

Unclassified

DSTI/CP(2009)1/FINAL



Organisation de Coopération et de Développement Économiques
Organisation for Economic Co-operation and Development

26-May-2009

English - Or. English

**DIRECTORATE FOR SCIENCE, TECHNOLOGY AND INDUSTRY
COMMITTEE ON CONSUMER POLICY**

**DSTI/CP(2009)1/FINAL
Unclassified**

OECD ROUNDTABLE ON CONSUMER PRODUCT SAFETY

Summary Report

Paris, 23 October 2008

JT03265353

Document complet disponible sur OLIS dans son format d'origine
Complete document available on OLIS in its original format

English - Or. English

FOREWORD

This report was prepared by Australia and reviewed by the Committee on Consumer Policy's informal working group on consumer product safety and Roundtable participants. It summarises the discussion at the OECD Roundtable on Consumer Product Safety that was held on 23 October 2008, in Paris.

TABLE OF CONTENTS

SUMMARY	4
INTRODUCTION	8
SESSION I THE INTERNATIONAL CONSUMER PRODUCT SAFETY POLICY AND ENFORCEMENT ENVIRONMENT: ISSUES AND CHALLENGES	12
SESSION II POLICY FRAMEWORKS FOR ADDRESSING CONSUMER PRODUCT SAFETY ISSUES	18
SESSION III ISSUES IN CONSUMER PRODUCT SAFETY ENFORCEMENT	25
SESSION IV NEXT STEPS	31
CONCLUDING REMARKS	37
APPENDIX 1	38

SUMMARY

The Roundtable

On 23 October 2008, the OECD's Committee on Consumer Policy (CCP) hosted a Roundtable on International Consumer Product Safety (the Roundtable) in conjunction with the 76th Session of the CCP. The Roundtable addressed a range of specific issues relating to consumer product safety, including:

- The scope, objectives and nature of consumer product safety regulations.
- Current domestic and international consumer product safety policies 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 was 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.

The Roundtable brought together the largest gathering of product safety policy officials and enforcement regulators in recent times, and included delegates from OECD member countries, OECD accession countries and non-member economies, including Brazil, China and Egypt. Representatives from consumer and industry bodies also participated, including Consumers International and the OECD Business and Industry Advisory Committee (BIAC). In addition, international consumer product safety organisations such as the International Consumer Product Safety Caucus (ICPSC) and the International Consumer Product Health and Safety Organisation (ICPHSO) participated. A list of Roundtable participants is included in Appendix 1.

Key issues identified for discussion at the Roundtable

In preparing for the Roundtable, OECD members and a number of non-member economies provided detailed information on their domestic regulatory regimes and international initiatives on consumer product safety policy and enforcement 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 safety 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, such as:

- 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.

Moving forward: Roundtable conclusions

A number of key issues emerged from the presentations and discussions:

Greater stakeholder co-ordination and co-operation are required to ensure that international product safety frameworks protect consumers

The globalisation of markets means that consumers have gained significantly from increased competition and choice. At the same time, the risk of product safety failure has increased as a result of differing product safety requirements and inconsistent policy and enforcement frameworks used by national governments.

Greater co-operation amongst governments and greater co-ordination amongst regulators can improve the effectiveness of product safety frameworks. This collaboration can be facilitated through fora like the Roundtable, and the engagement of consumer policy and enforcement networks, such as ICPSC, ICPEN and the CCP.

Governments can take a more proactive approach to product safety failure

Due to the immense range and volume of products sold internationally, monitoring and enforcement activities are often difficult to conduct. As a result, regulators usually only take action once an incident of product safety failure occurs. Governments can take a more proactive approach to product safety by ensuring that safety concerns are addressed at the design stage by way of pre-market measures such as standards and information disclosure. Market surveillance authorities should mainly focus on companies that consistently breach regulatory requirements. In addition, they should seek to assist good companies to meet regulatory requirements through more effective use of information, education and more simplified requirements.

Governments can make greater efforts to harmonise product safety standards internationally

Governments can make greater efforts to harmonise domestic standards with internationally recognised standards to ensure a uniform level of safety for consumer products, while recognising that the differentiated needs of the participants' own consumers may require distinct approaches to be adopted. Many countries do not apply internationally harmonised safety standards, reflecting the different approaches employed by governments in relation to product safety. A lack of standards harmonisation is a cause of considerable frustration and confusion for businesses and consumers, which raises the costs of production and exposes consumers around the world to unequal levels of safety.

Governments could work to develop a rapid international information exchange system

In order to monitor product safety risks more effectively, countries could work together to develop more effective international rapid alert systems, along the lines of the EU's RAPEX, which would enable countries to notify each other about the presence of unsafe goods in markets. Moreover, governments could seek to strengthen co-operation with international bodies and fora to address globalised product safety challenges more effectively. Data that would be exchanged among national and international institutions could also cover best practices on market surveillance and manufacturing and identify key issues in relation to the enforcement of product safety standards and laws. Governments must increase resources to diminish product safety failure

Considering the above challenges, greater resources to be allocated in the areas of enforcement and monitoring globally are needed. In order to more effectively manage product safety risks, governments should have enough resources to provide an effective market surveillance as well as to ensure better implementation and harmonisation of product safety standards. Using the capacities already in place at such international institutions like the CCP and providing additional resources, a rapid international information exchange system could be created. Countries can also pool resources, such as researchers and funding, when collaborating on projects.

Consumer and business organisations can also play a role in ensuring consumer product safety

A number of consumer organisations internationally monitor markets for instances of product safety failure and are also involved in raising consumer awareness of the dangers associated with certain products. Regulators should consider working closely with these organisations in order to more effectively respond to instances of product safety failure.

In the light of country responses to the OECD Questionnaire, the business organisations should improve co-ordination among themselves and with product safety organisations. In particular, business should be involved in the development of product safety standards at the earliest stage. Furthermore, law enforcement frameworks should be strengthened. For example, domestic legislation could also apply to

unsafe product importers that usually have no or just minor duties in reporting unsafe products or recalling them from the market.

The role of the CCP in international consumer product safety

As part of the process of developing new approaches to consumer product safety issues, the CCP will consider how best it may contribute to improved international product safety systems and co-operation. The Analytical Report prepared prior to the Roundtable¹ identified a series of potential actions that the CCP could undertake to improve international consumer product safety collaboration and co-operation:

- 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 civil society; and
- Engagement in preparation of conferences on consumer product safety.

A key point made during the Roundtable was that there are already a number of international bodies made up of product safety enforcement agencies that are dedicated to improving information sharing and enforcement co-operation, including the International Consumer Product Safety Caucus (ICPSC), the International Consumer Product Safety and Health Organisation (ICPSHO), the Product Safety Enforcement Forum of Europe (PROSAFE) and the Committee on Consumer Policy of the International Standards Organisation (ISO-COPOLCO). However, an improved collaboration strategy among these organisations would be beneficial.

The CCP, in its ability to bring together regulators and policy makers from OECD countries and non-member economies, provides a unique forum for economic analysis and the development of policy frameworks. The CCP welcomes the proposal from the Roundtable participants to work with the ICPSC on an improved and more structured approach to information sharing on emerging issues across jurisdictions. This work could constitute a preliminary step for further collaboration in:

- Improved and co-ordinated market surveillance efforts.
- Standards harmonisation; and
- Education for consumers and the training of officials and to assist industry in complying with regulations.

¹ OECD 2008 *Analytical Report on Consumer Product Safety*, DSTI/CP(2008)18/FINAL and DSTI/CP(2008)18/ADD/FINAL. The Report was prepared by Australia (with assistance from the CCP Secretariat and France).

INTRODUCTION

David Martine, General Manager, Competition and Consumer Policy Division, Australian Treasury; Vice-Chair, OECD Committee on Consumer Policy

Mr. Martine provided a general introduction to the Roundtable, its function and objectives. His presentation focused on the findings of the *Analytical Report on Consumer Product Safety*.

When Australia proposed the Roundtable at the 75th CCP Session in November 2007 it saw this as an opportunity to achieve three objectives:

- To clarify understanding of existing domestic and international product safety policy and enforcement arrangements, so as to improve the sharing of product safety information and to enhance dialogue between governments about product safety.
- To obtain the views of OECD member and non-member countries on the current and future challenges posed by product safety risks and discuss the effectiveness of policy responses; and
- To discuss the effectiveness of existing international information sharing and enforcement co-operation networks so as to inform the development of more effective and more wide-reaching networks.

The policy basis for consumer product safety policy

In considering these issues, the CCP also wanted to explore the justifications for product safety regulation, which are based on both social policy and economic concerns.² It is generally accepted that the fundamental objective of consumer product safety is to prevent consumers from suffering harm as a consequence of using unsafe products. In doing this, governments intervene in the market to ensure consumer protection from harm and to minimise the social costs associated with product safety failure.

Conventional economic analysis is based on the assumption that markets work best when consumers can act rationally in their best interest, based on symmetric information and competitive markets. This would mean that consumer demand will determine which products succeed or fail. However, for this to be true, consumers would need to know about any potential harmful consequences resulting from using products that present an unreasonable risk, but we all know that consumers have difficulties in assessing the relative safety of products due to a range of information asymmetries. This means that they often cannot ‘rationally’ work out whether a product is actually safe or how it should be used safely. Instead, they have to trust that they are safe under conditions of intended and unintended use.

The role of consumer product safety regulation is to address actual and potential market failures and this market failure justifies the need for some form of intervention by governments. However, excess intervention, in the form of over regulation, can distort market processes, which reduces competition, stifles innovation and limits consumer choice. On the other hand, insufficient regulation – either by not providing enough control or guidance to market players, or none at all – can lead to a lack of compliance,

² See Section 1 of the Analytical Report.

increased risk and reduced consumer confidence. With this in mind, product safety policy must balance the need to let markets operate efficiently with the need to maintain consumer safety.

A key consideration in balancing these concerns lies in providing consumers with the tools to identify product safety risks - such as information provision - while taking steps to reduce or eliminate these risks through various pre- and post-market interventions.

The Analytical Report

The Analytical Report covers the broad themes of the Roundtable, drawing on the Questionnaire responses from over 20 countries plus the European Commission, and previously published work. The issues covered in the Analytical Report are:

- 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.

Findings of the Analytical Report

The Analytical Report sets out a series of reflections based on the information provided in the Questionnaire responses. They are not intended to be conclusive, but rather to inform our discussions. These reflections can be grouped into three broad themes:

Issues and challenges surrounding domestic product safety regimes

The Analytical Report draws out a series of broad concepts carrying across specific national regulatory regimes:

- There are two main ways of approaching the definitional question of what is or is not a safe product. Some countries such as members of the EU have in place what can be described as an *ex-ante* requirement to ensure product safety through a General Safety Requirement which requires that only safe products may be placed on the market. Other countries – like Australia and Canada - use an *ex-post* approach – which restricts suppliers from selling goods that have or are likely to cause injury.
- The structure of a country's product safety institutional framework can have an important effect on the way that product safety policy is developed, implemented and enforced.

