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<p style="text-align: center;"><b>Minutes of 20<sup>th</sup> Meeting</b> <b>Working Group on Consumer Product Safety, February 14, 2023</b></p>
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The Working Group on Consumer Product Safety (WGPCS) held its twentieth teleconference on 14 November 2023 (at 8.30 a.m. and 3.30 p.m. Geneva time). The objective of the meeting was to discuss the developments in the work plan for the period 2022-2023 until the seventh session of the Intergovernmental group of experts on consumer protection law and policy (3-4 July 2023).

### **Workplan 2022-2023**

1. **Practical means for the implementation of the recommendation on preventing the cross-border distribution of known unsafe consumer products:** the WGPCS will discuss a practical means (such as a developing handbook or toolkit) of how to operationalize the recommendation through law/policy reform or using current common legal instruments at national, regional and/or international levels.

The United States had volunteered to propose a table of contents for the consideration of the Working Group. The United States proposed the development of a Model Law to support the implementation of the recommendation. For this, UNCTAD could partner with Academia and participants of the WGPCS to develop best practice language. UNCTAD developed a Model Law on Competition in 1980. Countries that don't have a framework to address the cross-border distribution of unsafe consumer products could find inspiration in this tool, to be used in part or on the whole. In terms of timing, the United States stressed that this is an ambitious plan of work. The Model Law project would not happen overnight and real work on it would not start until Autumn (when the new semester starts).

Argentina and Mexico supported this initiative. Consumers International asked about the relationship between the proposed Model Law and the toolkit/handbook. Consumers International also asked that the Model law be flexible enough to suit different legal traditions. The United States stressed that it is for the Working Group to decide on the relationship between the toolkit/handbook and the proposed Model Law, although the former may precede the later. the UNCTAD secretariat would ensure compliance with UN customary practice in drafting a Model Law.

The next step is to receive a concept note from the United States for consideration of the WGPCS. The IGE would need to decide on this particular mandate.

2. **Third Joint EC-UNCTAD workshop on consumer product safety:** was held on 17 November, the report prepared by the European Commission is available [here](#). This item of the work program is completed.



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- 3. Workshop on international trade (non-tariff measures) and product safety:** the UNCTAD secretariat circulated a concept note. The proposed workshop will be open to WGCPs participants only, aiming to strengthen WGCPs capacities on international trade. It will feature a presentation by an UNCTAD expert on non-tariff measures on the interaction between product safety and international trade. A free discussion on the interaction between product safety and trade policies to identify synergies and possible way forward for the WGCPs will follow. Concept note in [Annex 1](#).

Mexico, Poland and the United States welcomed the initiative. Poland volunteered to speak.

The workshop will take place on 18 April (using one of the meetings of the WGCPs).

- 4. Workshop on product recalls:** the WGCPs will host an online workshop on how to implement effective product recalls systems at national and regional levels and avenues for international cooperation. Concept note in [Annex 2](#).

Argentina, Australia, Mexico and the United States circulated a concept note. Australia suggested to host two sessions of 90'. The European Commission and Mexico suggested 2h event with two different time zones. Mexico volunteered to take notes and produce a report for the workshop.

- 5. Recommendation on product safety:** The European Commission circulated a concept note on a general recommendation on product safety as a new item of the working group work plan. Argentina, Mexico, the United States and South Africa had supported this proposal. Concept note in **Annex 3**.

The European Commission reminded that this recommendation would be useful for countries which do not yet have product safety frameworks and would complement the United Nations Guidelines and encompass the principles of the recommendation on preventing the cross-border distribution on known unsafe consumer products. The OECD instruments can be used as a basis for discussion, which would allow us to advance faster.

Australia supported this proposal and suggested that in terms of sequence it precede a possible drafting of a Model Law. The United States supported this initiative and noted that this could also be useful in the process of drafting a Model Law. Consumers International expressed that this recommendation would be interconnected to the proposal Model Law. Mexico (on behalf of Australia) stressed that the rights of consumers should come in the first part and (on behalf of South Africa) asked the interaction between the UN Guidelines and this recommendation. The secretariat reminded participants that this would complement (and not revise) the UN Guidelines.



