

## **The 'RAPEX-CHINA' Application**

**Two conclusions stem from the 16<sup>th</sup> "RAPEX-CHINA" follow-up report submitted to the Health and Consumers Directorate-General of the European Commission (DG SANCO):**

- a) Member States should make further efforts to provide AQSIQ with more accurate information about Chinese companies involved in the manufacturing and export of dangerous products found on the EU market;**
- b) AQSIQ should further intensify its follow-up action to the information on dangerous products provided by the EU.**

**The two above mentioned points as well as other aspects of the operation of the RAPEX-China system were discussed by AQSIQ, Member States and the Commission at the RAPEX-China Working Group meeting that was held in Brussels on 10 May 2011.**

### **PART 1: Overview of reports 1-16**

16 quarterly reports received from AQSIQ<sup>1</sup> cover its enforcement action taken with regard to RAPEX notifications submitted via the 'RAPEX-CHINA' system between September 2006 (when the application was established) and November 2010.

So far, AQSIQ has investigated and where necessary adopted measures in relation to 1499 RAPEX notifications<sup>2</sup> out of 5665 stored in the "RAPEX-CHINA" database<sup>3</sup>.

851 investigations (57%) were concluded by preventive and restrictive measures either adopted by AQSIQ or taken voluntarily by a Chinese manufacturer/exporter; in 648 investigated cases (43%) no measures were ordered.

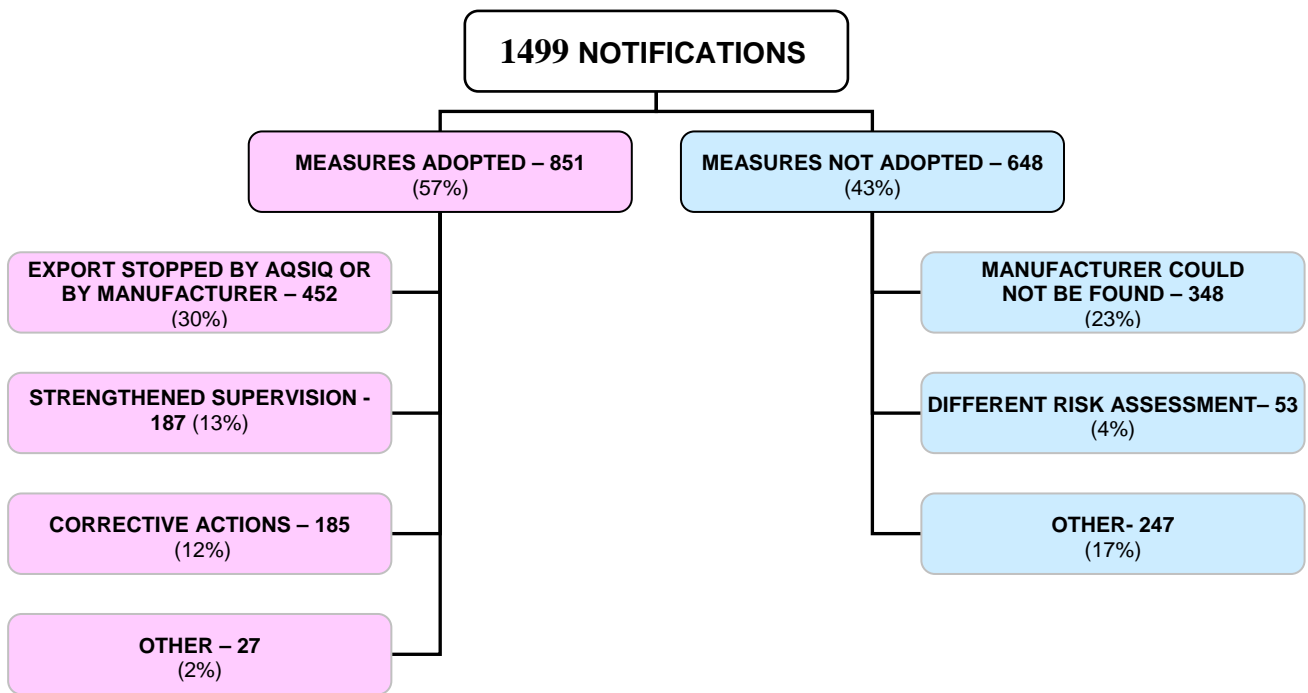
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<sup>1</sup> AQSIQ – The Administration for Quality Supervision, Administration and Quarantine from the People's Republic of China; Chinese authority in charge of product safety.

<sup>2</sup> It should be stressed that AQSIQ focuses its market surveillance actions only on new notifications and does not take follow-up actions on notifications sent before 2006, when the enhanced cooperation between the EU and China began. This is because in many of the old cases, measures could not be taken for objective reasons, such as non-existence of the responsible Chinese manufacturer/exporter or because the manufacturing process had ceased.