For example, Chile, Denmark and Canada combine the enforcement and policy functions within the one agency, while Australia, Belgium, Mexico and New Zealand separate these functions. Some countries have in place structures where enforcement bodies play an important role in policy, such as the US's Consumer Product Safety Commission. Finally some countries have regionally focussed product safety regimes, for example in the United Kingdom and Germany where local authorities have an important role in product safety issues.
- The Report also describes the range of pre- and post-market tools that policy makers can use to encourage compliance with and enforce product safety laws.

Pre-market interventions can include regulations, standards, pre-market surveillance, and the provision of consumer safety information. Post-market interventions can include investigative actions, public warnings, bans, recalls, enforceable undertakings and civil and criminal court actions. Although pre-market regulation is the best means of ensuring consumer safety by denying faulty or dangerous products access to markets, its success is reinforced by the effectiveness of post-market interventions to create sufficient disincentives for misconduct.

Another important issue is purely practical. Effective monitoring and enforcement is hampered by the sheer volume of goods produced that become more and more sophisticated and traded domestically and internationally. Also, the ability of product safety agencies to respond quickly to incidents can be hampered by a lack of networks for sharing information.

- Both consumers and businesses have considerable roles to play in the development and overall success of a product safety regime. To avoid suffering financial and reputational damage, businesses have a strong incentive to ensure high levels of quality controls and compliance with standards. In addressing product safety problems more effectively, consumer associations take a lead in educating consumers and random testing of products.

The issues and challenges surrounding international product safety

The second section of the Report covers international product safety issues. This part of the Report explores the way in which international arrangements impact on product safety policy development and enforcement. In an increasingly globalised economy, domestic product safety is dependent on the effectiveness of international arrangements on product safety. Bilateral and multilateral agreements are a key element for maintaining high product safety levels internationally. For example, the Memorandum of Understanding between the EU and China about improving product safety is a key bilateral agreement that helps to maintain high levels of safety. Agreements such as this should be encouraged to foster greater trust in global product markets. The WTO agreement on technical barriers to trade is another example of a multilateral agreement that has led to a general harmonisation of standards, facilitating international trade while maintaining high levels of product safety.

Addressing cross-border product safety problems more effectively

The final area covered in the Report is the development of more effective cross-border product safety networks. The section explores potential obstacles and challenges to international collaboration and includes a few mechanisms for greater cross-border policy co-operation and information sharing.

In their responses to the OECD Questionnaire, countries indicated a number of issues with international product safety arrangements that need to be addressed. These include limited product compliance with international standards, a lack of or incomplete information on injuries; inferior and inconsistent product labelling; and a lack of resources for enforcement activities. This has raised calls for the development of a rapid international information exchange system similar to the EU's RAPEX system (Rapid Alert System for non-food consumer products). Such a system would likely facilitate the rapid exchange of information on product warnings and alerts, voluntary business recalls and regulatory interventions.

Challenges for consumer product safety

The existence of product safety enforcement difficulties in recent years is, in part, as a result of inconsistent product safety regimes in different countries, including:

- Countries having inconsistent sanction regimes for breaches of product safety law.

- Countries applying different standards, which can create difficulties if countries do not accept foreign standards of safety; and
- Countries needing to account for different regulatory systems, placing pressure on the resources available to regulators.

In response to the OECD Questionnaire, countries noted that more extensive co-ordination and co-operation could address the problems listed above. Therefore, there is a need for more effective co-operation mechanisms to facilitate the rapid exchange of information. Countries could use their participation in international organisations to strengthen dialogue across borders on consumer product safety issues at both the policy and enforcement levels, and working to improve policy development and enforcement co-operation mechanisms. The Report notes that the goal of enhanced consumer product safety could be achieved through more extensive product safety co-ordination and co-operation.

Future work

The Roundtable discussions and the conclusions reached can form the basis of the CCP's future work in the area of consumer product safety. This was the subject of discussion at the 76th Session of the Committee on Consumer Policy and is covered in the CCP's 2009-2010 Programme of Work and Budget.

The CCP could look to address some of the problems highlighted by responding countries. To this end, the Roundtable offered an opportunity to discuss whether mechanisms need to be established to ensure that information on unsafe products is shared on a timely basis and worldwide, with a view towards limiting their harmful effects. The Roundtable also provided an opportunity to discuss whether the CCP could also expand co-operation with international organisations such as 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:

- The preparation of a uniform strategy on international collaboration.
- The sharing and dissemination of injury data and information.
- The development of a website with accesses for consumers and business organisations; and
- The preparation of conferences on consumer product safety.

Conclusion

The aim of the Roundtable was to examine consumer product safety trends and challenges at both domestic and international levels. The Analytical Report served as a background for the Roundtable discussion along with the presentations made that day by representatives of international bodies, civil society and the business community. The Report provides insights into consumer product safety policy and enforcement regimes reflecting recent developments and trends. It also identifies institutions and fora dealing with these issues, thereby giving examples of existing information-sharing systems.

SESSION I
THE INTERNATIONAL CONSUMER PRODUCT SAFETY POLICY AND ENFORCEMENT
ENVIRONMENT: ISSUES AND CHALLENGES

This session was moderated by **Robin Simpson** (Consumers International) and presentations were made by **Dirk H. Meijer** (ICPSC), **Elizabeth Nielsen** (ISO COPOLCO) and **Philippe Portalier** (ORGALIME). The session focused on the recent developments and trends in domestic and cross-border consumer product safety policy and enforcement regimes.

Intergovernmental co-operation: Sharing experiences and developing best practices: What have we achieved? What more is needed?

ICPSC and International Activities

Dirk H. Meijer, Chairman, International Consumer Product Safety Caucus

The International Consumer Product Safety Caucus (ICPSC)³ was originally set up in 1993, but developed a more formal identity in 2006. It brings together product safety surveillance authorities from Australia, Brazil, Canada, China, the European Union (through the European Commission and the Product Safety Enforcement Forum of Europe – PROSAFE, which additionally includes three EFTA countries), Japan, New Zealand, South Korea and the United States. The ICPSC's key benefit is to bring together regulators from around the world to engage in a dialogue, which builds trust among members and can lead to a more harmonised approach to product safety surveillance.

The ICPSC was initially informal in nature and its members came together around the time of the International Consumer Product Health and Safety Organization (ICPHSO) conference in 2000, where it was recognised that there was a need for greater surveillance co-operation internationally. The ICPSC began to operate on a formal basis to conduct international market surveillance and information exchange in 2006, as a consequence of the *Bethesda Declaration* (2006).⁴

The ICPSC engages in three core activities:

- Market surveillance co-operation.
- Examining differences in standards; and
- Developing best practices for market surveillance.

With regard to market surveillance co-operation, the ICPSC builds greater international co-operation by exchanging information and setting up joint activities for members. In order to examine differences across standards, the ICPSC is currently setting up a network of market surveillance officers that will draw conclusions on the safety of a product after careful analysis of the different approaches to standards applied by countries. Finally, the ICPSC will set up a common methodology for market surveillance. The

³ www.icphso.org/

⁴ www.icphso.org/pdf/FinalBethesdaDeclaration.pdf

development of joint projects, such as PROSAFE EMARS (Enhancing Market Surveillance through Best Practice), assists in the process of developing a common methodology.

To advance its work, the ICPSC will look to combine its efforts in the international field with bodies such as ICPHSO. It also aims to develop links with market surveillance groups on different continents, set up greater co-ordination of market surveillance through information exchange, begin hands-on discussions in ICPSC meetings and develop a future work plan for the organisation.

Consumer Product Safety Standards: What issues need to be addressed in the development and application of standards in cross-border contexts? What role should stakeholders play?

Elizabeth Nielsen, Convener of the Working Group on Consumer Product Safety, Consumer Policy Committee (COPOLCO) of the International Standards Organisation (ISO)

The current product safety landscape is influenced by a range of factors, including free trade, open markets, rapid technological changes and the development of sophisticated and new products. In this environment, product safety standards play a major role in ensuring that consumers are sufficiently protected.

However, the existence of international standards is not sufficient. Such standards are based on a voluntary approach and therefore are not always adopted consistently across countries. In addition, a lack of harmonisation makes it difficult for manufacturers, importers and exporters to comply with international requirements. There is also a lack of requirements to certify safety of products and/or implementation where requirements do exist.

Apart from standards setting and regulation, there are very few proactive means of ensuring that safety is built into the design of a product. This is a major concern as 80% of toy recalls are due to problems in design. Product safety and conformity assessment standards are thus some of the primary means of proactively ensuring that safety is built into the design of a product, thereby eliminating hazards in a product before it is produced.

Due to the sheer volume of products available to consumers, regulatory action is often only triggered once a problem is identified or injury occurs. Governments are frequently on the back foot in the area of product safety, attempting to catch up with market trends. If governments were to more widely use internationally accepted standards and conformity assessment protocols, they would likely reduce the number of challenges and risks that consumers and producers currently face.

The ISO actively endorses the involvement of public participation in the standards-making process, as it notes, effective standard development requires balanced representation from consumer groups and businesses from around the world. However, the ISO recognises that due to funding constraints, it is difficult for consumer organisations and small to medium sized enterprises to participate in the development of standards, and this applies equally to developing countries.

Within the ISO, COPOLCO was established to increase consumer representation in the standards making process. Priorities for COPOLCO include *i)* the role of standards in safety for consumer products, *ii)* development of ISO/International Electrical Committee (IEC) guides on safety requirements for consumer products, in particular those targeted at children and seniors, and *iii)* responding to marketplace issues such as complaint handling, dispute resolution, recalls and sale of second-hand goods.

COPOLCO and other ISO Committees are involved in the Working Group on Consumer Product Safety which is aimed at promoting the design and manufacture of safe consumer products. One of the Working Group's main work agenda items is the promotion of the role for standards in identifying data elements required for product related injury data collection – which is a considerable problem for governments, as the lack of injury data limits their ability to implement targeted responses.

As a result of COPOLCO's work, the ISO has developed two standards to deal with marketplace issues. The first is the *Guidance Standard on Consumer Product Recall and Corrective Action: Code of Good Practice*. This standard is designed primarily to establish internationally accepted best practices for recalls, enabling businesses to implement cost effective recalls and minimise legal risks. The second, *Guidance Standard – Consumer Product Safety: a Practical Guide for Suppliers* is designed to tackle the challenges caused by inconsistent consumer product safety requirements internationally. It provides internationally harmonised and practical tools for suppliers to identify, assess and minimise risks in consumer products.

What role can industry play in supporting market surveillance, developing standards, providing technical assistance and educating consumers and other stakeholders?

