

Draft Resolution on Consumer Product Safety

Background

The following text for a Draft Resolution on Consumer Product Safety was produced in the context of the UNCTAD's [informal working group on consumer product safety](#). The current mandate of this working group was decided by the Intergovernmental group of experts on consumer protection law and policy at its 8th session of 1 and 2 July 2024 ([TD/B/C.I/CPLP/42](#)) as follows:

*11. Decides to continue the mandate of the informal working group on consumer product safety until the Ninth United Nations Conference to Review All Aspects of the Set, to continue work on strengthening consumer product safety frameworks at the regional and national levels and improving international cooperation to protect consumers from hazards to their health and safety, **to pursue consultations leading to a resolution on general consumer product safety**, to pursue the development of a model law for the implementation of the recommendation on preventing the cross-border distribution of known unsafe consumer products and to report to the Ninth United Nations Conference to Review All Aspects of the Set. (*emphasis added*)*

The text was prepared by an informal drafting committee between October 2023 and July 2024, under the leadership of the South African National Consumer Commission and the European Commission. It was circulated among participants of the UNCTAD's informal working group on consumer product safety on 11 October 2024.

The text will be discussed at UNCTAD's [Ad Hoc Expert Meeting on Consumer Product Safety](#), on 4 November 2024 in Room XXII of the Palais des Nations, Geneva. A revised draft resolution could then be presented for consideration at the Ninth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices to be held from 7 to 11 July 2025, under the auspices of UNCTAD in Geneva.

The Ninth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices,

Noting with appreciation the work on consumer product safety carried out since the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices by the various Intergovernmental group of experts on consumer protection law and policy meetings and the informal working group on consumer product safety in relation to the drafting of a resolution on consumer product safety,

Consumer product safety

1. *Invites* the General Assembly of the United Nations, at its eightieth session in 2025, to consider the adoption of the draft resolution on consumer product safety as annexed to the present resolution;
2. *Requests* the Trade and Development Board of UNCTAD to take note of the draft resolution on consumer product safety as annexed to the present resolution;
3. *Invites* UNCTAD to convene yearly ad hoc expert meetings on consumer product safety until the establishment of an Intergovernmental Group of Experts on Consumer Product Safety Law and Policy;

Draft resolution on consumer product safety

Recalling General Assembly Resolution 70/186 of 22 December 2015 on consumer protection, which adopted the revised United Nations guidelines for consumer protection, setting out the main characteristics for effective consumer protection legislation, enforcement institutions and redress systems,

Taking note of the mandate entrusted to the United Nations Conference on Trade and Development on its fifteenth session in its Bridgetown Covenant (TD/541/Add.2) continue to assist developing countries to formulate and implement competition and consumer protection policies and laws, facilitate cooperation among competition and consumer protection agencies, conduct peer reviews and foster the exchange of knowledge and best practices, including through multilateral forums, such as the Intergovernmental Group of Experts on Competition Law and Policy and the Intergovernmental Group of Experts on Consumer Protection Law and Policy, and by contributing to the implementation of the outcome of the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices and of the revised United Nations guidelines for consumer protection,

Affirming the right of all consumers to have access to safe products and the need to provide consumers, including vulnerable and disadvantaged ones, with a high level of protection against unsafe products both online and offline,

Taking into account the interests and needs of consumers in all Member States, particularly in those with least developed product safety frameworks,

Affirming that products offered to consumers should not pose an unreasonable risk to the health or safety of consumers, in reasonably normal or foreseeable use or misuse,

Recalling that the World Health Organisation defines 'health' as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

Recognising that consumers often face imbalances in economic terms, educational levels, and bargaining power, and may find themselves vulnerable to unsafe products,

Reaffirming that product safety contributes to building trust in economic operators and markets, reduces costs to society associated with injuries, ill health, deaths and property loss, and hence contributes to economic development,

Recognising that product safety plays a critical role in sustainable consumption, that sustainable products should also be safe, conscious of the role which the circular economy will play in fighting the triple planetary crisis and acknowledging the interplay between health, safety and environmental risks,

Affirming the importance of setting general product safety principles, to assist all Member States with formulating and enforcing domestic and regional product safety frameworks including policies, laws, rules and regulations, among others,

Recognizing the importance of building local, national, regional and international cooperation in the area of product safety,

