcement activities, as well as better awareness of business obligations, have contributed to increased detection of unsafe products at national level.

Responding countries have indicated that there are still significant challenges in effectively monitoring consumer products as well as gathering and sharing of information on consumer injuries and recalls within the country and across borders. The issues raised by responding countries point to a clear need for effective mechanisms to facilitate the rapid exchange of information and, to achieve this, countries should use their participation in international organisations to strengthen dialogue across borders on consumer product safety issues, at both the policy and enforcement levels, and to work to improve policy development and enforcement co-operation mechanisms.

These challenges should be addressed soon, to reinforce the effectiveness of consumer protection enforcement co-operation and to build on the experience of dealing with recent international consumer product safety incidents. The Roundtable will provide a forum in which these and related issues may be discussed, to form the basis of the OECD's work in this important area during 2009-2010.

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ANNEX I. OECD CONSUMER PRODUCT SAFETY INSTRUMENTS

1976 - Council Recommendation concerning Safety Controls over Cosmetics and Household Products.

Member countries were urged to adopt guidelines for safety controls over cosmetics and household products in accordance with a set of specific rules which permitted the determination of consumer product safety in order to avoid non-tariff barriers to international trade.

1979 - Recommendation of the Council concerning the Safety of Consumer Products.

Member countries were encouraged to strengthen international collaboration when establishing consumer product safety standards and regulations, and to promote close and effective information exchanges between manufacturers and suppliers and government authorities.

1981 - Recommendation of the Council concerning Recall Procedures for Unsafe Products Sold to the Public.

National authorities were called on to insist on the maintenance and sharing with authorities by manufacturers of adequate production and quality control records. At the same time, authorities were asked to ensure that consumers were informed without delay of any unsafe product on the market. If a hazard was found to be substantial and severe, manufacturers and or suppliers were called on to recall the product concerned and replace, modify or substitute it, or provide adequate compensation to consumers. In addition, manufacturers and suppliers were urged to develop their own internal procedures on the basis of government guidelines when dealing with product recall situations.

1982 - Recommendation of the Council concerning Risk Management and Cost-Benefit Analysis in the Product Safety Field.

Member countries were called on to undertake research projects aimed at the development of routines and methods for analysis of risks in respect of consumer products, accept risk data produced in other Member countries and encourage enterprises to use risk management methods with respect to consumer products. In this Recommendation, cost-benefit analysis is proposed as one of the tools available to aid decision-making in the consumer product safety field. In order to ensure comparability of the approaches used by Member countries, the Council recommended a methodology.

1983 - Recommendation of the Council concerning Safety Measures Taken in the Interest of Children.

Member countries were called on to take action to ensure that goods intended for children did not suffer from any defect in design, construction or composition that made them unsafe, both under circumstances of normal use and expected misuse. Requirements were urged to ensure that consumer goods bore or were accompanied by adequate warnings and information which were reasonably conspicuous, easily legible and capable of being readily understood. Countries were asked to consider introduction of child-resistant packaging for products, especially medicinal products, and were encouraged to promote safety-teaching in schools. Establishment of a system of data collection related to injuries, to identify and analyse accidents, was recommended.

1989 - Decision-Recommendation on the OECD Notification System on Consumer Safety Measures.

A system was established in the OECD under which all measures related to the safety of consumer products were to be notified to the Organisation. The purpose of this system was to ensure a clear and rapid reporting of information, and development of an up-to-date source of information for Member countries. The system covered all measures related to non-food products except automobiles and related road transport equipment. New to the notification system was the inclusion of ancillary services, *e.g.* instructions for use. According to this decision-recommendation, notifications were to be made of all new legislations, regulations and guidelines, as well as bans, recalls, public warnings and voluntary actions taken by producers. Around 900 notifications were registered in the system, which is, however, no longer operating.

ANNEX II. INTERNATIONAL AND REGIONAL ORGANISATIONS AND AGREEMENTS

Multilateral organisations and related international arrangements

World Trade Organisation - WTO

The WTO is the international organisation dealing with the global rules of trade between nations. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible. The *WTO Agreement on Technical Barriers to Trade* recognises the important contribution that international standards and conformity assessment systems can make to improving efficiency of production and facilitating international trade. Where international standards exist or their completion is imminent, therefore, the *WTO Code of Good Practice for the Preparation, Adoption and Application of Standards* says that standardising bodies should use them, or the relevant parts of them, as a basis for standards they develop.

