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Minutes of Meeting
Working Group on Consumer Product Safety, May 28, 2019

As decided by the Third session of the Intergovernmental group of experts (IGE) on consumer protection law and policy of 9 and 10 July 2018, the purpose of the Working Group of Consumer Product Safety (WG) is *“to highlight best practices, to facilitate information exchange and consultations, and to continue the work from the third session, led and integrated by member States on a voluntary basis, without financial implications for the regular budget of the United Nations, and to report to the fourth session of the Intergovernmental Group of Experts.”* ([Agreed conclusions of Third session IGE](#)).

The WG held its fourth teleconference call on May 28, 2019 (at 8.30 a.m. and 5 p.m. Geneva time). The objective of this meeting was to discuss the reporting to and expected outcomes of the Fourth session of the Intergovernmental group of experts on consumer protection law and policy (8-9 July 2019, Geneva). Two proposals were received and circulated in advance to the meeting: one from the Eurasian Economic Community, and another from Argentina, Australia, Brazil, Colombia, the European Commission, Panama, and the United States, both in Annex.

The UNCTAD secretariat greeted participants to the last meeting before the [Fourth session of the IGE](#) meeting of 8 and 9 July 2019 in Room XVII of the *Palais des Nations* in Geneva, Switzerland. The report of the WGs (e-commerce and product safety) will take place on Tuesday 9 July before the discussion on the Agreed Conclusions. The session will begin with a summary by the Secretariat of the work undertaken throughout the year, followed by a brief interaction with the floor. The IGE will be asked to decide on the mandate of the WG (whether to close or extend its mandate, and if so for what purpose). Its decision will be contained in the Agreed Conclusions of the meeting. The Draft Agreed Conclusions of the IGE will be informally circulated in the room and through official correspondence to permanent missions on Monday 8 July in the afternoon. Only member States may convey to the Secretariat interests, comments and concerns to be considered in the Agreed Conclusions.

The Eurasian Economic Community (EEC) presented its proposal for the WG to create a single Global Rapid Alert System on hazardous consumer products, linking the existing networks (OECD Global Recalls, EU-RAPEX, OAS Rapid Alert System). The UNCTAD secretariat recalled that UNCTAD’s mandate on consumer protection stems from the UNGA resolution 70/186, which established the IGE and decided that the necessary resources should be made available within the UNCTAD to carry out the tasks embodied in the revised guidelines through the reallocation of existing resources and/or the use of extrabudgetary resources from voluntary contributions. According to past practice on recalls systems, the OECD global recalls was established with the financial contribution of Japan; and the OAS recall portal was established with the financial contribution of Brazil, Peru and Colombia (among others). Using these two platforms as reference, the cost for UNCTAD to set up such a platform would range between 600.000 and 750.000 USD/year, which would require voluntary contributions from member States. As at present UNCTAD has no resources available for such a project, secretariat welcomes expressions of interest from member States to financially support this project. The Chair of



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the OECD Working Party on Consumer Product Safety informed that the Global Recalls portal is also open for the participation of non-OECD countries.

Argentina, Australia and the United States presented the proposal submitted by, Australia, Brazil, Colombia, the European Commission, Panama, and the United States. In particular:

1. Proposal for a Product Safety Regulatory Mapping Survey: prepared by Argentina, for circulation to WG participants. Argentina reported some improvements to be made before proposing circulation in order to work out storage of data issues. The EEC expressed its intention to send comments to the questionnaire prepared by Argentina to expand on consumer product safety exchange of experiences. The UNCTAD secretariat reminded that the current priority, as contained in Agreed Conclusions of the First, Second and Third sessions of IGE, is to complete the World Consumer Protection Map (<https://unctadwcpm.org/>), which includes questions on the legal and institutional frameworks for consumer product safety and can provide intelligence for the mapping exercise of this Working Group. For this purpose, the link to the online questionnaire was sent to officially designated contact points. Member States are invited to contact the secretariat should they need any assistance in completing the survey.

Conclusion: Argentina to receive comments from EEC. Member States to answer the online survey for World Consumer Protection Map.

2. Side event – Seminar on “Resources for Best Practices in Consumer Product Safety Policy:” will take place on 8 July 2019 8.30 – 9:45 in Room XXVI of the *Palais des Nations*, organized by Argentina, Australia, Brazil, Colombia, the European Commission, Panama, and the United States. The proposed agenda is contained in Annex.

Conclusion: Organizers to pursue preparations.