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The secretariat reminded participants of the very limited human resources of the WGCPs and its members, so there is need to prioritize between items in the workplan for next period.

The next step is for the WGCPs to decide whether to request the IGE to give a mandate to develop such a recommendation.

6. **Other issues:** Consumers International reminded that World Consumers Rights Day celebration is “empowering consumers in the transition to clean energy.” The secretariat informed participants that the IGE meetings on 3 and 4 July will be in-person for all speakers (online participation to follow but not to intervene as speakers). WGCPs are encouraged to make travel arrangements in due course.

The next meeting of the WGCPs will take place on 18 April 2023 for the workshop on international trade (non-tariff measures) and product safety, and on 30 May 2023 to discuss developments on the work programme and prepare for the seventh meeting of the Intergovernmental group of experts of 3 and 4 July 2023.

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<b>Working Group on Consumer Product Safety</b>		
<b>19<sup>th</sup> Meeting – List of Participants</b>		
<b>Name</b>	<b>Organization</b>	<b>Country</b>
Neville Matthew	ACCC	Australia
Iara Asprella	Sub-secretariat for Consumer Defense	Argentina
Ruth Epsztejn	INMETRO	Brazil
Patricia Heffernan	Health Canada	Canada
Nataly Rojas, Juan David Rico Polo	SIC	Colombia
Sergey Sinyakov	Eurasian Economic Commission	
Eva Sinkovic, Myriam Denieul	European Commission	
Claire Weber	DGCCRF	France
Claire Sperin	Department of Enterprise Trade and Employment	Ireland
Rafael Regla, Ximena Galicia	Federal Attorney for Consumers – PROFECO	Mexico
Rosa Moran, Yvette Sanguinetti, Zenia Panduro	National Institute for the Defence of Free Competition and the Protection of Intellectual Property - INDECOPI	Peru
Aleksandra Mrozowska-Sroka, Ewa Sikorska	Office of Competition and Consumer Protection - UOKiK	Poland
Napapat	OCPB	Thailand
Damla Yeresen Arafal	Ministry of Trade	Türkiye
Eleanor Coles	Market Frameworks, Office for Product Safety and Standard - OPSS	United Kingdom
Richard O'Brien Tilven Salazar	Consumer Product Safety Commission	United States
Buumba Munyandi	Competition and Consumer Protection Commission	Zambia
Antonino Serra	Consumers International	
Tica Bosch	Independent expert	
Wigdan Elsouni		
John Mwesige		



ANNEX 1:

## **Workshop on international trade and consumer product safety**

18 April 2023, Geneva, Switzerland (CEST)

**1.00 – 2.30 p.m. on Zoom (English only)**

The [United Nations Guidelines for Consumer Protection](#) recognize consumers' legitimate need to be protected from hazards to their health and safety. The 2020 UNCTAD [Recommendation on preventing cross-border distribution of known unsafe consumer products](#) recommends that Member States pursue policies, consistent with World Trade Organization rules, aimed at preventing cross-border distribution of consumer products known in their own jurisdictions to be unsafe.

Article 20 of the General Agreement on Tariffs and Trade (GATT) allows governments to act on trade in order to protect human, animal or plant life or health, provided they do not discriminate or use this as disguised protectionism. In addition, there are two specific WTO agreements dealing with food safety and animal and plant health and safety, and with product standards in general. Both try to identify how to meet the need to apply standards and at the same time avoid protectionism in disguise.

The Technical Barriers to Trade Agreement (TBT) tries to ensure that regulations, standards, testing and certification procedures do not create unnecessary obstacles. The agreement says the procedures used to decide whether a product conforms with relevant standards have to be fair and equitable. It discourages any methods that would give domestically produced goods an unfair advantage. The agreement also encourages countries to recognize each other's procedures for assessing whether a product conforms. Without recognition, products might have to be tested twice, first by the exporting country and then by the importing country.

So how does the recent UNCTAD recommendation interact with the wider international trading system? This workshop will feature a presentation by an UNCTAD expert on Non-tariff measures in international trade. A free discussion will follow on the interaction between product safety and trade policies to identify synergies and possible way forward for the Working group

This event is organized within the framework of UNCTAD's [Working Group on Consumer Product Safety](#). Please register using the following link: XX

The Zoom link will be sent to registered participants.