Having regard to the 2020 Recommendation on Preventing Cross-Border Distribution of Known Unsafe Consumer Products which encourages Member States to pursue policies, consistent with World Trade Organisation Rules, aimed at preventing cross-border distribution of consumer products known in their own jurisdiction to be unsafe,

Recognizing that the informal Working Group on Consumer Product Safety, established at the third session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy, under the auspices of the United Nations Conference on Trade and Development,¹ aimed at strengthening consumer product safety frameworks at the national, regional and international levels to protect consumers from hazards to their health, and on recommending policy options for addressing challenges faced by consumer protection authorities in this area,²

Noting that the informal Working Group has focused its efforts on "consumer products," understood to mean the category of products intended for and or likely to be used by consumers excluding food, drugs and medical devices, as these products are often subject to specific risk assessment and risk management in distinct regulatory frameworks,

1. Decides to adopt the Principles for Consumer Product Safety annexed to the present resolution thereto of which it forms an integral part;
2. Requests the Secretary-General to disseminate the Principles to Member States and other interested parties;
3. Recommends that Member States implement this resolution and the Principles, as set out in the Annex;

¹ https://unctad.org/meetings/en/SessionalDocuments/cicplpd15_en.pdf

² https://unctad.org/meetings/en/SessionalDocuments/cicplpd20_en.pdf

4. Requests all organizations of the United Nations system that elaborate guidelines and related documents on specific areas relevant to consumer product safety to distribute them to the appropriate bodies of individual States;
5. Requests the United Nations Conference on Trade and Development secretariat to exchange information on progress and experiences regarding the implementation of this resolution, review that information, and report to the General Assembly on this subject on the occasion of the Tenth United Nations Conference to Review All Aspects of the United Nations Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;
6. Further requests the United Nations Conference on Trade and Development to promote the Principles and to encourage interested Member States to create awareness of the many ways in which Member States, businesses and civil society can promote consumer product safety in the provision of public and private goods and services;
7. Decides to establish an Intergovernmental Group of Experts on Consumer Product Safety Law and Policy within the framework of an existing Trade and Development Board Commission of the United Nations Conference on Trade and Development;
8. Also decides that the Intergovernmental Group of Experts on Consumer Product Safety Law and Policy shall convene in Geneva, in accordance with established practice, and shall hold its organizational session as soon as possible.

Principles for Consumer Product Safety

I. Principles for safety of products on the market

1. All products offered to consumers, whether online and offline, new and second-hand, in reasonably normal or foreseeable use or misuse, are safe for either intended or normally foreseeable use.
2. Businesses have the primary responsibility to ensure that products they make available to consumers are safe.
3. Businesses take safety into account in the design, quality assurance, production and supply of consumer products throughout their entire life cycle.

II. Product safety regulation and standards

4. Member States should empower relevant authorities responsible for product safety to develop laws, rules, regulations, and policies and participate and encourage the development of standards for the safety of products. Authorities responsible for product safety that do not have the mandate to promulgate regulation should work closely with authorities responsible for regulation.
5. Member States should formulate or promote the development and implementation of standards for the safety of products at regional and international levels.
6. The fact that a product formally complied with relevant product safety requirements should not preclude relevant authorities responsible for product safety from taking all appropriate corrective measures where there is evidence that the product is unsafe.

7. Instruments laying down mandatory product safety requirements should be readily available to the public.

8. Member States should perform outreach activities to industry regarding applicable product safety requirements. This might include guidelines for the interpretation of product safety legislation and regulation, targeted actions for small and medium enterprises, or the establishment of a government service to help businesses comply with product safety requirements.

9. Member States should encourage the availability of testing and certification facilities, including at bilateral and regional levels.

III. Product safety authorities' responsibilities

10. Member States should empower authorities responsible for product safety to investigate and take actions against unsafe products. These powers may include the following:

(a) mandate businesses to report to the relevant authorities responsible for product safety, incidents associated with a product they have made available to consumers, without undue delay from the moment they become aware about the incident;

(b) request businesses to notify the relevant authorities responsible for product safety on any unsafe product they have made available to consumers, without undue delay from the moment they know about the risk;

(c) require businesses to provide in their reports and notifications to the relevant authorities responsible for product safety complete information with respect to the safety aspects and to the supply chain of their products;

(d) order businesses to take certain measures, such as those enumerated in chapter VI (Product risk management and corrective measures) in relation to a product presenting a danger to consumers' health and safety;

(e) issue takedown and stay-down orders to stop the sale and distribution of products presenting a danger to consumers' health and safety on online marketplaces;

(f) receive and process complaints submitted by consumers in relation to a product presenting a danger; and

(g) any other power deemed necessary for the effective protection of consumers from unsafe products.