International Organization for Standardization - ISO

ISO is the world's largest developer and publisher of International Standards, building on a network of the national standards institutes of 157 countries. Many of its member institutes are part of the governmental structure of their countries, or are mandated by their government, and other members represent the private sector, having been set up by national partnerships of industry associations. ISO has developed over 17 000 International Standards on a variety of subjects and 1 100 new ISO standards are published every year. The full range of technical fields can be seen from the listing of International Standards. Users can browse that listing to find bibliographic information on each standard and, in many cases, a brief abstract. The online ISO Standards listing integrates both the ISO Catalogue of published standards and the ISO Technical programme of standards under development.

International Electrotechnical Commission - IEC

IEC develops new or enhanced IEC conformity assessment systems that are compatible with national, regional and international schemes while offering more advantages and thus encouraging the use of IEC standards without deviation. Concerning the safety issues, the IEC's Advisory Committee on Safety helps to ensure horizontal co-ordination and the inclusion of relevant safety requirements in IEC standards.

ISO, IEC, ITU and WTO strategic partnership

ISO - together with IEC (International Electrotechnical Commission) and ITU (International Telecommunication Union) - has built a strategic partnership with WTO. The WTO Technical Barriers to Trade Agreement requires underpinning by technical agreements. ISO, IEC and ITU, as the three principal organisations in international standardisation, have the complementary scopes, the framework, the expertise and the experience to provide this technical support.

In the interest of transparency, the *WTO Technical Barriers to Trade Agreement* requires that standardising bodies that have accepted its terms notify this fact to the ISO/IEC Information Centre. At least once every six months, standardising bodies having accepted the *Code of Good Practice for the Preparation, Adoption*

and Application of Standards must publish their work programmes and also notify the existence of their work programmes to the ISO/IEC Information Centre. In addition, they should not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail.

World Health Organisation - WHO

The WHO is the directing and co-ordinating authority for health within the United Nations system. WHO works to prevent injuries. It does so by supporting efforts to improve data collection; develop science-based approaches to prevention and control of injuries; improve services for survivors of injuries and their families; enhance teaching and training programmes; and create multidisciplinary policies and action plans. In 2001, WHO, in conjunction with Health & Development Networks and Centers for Disease Control and Prevention, published the *Injury Surveillance Guidelines*, which describe in detail the steps involved in designing and building an injury surveillance system.

World Customs Organisation - WCO

The WCO is the only intergovernmental organisation exclusively focused on customs matters. Among others, it is noted for its work in areas covering the development of global standards, the simplification and harmonisation of customs procedures and trade supply chain safety. The latest *WCO SAFE Framework of Standards* is aimed at establishing standards that provide supply chain safety and facilitation at a global level and promotes certainty and predictability in the international trade.

International Accreditation Forum - IAF

IAF is the world association of Conformity Assessment Accreditation Bodies and other bodies interested in conformity assessment in the fields of management systems, products, services, personnel and other similar programmes of conformity assessment. Its primary function is to develop a single worldwide programme of conformity assessment which reduces risks for businesses and customers by assuring them that accredited certificates may be relied upon.

Regional bodies and frameworks

Americas

InterAmerican Accreditation Cooperation - IAAC

IAAC's mission is to promote co-operation among accreditation bodies and interested parties of the Americas, aiming at the development of conformity assessment structures to achieve the improvement of products, processes and services.

Asociación Mercosur de Normalización - AMN

AMN is formed by the National Standardization Bodies of the following countries: Brazil, Paraguay, Uruguay and Argentina. Within AMN there are several Mercosur Sectorial Committees aimed at developing and harmonising voluntary standards. The activity of Committees is undertaken in such areas as food and non-food products, as well as services safety.

Asia-Pacific

Pacific Accreditation Cooperation - PAC

PAC is an association of accreditation bodies and other interested parties whose objective is to facilitate trade and commerce among economies in the Asia Pacific region. The organisation has established a multilateral mutual recognition group and monitors its activities, ensuring that PAC members maintain accreditation programmes of world standard in support of APEC, IAF and WTO aims and objectives. The PAC technical committee has the primary function of reviewing technical issues and advising the PAC executive committee on procedures for the operation of the PAC multilateral recognition agreement. The PAC developing programmes committee supports the development of new accreditation programmes in the APEC region.