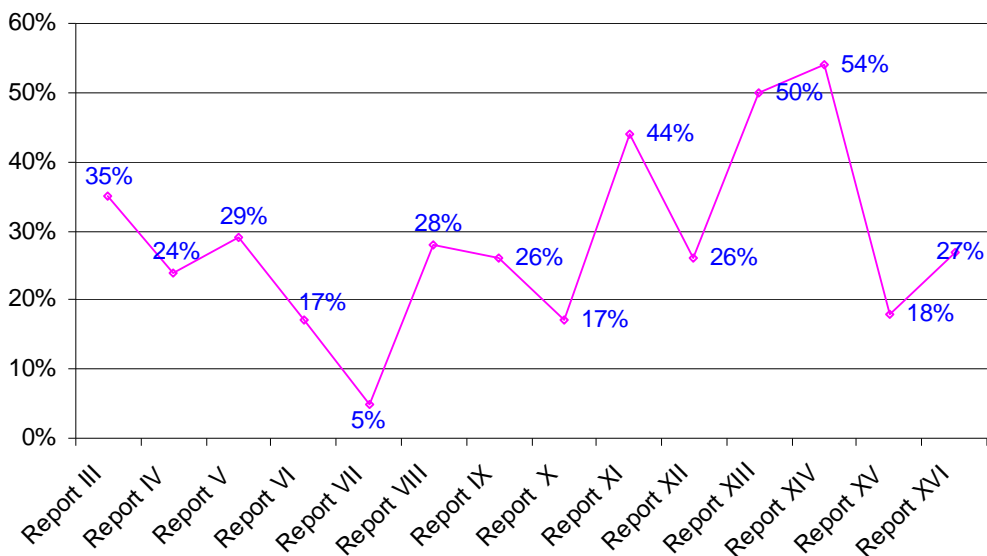
<sup>3</sup> Number of notifications stored in the "RAPEX-CHINA" system on 20.04.2011.

Actions taken by AQSIQ (total figures)

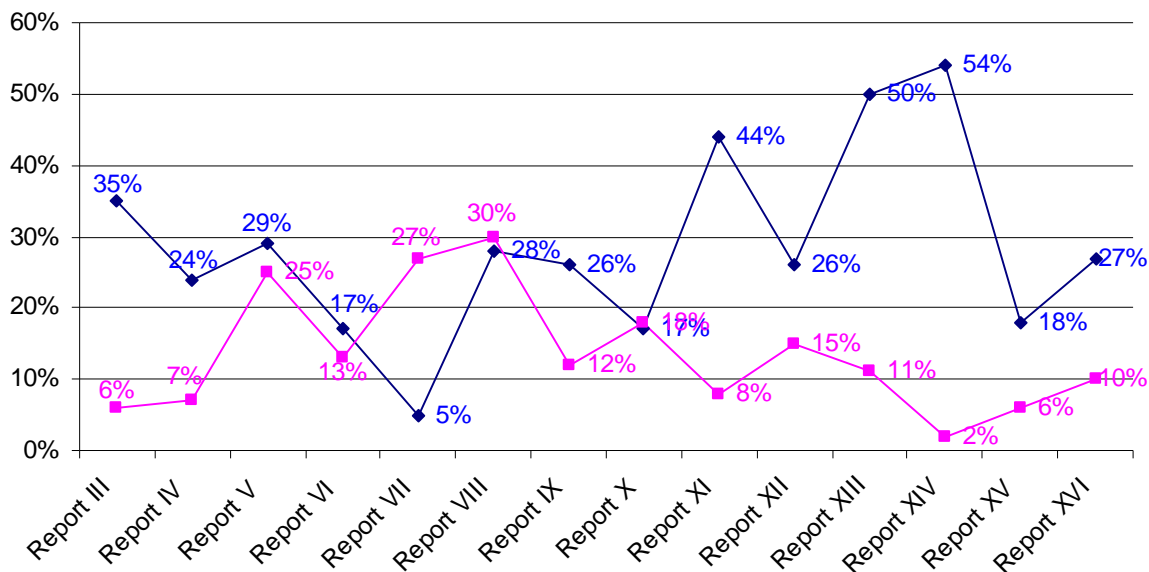


So far, an export ban (30%) and a strengthened supervision over Chinese companies involved in the manufacturing and/or export of dangerous goods (13%) remain the most frequently taken measures. Export bans prevent further export of dangerous consumer products of Chinese origin to the EU and thus complement measures taken by the European market surveillance and customs authorities. Strengthening of supervision often takes place when no samples of a notified dangerous product are left at the premises of a responsible Chinese company or its production has already stopped and thus no export ban can be imposed by AQSIQ. Strengthening of supervision often results in more frequent and stringent controls and product checks performed by AQSIQ.

Export ban  
(% of all cases reported in a follow-up report)



Export bans & Strengthened supervision  
(% of all cases reported in a follow-up report)



*(Strengthen supervision over the Chinese companies; export bans)*

In 43% of all 1499 investigated cases, no measures were taken, mainly because a responsible Chinese manufacturer/exporter could not be found.