Philippe Portalier, Senior Adviser, European Engineering Industries Association (ORGALIME)

European industry is committed to delivering safe products in order to better satisfy the needs of consumers. ORGALIME⁵ has noted that the number of injuries caused by product failure has decreased significantly in the past few years. This has been the result of greater co-ordination and co-operation amongst industry and other key stakeholders such as government, international bodies, conformity assessment bodies, market surveillance authorities and consumer groups. An example of this co-ordination is industry's involvement in the standards-making process.

The development and implementation of consistent international standards is the most cost-effective method to match the evolution of technologies with a high level of consumer product safety. If industry supports greater harmonisation of standards internationally, they however bear an additional 15-20 per cent of production costs, which is then passed onto consumers, due to different national requirements that must be complied to put a product on the market. This issue is primarily caused by three main challenges in the global product safety system:

- The lack of harmonisation of standards internationally.
- Variable conformance procedures; and
- Variable concepts and legal interpretations applied by governments.

These challenges make it difficult for industry to ensure safety and consumer confidence as they increase the level of complexity in production. Therefore, industry is looking forward to harmonising of the standards internationally. However, it is of the view that conformity to third-party certification marks should be promoted on a voluntary rather than mandatory basis as the costs and administrative burden of a mandatory scheme are likely to outweigh the benefit to consumers, particularly when it is imposed without increases in enforcement and surveillance.

⁵ www.orgalime.org/

The industry would favour the development of a common approach of all enforcement authorities in applying health and safety requirements. It calls for a simplification of the existing legal framework and for facilitated conformity assessment procedures that cause very often technical barriers to trade. For that reason, industry welcomes new platforms for discussion among the member state, like the ICPSC and PROSAFE, being ready for co-operation and provision of technical assistance to market surveillance authorities.

The industry is also aware that the ease with which conformity assessment markings can be forged makes it very difficult to monitor the market. Further, the level of counterfeit products available in the market is growing at a rapid pace, and governments must increase the level of market surveillance to adequately combat this rise. In addition, governments should educate consumers about the meaning of conformity assessments markings. Often these markings are meant to inform the supply chain that they meet certain product safety obligations, and are usually not designed to assure consumers that products are safe.

Discussion

After presentations were made, Roundtable participants engaged the Session I speakers in a discussion of broad product safety policy issues, based on the issues flagged in their presentations. The topics discussed included:

- Inter-governmental co-operation.
- Pro-active government approaches to product safety risks.
- Standards harmonisation.
- The mutual recognition of standards-making processes; and
- Third party certification and industry's concerns.

In addition to the comments provided by speakers, contributions were made by a number of participants, including delegates from Australia, Brazil, European Union, Israel, the United States and the OECD's Business and Industry Advisory Committee (BIAC).

International harmonisation of standards

Stefano Soro (European Commission, Directorate-General for Health and Consumers (DG SANCO)) noted the need to ensure clarity about what was meant by the term 'standard', given the differences of approach in countries and the impact that this has on potential co-operation. He also noted that governments are not willing to give away their sovereign right to decide the appropriate level of safety in their jurisdictions, and are reluctant to compromise safety in the interests of harmonisation.

Dr. Nielsen (ISO COPOLCO), in response to Mr. Soro's statement, pointed out the OECD's work in bringing together governments from around the world to prepare an internationally harmonised system for the development of nanotechnology standards. She indicated that the approach taken to develop a framework for nanotechnology standards could be an excellent model for co-operation that could be used if countries choose to harmonise product safety standards.

Mr. Portalier (ORGALIME) indicated that industry supports a government's right to decide the level of safety within its own jurisdiction. However, he noted that standards are primarily technical requirements for ensuring safety without a need to harmonise views and legal requirements on what is safe and unsafe. Industry makes thus a link between the technical constraints and market requirements, and the legal

requirements. He also mentioned voluntary certification used by industry that shows its engagement in ensuring the safety of products.

Louise Sylvan (Australia, Productivity Commission) also acknowledged that global harmonisation is a great challenge. She picked up a set of issues that are applied to some of the comments stated. She noted that there is a tension to produce at lower cost level decreasing product's quality. This may have impact on product safety. On the other hand, there are also companies seeking to achieve the highest level of product safety but their incentives are not always sufficient. Ms. Sylvan questioned whether the existence of a standard would prevent an increase in market surveillance activities and governments' intervention.

Richard W. O'Brien (United States, Consumer Product Safety Commission) noted the United States' reliance on compliance with voluntary standards by business, and the exceptional use of mandated standards. This places a great deal of responsibility on US business to prepare and adhere to effective standards.

Ricardo Guerra de Araújo (Brazil) confirmed a need for the harmonisation of standards given the different frameworks applied by countries. However, he pointed out that when confronted with different standards from two countries/regions, the question arises whose which standards should be recognised, giving as an example the long discussion between the MERCOSUR and the European Commission.

Mr. Meijer agreed that countries should make use of mutual recognition, as a means of identifying issues and developing responses. He also noted that international harmonisation is a 'kind of utopia', which is difficult to achieve in practice and may need to be incremental in nature, but is desirable in the long run. This is also a challenge for the ICPSC. As regards the issue of tension between costs and product safety, the enforcement authorities try to establish with business associations ways of improving dialog with the companies.

Dr. Nielsen noted that a lot of issues in terms of product safety arise from consumer pressure to maintain low costs, which undermines standards compliance. Of course, a key determinant of product quality is its cost, and consumers are aware of this. Dr. Nielsen also said that mutual recognition is a good first step to harmonisation, and that greater international engagement in standards development would improve the ability of countries to improve consistency of standards internationally. Dr. Nielsen welcomed the idea of a standard that would prevent increasing market surveillance activities and governments' intervention. Such standard has not yet been developed but could be considered.

Mr. Portalier indicated that a key element in ensuring greater mutual recognition and consistency of standards would be assisted by simplicity in standards themselves and in the processes by which they are developed. Mutual recognition is likely to be effective amongst trading blocs, when countries have similar expectations of safety but even this could be limited by minor differences in approaches, highlighting that the US/EU mutual recognition process has not yet delivered substantial outcomes. He indicated that greater political will is necessary for mutual recognition to work.

Intergovernmental co-operation and proactive regulatory responses

Grisha Deitch (Israel, Ministry of Industry, Trade and Labor), agreed with Mr. Meijer (ICPSC) and noted that greater intergovernmental co-operation in the area of product safety is essential for the co-ordination of market surveillance activities internationally. Fora, such as the ICPSC, provide governments the opportunity to share views on product safety matters, which can provide a catalyst for greater international engagement and co-ordination.

Dr. Nielsen noted in her presentation that rapid changes in technology and the development of new products are beneficial for consumers, but at the same time, may expose them to risk. Consumers are

further hampered as regulatory bodies are largely *reactive* to changing market conditions and action is usually only triggered if a problem is identified or injury occurs. Dr. Nielsen indicated that there are more effective means of addressing product safety failure than taking a reactive approach to changing market conditions. She emphasised the need for governments to take a proactive approach to product safety by making greater use of pre-market mechanisms such as standards, thereby eliminating the potential for hazards prior to production. Dr. Nielsen also noted that the promotion of internationally accepted standards can eliminate some of the confusion associated with responding to different national regulatory requirements.

Third party certification

Hubert van Breemen (the BIAC) asked about the use of third party certification and whether there is evidence that increased certification really has led to decrease of product recalls. Mr. Portalier answered that increased certification is not a sufficient tool to ensure product safety, as certification labels can easily be counterfeited. There is thus need for market surveillance. Dr. Nielsen was not in a position to provide such type of data. Apart from counterfeiting, she also mentioned consumer confusion regarding the amount of marks provided on packages, highlighting the need to educate consumers. However, it was noted by Mr. Meijer that certification is unlikely to make consumers more confident about safety as they are often of the view that products sold in their markets are already safe.

Mr. Portalier, in his presentation, argued that third-party certification should be conducted on a private basis between businesses as a service, indicating that the large number of certification signs, widespread forgery of certification marks and the difficulty involved in monitoring certification can limit the effectiveness of these markings. For these reasons, he indicated that governments should not mandate certification. Mr. Portalier indicated that consumers should be educated as to the meaning of particular certification marks. For instance, the CE mark is a mandatory self-assessment of conformity to applicable standards that must be placed on products in order to meet EU legislative requirements. It is thus not designed to inform consumers about the safety of the product, which is a widely held perception amongst consumers.

Business concerns

Mr. Portalier pointed out the active role that industry groups take in the preparation of standards to ensure state of the art manufacturing processes and high levels of safety. Mr. Portalier also made clear the considerable cost and effort required to meet complex and varied legal and technical requirements and argued for greater simplification of regulatory requirements and standards.

During the discussion, it was also noted that manufacturers face mounting pressures from consumers and retailers to provide cheaper products, and in that process, some businesses are forced to compromise on qualitative aspects of their products, including safety. The representatives indicated that governments should be aware of these pressures placed on manufacturers when designing policy.

SESSION II

POLICY FRAMEWORKS FOR ADDRESSING CONSUMER PRODUCT SAFETY ISSUES

This session was moderated by **Stefano Soro** (European Union, DG SANCO) and presentations were made by **Richard W. O'Brien** (United States, Consumer Product Safety Commission, CPSC), **Peter Kell** (Australia, the Australian Competition and Consumer Commission, ACCC), **Elizabeth MacPherson** (New Zealand, Ministry of Consumer Affairs), **Carter Keithley** (Toy Industry Association, TIA) and **Lane Hallenbeck** (American National Standards Institute, ANSI). The focus of the session was to identify the sorts of domestic and cross-border product safety frameworks that are in place for addressing consumer product safety. In addition, speakers were to analyse the role of industry self-regulation. Mr. O'Brien provided an overview of the new requirements under the US *Consumer Product Safety Improvement Act of 2008*. Mr. Kell and Ms. MacPherson provided presentations on product safety initiatives that are being undertaken in Australian and New Zealand. Ms. MacPherson also provided a broad presentation the role of a modern product safety regulator. Mr. Keithley and Mr. Hallenbeck then provided a joint-presentation an initiative undertaken by the TIA and ANSI in the United States to self-regulate businesses in the toy industry and meet the new US requirements mentioned below.

Policy responses in the United States: Overview of new requirements under the Consumer Product Safety Improvement Act of 2008

Richard W. O'Brien, Director, Office of International Programs and Intergovernmental Affairs, US Consumer Product Safety Commission

On 14 August 2008, the US Government introduced a number of sweeping revisions of consumer product safety laws under the *Consumer Product Safety Improvement Act of 2008* (CPSIA). This was seen as the US Congress's way of responding to the market failure caused by a lack of action on the part of industry to the product safety failures that occurred in 2007.

One of the main revisions in the CPSIA is section 102, which concerns mandatory and third party testing for certain children's products. This encompasses two key provisions, general conformity certification and third-party testing requirements.