3. Scope of products: proposal to adopt a working definition of product safety, following the OECD definition. This will be reported to the IGE, which may endorse it as an output of the WG.

Conclusion: the working definition of product safety will be presented to the IGE as an output of the WG.

4. Proposed Instrument to Prevent “Dumping” of Hazardous Consumer Products: the UNCTAD secretariat reminded that this proposal will need considerable consultations and may be considered for the programme of work of the WG for the year to come. The UNCTAD secretariat also noted:

- a) UNCTAD is not a monitoring agency: it is not in a position to ensure the enforcement of such an instrument;
- b) The Eight United Nations Review Conference could endorse this initiative with a declaration of intentions;
- c) UNCTAD can support this proposal as long as it gathers consensus and resources to implement it.

The United States proposed a more general language to be considered. The European Commission requested that examples be omitted.

Conclusion: Such instrument should be discussed in the next mandate of the WG and could be presented for consideration at the 8th UN Review Conference of 2020.



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The proposed text submitted by the United States as a follow-up to the meeting is as follows:

“The Working Party recognizes that there are occasions when a company may seek to export a hazardous consumer product to a foreign market specifically because its hazard(s) prevent it from being sold legally in the jurisdiction where the product is located. In some cases, the product may have been the subject of an intervention by the product safety authority.

The Working Party is of the view that member states should be encouraged to prevent companies, where possible, from “dumping” hazardous products on foreign markets. To that end, the Working Party proposes to engage in the preparation of an instrument, the nature of which is to be determined, calling on member states take appropriate action, within their legal frameworks, to prevent such “dumping”.”

5. 2020 8th United Nations Review Conference Roundtable Session on Consumer Injury Data entitled: *“Collecting and Analyzing Injury Data for Making Informed Product Safety Policy”*: the UNCTAD secretariat reminded that all issues to be discussed in meetings should be related to the mandate of the UNGCP. The European Commission expressed interest in enlarging the topic to data collection in general. The secretariat asked to bear in mind that a great number of UNCTAD member States are developing countries and economies in transition, which may not have the legal and institutional frameworks for basic consumer product safety. The UN Review Conference will gather competition and consumer protection delegates at Ministerial level, so topics for discussion should also appeal to the interest of a high-level public. The UNCTAD secretariat recommended that all issues proposed for discussion at the UN Review Conference be of interest to as many member States and delegates as possible.
Conclusion: further consultations should be pursued for this proposed issue to be included in the UN Review Conference agenda (to be decided on 9 July 2019 at the IGE meeting).
6. Working Dinner on July 8 in Geneva: proposed for members of the WG on 8 July in Geneva.
Conclusion: The United States will follow-up with invitations.
7. Letters from the Secretariat Publicizing the Working Group: The UNCTAD secretariat informed that invitations were formally sent to permanent missions in Geneva in January. It is permanent missions who transmit them to relevant national agencies. The UNCTAD secretariat also sent various save-the-dates to all UNCTAD official and unofficial contacts. The IGE website states that the meeting will review the work of the working group. In June, the UNCTAD secretariat will hold a briefing session for permanent missions on the agenda of IGE, including the report of this WG. The UNCTAD secretariat informed that there will be no other communication on any particular issue of the agenda to permanent missions. Member States are free to undertake communications among themselves.
Conclusion: communications procedures will remain unchanged.

Miscellaneous: The European Commission expressed interest in hosting a meeting of the Working Group on Consumer Product Safety during its International Product Safety Week in October 2019. Tele-participation would be possible, and the European Commission will liaise bilaterally with the UNCTAD secretariat.



CONCLUSION OF MEETING: The WG participants showed unanimous support to request the IGE to extend the mandate of the WG at least for another year. The UNCTAD secretariat proposed the following language to be included in the Agreed Conclusions:

“Decides to renew the mandate of the Working Group on Consumer Product Safety established by the Intergovernmental group of experts at its third session to continue to highlight best practices, to facilitate information exchange and consultations, and to continue the work from the fourth session, led and integrated by member States on a voluntary basis, without financial implications for the regular budget of the United Nations, and to report to 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”.

