



# General Assembly

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## Eightieth session

### Second Committee

Agenda item 16 (a)

#### Macroeconomic policy questions: international trade and development

**Draft resolution submitted by the Vice-Chair of the Committee,  
Weronika Garbacz (Poland)**

### Consumer product safety

*The General Assembly,*

*Recalling* its resolution [70/186](#) of 22 December 2015 on consumer protection, in which it adopted the revised United Nations guidelines for consumer protection, setting out the main characteristics of effective consumer protection legislation, enforcement institutions and redress systems,

*Taking note* of the mandate entrusted to the United Nations Conference on Trade and Development at its fifteenth session in the Bridgetown Covenant,<sup>1</sup> to 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 Conferences 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 those in vulnerable and disadvantaged situations, with a high level of protection against unsafe products both online and offline, particularly in countries with less developed product safety frameworks,

*Affirming also* 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,

*Recognizing* the need to tackle emerging challenges in cross-border consumer protection enforcement arising from the evolving online environment,

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<sup>1</sup> [TD/541/Add.2](#).



*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,

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

*Recognizing* 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 and reduces costs to society associated with injuries, ill health, deaths and property loss, and thereby contributes to economic development,

*Recognizing* that product safety plays a critical role in sustainable consumption and that sustainable products should also be safe, conscious of the role that the circular economy will play in addressing environmental, climate and biodiversity challenges, and recognizing the interlinkages 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 recommendation on preventing the cross-border distribution of known unsafe consumer products adopted by 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,<sup>2</sup> which encourages Member States to pursue policies, consistent with World Trade Organization obligations, aimed at preventing the cross-border distribution of consumer products known in their own jurisdiction to be unsafe,

*Recognizing* 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, and 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,

*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 particular risk assessment and risk management procedures in distinct regulatory frameworks,

1. *Decides* to adopt the United Nations principles for consumer product safety annexed to the present resolution, of which they form 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 the present resolution and the principles;

<sup>2</sup> [TD/RBP/CONF.9/9](#), sect. I.C.

4. *Requests* all organizations of the United Nations system that elaborate United Nations guidelines for consumer protection and related documents on particular areas relevant to consumer product safety to distribute them to the appropriate bodies of individual States;

5. *Requests* the secretariat of the United Nations Conference on Trade and Development to exchange information on progress and experiences regarding the implementation of the present resolution, to review that information and to report to the General Assembly on this subject on the occasion of the Tenth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;

6. *Requests* the United Nations Conference on Trade and Development to promote the United Nations principles for consumer product safety 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. *Requests* the Intergovernmental Group of Experts on Consumer Protection Law and Policy to incorporate the United Nations principles for consumer product safety into its regular programme of work, in addition to the United Nations guidelines for consumer protection, to devote a standing agenda item at its sessions to their implementation and to prepare reports and documentation as appropriate.

## **Annex**

### **United Nations principles for consumer product safety**

#### **I. General principles for the safety of products on the market**

1. All products offered to consumers, whether online or offline, new, used, repaired or reconditioned, in reasonably normal or foreseeable use or foreseeable misuse, are safe.
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 the relevant authorities responsible for product safety to develop laws, rules, regulations and policies, participate in and encourage the development of standards and consider existing standards, for the safety of products.
5. Member States should develop policies to strengthen product safety online, engaging actors involved in the online sale of products, including online marketplaces, by ensuring that they implement appropriate measures to enhance consumer product safety.
6. Member States should formulate or promote the development and implementation of standards for the safety of products at the regional and international levels.
7. The fact that a product formally complied with product safety requirements should not preclude the relevant authorities responsible for product safety from taking all appropriate corrective measures where there is evidence that the product is unsafe.

8. Member States should perform outreach activities to industry regarding applicable product safety requirements to help businesses to comply with product safety requirements.

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

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

### **III. Responsibilities of relevant authorities responsible for product safety**

11. Member States should empower the relevant authorities responsible for product safety to investigate and take action against unsafe products and the businesses in the supply chain that bring them to market. These powers may include the following:

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

(b) Request businesses to notify the relevant authorities responsible for product safety of any unsafe product that they have made available to consumers, without undue delay from the moment they know about the risk. Product safety incidents and regulatory notifications should be documented, including the time of awareness and the time of notification;

(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, including potential risks, and to the supply chain of their products;

(d) Order businesses to take certain measures, such as those enumerated in section VI on corrective measures, in relation to a product presenting a danger to consumers' health and safety;

(e) Receive and process complaints from businesses, consumers, consumer groups, civil society and other government authorities in relation to a product presenting a danger;

(f) Investigate and take action to stop the sale and distribution of products presenting a danger to consumers' health and safety in online marketplaces;

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

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

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

14. Member States are encouraged to explore the use of new technologies for the enforcement of product safety requirements in 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.

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

#### **IV. Product risk identification**

16. 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 organizations;
- (g) Media monitoring of news sources and other government or organization publications and media statements;
- (h) Consumer product reviews.

#### **V. Risk assessment and management**

17. When assessing the safety of a product and determining how to manage risk, the following elements may be taken into account:

- (a) The characteristics of the product, in particular its design, features, composition, packaging and, where applicable, instructions for assembly, installation, use and maintenance;
- (b) The presentation and marketing of the product, the labelling, including suitability by age, any warnings and instructions for its safe use and disposal and any other indications or information regarding the product;
- (c) The types of consumers using the product, in particular consumers in vulnerable situations, such as children, the elderly and persons with disabilities, and taking into account the diversity of consumers;
- (d) The following additional elements, when appropriate:
  - (i) 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;
  - (ii) Other environmental considerations with an impact on the safety of products;
  - (iii) The number of products on the market, their location and the conditions in which they may be used.

#### **VI. Corrective measures**

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

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

20. 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) Notification of consumers of the risks in an accessible, accurate, clear and efficient manner;
- (b) Marking of the product with appropriate warnings of 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) The removal of the product listing by online marketplaces;
- (g) Product repair if possible and allowed by relevant legislation, particularly when the risk relates to a part of the product.

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

- (a) An order making the marketing of the product subject to prior conditions;
- (b) A ban on the supply, offer to supply, display or exportation of the product;
- (c) A rejection of the importation of the product at a national border;
- (d) Take-down and stay-down orders to stop the sale and distribution of products presenting a danger to consumers' health and safety in online marketplaces;
- (e) Any other measure ensuring that the product no longer poses a risk to consumers.

22. In the event of a product safety recall initiated by a business or ordered by the 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 repair, replacement or an adequate refund of the recalled product, to the consumer.

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

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

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

25. 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 products should equally be provided for online offers.

26. To address sustainability and circular economy considerations, businesses should freely distribute and make available user manuals pertinent to the safe use of products

to any interested party, including in electronic format or in another format adequate to consumers' needs.

27. Businesses should provide consumers with channels through which to report product safety issues and incidents.

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

29. 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 through various media.

30. Member States should, and businesses are encouraged to, develop, as appropriate, 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**

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

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

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

34. Member States should foster opportunities to bring all stakeholders together, including business organizations, consumer organizations and the relevant authorities responsible for product safety, to discuss product safety issues. They should share data on risks, exchange updates on safety guidelines and coordinate joint responses to safety concerns.

35. Businesses should implement equivalent levels of consumer product safety irrespective of the country in which they operate.

#### **IX. International cooperation**

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

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

38. Member States should collaborate in setting up the joint use of testing facilities, common testing procedures and the mutual recognition of test results.