

## RAPEX-CHINA

Chinese authorities (AQSIQ) submitted to Health and Consumers Directorate General of the European Commission (DG SANCO) the **10<sup>th</sup> report** on enforcement action carried out with regard to RAPEX notifications exchanged via the '*RAPEX-CHINA*' system.

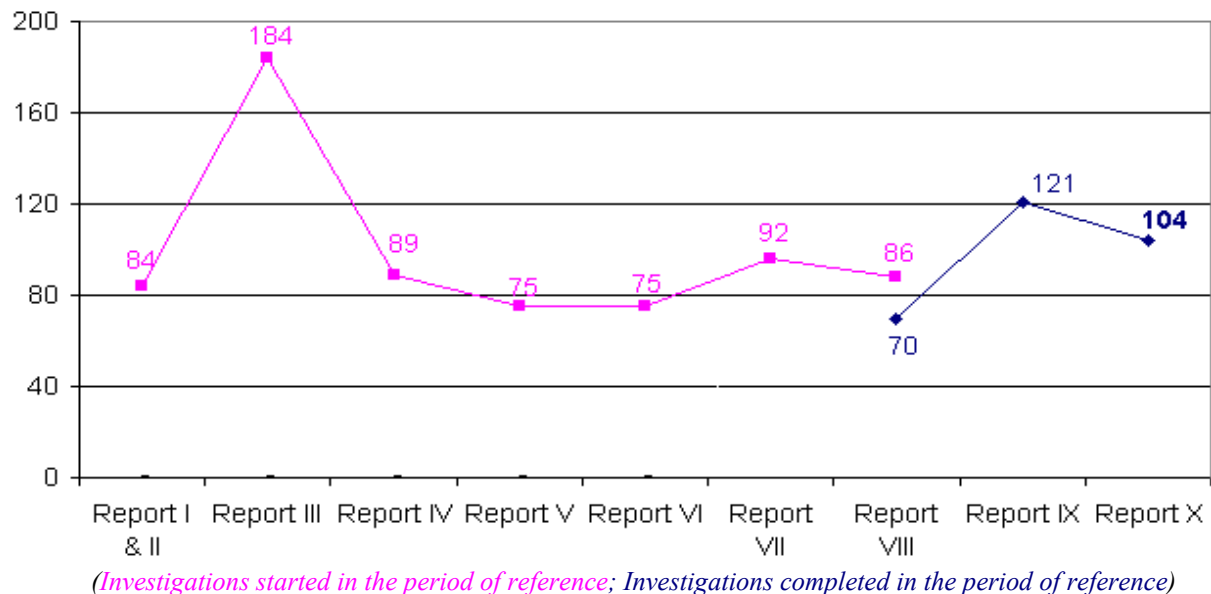
AQSIQ has investigated in total **894 RAPEX notifications** and has adopted appropriate preventive and restrictive measures (mainly export ban and strengthened supervision) in 491 investigated cases (55%).

### PART 1: Overview of reports 1-10

Ten quarterly reports received from AQSIQ<sup>1</sup> cover enforcement action taken with regard to RAPEX notifications exchanged via the '*RAPEX-CHINA*' system between September 2006 (when the application was established) and May 2009.

So far, AQSIQ has investigated and where necessary has adopted measures in relation to **894 RAPEX notifications**<sup>2</sup> out of 4023 stored in the "*RAPEX-CHINA*" database<sup>3</sup>. Analyses of the received reports show that AQSIQ investigates on average 90 RAPEX cases over a three-month period.