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## Workshop on international trade and consumer product safety

18 April 2023, Geneva, Switzerland (CET)

1.00 – 2.30 p.m. on Zoom (English only)

### PROGRAMME

Geneva time (CEST):

**1:00 – 1:05**

**Opening:** Ms. Teresa Moreira, Head of Competition and Consumer Policies Branch, UNCTAD (tbc)

**1:05 – 1:20**

**Presentation:** Mr. Christian Knebel, Economic Affairs Officer, Trade Analysis Branch, UNCTAD

**1:20 – 2:25**

General discussion

**2:25 – 2:30**

Conclusions by the moderator

*Delegates wishing to speak during the session are invited to inform the UNCTAD secretariat accordingly by contacting Mr Arnau Izaguerri ([arnau.izaguerri@un.org](mailto:arnau.izaguerri@un.org)).*

**Note:** *This event is only open to participants of the Working Group on Consumer Product Safety. Interpretation will not be provided for this meeting.*



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ANNEX 2:

# Product Recalls Workshop

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Concept note

### Organizers

DNDC (Argentina)

ACCC (Australia)

Profeco (Mexico)

CPSC (United States)

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*Please confirm role as participants or organizers:*

SIC (Colombia)

DG Just (European Commission)

NCC (South Africa)

### Event

*Virtual or mixed*

*Profeco can offer our Zoom Licensed Account for a virtual meeting*

### Timeframes

Between February and April 2023

Other events

11-12 April 2023, WPCPS OECD

Late April 2023, eCommerce Week UNCTAD

### Agenda

Possible themes (see CP Recalls Map)



Risk assessment of products

Frameworks (IT & Legal)

How to strengthen processes and frameworks?

Recall effectiveness

How to communicate information to consumers?

How to measure effectiveness?

How to verify the company did the recalls?

The role of stakeholders

Getting companies to do recalls: Tools (legislative) to compel companies

Cross border recalls

Best practices from other policy areas

## Speakers

*Possible speakers / Organizations to reach out to*

CPSC Recalls (Confirmed to provide a speaker)

DG Just / Safety Gate

ACCC (Depending on dates)

OAS SIAR / SIC

Global Recalls (OECD)

Rappel Conso (France)

NITE (Japan)

*Other policy areas*

Food and Drug Administration (FDA, US)

National Highway Traffic Safety Administration (NHSTA, US)

Cofepris (Mexico) *(will reachout to them)*

*Other stakeholders*

Consumers International / Specific member





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ISO / Copolco / Academia Expert (behavioral insights?)

**ANNEX 3:**

**For Discussion**

Proposal for an UNCTAD Resolution on general product safety principles

**Context:**

The 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, aims 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.

The [United Nations Guidelines for Consumer Protection](#) provide that consumers all around the globe should have the right to safe products. They also acknowledge the need to take into account the interests and needs of consumers in all Member States, particularly in least developed ones.

As stressed in the 2020 Recommendation on Preventing Cross-Border Distribution of Known Unsafe Consumer Products, many Member States are still developing effective consumer product safety policies and measures and, as a result, may have difficulty preventing unsafe consumer products from being brought to national markets.

In 2020 and 2021, UNCTAD and the European Commission organised joint workshops addressed more specifically to least developed countries on “Kick-starting consumer product safety – a worthwhile endeavour” and “Building effective consumer product safety frameworks together”. One of the major conclusions of these workshops was the need for guidance at the global level for the development of efficient national product safety frameworks, particularly for least developed countries.

In this respect, the development of an UNCTAD Resolution on general product safety principles could complement the existing instruments addressing product safety by providing specific guidance to countries in the process of setting up or revising their product safety framework.

**State of play:**

Currently, consumer product safety is addressed in two UN instruments:

- the 2016 United Nations Guidelines for Consumer Protection;
- the 2020 Recommendation on Preventing Cross-Border Distribution of Known Unsafe Consumer Products.



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Both instruments address key product safety aspects but they could be complemented by a general instrument on product safety.

