



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

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Date(s)

Adopted on 28/04/1981

Background Information

The Recommendation concerning Recall Procedures for Unsafe Products Sold to the Public was adopted by the OECD Council on 28 April 1981 on the proposal of the Committee on Consumer Policy. The Recommendation aims to increase the protection of consumers by calling Adherents to adopt measures towards manufacturers and suppliers to foster quality controls, warn consumers when unsafe products reach the market and recall the products.

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 Recommendation of the Council of 18 December 1979, concerning the Safety of Consumer Products [C(79)202(Final)];

HAVING REGARD to the Report by the Committee on Consumer Policy of 19 May 1980, on Recall Procedures for Unsafe Products Sold to the Public (CCP(80)2 and Corrigendum];

CONSIDERING that consumers have a right to expect that products put on the market are adequately safe under conditions of normal use or foreseeable misuse;

CONSIDERING that, if hazardous products reach the market, consumers have a right to expect that they be warned as quickly as possible of hazards presented by these products, and that these products be modified or replaced or that they be offered adequate compensation for their losses by manufacturers and/or suppliers;

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:

- i) All reasonably practicable steps should be taken by manufacturers and suppliers to ensure that the appropriate authorities become aware of the existence on the market of unsafe consumer products;
- ii) The appropriate authorities should insist on the maintenance by manufacturers of adequate production and quality control records which should be available to such authorities; when the appropriate authorities have reason to believe that a substantial and severe hazard may be present in a product, they should consider to what extent and under which condition pertinent information should be made generally available to the public;
- iii) The possibility should be considered of imposing on manufacturers and/or suppliers an obligation to inform the appropriate authorities of any products which they have reason to believe present a significant hazard in normal use or under foreseeable conditions of misuse;
- iv) Whenever the appropriate authorities become aware that products which present a substantial and severe hazard in normal use or under foreseeable conditions of misuse have been on sale, they should ensure that consumers are warned without delay;
- v) If powers do not exist to require warnings to be issued by the manufacturer and/or supplier concerned as well, consideration should be given to the desirability of seeking such powers;
- vi) If the hazard is found to be substantial and severe, manufacturers and/or suppliers should recall the product and replace, modify or substitute it or provide adequate compensation;
- vii) If powers to require manufacturers and/or suppliers of unsafe products to mount recall operations are not already available, the possibility of seeking such powers should be considered;
- viii) Governments should encourage trade associations or other appropriate bodies to establish a set of basic procedures to serve as guidelines for manufacturers and/or suppliers when dealing with product recall situations and should encourage manufacturers and/or suppliers to develop their own internal procedures on the basis of such guidelines;

ix) Where internationally-traded products are involved in recall procedures, Member countries should, in accordance with paragraphs 4 and 5 of the OECD Council Recommendation of 18 December, 1979 [C(79)202(Final)], notify other Member countries in the framework of the informal notification procedure operating within the Committee on Consumer Policy and, if available and justified by the product hazard, use their powers to prevent further exports of the products involved.

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