#### Notifications investigated by AQSIQ



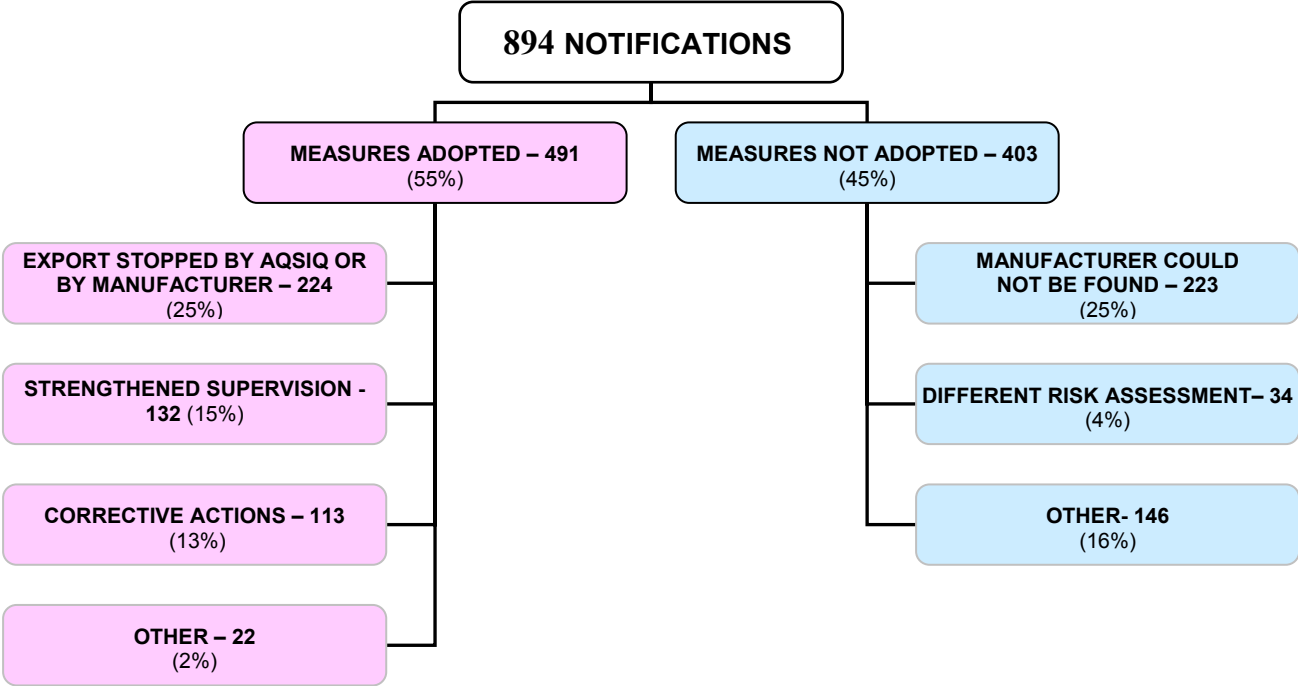
<sup>1</sup>AQSIQ – *General Administration of Quality Supervision, Inspection and Quarantine* is responsible for market surveillance activities taken in relation to consumer products (<http://english.aqsiq.gov.cn/>)

<sup>2</sup> It should be stressed that AQSIQ focuses its market surveillance actions only on the new notifications and it does not take follow-up actions on old notifications sent before 2006, when the enhanced cooperation between the EU and China began. That is because in many of the old cases, measures could not be taken due to 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 16.10.2009.

In 491 cases (55%) investigations resulted in preventive and restrictive measures adopted either by AQSIQ or voluntarily taken by a Chinese manufacturer/exporter, while in 403 investigated cases (45%) no measures were ordered.

