



DANGEROUS  
PRODUCTS  
NOTIFICATIONS OF DANGEROUS  
PRODUCTS BY PRODUCERS  
AND DISTRIBUTORS  
HAVE TO BE  
NOTIFIED!

## THE RAPEX SYSTEM

Where the product notified to the competent national authority:

- presents a serious risk to consumers, and
  - is available in more than one EU country,
- the Member State receiving such information is obliged to inform the Commission and the other Member States of the European Union about this product via the Community Rapid Information System for Dangerous Products (RAPEX).

Products presenting serious risks which are notified via the RAPEX system are published on the Commission's website:

[http://ec.europa.eu/consumers/dyna/rapex/rapex\\_archives.cfm#search](http://ec.europa.eu/consumers/dyna/rapex/rapex_archives.cfm#search)

## COOPERATION WITH AUTHORITIES

The competent national authorities are responsible for assisting and helping producers and distributors to duly meet their obligation to notify dangerous products that have been placed on the market.



Economic operators are advised to give the authorities preliminary information about a potential risk as soon as they are aware of it. Preliminary information will enable the authorities to help the producers and distributors to discharge their notification duty correctly.

## AUTHORITIES RESPONSIBLE FOR RECEIVING NOTIFICATIONS

A list of the national authorities can be found on the European Commission's website:

[http://ec.europa.eu/consumers/cons\\_safe/prod\\_safe/gpsd/contact\\_points.pdf](http://ec.europa.eu/consumers/cons_safe/prod_safe/gpsd/contact_points.pdf)

## WHERE TO SEARCH FOR INFORMATION?

All the relevant documents are available on the European Commission's website:

- Guidelines for the notification of dangerous consumer products to the competent authorities of the Member States by producers and distributors in accordance with article 5(3) of Directive 2001/95/EC:  
[http://ec.europa.eu/consumers/cons\\_safe/prod\\_safe/gpsd/guidelines\\_en.htm](http://ec.europa.eu/consumers/cons_safe/prod_safe/gpsd/guidelines_en.htm)
- Guide to corrective action, including recalls, helping businesses to protect consumers from unsafe products:  
[http://ec.europa.eu/consumers/cons\\_safe/prod\\_safe/gpsd/guidelines\\_en.htm](http://ec.europa.eu/consumers/cons_safe/prod_safe/gpsd/guidelines_en.htm)

**Additional copies of this leaflet – in all the official languages of the EU – may be downloaded from:**

[http://ec.europa.eu/consumers/cons\\_safe/prod\\_safe/gpsd/guidelines\\_en.htm](http://ec.europa.eu/consumers/cons_safe/prod_safe/gpsd/guidelines_en.htm)

## LEGAL OBLIGATION

General Product Safety Directive (2001/95/EC) - Article 5(3):

Producers and distributors of consumer products (non-food) must inform the competent national authorities where they know that a product they have placed on the market (e.g. a toy, a childcare article, a domestic electrical appliance or a vehicle) poses risks to consumers.

## NOTIFICATION CRITERIA — WHEN TO NOTIFY?

Producers and distributors must inform the national authority of any dangerous product that they have placed on the market, where the following conditions are met:

- the product is intended for or likely to be used by consumers;
- the product presents a risk to consumers (e.g. electric shock, choking, suffocation, injury, chemical risk);\*
- the product is on the market;
- risks are such that the product may not remain on the market and producers and distributors should take appropriate preventive and corrective action.

\* Relevant guidance on risk assessment is described in the Guidelines for the notification of dangerous consumer products to the competent authorities of the Member States by producers and distributors:

[http://ec.europa.eu/consumers/cons\\_safe/prod\\_safe/gpsd/guidelines\\_en.htm](http://ec.europa.eu/consumers/cons_safe/prod_safe/gpsd/guidelines_en.htm)



Producers and distributors do not have to notify the national authority where the product they have placed on the market presents defects in terms of its functional aspects but is safe.

## WHO HAS TO NOTIFY?

The obligation to notify applies to both the producer and the distributor:

- Where the producer has first information that the product is dangerous, he should inform the national authority and forward a copy of the information to the distributor.
- Where the distributor has first information that the product is dangerous, he should inform the national authority and forward a copy of that information to producer.



Exception: the producer/distributor does not have to send notification on dangerous products where he knows that another economic operator has already informed the national authorities of the risk and all the required information has been transmitted.

## WHERE TO SEND THE NOTIFICATION?

The notification should be sent to the national authorities of the Member States in which the dangerous product has been marketed.



Exception: producers and distributors can send the notification only to the authority of the Member State in which they are established, where they know that the authority in question will forward the information to other Member States through the Community Rapid Information System for Dangerous Products (RAPEX).

Each Member State has designated the authorities responsible for receiving notifications on dangerous products. A list of these authorities can be found on the European Commission's website:

[http://ec.europa.eu/consumers/cons\\_safe/prod\\_safe/gpsd/contact\\_points.pdf](http://ec.europa.eu/consumers/cons_safe/prod_safe/gpsd/contact_points.pdf)

## HOW TO SEND NOTIFICATION?

### • Notification form

The producer and distributor should complete the notification form and submit it without delay to the competent national authorities.

The notification form is available in the Guidelines for the notification of dangerous products on the European Commission's website:

[http://ec.europa.eu/consumers/cons\\_safe/prod\\_safe/gpsd/guidelines\\_en.htm](http://ec.europa.eu/consumers/cons_safe/prod_safe/gpsd/guidelines_en.htm)

### • Content of the notification form

Each notification should contain details of the:

- authorities and companies receiving the form,
- producer/distributor sending the form,
- notified product,
- risks posed by the product,
- corrective action taken by the economic operator,
- companies in the distribution chain in possession of the affected products.

### • Deadlines

The notification should be sent to the competent authorities without delay, as soon as the information on the dangerous product has become available:

- in the case of serious risk, within 3 days
- in other cases, within 10 days.



Economic operators should not delay submitting the notification because part of the information on the dangerous product is not yet available.

### • Internet application for notifications on dangerous products sent by businesses

The European Commission is in the process of setting up an Internet application to allow producers and distributors to send the notification form to the competent authorities of all Member States of the EU via the Internet.

Pending availability of the Business Application, the notification form should be sent to the authorities via e-mail, fax or post.

## FOLLOW UP TO THE NOTIFICATION

The national authorities who receive a notification sent by a producer or a distributor should, depending on the specific circumstances of the case:

- ask the economic operator for additional information;
- monitor measures and action taken by the economic operator;
- ask the economic operator to take further action or measures;
- take enforcement action or measures;
- inform the public about the product.