Asian Accredited Certification Body Federation - AACBF

AACBF is a self-regulatory forum which assures the compliance of the certification services of the Asia Pacific region with similar services accepted worldwide. It guides the innovations of the certification bodies and supports the industry associations. AACBF co-operates closely with PAC.

The APEC Toy Information Exchange Arrangement

This arrangement was established in October 1996 to provide a mechanism for the exchange of information on toy safety between APEC member countries. The aim of the arrangement was to facilitate the trade of toy products in the region and to reduce the risk to the health and safety of children in the APEC region arising from toys. As part of the arrangement member countries agree to exchange all relevant information on any risks to the health and safety of children which have arisen from hazards associated with toys. Where member countries identify a specific safety issue relating to a toy originating in another participating country, they consult with that country to reach a satisfactory solution.

Europe

European Standardisation Organisations – CEN, CENELEC and ETSI

In the EU standards are developed by three recognised European Standardisation Organisations (ESOs), CEN, CENELEC and ETSI, the boundaries amongst them being the specific technical area of standardisation. European standards adopted by one of these organisations become the national standard in the member states or replace existing national conflicting standards.

CEN (*Comité Européen de Normalisation*) and CENELEC (*European Committee for Electro-technical Standardisation*) unite the National Standards Bodies of 30 countries (27 EU + 3 EFTA). CEN and CENELEC are based in Brussels, Belgium. CENELEC deals with electro-technical standardisation while CEN covers all other industry and service sectors, except telecommunications, which falls under the remit of ETSI (*European Telecommunication Standards Institute*).

Membership of ETSI is open to any company or organisation that has an interest in the creation of telecommunications standards, other electronic communications networks and related services. At the moment, ETSI has almost 700 members from 56 countries inside and outside Europe, including manufacturers, network operators, administration, service providers, research bodies and users. ETSI is located in France.

European Co-operation for Accreditation - EA

European Co-operation for Accreditation (EA) is the European network of nationally recognised accreditation bodies based in the European geographical area. Its purpose is to ensure the harmonised performance of national accreditation bodies throughout the European Economic Area via the development and promotion of accreditation criteria and guidelines. EA was set up in 1997. EA covers accreditation of laboratories as well as inspection and certification bodies.

European Association for Injury Prevention and Safety Promotion - EuroSafe

EuroSafe was established in 2005 to continue and broaden the work of its predecessor, the European Consumer Safety Alliance (ECOSA). EuroSafe is a network of experts committed to promoting safety and reducing injuries in Europe. It is active in a wide range of safety such as products and services safety, the prevention of suicide and deliberate self-harm and the prevention of interpersonal violence.

Africa

Southern African Development Community Accreditation - SADCA

SADCA, as the regional accreditation structure of SQAM (Standardisation, Quality Assurance, Accreditation and Metrology) was tasked with defining a suitable accreditation infrastructure, enabling organisations in the SADC Member States to access accreditation services from internationally recognised National Accreditation Bodies within their countries, or to form a regional accreditation service.

Other

Transatlantic Consumer Dialogue - TACD

TACD is a forum of the US and EU consumer organisations, which develops and agrees on joint consumer policy recommendations to the US Government and the EU to promote the consumer interest in the EU and US policy making. In 2007, TACD urged the Transatlantic Economic Council to establish a working party to examine how the EU and U.S. can improve their ability to respond to hazardous toys, foods and consumer product imports. The EU and US should improve sharing of information, examine how independent third-party certification systems can be used to certify compliance with standards, whether the EU and U.S. have the best border protection systems, whether the governments have adequate recall authority, and whether governments of exporting economies like China and India are getting needed targeted assistance so that they can enforce safety standards.

International Collaborative Effort on Injury Statistics

The International Collaborative Effort on Injury Statistics is one of several international activities sponsored by the US National Center for Health Statistics. The main aim is to provide a forum for international exchange and collaboration among injury researchers who develop and promote international standards in injury data collection and analysis. A secondary goal is to produce products of the highest quality to facilitate the comparability and improved quality of injury data.