General conformity certification requires that each shipment has a certificate that states compliance with all relevant CPSC federal requirements, including rules, bans, standards and regulations. General conformity certification dramatically expands on the previous self-certification requirement as it now applies to all seven statutes under the CPSC. Certification must be based on a test of each product or on a reasonable testing programme, although the CPSC enables industry to decide what a reasonable testing programme is. A major change in policy is that any products that fail to meet the general conformity certification requirement can be ordered by the US Government to be destroyed if they violate CPSC requirements. Previously, non-conforming products were sent back to the manufacturer.

The other key provision, the third-party testing requirement, applies to all children's products (products intended for children aged 12 years and younger). All children's products (not only toys) will require testing by an independent conformity assessment body and this testing should include certain cross-

cutting attributes such as lead coating and small parts. Certificates showing evidence of testing by a third party must be in English and include the manufacturer's name, date and place of manufacturing, name of the person maintaining test results and the testing laboratory's details. Laboratories must be accredited by a national accreditation body that is a member of the International Laboratory Accreditation Co-operation (ILAC) and that body has to accredit the laboratory under ISO 17025. Laboratories and accreditation bodies are not required to be in any one country under the new system, reducing the restrictiveness of the system.

Another major revision in the CPSIA is a new labelling requirement for children's products requiring distinguishing marks on products and packaging to enable the consumer to ascertain information on the manufacturer, date of production and the batch number. The CPSIA has also instated a registration card system that enables regulators and manufacturers to contact purchasers of toddler products including prams, high chair and cribs.

In addition, advertising, labels or packaging for a consumer product will be prohibited from making reference to a consumer product safety rule unless the product conforms to the applicable requirements, ensuring that consumers are not misled about the safety of a product.

The Review of Australia's Product Safety Policy Framework – Aims and Outcomes

Peter Kell, Deputy Chairman, Australian Competition and Consumer Commission (ACCC)

In 2006, the Australian Productivity Commission (PC) published its final research report on its *Review of the Australian Product Safety System*.⁶ While the review found that although Australia's existing product safety system was largely functioning well, there was scope for reforms to make it more efficient, effective and responsive. Currently, consumer protection in Australia is undertaken by nine jurisdictions, which at times makes for unco-ordinated and inconsistent enforcement and policy making and imposes greater compliance burdens on business. In addition, the system was seen as overly reactive.

The PC identified six priority objectives for product safety regulatory reform:

- Address fragmented and inconsistent policy and enforcement through a single national law with multiple regulators. Currently, Australia has multiple laws and multiple regulators. This amendment will ensure better policy coherence. The ACCC, as the national regulator, will be thus able to better co-ordinate its actions with various state and territory regulators.
- Address significant information gaps through a variety of legislative and non-legislative reforms including a mandatory requirement of suppliers to report injuries associated with any products they are supplying.
- Improve the responsiveness of regulation and enforcement to existing and emerging product safety hazards. For example, new recall powers will require mandatory reporting by suppliers if they are undertaking a voluntary recall and the Review also recommends improving the Government's recall power if suppliers cannot be identified. In addition, the Government is to undertake a review of the recall system, including the information around recalls.

⁶ www.pc.gov.au/projects/study/productsafety/docs/finalreport

- Focus more strongly on hazard identification, risk assessment and risk management. This will be achieved, in part, through a new national hazard identification system co-ordinated by the ACCC. This will be based on an approach whereby information will be gathered on a range of consumer product incidents and will be made available to state regulatory agencies. It would be desirable to add an international dimension to this system. There will also be a national system introduced for the collection and exchange of information on consumer complaints about product safety failure.
- Improve standards making in Australia. The ACCC will assume the responsibility for the development of Australian Standards, permanent bans and mandatory standards with the view to better integrate these processes with international standards-making.
- Ensure that sufficient resources are available to produce good regulatory outcomes in the area of product safety.

The PC's recommendations have been the subject of debate between Australia's national and state and territory governments. In July 2008, the Council of Australian Governments, the peak inter-governmental forum in Australia, agreed to a series of product safety reforms and an implementation timetable that will see the reforms in place by 2010.⁷ These reforms will involve the transfer of many regulatory functions to the Australian Government, as the consequence of a single product safety law and new enforcement arrangements designed to enable more effective and timely enforcement. State and territory governments will retain a role in imposing interim bans, in order to address local issues speedily.

Product safety – A New Zealand perspective on a modern risk based regulatory approach

Elizabeth MacPherson, Deputy Secretary- Effective Markets Branch, Ministry of Economic Development and General Manager- Ministry of Consumer Affairs, New Zealand

New Zealand is a small, open economy with a society that has high expectations in relation to health and safety, an appetite for innovation and a relatively low tolerance for risk.

In the area of consumer policy, New Zealand splits its policy and enforcement functions. The Ministry of Consumer Affairs (MCA) is responsible for the development and maintenance of consumer laws and regulations, including the *Fair Trading Act 1986*⁸ and the *Consumer Guarantees Act 1993*.⁹ Enforcement and market surveillance is conducted by the New Zealand Commerce Commission, which has the power to impose bans, mandatory standards and recalls.

New Zealand has a close economic relationship with Australia. The countries share a single economic market where products legally sold in one country can also be legally sold in the other. There is a mutual recognition of product standards with aligned legislation and harmonisation where appropriate. This provides both governments with a greater opportunity to achieve economies of scale and scope in regulatory action.

Unlike other jurisdictions, New Zealand does not have a dedicated product liability law. Instead, New Zealand has an accidents compensation scheme that provides statutory no-fault insurance which is funded

⁷ www.coag.gov.au/coag_meeting_outcomes/2008-07-03/index.cfm#productivity.

⁸ www.consumeraffairs.govt.nz/consumerinfo/fta.html.

⁹ www.consumeraffairs.govt.nz/consumerinfo/cga/index.html.

by employer levies and motor vehicle registration fees. The presence of the accidents compensation scheme implies that there is little incentive for businesses to abide by voluntary standards, and this affects how New Zealand develops policy. At the same time, New Zealand relies heavily on voluntary standards, having only six mandatory standards in place. Mandatory standards must be passed by parliament, in effect, making those standards into law.

A major question that arises for New Zealand is what it means to be a modern product safety regulator. The primary responsibility for safe products rests with consumers and producers and as such, the best places to influence safety are on the design floor or with consumers making active choices. Safety is an attribute demanded by consumers. As such, market forces can influence outcomes in this area.

Regulators should only pursue intervention when:

- There are hidden risks and consumers have difficulty observing the potential effects which could arise in the long term.
- In order to create the right incentives and ensure the right information is provided; and
- Dealing with the non-compliant fringe of businesses that are not responsive to alternative interventions.

At the same time, governments should be aware that regulatory action can create moral hazards, for both consumers and businesses.

Policy makers should also be careful to distinguish between businesses when designing policy:

- Well-intentioned and well-informed businesses generally only require a light-touch self-regulatory approach through information advice.
- Well-intentioned but ill-informed businesses would likely need guidance and information from the government, and perhaps warning instructions; and
- Ill-intentioned and ill-informed businesses may require robust approaches to securing legal compliance such as regulatory action.

The New Zealand MCA takes a 'risk-based' approach to product safety and applies a range of regulatory options where appropriate. In recent times however, there has been a greater push towards reactive approaches to product safety failure, and this needs to be tempered with greater proactive alertness to risk.

Industry initiatives in North America: Toy Safety Certification Program (TSCP)

Carter Keithley, President, Toy Industry Association (TIA)

Lane Hallenbeck, Vice President – Accreditation Services, American National Standards Institute (ANSI)

The TSCP¹⁰, an example of the US pluralistic approach to safety assurances, is a product safety self-regulatory scheme that involves industry, government and consumer agencies. The purpose of the TSCP is to provide a mechanism to toy manufacturers to efficiently comply with the requirements of the *Consumer Product Safety Improvement Act of 2008* (CPSIA).

The TSCP provides toy makers with a means by which to more easily meet the requirements imposed by the CPSIA. For instance, it assists industry with questions such as how many units are to be tested, timing of the testing, and the applicable criteria for testing frequency and what body can certify that products meet requirements.

The TSCP requires that:

- Applicants have in place a hazard and risk assessment system for toy product designs.
- Factory process control audits are conducted by an independent audit body to ensure that safety is built into the design of a product; and
- Production samples are tested by an ILAC accredited laboratory to validate that the factory is producing toys that meet US safety standards.

This will then be verified by an ANSI-accredited Certification Body and upon successful completion, the toy will be certified and the product or packaging may bear a toy safety mark.

Oversight of the TSCP will be conducted by an Oversight Council that will advise TIA's Board about development, implementation, penetration and the effectiveness of the Program. The Oversight Council includes industry and representatives from consumer advocacy groups. There will also be a Technical Committee that will assure the Oversight Council and the TIA about technical aspects of the Program. The TSCP is not designed to replace manufacturer accountability, but rather to verify the safety of their products.

ANSI is partnered with the TIA on this initiative. ANSI views the TSCP as a means to shift from a *quality control – corrective action* approach to a *quality assurance – preventative action* approach, which is designed to enhance safety for consumers and reduce costs.

The qualifications to obtain certification require stringent testing and overall accreditation can only be provided by ANSI-endorsed bodies. This is designed to ensure that sufficient scrutiny is placed on the production of all toys manufactured by members of the TIA.

Discussion

After presentations were made, participants engaged speakers in discussion of specific matters relating to the implementation of the CPSIA and the TSCP. **Stefano Soro** (DG SANCO), the moderator of

¹⁰ www.toyassociation.org/AM/Template.cfm?Section=Toy_Safety.

the session, noted the parallel activities being undertaken by regulators, industry and standards-making bodies, particularly in the United States, in making improvements to their product safety system in light of the increase in product safety failures in recent times. In addition, he recognised the balance of activities required of regulators when managing limited resources. Mr. Soro also raised questions about the possibility for greater international co-operation being initiated through the national reforms presented above.

Toy certification in the United States

With regard to the functioning of the TSCP, Dr. Nielsen (ISO COPOLCO) enquired as to whether non-conforming products would be sold overseas. Mr. Keithley (TIA) indicated that any non-conforming products will not be sold overseas. He also indicated that the TPSC would be working to ensure that the most stringent standards around the world were used to ensure that products could not be sold anywhere.

Certification requirements under the CPSIA

In response to a question from **Hubert van Breemen** (the BIAC) as to specific workings of the United States CPSIA with regard to self-certification and third-party certification, Mr. O'Brien (United States, CPSC) clarified when businesses are required to make use of each certification method. He noted that all products sold in the United States, where the product is subject to a regulation or ban under CPSC's jurisdiction, must be covered by a general conformity certification (self certification), except that such products designed for children 12 years or younger, must also be tested by an approved third party according to the phased-in implementation schedule for such tests, He noted that except for the additional information needed on the certification showing third party testing, the requirements for the information on the certifications are similar.