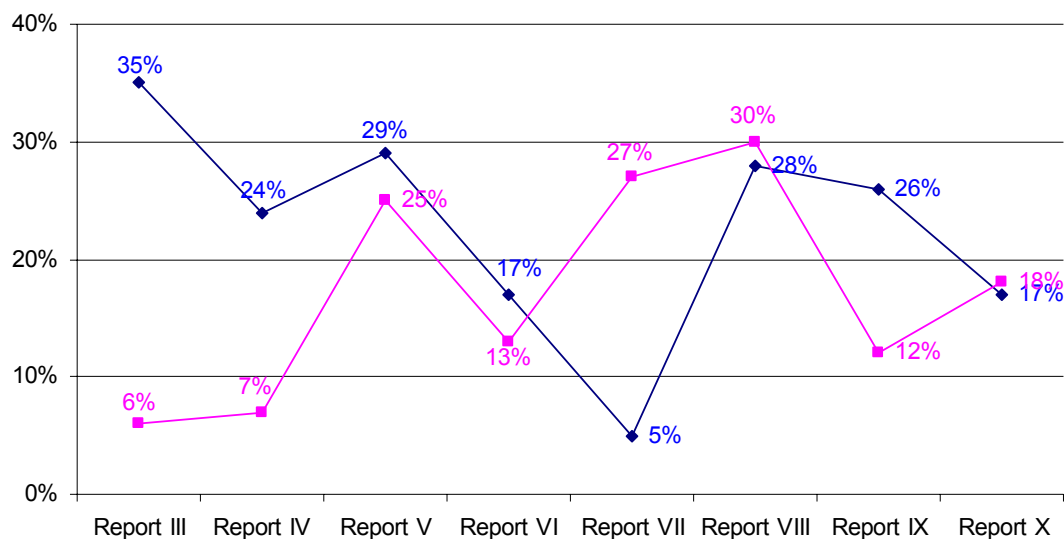
Actions taken by AQSIQ (total figures)



From all measures adopted by AQSIQ, export ban (25%) and strengthened supervision over Chinese companies involved in manufacturing and/or exporting of dangerous goods (15%) are the most frequent. Export ban prevents further export of dangerous consumer product of the Chinese origin to the EU and thus complements measures taken by European market surveillance and customs authorities. The strengthening of supervision often takes place when no samples of a notified dangerous product left at premises of responsible Chinese companies or its manufacturing has already been 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.

It should also be noted that market surveillance action taken by AQSIQ for the purpose of the "RAPEX-CHINA" system reveal malpractices of certain Chinese companies, such as exporting products to the EU without a proper permission and outside official procedures or mixing safe products approved by a competent authority with dangerous products. The argument is also made that certain European importers show negligence because they approve, purchase and ship goods without proper testing (proving that a product is safe), or have products manufactured according to their documentation which does not ensure compliance of a manufactured product with applicable safety requirements.