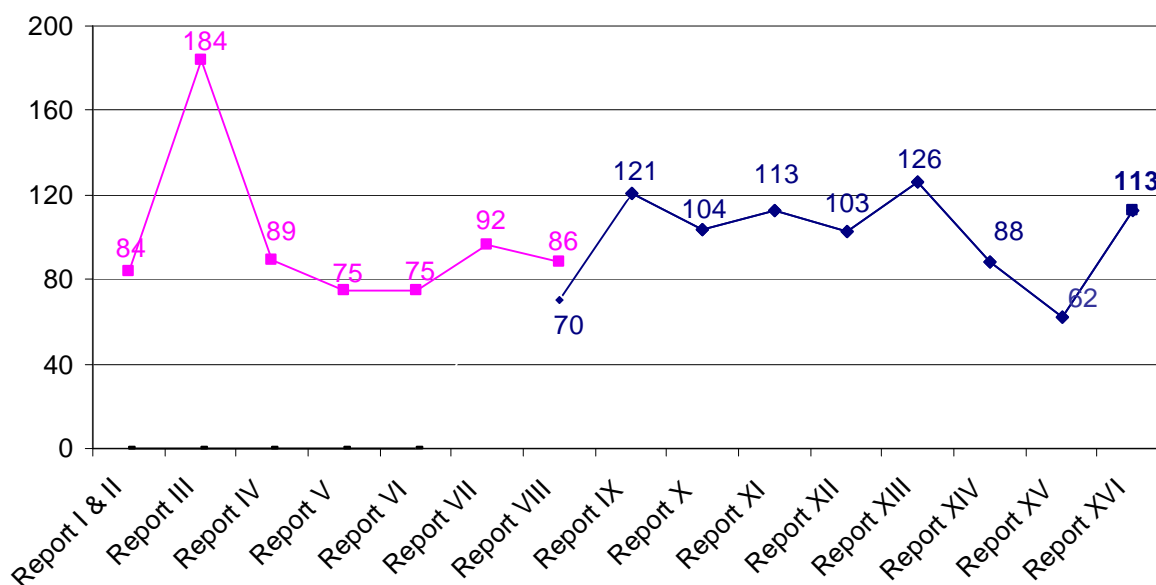
It should be stressed that Member States do not always provide accurate information about Chinese companies involved in the manufacturing and/or export of dangerous products found on the EU market. This is often due to (a) limited resources which do not always allow national authorities to deeply investigate this particular aspect of a case, (b) the fact that information about Chinese companies is not always available (e.g. there are no copies of contracts, invoices or shipping documents mentioning responsible Chinese companies), (c) the fact that information on Chinese companies provided on a product, its packaging or in attached documents is sometimes false.

Furthermore, transmission of data about responsible Chinese companies by Member States does not always guarantee that AQSIIQ will adopt any measures. In certain cases, measures cannot be adopted as (a) Chinese companies did not keep all relevant documents (orders, contracts, invoices, etc.) which could prove their role in manufacturing and/or export of dangerous products, (b) products were manufactured and exported outside applicable official procedures, thus transactions were not registered and they cannot be traced, (c) Chinese companies have changed their location or have already closed their business (e.g. bankruptcy).

## **PART 2: Detailed summary of the 16<sup>th</sup> report**

The 16<sup>th</sup> report submitted by AQSIQ contains conclusions of investigations carried out with regard to 113 notifications, including 47 notifications transmitted through the *RAPEX-CHINA* application between September and November 2010 as well as 66 notifications submitted between January and August 2010.

Notifications reported by AQSIQ per quarterly report



*(Investigations started in the period of reference; Investigations completed in the period of reference)*

It should also be stressed that 47 reported notifications constitute only 17% of all (278) notifications that the EU transmitted to AQSIQ between September and November 2010.

In 56 cases (49%<sup>\*</sup>) investigations resulted in preventive or restrictive measures being adopted, either by AQSIQ or voluntarily by a Chinese manufacturer/exporter.

- In 31 cases (27%<sup>\*</sup>) export of dangerous consumer products was stopped, including 5 cases where actions were taken voluntarily by Chinese manufacturers;
- In 14 cases (12%<sup>\*</sup>) Chinese manufacturers applied corrective actions, i.e. modified the design of a product so that it would comply with European safety requirements;
- In 11 cases (10%<sup>\*</sup>) AQSIQ strengthened its supervision over Chinese manufacturers.

In 57 cases (51%<sup>\*</sup>) no measures were adopted.

- In 40 cases (35%<sup>\*</sup>) action could not be taken mainly because AQSIQ could not find Chinese companies responsible for manufacturing and/or exporting of dangerous products;
- In 1 cases (1%<sup>\*</sup>) a Chinese manufacturer no longer existed when AQSIQ carried out its investigation (e.g. bankruptcy);
- In 2 cases (2%<sup>\*</sup>) AQSIQ presented a different risk evaluation;
- In 4 cases (4%) the production or export of the reported product was stopped;
- In 10 cases (9%<sup>\*</sup>) other.

<sup>\*</sup> % of all 113 cases reported by AQSIQ.