David Martine (Australia) noted the traditional approach in the United States of relying on voluntary standards and the introduction of stringent certification requirements applied by the CPSC in the case of children's toys. Then, he enquired as to whether or not the United States will take a similar approach for other forms of consumer products. Mr. O'Brien outlined the US approach to standards regulation. The CPSC relies heavily on business conformity to voluntary standards for the vast majority of consumer products. The use of mandatory standards is an exception to the rule, as regards, for example, toys. Such use must be clearly justified. The United States Congress, in consultation with other stakeholders, decided to act in the case of toy safety specifically as a response to the problems in markets caused by the 'summer of recalls' in 2007.

Reform issues

Robert Ianiro (Canada) noted that the Australian policy reforms shared many of the key elements of the proposed Canadian reforms, which died prior to the 2008 Canadian Federal Election. Given that Australia's product safety reforms are similar to those that Canada is undertaking, Mr. Ianiro asked **Mr. Kell** (Australia, ACCC) if Australia considered the introduction of a General Safety Provision (GSP). Mr. Kell mentioned that the Productivity Commission Review had considered this approach, but did not recommend Australia taking up a GSP as the outcome of such an approach could be achieved through other provisions including *reasonable use or misuse of products* provisions and improving mandatory reporting requirements in Australian law.

Given Canada's close economic relationship with the United States, Mr. Ianiro noted that his country may consider instituting reforms similar to the CPSIA. Mr. Ianiro enquired as to whether or not laboratories must be registered with the CPSC or only by ISO-17025 accredited bodies. Mr. O'Brien indicated that although requirements for registration may vary over time, as it currently stands, the CPSC

will announce the requirements for laboratory accreditation and in order to be listed on the CPSC website, laboratories must meet those mandatory requirements. Mr. O'Brien noted that the CPSIA recognises three types of laboratories:

- Generic commercial laboratories.
- Proprietary laboratories that have some additional requirements they must meet in order to provide sufficient governance barriers between the owners and the activities of the laboratory; and
- Government-owned laboratories that also must meet additional requirements that are designed to remove the potential for influence from/on government agencies.

Mr. Ianiro also noted that through greater international co-operation, countries could gain considerably from leveraging and learning from the experiences of other countries. Mr. Soro asked speakers if the recent reforms to their product safety regimes included any consideration for greater international co-operation.

Mr. O'Brien indicated that the CPSIA has increased the ability of the CPSC to share case-specific information, within certain parameters, with overseas regulators provided that the CPSC has established a confidentiality agreement with those regulators. Within that framework, the CPSC will be careful to protect the confidence and trust that they have developed with industry.

Mr. Kell indicated that although there are not many formal elements for greater international co-operation under Australia's product safety reform programme, it could potentially be facilitated through a greater national focus on international engagement. This will ensure that Australia takes a more coherent approach to dealing with other jurisdictions and incorporating international standards into Australian frameworks.

Ms. MacPherson (New Zealand) noted that New Zealand and Australia share a close working relationship, particularly in the area of product market integration. Both countries have worked hard to remove barriers to trade, and this includes integrating product safety regimes. She noted that New Zealand and Australia have in place a Memorandum of Understanding concerning business law matters. Ms. MacPherson also noted that the NZ Commerce Commission and the ACCC will look to make changes to their respective consumer law acts to expand information-sharing powers. She indicated that both countries can share information with similar regulators around the world.

SESSION III

ISSUES IN CONSUMER PRODUCT SAFETY ENFORCEMENT

This session was moderated by **David Martine** (Australia). Presentations were made by **Annukka Ojala** (European Commission, DG SANCO), **Wang Xin** (China, AQSIQ) and **Grisha Deitch** (Israel, Ministry of Industry, Trade and Labor). Speakers at this session focused on the effectiveness of enforcement mechanisms domestically and across borders, and the issues that need to be addressed to improve the efficacy of product safety enforcement. Ms. Ojala provided an overview of the issues and approaches used in the EU's RAPEX rapid alert system. Mr. Wang discussed market surveillance and enforcement initiatives carried out in China. Mr. Deitch discussed enforcement issues in Israel.

Issues and approaches used in the EU RAPEX system

Annukka Ojala, Policy Coordinator, Product and Service Safety Unit, Directorate-General for Health and Consumers, European Commission

The EU RAPEX system is designed to ensure the swift transfer of information on dangerous non-food consumer products found in one EU Member State to the European Commission and to other Member States.¹¹ Similar systems apply in the EU in relation to food, medical devices and pharmaceuticals. The Member States provide appropriate follow-up action with the aim of preventing the further supply of unsafe goods to consumers in Europe. This system is intended to promote effective cross-border market surveillance. Other activities employed by the EU in product safety include joint actions, exchange of officials and other types of training activities.

The EU RAPEX system was established by the EU's *General Product Safety Directive* (2001/95/EC)¹² and applies to only non-food consumer products. Members of the RAPEX system include all 27 EU Member States and the 3 European Economic Area (EEA) member countries. RAPEX is also open to other countries from around the world but it requires agreements to be made on reciprocity and confidentiality by countries.

There are four principal criteria for notification:

- Only non-food consumer products can be placed on RAPEX, including products that are made available to consumers in the context of the provision of services.
- The product in question must pose a serious risk to the health and safety of consumers including any non-immediate risks.
- Notifying countries must base the notification on mandatory preventative or restrictive measures adopted by regulators or on preventative or restrictive measures initiated by businesses including sales bans, recalls or destruction; and

¹¹ http://ec.europa.eu/consumers/safety/rapex/index_en.htm.

¹² http://eur-lex.europa.eu/pri/en/oj/dat/2002/l_011/l_01120020115en00040017.pdf.

- Notifications should only be used when products are sold in more than one jurisdiction within the EU/EEA (“cross border effect” in Europe).

Each country in the RAPEX system has a central contact point that gathers information from various market surveillance and customs authorities within that state. Once a dangerous product is found and stopped, the national contact point notifies national market surveillance authorities, customs authorities and the EC. The EC then validates the notification and then transmits the information to the other countries through the RAPEX system. Member States must verify whether the product can be found in their national markets and provide the appropriate follow-up which is then reported and fed back to other Member States. Although the RAPEX system is used by authorities only, the EC publishes a weekly newsletter that identifies products listed in notifications.

RAPEX statistics indicate that the number of notifications have increased considerably in the last six years, with an expected 18% increase in the notifications from 2007 to 2008. The rise in the number of notifications can be seen as the result of better use of the RAPEX system by countries and more effective market surveillance and enforcement mechanisms employed by national authorities, increased awareness by businesses regarding their obligations, the EU’s enlargement, as well as several building and training activities by the EC. Thirty-one per cent of all notifications made on RAPEX in 2007 were associated with toys, 15% with motor vehicles and 12% with electrical appliances. 51% of all notifications were for products made in China, while 13 per cent of notifications came from unknown sources (this figure is expected to reduce to 10% in 2008).

Some of the key elements that have led to the success of the RAPEX system include:

- Clear legal obligations complemented by effective guidelines for use of the system; an effective network of national contact points at the EU level.
- An efficient network established between contact points and surveillance authorities and customs authorities in the field within Member States.
- An EU-wide contact point working group that shares best practices.
- An effective IT system that allows the efficient transfer of information.
- Dedicated website and publications providing the public with access to key RAPEX data; and
- An EC RAPEX team that oversees the efficient running of the system.

RAPEX-China is a significant initiative that has resulted from the successful implementation of the RAPEX system. It is designed to provide AQSIQ, China’s product safety regulator, access to RAPEX data concerning products coming from China, but does not provide AQSIQ with full access to the RAPEX database. This system allows AQSIQ to take enforcement action at the source and better target its market surveillance activities. Further, it also increases awareness of EU safety rules and standards in China, thereby enhancing consumer confidence in Chinese-made goods. AQSIQ provides the EC with quarterly reports of its follow-up activities.

Market surveillance initiatives in China to control the quality of exported products**Wang Xin, Director-General, Administration of Quality Supervision, Inspection and Quarantine of China**

Since China is a major global producer of consumer products and fast becoming one of the largest markets for consumer products, the Chinese Government has placed considerable emphasis on product safety. To ensure that surveillance and enforcement processes are effective, wide-ranging international participation and co-operation is required as well as a common sense of responsibility for the safety of consumers.

Mr. Wang made three key points:

- There is a common international responsibility to ensure consumer product safety.
- More co-operation is needed to ensure effective international surveillance and enforcement of product safety issues; and
- All parts of the product supply chain have responsibility to ensure safety, and the role of government is to undertake market surveillance and enforcement. Manufacturers and suppliers are under an obligation to ensure product safety through good product design, the development of effective standards, and compliance with those standards and relevant product safety laws.

The Chinese Government has made great efforts to guarantee consumer health and safety in respect of imports, exports and goods for domestic consumption through effective legislation, enforcement, supervision and management. The Chinese Government has established a complete system of product safety laws with a series of supporting rules and regulations designed to guarantee product quality and safety, which provide a solid foundation for guaranteeing product safety and normalising international trading conditions.

China has also established a complete and advanced product quality system for the development of product standards that conform to international standards for safety and quality and for ensuring that products meet the standards of importing countries. Currently, there are 20 000 national standards in China which guarantee the quality of Chinese-manufactured products. In addition, China is focused on improving the supervision of testing procedures by ensuring that producers are meeting requirements by way of inspection mechanisms, such as on-the-spot testing.

For exports, China has in place a strict inspection system that checks for safety, sanitation and environmental impacts. Inspections are carried out through spot checks and if products are not found to meet requirements then they are not exported. Further, export licences may be removed from non-compliant businesses. China is also looking for more efficient ways to undertake surveillance activity and to improve international co-operation in terms of information sharing and enforcement activities. Greater international co-operation with many countries, including the European Union, United States and Japan, has led to a considerable improvement in surveillance activity.

While the Chinese Government is aware that safety and quality problems exist, it does not evade its responsibilities to its citizens and the international community. The Government has in place stringent enforcement mechanisms designed to deal effectively with businesses that breach the law. Enforcement actions include removing market access, and revoking qualification and export licences. At the same time, the international community should be aware that many of the product safety problems are the result of faults in designs developed by multi-national businesses. Accordingly, ensuring safety and quality of goods is a common responsibility for the international community.

Consumer Product Safety Enforcement – Israel’s Approach

Grisha Deitch, Commissioner of Standardization, Ministry of Industry, Trade and Labor, State of Israel

Israel’s consumer product safety system is based on the implementation and adherence to mandatory safety standards. Policy development and enforcement is the responsibility of the Commissioner of Standardization, and any person authorised by the Commissioner to carry out the inspection of products under a mandatory standard. In some cases, these powers are delegated to other ministries, specifically in relation to health and automotive issues.