The UNCTAD secretariat reminds WG participants of the need to register online for the Fourth session of the IGE at: <https://unctad.org/en/Pages/MeetingDetails.aspx?meetingid=1894>



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| Working Group on Consumer Product Safety | | |
|---|--|------------------------------|
| 4th Meeting – List of Participants | | |
| Name | Organization | Country |
| Richard Frewin, and Lara Golden | Office for Product Safety and Standards | United Kingdom |
| Gayoung Park | Korea Consumer Agency | Republic of Korea |
| Saliya Karymbaeva, Lidiya Osaulenko, Sergey Sinyakov, Sergey Kulikov, Boris Bokitko | Eurasian Economic Commission | Eurasian Economic Commission |
| AndreyPuchkovskiy | Directorate for Federal State Surveillance in the Field of Consumer Protection, Federal Service for Surveillance on Consumer Rights Protection and Human Wellbeing (Rospotrebnadzor) | Russian Federation |
| Piotr Evgeniev | Translation Agency “Effectiff”, interpreter | N/A |
| Neville Mathew | ACC, OECD Working Party on Product Safety | Australia |
| Damla Yeşeren Arafal | DG for Consumer Protection and Market Surveillance | Turkey |
| Maria Carolina Corcione- | Superintendencia de Industria y Comercio | Colombia |
| Beatriz de Morra from Argentina. National | Directorate for Consumer Defense DNDC | Argentina |
| Fatiha Akharif | MIICEN | Morocco |
| Pedro Brown, Karine Murad, Luciana Carvalho, Ruth Epsztejn | Inmetro | Brazil |
| Manuel Carbó Martínez, Laura Galindo Rodríguez | DG Consumo | Spain |
| Leonardo Alburquer | | |
| Clarissa Arauz, Joscelyn Mora | ACODECO | Panama |
| Orsolya Csorba | European Commission | European Union |
| Alejandro Pereira | DIACO | Guatemala |
| Alexandre Carneiro, Nicolas Eric Matoso, Leonardo Marques | SENACON | Brazil |
| Antonino Serra | Consumers International | |
| Richard O’Brien, Tilven Bernal | USCPSC | United States |
| Tebisey Padrón- | Área Defensa del Consumidor | Uruguay |



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ANNEX 1: Proposal by Eurasian Economic Commission

De: Синяков Сергей Алексеевич <sinyakov@eecommission.org>

Data d'enviament: divendres, de maig 24, 2019 1:10 p. m.

Per a: Arnau Izaguerri Vila

Assumpte: from the Eurasian Economic Commission

Dear Arnau,

Thank you very much that you found a few spare minutes to talk over some essential points!

Continuing our talking, we suggest as follows.

The idea of creating a single Global Rapid Alert System on hazardous consumer products still remains.

Such a system could be based on already existing regional alert systems – RAPEX, Global Recalls, ASEAN Product Alerts system, etc. In a few words, the operating principle of the system is as of a HUB. That is the system itself is like a “black box”: a user (consumer) opens in web-interface some form to be filled with data about the product of interest, sends this request to that “black box” by clicking OK, and gets relevant information on recalls from markets, bans in importation and some other minimally required information for a consumer. The information received by a consumer in such a manner should contain web-links to the source informational system/systems (RAPEX, Global Recalls, etc.) for the purposes to provide a consumer with a possibility to obtain more detailed information. As we know, most of the people do not like dive into deep of exploring complicated websites. As a rule, an immersion level - from home page down to the first level. Hence, the simpler system is better. So, we think that if UNCTAD could live out the approach “Get the necessary information in one click in one place with minimal efforts” consumers all over the globe would appreciate this a lot.

In connection with the foregoing, we would offer to IGE:

- to renew WG on Consumer Products Safety mandate for years 2019 – 2020;
- to assign to the WG on consumer product Safety to develop general approaches and concept for creating a single alert system under UNCTAD’s auspices.

Your faithfully,

Sergey



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ANNEX 2: Proposal by Argentina, Australia, Brazil, Colombia, the European Commission, Panama, and the United States

**Working Group on Consumer Product Safety
Proposals Prepared by the Informal Steering Committee**

(For WG Meeting May 28, 2019)

1.

Proposal for a Product Safety Regulatory Mapping Survey

Desiring to have the best possible basic information about member states' government mechanisms for consumer product safety policy, the Working Group would request that member states' consumer product safety authorities complete a short questionnaire. The results will be used to prioritize and plan Working Group activities, including for the July IGE plenary this year. The draft survey can be found here:

<https://docs.google.com/forms/d/1u0tXYvU6LeihS1lete7SY3CzyOy7WO8-miisMAzTio/edit?usp=sharing>

2.