11. Member States should make publicly available and disseminate as widely as possible the contact details of the relevant authorities responsible for product safety.

12. Member States are encouraged to use existing platforms or develop systems for timely communication of product safety alerts between relevant authorities responsible for product safety, at national, regional, and/or international levels to disseminate and exchange information to stakeholders.

13. Members States are encouraged to explore the use of new technologies for the enforcement of product safety requirements on their markets, keeping in mind that such technologies should be strictly delineated, contain safeguards for the protection of consumer rights, and be used in a strictly proportionate manner.

14. Member States should adopt systematic procedures for risk identification, assessment and management.

IV. Product risk identification

15. To identify risks, Member States should collect data, where available, from:

- (a) consumer and business complaints made to the relevant authorities responsible for product safety;
- (b) reports of death, serious injury or illness;
- (c) recalls and other corrective measures notified by businesses;
- (d) market surveillance activities to identify non-compliant or unsafe products;
- (e) information from other domestic and international regulators;
- (f) networks of consumer, business, government and other organisations ;
- (g) media monitoring of news sources and other government or organisation publications and media statements;
- (h) consumer products reviews.

V. Product risk assessment

16. When assessing the safety of a product, the following elements should be taken into account:

- (a) the characteristics of the product, in particular its design, features, composition, packaging and, where applicable, instructions for assembly, for installation, use and maintenance;
- (b) the presentation and marketing of the product, the labelling, including age suitability, any warnings and instructions for its safe use and disposal, and any other indication or information regarding the product;
- (c) the types of consumers using the product, in particular consumers in vulnerable situations such as children, older people and persons with disabilities, and taking into account the diversity of consumers;

In addition, the following elements could be taken into account, when appropriate:

- (d) the compliance of the product, whether in its final form or its manufacturing components, with the international specifications and/or standards applicable to Member States;

(e) other environmental considerations with an impact on the safety of products.

VI. Product risk management and corrective measures

17. Where a product made available to consumers appears to be unsafe, businesses should take appropriate and timely corrective measures to ensure the product no longer poses a risk and coordinate with the relevant authority in this regard.

18. In case businesses do not act upon an unsafe product or where the corrective measures taken by them are considered unsatisfactory by the relevant authority responsible for product safety, such authority should have the power to order corrective measures to ensure the product no longer poses a risk.

19. Measures, adopted by businesses or ordered by the relevant authority responsible for product safety, may include one or more of the following, whichever is most appropriate to the risk presented:

- (a) notifying consumers of the risks in an accessible, clear and efficient manner;
- (b) marking the product with appropriate warnings on the risk or warning consumers of the risk;
- (c) the prompt withdrawal of the product from the market;
- (d) a recall of the product from consumers;
- (e) the destruction of the product;
- (f) a removal of the product listing by online marketplaces;
- (g) product repair if possible and allowed by relevant legislation, especially when risk relates to a part of a product.

20. In addition to the measures mentioned above, relevant authorities responsible for product safety may order the following measures:

- (a) making the marketing of the product subject to prior conditions;
- (b) a ban on the supply, offer to supply, display or export of the product;
- (c) a rejection of the importation of the product at a national border;
- (d) any other measure ensuring the product no longer poses a risk to consumers.

21. In the event of a product safety recall, initiated by a business or ordered by a relevant authority responsible for product safety, the business responsible for the product safety recall should offer an effective, cost-free and timely remedy, such as a repair, replacement or adequate refund of the recalled product to the consumer.

VII. Information to consumers by businesses and relevant authorities responsible for product safety

22. Member States should develop a system to effectively and timely communicate recalls and information on unsafe products, enabling consumers to identify the product, understand the nature of the risk and the measures taken. Member States should involve stakeholders to disseminate product safety information.

23. Member States should provide consumers with a channel to reach out to relevant authorities responsible for product safety on questions related to product safety matters or to report safety issues.