Mandatory standards shall ensure that all products available on Israel’s market maintain public health and safety, and do not destroy the environment. Prior to proclaiming a mandatory standard, the Israeli Government conducts consumer and business consultations. Israel has also placed a focus on ensuring their country’s manufacturers meet internationally recognised standards. By 2010, the Government will require that 65% of all Israeli mandatory standards conform to international standards.

Israel has in place a number of product safety initiatives to improve product safety compliance. These include:

- Increased penalties and greater administrative powers for the Commissioner.
- Improved product testing and surveillance.
- The review of mandatory standards every three years.
- The incorporation of risk assessment of high-risk products into the Commission’s market surveillance activities.
- Departure from an equal probability sampling system for risky products and development of an effective system to classify the risks associated with imported goods.
- Improved data collection on injuries resulting from consumer product safety problems.
- Initiation of greater awareness activities designed to target consumers and producers.
- Greater information sharing and co-operation amongst international product safety regulators; and
- The amendment of the Israelis Standards Law in order to comply with the EU General Product Safety Directive that will enable removing of unsafe products that are not covered by a national mandatory standard.

Discussion

Discussion at this session centred on the RAPEX and RAPEX-China systems and how a similar system of rapid alerts could be developed on an international level. Discussion also extended to the role of consumer organisations in enforcement. Apart from the panellists, contributions were made by a number of representatives including Australia, the BIAC, Canada, Consumers Federation of America (CFA), Japan, and New Zealand, that are reflected below.

International rapid alert system for product safety

Peter Kell (Australia, ACCC) asked Ms. Ojala (EC DG-SANCO) if the RAPEX system could be extended on a broader international basis, and what would be the issues associated with doing so. Ms. Ojala noted that RAPEX could be used as a model to develop an international system, but she pointed out that there are a number of practical and legal issues that must be addressed prior to introduction, including:

- The rules that will govern reporting, for example, whether there are mandatory or voluntary requirements.
- How the system would be managed, reports validated and the country central contact points maintained (particularly as EU Member States are subject to a range of binding legal obligations, which underpin the operation of RAPEX).
- How resources could be supplied by participating countries; and
- Managing issues concerning confidentiality.

Hubert van Breemen (BIAC) asked Ms. Ojala if there has been any evidence that the use of the RAPEX system has resulted in a greater alignment of decision-making amongst Member States with regard to product safety. Ms. Ojala indicated that as countries have become more experienced in using the RAPEX system, there has been a gradual harmonisation of views on how to implement effective product safety strategies. She noted that Member States make use of the EC's risk assessment guidelines and apply the appropriate regulatory standards, participate in cross-border actions and training seminars and the European Commission has engaged in several rounds of consultation with Member States when developing the new enhanced risk assessment method including bringing together experts to develop and carry out test cases.

Ms. MacPherson (New Zealand) questioned whether or not the increase in product safety reporting by Member States was the result of countries taking a more risk-averse approach to product safety failure, including the potential for over-reporting. Ms. Ojala indicated that there was no indication of over-reporting and that only those notifications that meet the criteria are validated (which is most of them). There are also mechanisms for consultation if other Member States have disagreements with the reporting agency's findings.

International trade obligations and enforcement issues

Dirk Meijer (ICPSC) asked Mr. Deitch (Israel, Ministry for Industry, Trade and Labor) about the way in which international trade obligations, e.g., WTO Technical Barriers to Trade, have an impact on the country enforcement. Mr. Deitch noted that WTO Technical Barriers to Trade require that domestically produced and imported goods must be treated equally. However, there is a conflict between the WTO TBT and the stakeholders' expectations regarding market surveillance tools. Therefore, Israel has decided not to treat all products equally but rather to differentiate between them with respect to the level of the risk they may cause.

The role of consumer organisations in product safety enforcement

Susan Grant (Consumer Federation of America) asked about the role of consumer organisations in conducting consumer product safety. Mr. Deitch noted that testing is currently solely the responsibility of government bodies. Israel has considered a proposal for better liaison between consumer organisations and the government. However, the proposal was not accepted in light of current legislation. Mr. Wang (China, AQSIQ) noted that in China, market surveillance activity is undertaken by government departments

(AQSIQ and the Ministry of Industry and Commerce). China also has an extensive product manufacturing licensing system designed to ensure that manufacturers meet specific standards and the government undertakes regular spot checks on businesses, the results of which are published on a quarterly basis. In addition, China has developed a recall system for unsafe toys, clothing and automobiles and is in the process of establishing a refund and compensation scheme.

Ms. Ojala mentioned that the EU takes consumer complaints seriously, noting that consumer organisations co-operate well with product safety regulators in Europe. She noted that EU countries have an obligation to follow up on consumer complaints, which can result in enforcement actions and notification on the RAPEX system. In addition, Ms. Ojala indicated that European regulators have benefited considerably from market surveillance activities carried out by consumer organisations and, at times, that information has assisted in standards development. Ms. MacPherson mentioned that it is relatively common for consumer organisations to work with New Zealand's regulators, as this is a means of efficiently extending resources.

The RAPEX-China system

Yoshiaki Takahashi (Japan) enquired as to the benefits and challenges that have resulted from use of the RAPEX-China system. Mr. Wang indicated that the system has been beneficial for Chinese authorities in dealing with product safety failure but that the adoption of this system has led to a considerable increase in AQSIQ's workload. EU countries regularly provide feedback to AQSIQ on investigations; however practical difficulties arise in translating information provided by the 27 countries. He indicated that more detailed information would assist China to more easily undertake investigations. Mr. Wang also described how China has developed its own system to provide information supplied through RAPEX-China to Chinese provincial authorities and AQSIQs local offices. AQSIQ provides feedback on investigations every three months to RAPEX members.

Mr. Wang also noted that the use of this system enables China and the EU to engage in joint investigations and co-ordinate their enforcement activities against manufacturers, designers and importers in China and the EU. He indicated that some of the problems arise as the result of low-cost production and thereby low-quality controls.

Mr. Takahashi also asked if China could provide any examples of best practices in data sharing. Mr. Wang noted that the information shared as a result of the RAPEX-China system has benefited China considerably in terms of their ability to investigate problems and identify responsibility for those problems. He indicated that responding to the product safety problems with an international dimension would require greater co-operation amongst government departments and counterparts in other countries.

Robert Ianiro (Canada) noted that the lack of detailed information in international information exchange is an issue and asked whether Chinese authorities required more information on the manufacturer or the circumstances behind the failure of the product. Mr. Wang indicated that AQSIQ would benefit from more detailed information in both circumstances. Mr. Wang also mentioned China's information sharing activities with the United States, where every month AQSIQ and the CPSC share information concerning regulations, standards and product-related information.

Ms. MacPherson also mentioned the recent China-New Zealand Free Trade Agreement, which includes a mutual recognition provision for electrical equipment, allowing China's CC mark (with some minor changes) to meet New Zealand's certification requirements and similarly, enabling New Zealand's certification mark to conform to China's approach. In addition, New Zealand has made some changes to its domestic laws to enable it to take action in respect of exported goods, changing the usual emphasis on enforcement directed at domestically-manufactured and imported goods.

SESSION IV NEXT STEPS

This session was moderated by **Bruce Farquhar** (ICPHSO and EMARS) and presentations were made by **Richard W. O'Brien** (United States, CPSC), **Annette Dragsdahl** (Confederation of Danish Industry) and **Eric Briat** (*Institut National de la Consommation*, France). Speakers at this session provided ideas on ways forward in the area of consumer policy from the perspectives of government, business and consumers. Mr. O'Brien provided a government perspective, Ms. Dragsdahl provided a business perspective and Mr. Briat presented a consumer perspective.

Summary of the Roundtable

Bruce Farquhar, Chair of the International Caucus of the International Consumer Product health and Safety Organization (ICPHSO)/ EMARS Project Co-ordinator

Mr. Farquhar provided a summary of key points made at the Roundtable:

- The Roundtable has brought together the largest gathering of international regulators in some time, if not ever, discussing non-food product safety matters.
- Consumer product safety is a shared responsibility and all actors in the economic process (businesses, including designers and manufacturers, regulators and consumers) have a role to play.
- A lack of traceability of products is a major issue that could be improved through the greater provision of information.
- As more resources are devoted to consumer product safety policy development and enforcement, there must be greater scrutiny of government processes.
- Governments should distinguish between:
 - Economic operators that are better equipped to meet the requirements placed upon them.
 - Economic operators that may have some difficulty in meeting requirements; and
 - Those that consistently fail to ensure safe consumer products.
- Government sovereignty should be respected in the standards-making process, but at the same time, greater international co-operation can lead to a convergence of requirements.
- Governments should take a risk-based approach to consumer product safety.
- A number of activities are being undertaken by product safety regulators around the world, and a more co-ordinated and co-operative approach can enable regulators to more effectively manage product safety risks. This could include countries making changes to their national frameworks to more freely co-operate with overseas regulators. In addition, the production of an international

report on consumer product safety activities could increase the level of transparency and clarity of information being shared.

*Next Steps: a Government perspective*¹³

Richard W. O'Brien, Director, Office of International Programs and Intergovernmental Affairs, US Consumer Product Safety Commission

The community should not tolerate product failure in many consumer product markets, just as it does not tolerate it with industry products. To ensure that markets operate effectively, consumers need to trust that the product safety framework, production and supply chains are fundamentally sound. Therefore, co-operation between stakeholders and governments internationally is the best way to reduce market failure.

One of the examples of an international co-operation is the meeting held recently in China between the United States, European Union and the host country. The US CPSC, the European Commission, with the support of the AFSQI, made presentations on the US and EU product safety requirements. The presentations focused on ensuring safety during the product's design, supply and production stages according to current best practices in those regions.

Mr. O'Brien noted that, as a unique international forum dealing with consumer protection issues, the OECD's Committee on Consumer Policy should be involved in the strengthening of the international collaboration scheme. The CCP can facilitate information exchange through forums similar to the Roundtable. At the same time, the CCP should also provide practical support for the ICPSC in their role as an intergovernmental surveillance authority. The CCP should also explore protocols for information exchange. However, the protocols should not erode the confidence between industry and their national regulators.

With regard to the 2009-2010 work plan the CCP should progress on the preparation of a workshop/conference on product safety matters in co-operation with the ICPSC. Finally, in preparing a CCP analytical report (as noted in the forward work plan), regardless of the topic chosen, it should demonstrate the importance of cost-benefit analysis.

Next Steps: Business perspective

Annette Dragsdahl, Senior Adviser, Confederation of Danish Industry

Product safety is the shared responsibility of governments, businesses and consumers. In this regard, a number of key issues are important to note:

- Governments must develop high-quality and easy-to-understand legislation. Ambiguous regulation can make it difficult for businesses to meet their requirements.
- Authorities must ensure adequate post-market surveillance to protect consumers.
- Efficient international co-operation in the area of standards harmonisation is also required. This can be progressed by the exchange of information between governments.