Side Meeting – Seminar

Wishing to assist member states seeking to improve their consumer product safety frameworks, it is proposed that a side meeting take place at the margins of the July IGE Plenary designed as a seminar, **“Resources for Best Practices in Consumer Product Safety Policy.”** The United States has offered to draft an agenda (to be circulated separately), to include a diverse panel of speakers who can share from practical experience in consumer product safety policy. The USA has also arranged for video recording in order to make the seminar available to member states that could not be present. The presentations would highlight examples of useful reference materials, including web resources, for developing effective consumer product safety policies.

** Proposed agenda attached at the end of this Annex*

3.

Scope of Products

The following scope is proposed for consumer products:

The Working Group will concern itself with the category of products intended for and/or likely to be used by consumers. This category does not aim to cover food, drugs and medical devices, as these products are often subject to specific risk assessment and risk management in distinct regulatory frameworks.

4.

Proposed Instrument to Prevent “Dumping”
of Hazardous Consumer Products

The Working Party recognizes that there are occasions when a company may seek to export a hazardous consumer product to a foreign market specifically because its hazard(s) prevent it from being sold legally in the



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jurisdiction where the product is located. In some cases, the product may have been the subject of an intervention by the product safety authority.

The Working Party is of the view that member states should be encouraged to prevent companies, where possible, from “dumping” hazardous products on foreign markets. To that end, the Working Party proposes to engage in the preparation of an instrument, the nature of which is to be determined, calling on member states take appropriate action. As a starting point for discussion of this proposal, the measures to be taken by member states would include:

1. Exports of hazardous consumer products that were taken off the market due to non-compliance with product safety requirements in the jurisdiction where located would not be permitted.
2. If an exporter wants to re-export unsold product (usually located at the port) which does not meet the product safety requirements of the jurisdiction where its located, the exporter must notify the product safety authority in that jurisdiction and **await** confirmation from that authority that the receiving country’s product safety authority does not object to the export.
3. For local production intended exclusively for export, which does not meet the product safety requirements of the jurisdiction where it is located, the exporter must notify the product safety authority in that jurisdiction and **await** confirmation from that authority that the receiving country’s product safety authority does not object to the export.

5.

2020 United Nations Review Conference
Roundtable Session on Consumer Injury Data

Recognizing that data is the basis of good policy-making, it is proposed that the Working Group develop a Roundtable session for 2020 United Nations Review Conference focused on *Collecting and Analyzing Injury Data for Making Informed Product Safety Policy*. The session would feature experts on collecting and analyzing injury data in the context of consumer product safety.

6.

Working Dinner on July 8 in Geneva

Recognizing the need for a meeting in Geneva to discuss the Injury Data session and other WG business for which the IGE agenda does not allow time, there was a consensus among the informal steering committee to propose a Working Group working dinner Monday evening, July 8 in Geneva. SUGGESTIONS FOR LOCATION NEEDED.

7.

Letters from the Secretariat Publicizing the Working Group

Wishing to ensure that all member state consumer product safety agencies are aware of the establishment of the Working Group, it is proposed that the Secretariat send letters such as those provided below for example.



Dear UN Geneva permanent representative:

The purpose of this letter is to request that a new UNCTAD activity be communicated to the appropriate agency(s) of your government with responsibility for consumer product safety.

At the July 2018 plenary meeting of the UNCTAD Intergovernmental Group of Experts (IGE) on Consumer Protection Law and Policy in Geneva, member state delegates agreed to the formation of a **Working Group on Consumer Product Safety**. The purpose of this new Working Group is to provide a global platform for a focused effort to promote effective consumer product safety policies as essential elements in the efforts of governments to fuel sustainable economic development. The Working Group is, in fact, the first and only intergovernmental consumer product safety group open to all UN member states.

The Product Safety Working Group was established with the clear understanding among member states and the Secretariat that there are no resources allocated specifically to support a new Working Group. Instead, member states involved in the Working Group will take a “self-service” approach to planning and implementing activities, always in coordination with the Secretariat and subject to agreement from the Plenary, as appropriate. An informal steering committee made up of volunteer members is now engaged in organizational activities and preparations for the 2019 IGE plenary meeting on July 8 and 9.

The Secretariat and the Working Group kindly request that Missions inform the relevant agency(s) of their governments about the Working Group if they are not already engaged as delegates to the IGE on Consumer Law and Policy. We are aware that in some member states, consumer product safety is carried out by agencies other than those consumer protection authorities dealing with competition policy, fair trading, etc. Ideally, your product safety authority would be represented at the upcoming July IGE plenary having been designated formally by your mission as an IGE delegate(s).

There will be Product Safety Working Group items on the agenda and also a special side meeting in July. For more information, your product safety authority can contact the Secretariat ([name, email](#)) and the Working Group’s informal steering committee coordinator (Ms. Tilven Bernal tbernal@cpsc.gov).