24. Businesses should provide consumers with information on the safe use of their products in a clear and accessible way, taking into account the widest possible range of consumers and paying particular attention to the needs of the vulnerable and disadvantaged. Such information on the safe use of the product should equally be provided for online offers.

25. For this purpose, and for sustainability and circular economy considerations, businesses should freely distribute and make available user manuals pertinent to the safe use of the product to any interested party, including in electronic format or in other format adequate to consumers' needs.

26. Businesses should provide consumers with channels to report product safety issues and incidents.

27. Businesses should clearly inform consumers on actions to take when a product which they have placed on the market presents a danger to consumers' health and safety or after an incident has occurred linked to the use of the product.

28. When a product is recalled, businesses should use information at their disposal to directly contact consumers affected by the recall. In addition, businesses should disseminate the recall notice as widely as possible via various media.

29. Member States and businesses should develop consumer education and awareness-raising programmes on product safety disseminating them through effective channels of communication.

VIII. Cooperation between businesses and relevant authorities responsible for product safety

30. Businesses should cooperate with relevant authorities responsible for product safety regarding actions to eliminate or mitigate risks that are presented by the products which they have made available on the market.

31. Member States should facilitate and monitor the recall process, for example, by assisting businesses with recall notice language.

32. Member States should promote voluntary initiatives by businesses, going beyond the legal obligations in place, to improve the safety of products.

33. Members States should foster opportunities to bring all stakeholders, including business organisations, consumer organisations and relevant authorities responsible for product safety, together to discuss product safety issues.

34. Businesses should implement equivalent consumer product safety policies irrespective of the country where they operate.

IX. International cooperation

35. In order to improve the overall level of safety of products, Members States should cooperate at bilateral, regional and international levels, including through the use of communication systems enabling the rapid sharing of information on unsafe products found on their markets. Such tools should enable the communication of an unsafe product found on the market of a Member State to relevant authorities responsible for product safety of other Member States and include essential information like the identification of the product, the nature of the risk and the corrective measures taken.

36. Where an unsafe product is found on the market of one Member State and appears to be originating from or to be available on the market of another Member State, Members States should cooperate and exchange information on the product in question, following a general principle of good cooperation, and in accordance with their national laws.

X. International institutional machinery

A. Institutional arrangements

37. An intergovernmental group of experts on consumer product safety law and policy, operating within the framework of an existing commission of the Trade and Development Board of the United Nations Conference on Trade and Development, will provide the institutional machinery.

B. Functions of the intergovernmental group of experts on consumer product safety law and policy

38. The intergovernmental group of experts on consumer product safety law and policy shall have the following functions:

(a) To provide an annual forum and modalities for multilateral consultations, discussion and exchange of views between Member States on matters related to the Principles, in particular their implementation and the experience arising therefrom;

(b) To undertake studies and research periodically on consumer product safety issues related to the Principles based on a consensus and the interests of Member States and disseminate them with a view to increasing the exchange of experience and giving greater effectiveness to the guidelines;

(c) To collect and disseminate information on matters relating to the overall attainment of the goals of the Principles and to the appropriate steps Member States have taken at the national or regional levels to promote effective implementation of their objectives;

(d) To provide capacity-building and technical assistance to developing countries and economies in transition in formulating and enforcing consumer product safety laws, regulations and policies;

(e) To consider relevant studies, documentation and reports from relevant organizations of the United Nations system and other international organizations and networks, to exchange information on work programmes and topics for consultations and to identify work-sharing projects and cooperation in the provision of technical assistance;

(f) To make appropriate reports and recommendations on the consumer product safety policies of Member States, including the application and implementation of these Principles;

(g) To operate between and report to the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;

(h) To conduct a periodic review of the Principles, when mandated by the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;

(i) To promote the use of existing platforms and develop systems for timely communication of product safety alerts and recalls between relevant authorities responsible for product safety, at international levels to disseminate and exchange information to authorities and stakeholders. Such tools should enable the communication of an unsafe product found on the market of a Member State to relevant authorities responsible for product safety of other Member States and include essential information like the identification of the product, the nature of the risk and the corrective measures taken.

(j) To establish such procedures and methods of work as may be necessary to carry out its mandate.

39. In the performance of its functions, neither the intergovernmental group nor its subsidiary organs shall pass judgement on the activities or conduct of individual Member States.

40. The intergovernmental group shall establish such procedures as may be necessary to deal with issues related to confidentiality.