¹³ These are the individual views of Mr O'Brien and do not necessarily reflect the views of the CPSC.

- Mutual recognition is a means to achieve greater standards harmonisation as the same high level of competence in standards-making is present in most if not all countries.
- At the same time, manufacturers must produce safe products by incorporating safety into design and indicating conformity with requirements. Importers and distributors also have a role in ensuring that products meet appropriate requirements; and
- Consumers must make informed choices about products and use products as indicated by the manufacturer, in order to minimise the risk of injury.

Accidents and the distribution of poor quality products can have reputational and financial repercussions for businesses. As such, it is in the manufacturer's best interest to keep consumers content by producing safe, high quality products. However, there are some businesses that benefit in the short-term by cutting corners and not meeting technical and legislative requirements. There are three types of businesses:

- Those that are willing and able to comply with regulation.
- Those that may be unable to meet requirements but are willing to comply; and
- Those that are unwilling to comply.

The majority of businesses fall into the first category. Governments must be able to distinguish between businesses that fall in the second and third categories. Governments should look to educate and inform businesses in the second category about their obligations and how to best meet them. However, businesses falling into the final category often ignore legislative requirements and stricter legislation is unlikely to change their behaviour. Rather, it will likely only punish compliant businesses with the imposition of additional requirements. In order to tackle these rogue businesses, governments must have in place more effective market surveillance strategies, including improved border control measures.

Greater certification requirements and more stringent regulation are not seen as best practices to combat the problem of unsafe products, from a European Industry perspective. Rogue businesses will be able to circumvent certification processes through forgery and counterfeiting. Further, additional certification marks will provide consumers with a false sense of security.

As a next step, countries should pursue a common, global approach to market surveillance. The OECD can assist in this process by elaborating on best practices and providing recommendations for countries. This can help to establish a common understanding about how to manage product safety risks. As there are limited resources available to governments in this area, the OECD can also assist governments by co-ordinating research activities on unsafe products internationally.

Finally, countries should employ a common system of regulatory objectives to ensure that consumers everywhere are protected equally from the risk of product safety failure. International standards are an important means of establishing high levels of safety, but they can only be successful if countries have a common approach to regulatory requirements. The United Nations Economic Commission for Europe (UNECE) is developing a model for common regulatory objectives and common risk assessment guidelines for market surveillance that could be employed internationally.¹⁴

¹⁴ This work is being pursued by the United Nations Centre for Trade Facilitation and Electronic Business. See www.unece.org/cefact/about.htm.

Next steps: Consumer perspective

Eric Briat, Director-General, *Institut National de la Consommation (INC)*, France

There are three main challenges that face consumers in the area of product safety:

- Consumer product safety is a global issue.
- Given the large number of new products available to consumers and the accelerated pace of innovation, safety information about new products is not conveyed more effectively to consumers; and
- The number of counterfeit products available on the market is increasing, with the phenomenon not limited to luxury products.

In considering the above-mentioned challenges, the international community should focus on three objectives from the consumer organisation's perspective:

- Consumer organisations should have a greater involvement in the standards development process.
- State authorities should support and improve market surveillance and also make use of consumer organisations in market surveillance activities; and
- Improve the quality of information on products, particularly that provided by the independent media.

With regard to the first objective, consumer organisations can provide a considerable degree of insight into consumer behaviour during the standards development process. However, due to a lack of resourcing, governments should support their involvement in the standard-making process. This requires improving consumer organisations expertise in technical areas, investment in training and the provision of accurate information. In France, the *Institut National de la Consommation* is engaged in such a programme, which is financed by the French Secretary of State for Industry and Consumer Affairs.

With regard to the second objective, governments should make use of the safety testing, product comparison and surveillance work conducted by consumer organisations. This research is designed to enable consumers to make informed choices on prices, quality and safety. Since the problems are global, consumer organisations and regulators must work together globally to conduct more tests on safety and share the costs associated with such research.

Finally, the third objective can be achieved through the provision of simplified product information guides with prominently displayed safety instructions. A public prevention campaign should also be developed that makes use of a wide range of media sources in order to maximise the impact of the campaign.

In association with the French Consumer Safety Commission and the Massif Insurance Company, the INC released a *White Paper*¹⁵ recommending a co-ordinated national policy approach, which should be founded on equal commitment from the public, private and volunteer sectors. As a result of this *White Paper* recommendation, the French Secretary of State for Industry and Consumer Affairs, Mr. Luc Chatel, has agreed to finance the development of a web portal dedicated to providing consumers with information

¹⁵ www.conso.net/accidentsviecourante.htm

concerning product safety matters. The portal will be managed by INC and will contain information gathered from public, private, community and volunteer organisations on product safety matters. By ensuring sufficient media coverage for the web portal, this should be the first step in a joint-action launch designed to improve information on risks and product safety.

Discussion

Discussion at this session focused on the best approaches for countries going forward in the area of consumer product safety. There was also discussion of the OECD CCP's role in furthering consumer product safety matters. Apart from the speakers, contributions were made by representatives from the European Commission and New Zealand, some of which have been reflected below.

Mr. Farquhar, the moderator of the session, made some observations drawn from the presentations, including the importance of resources being devoted to product safety and that no one solution will solve all product safety problems faced by countries.

The next steps for product safety policy and enforcement: Stakeholders' perspectives

Stefano Soro (European Commission, DG SANCO) commented that the Roundtable proceedings had been of benefit, as it brought together regulators and stakeholder groups from around the world, indicating that similar gatherings should be arranged in the future. He noted that these sorts of initiatives can help ICPSC in its further development. Mr. Soro also pointed out that ICPEN's framework for co-operation is a good model for regulatory co-ordination in the area of consumer product safety. In the future, greater contact between ICPEN and ICPSC could lead to a sharing of best practices on this issue.

Mr Richard O'Brien (United States, CPSC) suggested that businesses should implement existing internationally recognised product safety best practices in their supply and production chain. He also indicated that consideration should be given to using regulatory and enforcement resources in some circumstances to ensure the use of best practices.

Ms. Dragsdahl (Confederacy of Danish Industry) suggested that in moving towards a greater harmonisation regulators should target a specific product safety issue and find out why differences in approaches exist between governments. Ms. Dragsdahl also noted that greater information about the causes of product safety failure could assist in preventing harm, including whether accidents were caused as a result of product design or consumer behaviour. In addition, **Mr. Farquhar** suggested that countries could look at ways in which to make better use of information. In addition, **Ms. Dragsdahl** suggested that governments divert more resources into consumer product safety.

Mr. Briat (INC, France) also recommended that governments divert more resources into product safety enforcement. He mentioned that countries should initiate a prevention campaign informing consumers about certification marks, given the wide-spread misperceptions amongst consumers about the meaning of various certification marks.

Further, **Mr. Farquhar** suggested that given the high degree of product innovation and the large number of new products sold on the markets, regulators only had a small window of opportunity to produce harmonised standards and requirements for new products.

The role of the CCP in advancing consumer product safety

Elizabeth MacPherson (New Zealand, Ministry of Consumer Affairs) reflected on the role of the CCP in advancing consumer product safety. She noted that the key value of the CCP is its authority to

bring together regulators from around the world to discuss consumer issues, without duplicating the work of other bodies. In addition, she indicated that the CCP can assist in the development of analytic frameworks and ways of looking at common problems faced by countries. Ms. MacPherson also suggested that the CCP could assist countries to implement best practices in product safety.

Ms. MacPherson stated that the efforts of jurisdictions to handle product safety matters, including emerging risks, could be assisted through greater international collaboration and information sharing, which the CCP can help to facilitate. Further, the relationship between the CCP and ICPEN as policy and enforcement networks, respectively, provides a good framework for managing consumer matters and should be accompanied by a two-way dialogue between the agencies.

Mr. Briat noted that the OECD can help to develop a common way of thinking amongst countries and it can also assist countries to organise the ways in which information is shared between jurisdictions. In particular, Mr. Briat indicated that the OECD can help to create a common view on how to manage the challenges associated with counterfeiting. **Ms. Dragsdahl** re-iterated other speaker's comments in this area, and indicated that countries should look to tackle the issue over the long term, rather than taking a short term approach.

CONCLUDING REMARKS

Michael Jenkin, Director-General, Office of Consumer Affairs, Industry Canada; Chairman, OECD Committee on Consumer Policy

Mr. Jenkin noted that the CCP is serious about ensuring consumer product safety internationally. In previous years, the CCP made use of tools designed to create an international network for product safety, which had been led by New Zealand. The Roundtable has provided the CCP an opportunity to refocus on product safety matters and bring together the ideas of participants from around the world. These efforts will be followed up by the CCP.

Consumer product safety is one of the key elements in the CCP's Programme of Work and Budget for 2009-2010. The CCP member countries are anxious to continue work in the area of product safety and will be seeking the active involvement and participation of non-member economies as well. Over the next few months CCP members will look to produce a comprehensive work plan to take product safety forward, and the outcomes of the Roundtable will provide guidance as to how that work plan will develop.

Roundtable participants have indicated that the CCP could best assist in this process through its expertise in policy analysis and its authority to bring together a wide range of countries and stakeholders, thereby providing an enhanced picture of the initiatives that are being undertaken around the world. In addition, the CCP will seek the assistance of major participants at the Roundtable including ISO-COPOLCO and ICPSC, to name a few.

