



Recommendation of the Council
concerning the Safety of Consumer
Products

**OECD Legal
Instruments**

This document is published under the responsibility of the Secretary-General of the OECD. It reproduces an OECD Legal Instrument and may contain additional material. The opinions expressed and arguments employed in the additional material do not necessarily reflect the official views of OECD Member countries.

This document, as well as any data and any map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

For access to the official and up-to-date texts of OECD Legal Instruments, as well as other related information, please consult the Compendium of OECD Legal Instruments at <http://legalinstruments.oecd.org>.

Please cite this document as:

OECD, *Recommendation of the Council concerning the Safety of Consumer Products*, OECD/LEGAL/0183

Series: OECD Legal Instruments

© OECD 2018

This document is provided free of charge. It may be reproduced and distributed free of charge without requiring any further permissions, as long as it is not altered in any way. It may not be sold.

This document is available in the two OECD official languages (English and French). It may be translated into other languages, as long as the translation is labelled "unofficial translation" and includes the following disclaimer: *"This translation has been prepared by [NAME OF TRANSLATION AUTHOR] for informational purpose only and its accuracy cannot be guaranteed by the OECD. The only official versions are the English and French texts available on the OECD website <http://legalinstruments.oecd.org>"*

Date(s)

Adopted on 18/12/1979

Background Information

The Recommendation concerning the Safety of Consumer Products was adopted by the OECD Council on 18 December 1979 on the proposal of the Committee on Consumer Policy. The Recommendation aims to increase the protection of consumers by encouraging the adoption by Adherents of effective legislation on consumer product safety. The Recommendation also aims to avoid creating non-tariff barriers to international trade by strengthening international collaboration when establishing consumer product safety regulation and standards and promoting effective information exchanges between manufacturers.

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council of 13 February 1978 concerning the Establishment of Data Collection Systems Related to Injuries Involving Consumer Products [C(77)139(Final)];

HAVING REGARD to the Report by the Committee on Consumer Policy of 18 April 1979 on safety of consumer products -- policy and legislation [CCP(79)2];

CONSIDERING that the adoption by Member countries of effective legislation on consumer product safety would reduce the hazards associated with the use of certain consumer products and, thereby, increase the protection of consumers;

CONSIDERING that better co-ordination of consumer product safety legislation between Member countries would avoid creating non-tariff barriers to international trade;

On the proposal of the Committee on Consumer Policy;

RECOMMENDS that Governments of Member countries should consider the feasibility of promoting legislation or taking action which would incorporate the following measures:

1. Hazard Assessment by Suppliers and Government Agencies

- a) Member countries should by all appropriate means encourage manufacturers to take into account systematically in the production of consumer goods the need to ensure that their products will be adequately safe in normal or intended use and, if they become aware of hazards subsequent to placing their products on the market, to notify the relevant authorities and, if necessary, the public.
- b) Member countries should have regard to the value, for the purpose of policy-making in the field of consumer safety, of establishing data collection systems related to injuries involving consumer products of the kind provided for in the Recommendation C(77)139(Final).

2. Standards

- a) When it is found necessary to establish product safety regulations, Member countries should consider the feasibility of basing them on any relevant national or international standards, where they exist and are considered adequate for their purpose, and of harmonizing them with regulations or standards in other countries. Voluntary standards and regulations should be reviewed if and when relevant international standards become available.
- b) Member countries should encourage and take a close interest in the formulation of international safety standards and should, when possible, participate through the appropriate government departments as well as through national standards organisations, in the preparation of such standards.

3. Imported Products (Certification and Prior Approval)

- a) If for consumer goods of any kind certification of compliance with safety standards is required, Member countries should consider acceptance of certificates issued by recognised and/or accredited public or private testing organisations in other countries, possibly by way of reciprocal agreements with the authorities in the countries concerned but without necessarily making acceptance conditional upon such an agreement.
- b) Where consumer safety legislation requires products to be approved by a specified body or authority before they may lawfully be marketed, products made within the country or imported products should be dealt with on an equal basis.

The same criteria should be applied so as to avoid any discrimination against imported products. Approval requirements should be operated fairly and expeditiously so that imported products are not placed at a disadvantage.

4. Notification Procedure

Member countries should make the necessary arrangements to ensure that new product safety regulations, product bans and the identification of hitherto unsuspected hazards of a substantial and severe nature are notified through the informal procedure operating within the Committee on Consumer Policy. In particular, early notification should be given of action decided upon to remove from national markets products which present substantial and severe hazards.

5. Measures Relating to the Exportation of Dangerous Goods

a) Governments of Member countries should strive to ensure, by means in conformity with their national procedures, that those goods that are banned or withdrawn from sale within their territories because they are inherently so hazardous that they present a severe and direct danger to life, health or safety of any consumer of those goods, are not exported to other countries.

b) If powers do not exist to prohibit the export of such dangerous goods, Governments of Member countries are urged to consider the desirability of seeking such powers.

Adherents*

OECD Members

Australia
Austria
Belgium
Canada
Chile
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Israel
Italy
Japan
Korea
Latvia
Luxembourg
Mexico
Netherlands
New Zealand
Norway
Poland
Portugal
Slovak Republic
Slovenia
Spain
Sweden
Switzerland
Turkey
United Kingdom
United States

Non-Members

* Additional information and statements are available in the Compendium of OECD Legal Instruments:
<http://legalinstruments.oecd.org>

About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD Member countries are: Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

OECD Legal Instruments

Since the creation of the OECD in 1961, around 450 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework (e.g. Declarations, international agreements).

All substantive OECD legal instruments, whether in force or abrogated, are listed in the online Compendium of OECD Legal Instruments. They are presented in five categories:

- **Decisions:** OECD legal instruments which are legally binding on all Members except those which abstain at the time of adoption. While they are not international treaties, they entail the same kind of legal obligations. Adherents are obliged to implement Decisions and must take the measures necessary for such implementation.
- **Recommendations:** OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.
- **Declarations:** OECD legal instruments which are prepared within the Organisation, generally within a subsidiary body. They usually set general principles or long-term goals, have a solemn character and are usually adopted at Ministerial meetings of the Council or of committees of the Organisation.
- **International Agreements:** OECD legal instruments negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several ad hoc substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.