For clarity in determining which agency(s) of your government should be informed about the Working Group on Consumer Product Safety, the scope of goods included in “consumer products” would be everyday items used by consumers but not including food, beverages, drugs, or medical devices.

Finally, I pass along a request from the Working Group. Desiring to have the best possible basic information about member states’ government mechanisms for consumer product safety policy, the Working Group is



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requesting that your country's consumer product safety authority complete a short questionnaire. The results will be used to prioritize and plan Working Group activities, including for the July IGE plenary this year. The survey can be found here:

<https://docs.google.com/forms/d/1u0tXYvU6LeihS1lete7SY3CzyzOy7WO8-miisMAzTio/edit?usp=sharing>

Thank you very much for your assistance.

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Dear Multilateral Organization (OECD WP, OAS CHSN, ASEAN?, etc.):

The purpose of this letter is to request that a new UNCTAD activity be communicated to the appropriate representatives to your organization who have responsibility for consumer product safety in their own member states.

At the July 2018 plenary meeting of the UNCTAD Intergovernmental Group of Experts (IGE) on Consumer Protection Law and Policy in Geneva, member state delegates agreed to the formation of a **Working Group on Consumer Product Safety**. The purpose of this new Working Group is to provide a global platform for a focused effort to promote effective consumer product safety policies as essential elements in the efforts of governments to fuel sustainable economic development. The Working Group is, in fact, the first and only intergovernmental consumer product safety group open to all UN member states.

The Product Safety Working Group was established with the clear understanding among member states and the Secretariat that there are no resources allocated specifically to support a new Working Group. Instead, member states involved in the Working Group will take a "self-service" approach to planning and implementing activities, always in coordination with the Secretariat and subject to agreement from the Plenary, as appropriate. An informal steering committee made up of volunteering members is now engaged in organizational activities and preparations for the 2019 IGE plenary meeting on July 8 and 9.

The Secretariat and the Working Group kindly request that you inform (name of group here) about the Working Group. Ideally, as many national and regional product safety authorities as possible would be represented at the upcoming July IGE plenary having been designated formally by their missions in Geneva as IGE delegates.



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There will be Product Safety Working Group items on the agenda and also a special side meeting in July. For more information, government product safety authorities can contact the UNCTAD Secretariat (name, email) and the Working Group's informal steering committee coordinator (Ms. Tilven Bernal tbernal@cpsc.gov).

For clarity in determining which agencies would find their work relevant to the Working Group on Consumer Product Safety, the scope of goods included in "consumer products" would be everyday items used by consumers but not including food, beverages, drugs, or medical devices.

Finally, I pass along a request from the Working Group. Desiring to have the best possible basic information about member states' government mechanisms for consumer product safety policy, the Working Group is requesting that national product safety authorities complete a short questionnaire. The results will be used to prioritize and plan Working Group activities, including for the July IGE plenary this year. The survey can be found here:

<https://docs.google.com/forms/d/1u0tXYvU6LeihS1lete7SY3CzyzOy7WO8-miisMAzTio/edit?usp=sharing>

Thank you very much for your assistance.



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Attachment – Proposed agenda for Side Meeting – Seminar

“Resources for Best Practices in Consumer Product Safety Policy.”

A Side Meeting / Seminar

In Conjunction with the Fourth session of
the Intergovernmental Group of Experts on Consumer Protection Law and Policy

Geneva

July 8, 2019

8:30am -9:45am

Palais des Nations - Building E - Conference Room XXVI

Wishing to assist member states that wish to improve their consumer product safety frameworks, Argentina, Australia, Brazil, Colombia, the European Commission, Panama, and the United States, will host a seminar featuring a diverse panel of speakers who can share from practical experience in developing and implementing consumer product safety policy. The presentations will highlight types of legislative and regulatory frameworks and will direct attendees to reference materials, including web resources, for use in policy making.

As interpretation is not available, the seminar will be conducted in English.

The seminar is open to registered attendees of the IGE meeting. Registration information can be found here: <https://unctad.org/en/pages/MeetingDetails.aspx?meetingid=1894>

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|-------------|---------------------------------------|
| 8:30 - 8:45 | Moderator’s Remarks and Introductions |
| 8:45 - 9:00 | Speaker 1 |
| 9:00 - 9:15 | Speaker 2 |
| 9:15 - 9:30 | Speaker 3 |
| 9:30 - 9:45 | Questions |