



Recommendation

on preventing cross-border
distribution of known unsafe
consumer products



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UNCTAD/DITC/CPLP/MISC/2021/1

Note

The present document reproduces the recommendation on preventing cross-border distribution of known unsafe consumer products approved by the Eighth United Nations Conference to Review the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, held from 19 to 23 October 2020.

The official version of the recommendation is published in document TD/RBP/CONF.9/9. This reproduction is intended to be a user-friendly reference for all States.

18 February 2021

RECOMMENDATION ON PREVENTING CROSS-BORDER DISTRIBUTION OF KNOWN UNSAFE CONSUMER PRODUCTS

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

Recalling General Assembly resolution 70/186 of 22 December 2015, on consumer protection, adopting the revised United Nations guidelines for consumer protection,

Recalling also that consumers should have the right to safe products and to be protected against negative consequences involving unsafe products,

Recognizing that appropriate policies that promote trade in safe consumer products can improve consumer confidence and provide more favourable conditions for sustainable economic development,

Recalling 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,

Reaffirming that measures to ensure the health and safety of consumers should not create unnecessary obstacles to trade or be more trade restrictive than necessary, consistent with the rules of the World Trade Organization,

Reaffirming also that Member States should develop or strengthen information sharing regarding products which have been banned, withdrawn or severely restricted in order to enable other importing countries to protect themselves adequately against the harmful effects of such products,

Reaffirming further that Member States should work towards a high level of safety for consumer products globally and, similarly, availability of safety information relating to unsafe products in order to avoid detrimental effects for consumers,

Recognizing that instances of unsafe consumer products being distributed in national markets can be reduced globally as international cooperation is strengthened,

Recognizing also that consumers everywhere may benefit when the manufacture and cross-border distribution of unsafe consumer products is reduced,

Recognizing also that there may be variation in Member States' product safety requirements and risk assessment approaches,

Recognizing further that 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,

Recognizing further that many Member States, where unsafe consumer products have been identified and withdrawn or blocked from commerce, may not be able to prevent the export of those products,

Considering that steps by Member States to discourage the cross-border distribution of known, unsafe consumer products would be mutually beneficial to the health and safety of consumers everywhere,

Recognizing that 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,¹ aims at strengthening consumer product safety frameworks at the national, regional and international levels to protect consumers from hazards to their health and recommending policy options for addressing challenges faced by consumer protection authorities in this area,²

Noting that the 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 but without including food, drugs and medical devices, as these products are often subject to specific risk assessment and risk management in distinct regulatory frameworks,

Noting that the term “cross-border distribution” used in this recommendation is understood to refer to the circulation of consumer products between consumer product safety jurisdictions,

1. *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;
2. *Calls on* Member States to raise awareness among businesses responsible for bringing goods to the market on the potential harms of cross-border distribution of unsafe consumer products;
3. *Calls also on* Member States to raise awareness among consumers on the risks to their physical safety posed by unsafe products, especially when engaging in cross-border online transactions;
4. *Recommends* that Member States regularly exchange information on national policies and measures on product safety recalls and safety requirements;

1 TD/B/C.I/CPLP/15.

2 TD/B/C.I/CPLP/20.

5. *Requests* that the United Nations Conference on Trade and Development continue to assist Member States in improving national and regional consumer product safety frameworks in order to better protect consumers and to prevent cross-border distribution of unsafe consumer products;
6. *Requests also* that the secretariat of the United Nations Conference on Trade and Development propose modalities for the implementation of the present recommendation following its adoption;
7. *Requests further* that the secretariat of the United Nations Conference on Trade and Development exchange information on progress and experiences, review that information and report to the General Assembly on this subject on the occasion of 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.

Closing plenary meeting

23 October 2020