### 1) United Nations Guidelines for Consumer Protection

The United Nations Guidelines for Consumer Protection are a set of principles that set out the main characteristics of effective consumer protection legislation, enforcement institutions and redress systems.

The Guidelines set out important principles when it comes to product safety. In particular, they provide for the fact that:

- *Member States should adopt or encourage the adoption of appropriate measures, including legal systems, safety regulations, national or international standards, voluntary standards and the maintenance of safety records to ensure that products are safe for either intended or normally foreseeable use*
  - *Appropriate policies should ensure that goods produced by manufacturers are safe for either intended or normally foreseeable use. Those responsible for bringing goods to the market, in particular suppliers, exporters, importers, retailers and the like should ensure that while in their care these goods are not rendered unsafe through improper handling or storage and that while in their care they do not become hazardous through improper handling or storage.*
  - *Consumers should be instructed in the proper use of goods and should be informed of the risks involved in intended or normally foreseeable use. Vital safety information should be conveyed to consumers by internationally understandable symbols wherever possible.*
  - *Appropriate policies should ensure that if manufacturers or distributors become aware of unforeseen hazards after products are placed on the market, they should notify the relevant authorities and, as appropriate, the public without delay. Member States should also consider ways of ensuring that consumers are properly informed of such hazards.*
  - *Member States should, where appropriate, adopt policies under which, if a product is found to be seriously defective and/or to constitute a substantial and severe hazard even when properly used, manufacturers and/or distributors should recall it and replace or modify it, or substitute another product for it. If it is not possible to do this within a reasonable period of time, the consumer should be adequately compensated<sup>1</sup>.*
- ➔ While the principles mentioned in these Guidelines are still perfectly relevant, they could be detailed and complemented by an instrument focusing on general product safety principles more specifically in order to better assist interested Member States in formulating and enforcing domestic and regional product safety laws, rules and regulations. For instance, general provisions related to the powers of product safety authorities, risk assessment or market surveillance could be added or developed.

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<sup>1</sup> Guidelines 16 to 19.



## 2) Recommendation on Preventing Cross-Border Distribution of Known Unsafe Consumer Products

Under the Recommendation on Preventing Cross-Border Distribution of Known Unsafe Consumer Products, Member States are notably encouraged to pursue policies, consistent with World Trade Organization rules, aimed at preventing cross-border distribution of consumer products known in their own jurisdictions to be unsafe.

The Recommendation recalls that Member States should adopt or encourage the adoption of appropriate measures, including legal systems, safety regulations, technical standards, risk assessment best practices, and the maintenance of safety records to ensure that products are safe for either intended or normally foreseeable use.

- ➔ The proposed Resolution would therefore usefully complement the Recommendation by helping Member States which currently do not have a product safety framework, or are looking at improving it, to set up such frameworks. This would as a result contribute to reducing the number of unsafe products circulating across borders.

### **Objective of proposed Resolution on general product safety principles:**

The objective of the proposed Resolution on general product safety principles would be to provide a guide for countries setting up or revising their product safety framework.

It would build on and complement the product safety principles mentioned in the United Nations Guidelines for Consumer Protection and in the Recommendation on Preventing Cross-Border Distribution of Known Unsafe Consumer Products.

It would aim at covering the main elements to consider to set up an effective product safety framework, such as, for example:

- legal provision(s) providing for a safety net for the products on the market
- powers of authorities - to ensure they are equipped to address product safety issues
- obligations of businesses – to make sure businesses are accountable for the products they place on the market
- rights of consumers – to empower them to enjoy their right to safe products

Having a high level general product safety instrument would also send a strong signal to countries which have for the moment not considered developing a specific product safety framework and it would contribute to the visibility of the work of the Working Group. In addition, it could be used as a basis for cooperation and capacity-building projects conducted by UNCTAD aiming at developing product safety frameworks.

### **Timeline/ steps:**



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- Agreement of the Informal Steering Committee and Working Group on the development of a Resolution on general product safety principles;
- Establishment of team of volunteer participants to cooperate on the preparation of the first draft of the proposal;
- Drafting of proposal;
- Consultation of ISC members;
- Consultation of Working Group members;
- Preparation of revised proposal;
- Discussion at IGE for endorsement by Working Group and further steps for adoption of resolution.