APPENDIX 1.
PARTICIPANTS LIST FOR THE ROUNDTABLE ON CONSUMER PRODUCT SAFETY

Australia

Mr. James CHISHOLM	<i>Manager of Consumer Policy Framework Unit Competition and Consumer Policy Division The Treasury</i>
Mr. Peter KELL	<i>Deputy Chair Australian Competition and Consumer Commission</i>
Ms. Ruth MACKAY	<i>General Manager Australian Consumer and Competition Commission</i>
Mr. David MARTINE	<i>General Manager Competition and Consumer Policy Division The Treasury</i>
Mr. Mark PEARSON	<i>Executive General Manager Enforcement & Compliance Division Australian Competition and Consumer Commission</i>
Ms. Louise SYLVAN	<i>Commissioner Productivity Commission</i>
Mr. Simon WRITER	<i>Consumer Policy Framework Unit Competition and Consumer Policy Division The Treasury</i>

Austria

Ms. Disa MEDWED	<i>Federal Ministry of Social Affairs and Consumer Protection</i>
-----------------	---

Belgium

M. Fernand VAN GANSBEKE	<i>Directeur DG Contrôle & Médiation SPF Economie, PME & Classes moyennes, Energie</i>
Mr. Chris VAN DER CRUYSSSEN	<i>Adviseur-Generaal Algemene Directie Kwaliteit en Veiligheid FOD Economie</i>

Brazil

Mr. Ricardo GUERRA de ARAÚJO	<i>Minister-Counsellor Chef du Bureau de Liaison avec l'OCDE Embassy of Brazil in France</i>
------------------------------	--

Canada

Ms. Catherine BOUCHARD *Competition Law Officer (International Affairs)
Competition Bureau*

Mr. Robert IANIRO *Director, Consumer Product Safety
Health Canada*

Mr. Michael JENKIN *Director General, Head of Consumer Policy Committee
Office of Consumer Affairs, Industry Canada*

Mr. Peter MURPHY *Consumer Policy Analyst
Office of Consumer Affairs
Industry Canada*

Mr. Duane SCHIPPERS *Assistant Deputy Commissioner
International Affairs Division, Competition Bureau*

Ms. Susan WINTER *Manager
Canadian Standards Association*

Ms. Sandra WRIGHT *Manager
National Coordination Division
Health Canada*

Chile

Mr. Sergio GUERRA ROJAS *Advisor
National Consumer Service*

Mr. José ROA RAMÍREZ *National Director
National Consumer Service*

Czech Republic

Mr. Petr KROUZEK *Second Secretary
Trade, Industry, Energy & Territorial Development
Permanent Delegation of the Czech Republic to the OECD*

Ms. Zorka KLIMOSOVA *Advisor
Ministry of Industry and Trade*

Denmark

Ms. Annette DRAGSDHAL *Confederation of Danish Industry*

Egypt

Mr. Saeed AL AFI *Chairman
Egyptian Consumer Protection Agency*

Mr. Alaa EL BIALLY *Manager
International Relations
Consumer Protection Agency*

Mr. Amr FAHIM *Executive Director
Consumer Protection Agency*

Estonia

Ms. Helle ARUNIIT *Director General*
Consumer Protection Board Estonia

Ms. Merike KOMPUS-VAN DER HOEVEN *Deputy Secretary General*
Ministry of Economic Affairs and Communications

Finland

Mr. Ilkka CANTELL *Commercial Counsellor*
Trade Department
Ministry of the Employment and the Economy

Ms. Laura HOLKKO *Legal Adviser*
Consumer Agency & Ombudsman

Mr. Tomi LOUNEMA *Director (Product Safety)*
Consumer Agency & Ombudsman

Ms. Anja PELTONEN *Deputy Consumer Ombudsman*
Consumer Law Department
Finnish Consumer Agency & Ombudsman

France

Ms. Sylvie SEUFER *Deputy Head of Office*
Safety and Alert Networks
Directorate for Competition Policy, Consumer Affairs and Fraud Control- DGCCRF

Mr. Eric BRIAT *Director General*
Institut National de la Consommation

Germany

Mr. Paul NEY *Head of Division Consumer Protection*
Federal Ministry of Food, Agriculture and Consumer Protection
(BMELV)

Greece

M. Dimitri ANDREOU *First Secretary*
Délégation Permanente de la Grèce auprès de l'OCDE

Ms. Alexiou-Petra TRIANTAFILLIA *General Secretariat for Consumer Affairs*
Technical Control Directorate
Ministry of Development

Hungary

Ms. Virag BALOGH *Hungarian Competition Authority*

Ms. Krisztina KOVACSFFY *Hungarian Competition Authority*

Indonesia

Mr. Makbullah PASSINGRINGI *Director of Consumer Protection*
Directorate General of Domestic Trade
Ministry of Trade

Italy

Mr. Gianfranco NITTI *Delegate*
Attività comunitarie e internazionali
Ministero Sviluppo Economico, Direzione Generale per
l'Armonizzazione del Mercato e la Tutela dei Consumatori

Mr. Gianluca SEPE *International Affairs*
Autorita Garante della Concorrenza e del Mercato

Israel

Mr. Grisha DEITCH *Commissioner of Standardization*
Ministry of Industry, Trade Labor

Mr. Yitzhak KIMCHI *Commissioner of Consumer Protection*
Ministry of Industry, Trade and Labour

Japan

Mr. Yoshiaki TAKAHASHI *Director*
Research Division, Quality-of-Life Policy Bureau
Cabinet Office

Ms. Megumi HARA *Consumer Policy Division*
Quality-of-Life Policy Bureau
Cabinet Office

Ms. Mayumi HOSOKAWA *Consumer Administration Promoting Office*
Consumer Policy Division
Quality-of-Life Policy Bureau
Cabinet Office

Mr. Hiromi OKADA *Second Secretary*
Competition, Consumers
Permanent Delegation

Korea

Mr. Soohyun YOON *First Secretary*
COMP, REG, Budget Committee
Permanent Delegation of Korea to the OECD

Mr. Jin-Chul BAE *Director*
Korean Fair Trade Commission

Ms. Go-Own JUNG *Assistant Manager*
Korean Consumer Agency

Mr. Han-Sang KIM *Assistant Deputy Director*
Korean Agency for Technology and Standards

Ms. Ha-Na LEE *Deputy Director*
Korean Fair Trade Commission

Mr. Dong-Hyun PARK *Researcher*
Korean Agency for Technology and Standards

Mexico

Mr. Mario ALANIS *Minister-Counselor for Economic Affairs
Ministry of Economy
Permanent Delegation of Mexico to the OECD*

Ms. Flavia FARINETTI *Counselor for Economic Affairs, Trade and Industry
Permanent Delegation of Mexico to the OECD*

Mr. Raúl GARCIA MORENO ELIZONDO *Legal
Procuraduría Federal del Consumidor*

New Zealand

Ms. Elizabeth MACPHERSON *Deputy Secretary
Effective Markets
Ministry of Economic Development*

China

Mr. Xin WANG *Director General
Department for Supervision and Inspection
General Administration of Quality Supervision, Inspection and
Quarantine of the PRC- AQSIQ*

Mr. Hui GAO *Department for Supervision and Inspection
General Administration of Quality Supervision, Inspection and
Quarantine of the PRC- AQSIQ*

Mr. Xiaochuan JIA *Department for Supervision and Inspection
General Administration of Quality Supervision, Inspection and
Quarantine of the PRC- AQSIQ*

Ms. Yuan QIN *Department for Supervision and Inspection
General Administration of Quality Supervision, Inspection and
Quarantine of the PRC- AQSIQ*

Slovenia

Ms. Breda GORSEK *Senior Consumer Officer
Ministry of the Economy*

Ms. Barbara MIKLAVCIC *Senior Consumer Officer
Ministry of the Economy*

Sweden

Ms. Britta AHNME KÅGERMAN *Deputy Director General
Consumer Policy Division
Ministry of Integration and Gender Equality*

Mr. Johan ALLING *Desk Officer
Ministry of Integration and Gender Equality*

Switzerland

M. Jacques VIFIAN *Suppl. resp. du Bureau de la consommation
Département fédéral de l'économie – DFE
SG - Bureau de la consommation*

M. Blaise SANGLARD	<i>Conseiller Délégation Permanente de la Suisse auprès de l'OCDE</i>
Turkey	
Ms. Sibel KAPLAN	<i>Chief Commercial Counsellor Permanent Delegation</i>
Ms. Canan BOSTAN	<i>Assistant Expert Directorate General for Protection of Consumers and Competition Ministry of Industry and Trade</i>
Mr. Dogu CANOGLU	<i>Expert Directorate General for Protection of Consumers and Competition Ministry of Industry and Trade</i>
Mr. Mustafa ERDOGAN	<i>Assistant Expert for EU Co-ordination Ministry of Industry & Trade</i>
United States	
Mr. Jerrold MALLORY	<i>Science, Technology & Industry Advisor Permanent Delegation of the United States to the OECD</i>
Ms. Susan GRANT	<i>Director of Consumer Protection Consumer Federation of America</i>
Mr. William KOVACIC	<i>Chairman US Federal Trade Commission</i>
Mr. Richard O'BRIEN	<i>Director of International Programs US Consumer Product Safety Commission</i>
Mr. Hugh STEVENSON	<i>Deputy Director for Int'l Consumer Protection US Federal Trade Commission</i>
Mr. Marc WINERMAN	<i>Attorney Advisor to the Chairman US Federal Trade Commission</i>
European Commission	
Mr. Stefano SORO	<i>Head of Product and Service Safety Unit DG Health and Consumers European Commission</i>
Ms. Maija LAURILA	<i>Deputy Head of Product and Service Safety Unit DG Health and Consumers</i>
Ms. Annukka OJALA	<i>Policy Co-ordinator Product and Service Safety Unit European Commission</i>
Consumers International	
Mr. Robin SIMPSON	<i>Senior Policy Advisor</i>
UN Conference on Trade and Development (UNCTAD)	

Mr. Hassan QAQAYA *Head of Competition & Consumers Policies Branch
Conférence des Nations Unies pour le commerce et le
développement (CNUCED)*

**American National Standards
Institute**

Mr. Lane HALLENBECK *Vice President*

Toy Industry Association

Mr. Carter KEITHLEY *President*

International Standards Organisation

Dr. Elizabeth NIELSEN *Convener of the Working Group on Consumer Product Safety
Consumer Policy Committee (COPOLCO)*

International Consumer Product Health and Safety Organization

Mr. Bruce FARQUHAR *Chair of the International Caucus of the International Consumer
Product health and Safety Organization
EMARS Project Co-ordinator*

International Consumer Product Safety Caucus

Mr. Dirk MEIJER *Chairman*

ORGALIME - the European Engineering Industries Association

Mr. Philippe PORTALIER *Senior Adviser*

Business and Industry Advisory Committee (BIAC) to the OECD

Mr. Hubert VAN BREEMEN *Chairman of the BIAC Task Force on Consumer Policy
Confederation of Netherlands Industry and Employers VNO-NCW*

Ms. Nicole PRIMMER *Senior Policy Manager
Permanent Delegation, BIAC*

Ms. Maria-Chiara BALDACCINI *BIAC*

Mr. Johan BREUKELAAR *Director
International Chemicals Policy- CEFIC*

Mr. Jos REMY *Director for Product Safety Standardization
Philips IP&S - Formal Standardization and Regulation*

Mr. Ralf SEUFERT *Sales Business Development Manager
Public Sector Europe, Cisco Systems*

Organisation for Economic Co-operation and Development

Mr. Peter AVERY *Principal Administrator
Committee on Consumer Policy
Directorate for Science, Technology and Industry*

Ms. Brigitte ACOCA *Administrator
Committee on Consumer Policy
Directorate for Science, Technology and Industry*

Ms. Yuko UENO	<i>Administrator Committee on Consumer Policy Directorate for Science, Technology and Industry</i>
Ms. Magdalena OLCZAK-RANCITELLI	<i>Consumer Policy Research Committee on Consumer Policy Directorate for Science, Technology and Industry</i>
Ms. Ewelina MAREK	<i>Consultant - Consumer Policy Committee on Consumer Policy Directorate for Science, Technology and Industry</i>