### Export ban/Strengthened supervision

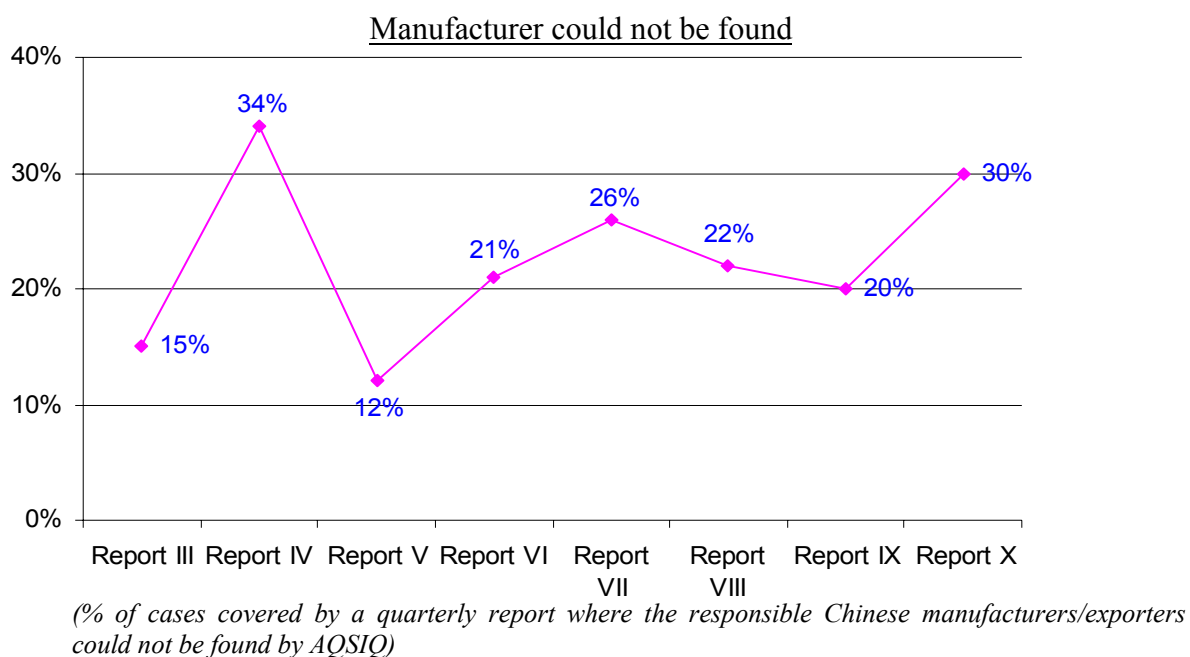


*(Strengthen supervision over the Chinese companies; export bans)*

In 45% of all investigated cases, no measures were taken. Traceability has always been the biggest challenge in the operation of the "RAPEX-CHINA" system.

First of all, Member States do not always provide accurate information about Chinese companies involved in manufacturing and or export of Chinese dangerous products found on the EU market. This is often caused by (a) limited resources which do not allow national authorities to deeply investigate this particular aspect of the case, (b) the fact that information on Chinese companies is not always available (it is not mentioned on a product or its packaging, there are no orders, invoices or shipping documents mentioning responsible Chinese companies), (c) the fact that information on Chinese companies obtained by national authorities (ex. from documents attached to a product) is often false.

Secondly, it should also be noted that transmission of data on responsible Chinese companies by Member States do not always guarantee adoption of measures by AQSIQ. Measures often cannot be adopted because (a) AQSIQ cannot find responsible company in its databases, (b) Chinese company has not kept all relevant documents which could prove its role in manufacturing and or export of dangerous products, (c) Chinese company has changed its location or has already closed its business (e.g. bankruptcy).



## **PART 2: Detailed summary of the 10<sup>th</sup> report**

The 10<sup>th</sup> report submitted by AQSIQ covers the three-month period from March to May 2009. In the period of reference, Chinese authorities investigated in total 104 cases notified through the 'RAPEX-CHINA' application (including 17 notifications transmitted between December 2008 and February 2009).

In 57 cases (55%\*) investigations resulted in preventive or restrictive measures adopted either by AQSIQ or voluntarily by Chinese manufacturer/exporter.

- In 17 cases (17%\*) export of dangerous consumer products was stopped, including 5 cases where actions were taken voluntarily by Chinese manufacturers
- In 19 cases (18%\*) Chinese manufacturers applied corrective actions, i.e. modified the construction of a product so that it would comply with European safety requirements
- In 19 cases (18%\*) AQSIQ strengthened its supervision over Chinese manufacturers
- In 2 cases (2%\*) other measures were adopted.

In 47 cases (45%\*) no measures were adopted.

- In 31 cases (30%\*) actions could not be taken mainly because AQSIQ could not find Chinese companies responsible for manufacturing and/or exporting of dangerous products
- In 4 cases (4%\*) Chinese manufacturer no longer existed when AQSIQ carried out its investigation (e.g. bankruptcy)
- In 4 cases (4%\*) manufacturing or export of a reported product has been stopped
- In 3 cases (3%\*) AQSIQ presented different risk evaluation
- In 5 cases (4%\*) measures were not adopted for other reasons.

\* % of all 104 notifications investigated by AQSIQ in the period of reference.

The 11<sup>th</sup> report from AQSIQ covering a period from June to August 2009 is expected in October/November 2009.