



Decision-Recommendation of the
Council on the OECD Notification
System on Consumer Safety
Measures

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Date(s)

Adopted on 26/10/1989

Background Information

The Decision-Recommendation on the OECD Notification System on Consumer Safety Measures was adopted by the OECD Council on 26 October 1989 on the proposal of the Committee on Consumer Policy (CCP). The Recommendation aims to strengthen the informal notification system on consumer safety that the CCP has been operating since 1973. This system seeks to progressively harmonize consumer safety standards with a view to avoiding obstacles to international trade. Hence, the Recommendation calls Adherents to notify the OECD about all consumer product safety measures (including regulations, standards, bans, recalls, guidelines, and public warnings) and set up national contact points for the notifications.

THE COUNCIL,

HAVING REGARD to Article 5 a) and 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 18 December 1979, concerning The Safety of Consumer Products, the Recommendation of the Council of 28 April 1981, concerning Recall Procedures for Unsafe Products Sold to the Public and the Recommendation of the Council of 25 October 1982, concerning Risk Management and Cost Benefit Analysis in the Product Safety Field [C(79)202(Final)], [C(81)7(Final)], [C(82)122(Final)];

HAVING REGARD to the Report by the Committee on Consumer Policy on the OECD Notification System on Consumer Safety Measures [CCP(89)1(1st Revision)];

CONSIDERING that a systematic, rapid and regular exchange of information on national consumer safety measures is a prerequisite for progressive harmonization of consumer safety standards with a view to avoiding obstacles to international trade;

CONSIDERING that the Committee on Consumer Policy has been operating an informal notification system on consumer safety since 1973;

CONSIDERING the need to strengthen the commitment of Member countries to participate actively in the system and to provide guidance for its effective use;

On the proposal of the Committee on Consumer Policy;

I. DECIDES that Member countries shall:

1. Notify to the Organisation all measures related to the safety of consumer products which are described under Paragraph 2 of the Guiding Principles annexed to this Decision-Recommendation and forming an integral part thereof;
2. Set up National Contact Points in charge of providing and receiving notifications, as stipulated in paragraph 6 of the said Guiding Principles.

II. RECOMMENDS that Member countries should:

1. Take into account, in order to facilitate the notification process, the specific operating procedures set out in paragraphs 3, 4 and 5 of the Guiding Principles;
2. Circulate this Decision-Recommendation, including the Guiding Principles, to all governmental bodies and public agencies involved with product safety matters;
3. Report, on a biennial basis, to the Committee on Consumer Policy on the action taken in response to the notifications received;
4. Encourage co-operation and co-ordination at the national level between the participants in the various other notification systems operated by international organisations.

III. INSTRUCTS the Committee on Consumer Policy to examine periodically the implementation of this Decision-Recommendation and to report to the Council as appropriate.

ANNEX

GUIDING PRINCIPLES FOR THE USE OF THE OECD NOTIFICATION SYSTEM ON CONSUMER SAFETY MEASURES

1. Purpose

The purpose of these Guiding Principles is to clarify the operating procedures of the notification system and to specify the actions needed to enable clear, rapid reporting of information with a minimum of effort by the reporting countries. Thus they should help decision-making at national level by providing an up-to-date source of information on actions taken and proposed by member countries.

2. Scope of the System

i) Products Covered

The system is intended for consumer products excluding food and drugs, automobiles and related road transport equipment. It covers all measures related to these products except those which are not likely to be of concern to other Member countries. New to the notification system is the inclusion of ancillary services that are clearly related to a consumer product or the installation of a consumer product such as instructions for use, installation and maintenance of the product. Excessive concern for definition of a product or service should not hamper reporting.

There is no reason why Member countries should not, as at the moment, submit notification of other hazards of major importance on a voluntary basis even although they are not included in the above description of "consumer products". Notifying countries should, however, recognise that the time available to contact officers is obviously limited and these voluntary notifications may thus not always reach the responsible officers in the most appropriate departments. They should not therefore be assumed to be a formal notification of a country's actions or intentions. Such voluntary notifications should be on the standard forms provided (see Section 4) but clearly marked "additional" (i.e. additional to the standard notification procedure).

ii) Measures Covered

Under the category "general measures", notifications shall be made of all new legislation, regulations and guidelines relating to consumer safety as well as of officially published draft legislation and draft regulations. Bans and recalls and other specific measures such as public warnings are to be included under the category "individual measures". This category also includes voluntary action taken by producers and/or suppliers (warnings, recalls) to the extent that government authorities have been involved in the process, e.g. through suggesting or negotiating the action taken. Where necessary, such information can be "classified" to maintain confidentiality. Notifications under the category "research" cover both government sponsored projects and, where Governments have knowledge of them, research projects undertaken by universities, manufacturers and other organisations (it is appreciated that these notifications cannot be considered comprehensive since in many cases research in the private sector may not be known to the central contact point). The results of analyses of accident data shall be included in the notifications under the heading "research". Results of routine testing of products are not to be notified.

3. Confidentiality

To avoid confusion over the use of the information in the system and the degree of confidentiality involved notifications are grouped into two categories:

- i) **Unclassified.** This will apply to all notifications of "general safety measures" and "research". The latter could also be notified as "classified" if special reasons indicate the need to do so. Research and individual safety measures will be considered unclassified unless specified otherwise by the notifying country. These notifications will be circulated by the Secretariat and the recipient contact point officers will be free to use them as they think fit.

- ii) **Classified.** This will mean that the notification is sent to contact points but clearly labelled for government use only. Any relaxation of classification requirements can only be granted by the notifying member (the outgoing contact point). Thus, responsibility to respect confidentiality lies with the receiving contact point; whilst it may use the information for its own purposes it is not permitted to disclose details or source. Countries which for legal reasons are not in a position to respect confidentiality should notify the Secretariat.

4. Completion of Notification Forms

The forms provided by the Secretariat are intended to standardize the presentation of information and minimize the time and effort required both for notification and analysis. They are fairly self-explanatory but the following notes should help completion.

- i) **General safety measures:** use this form for legislation (including draft legislation), regulations (including draft regulations) and guidelines aimed at a product group or general hazard areas, e.g. flammability, electrical safety.
- ii) **Individual safety measures:** including bans, recalls and warnings.
- iii) **Research:** use this form for all studies of consumer or product safety whether general, e.g. research into types of accidents or specific, e.g. research into safety of products. It is not however intended that results of product testing should be notified.

5. Timing

Speed of notification is vital if the information is to be of maximum value to other countries. Completion of notification forms should therefore become a standard part of the administrative procedure and the forms themselves sent immediately, preferably by telefax, to the OECD Secretariat. Recommended timings for notifications are:

- i) **Legislation and regulations:** when drafts are first officially published at national level: a second notification will be necessary when legislation or regulations are finally approved. In this case, the reference number of the preceding notification should be quoted. If no modifications are made a simple confirmation note will be sufficient. In case of significant changes, these should be indicated.
- ii) **Bans and recalls:** as soon as the decision is taken or the agreement is made.
- iii) **Research:** when the project is initiated, normally a second notification with an indication of the results will be needed when the research is completed.

6. Contact Points

Member countries shall notify the Secretariat of their national contact points set up in conformity with I/2 of the Decision-Recommendation, including name, official function, address, telefax and telephone number. This list will be up-dated when necessary.

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- **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.