

Glossary

Term	Definition
<i>Art. 12 (1) of the General Product Safety Directive</i>	<p><u>sub-p. 1:</u> Where a Member State adopts or decides to adopt, recommend or agree with producers and distributors, whether on a compulsory or voluntary basis, measures or actions to prevent, restrict or impose specific conditions on the possible marketing or use, within its own territory, of products by reason of a serious risk, it shall immediately notify the Commission thereof through RAPEX. It shall also inform the Commission without delay of modification or withdrawal of any such measure or action.</p> <p><u>sub-p. 2:</u> If the notifying Member State considers that the effects of the risk do not or cannot go beyond its territory, it shall follow the procedure laid down in Article 11, taking into account the relevant criteria proposed in the guidelines referred to in point 8 of Annex II.</p> <p><u>sub-p. 3:</u> Without prejudice to the first subparagraph, before deciding to adopt such measures or to take such action, Member States may pass on to the Commission any information in their possession regarding the existence of a serious risk.</p>
<i>Comitology procedure</i>	Means a procedure through which the Commission carries out its implementing powers with the assistance of a committee consisting of representatives from Member States. In the areas covered by the <i>General Product Safety Directive</i> , detailed rules for comitology procedure are laid down its Articles 14 and 15.
<i>Consumer product</i>	Means any product – including in the context of providing a service – which is intended for consumers or likely, under reasonably foreseeable conditions to be used by consumers even if not intended for them, and is supplied or made available, whether for consideration or not, in the course of a commercial activity, an whether new, used or reconditioned.
<i>Consumer Protection Cooperation Regulation</i>	Means Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.
<i>Cross-border effect</i>	Means a situation where effects of the risks posed by a dangerous product go or can go beyond the territory of one of the Member States (also called 'international event'). 'Cross-border effect' represents one of the <i>RAPEX notification criteria</i> (see <i>RAPEX notification criteria</i>).
<i>Decision No 768/2008/EC</i>	See <i>Free Movement of Goods Package</i> .
<i>Directive 98/34/EC</i>	Means Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations.
<i>Distributor</i>	Means any professional in the supply chain whose activity does not affect the safety properties of a product, other than the manufacturer or the importer (who makes a product available on the market.)

<i>DMF-Decision</i>	Means Commission Decision 2009/251/EC of 17 March 2009 requiring Member States to ensure that products containing the biocide dimethylfumarate (DMF) are not placed or made available on the market, (as amended by Commission Decision 2010/153/EU).
<i>Economic operators</i>	Mean manufacturers, importers and distributors.
<i>European standard (EN)</i>	Means a standard adopted by a <i>European Standardisation Organisation</i> and made available to the public.
<i>European standard referenced in the OJEU</i>	Means a <i>European standard</i> (EN) the reference of which was published in the <i>Official Journal of the European Union</i> which provides for presumption of conformity to the general safety requirement under the <i>General Product Safety Directive</i> .
<i>European Standardisation Organisation (ESO)</i>	Means one of the three European Standards Organisations: CEN (European Committee for Standardisation), CENELEC (European Committee for Electrotechnical Standardisation) or ETSI (European Telecommunications Standards Institute).
<i>Free Movement of Products Package</i>	Means Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and Decision No 768/2008/EC on a common framework for the marketing of products.
<i>General product safety legislation</i>	Means the <i>General Product Safety Directive</i> , as implemented into national legislations of Member States. The list of national laws implementing the <i>General Product Safety Directive</i> can be consulted at: http://eur-lex.europa.eu/Notice.do?val=414664:cs&lang=en&list=414664:cs.&pos=1
<i>General Product Safety Directive</i>	Means Directive 2001/95/EC on general product safety, as amended.
<i>Harmonised products</i>	Mean products for which there is EU legislation harmonising the conditions for marketing. (see also <i>Sector specific legislation on harmonised products</i>).
<i>IEC standard</i>	Means a standard adopted by the International Electrotechnical Commission (IEC). IEC is the world's global standardisation organization that prepares and publishes <i>international standards</i> for all electrical, electronic and related technologies collectively known as "electrotechnology."
<i>Importer</i>	Means any natural or legal person established within the Community who places a product from a third country on the EU market.
<i>International standard</i>	Means a standard adopted by an international standardisation organisation and made available to the public. Examples of international standards are <i>ISO standards</i> and <i>IEC standards</i> .
<i>ISO standard</i>	Means a standard adopted by International Organization for Standardisation (ISO). ISO is the world's largest developer and publisher of International Standards other than electrotechnical or telecommunication ones.

<i>Joint market surveillance actions</i>	Mean joint surveillance and enforcement actions in the area of non-food consumer product safety. They involve administrative and surveillance cooperation between the authorities of several Member States and EFTA/EEA countries and typically focus on product testing, risk assessment, market monitoring, and the exchange of expertise and best practices related to market surveillance. The Commission has supported a number such actions, for example, in the areas of safety of sunbeds and solarium services, cord extension sets, lighting chains, playground equipment etc.
<i>Large enterprise</i>	Means an enterprise not fulfilling the criteria on an <i>SME</i> .
<i>Local event</i>	Refers to measures adopted in relation to a product posing a risk that can only have local effects, i.e. the risk posed by a dangerous product do not go or cannot go beyond the territory of one of the Member States. This includes a situation where an authority of a Member State has reason to believe that a product has not been and will not be made available (by any means) to consumers in other Member States, e.g. measures taken with regard to a local product manufactured and distributed only in one Member State. These measures are not notified through RAPEX, but may be notified through the procedure under Article 11 of the <i>General Product Safety Directive</i> .
<i>Magnetic Toys Decision</i>	Means Commission Decision 2008/329/EC of 21 April 2008 requiring Member States to ensure that magnetic toys placed or made available on the market display a warning about the health and safety risks they pose.
<i>Manufacturer</i>	Means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under his name or trademark.
<i>National standard</i>	Means a standard adopted by a national standardisation body and made available to the public.
<i>Non-harmonised products</i>	Mean products for which there is no EU legislation harmonizing the conditions for marketing.
<i>Notification for information</i>	Means a notification which cannot be sent through the system as a RAPEX notification due to various reasons (such as the non-availability of some of the information required to be present in the <i>RAPEX notification</i> , absence of the <i>cross-border effect</i> , impossibility to determine whether one or more <i>RAPEX notification criteria</i> were met, yet the notification involves information on product safety likely to be of interest for other Member States etc.), but the Contact Point has nevertheless decided to circulate such notification for information purpose.
<i>Novelty and Child Resistant Lighters Decision</i>	Means Commission Decision 2006/502/EC of 11 May 2006 requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters (as amended by Commission Decisions 2007/231/EC, 2008/322/EC, 2009/298/EC and 2010/157/EU).
<i>Non-European standards</i>	Mean standards other than <i>European standards</i> , including <i>international standards</i> and standards produce by states outside the EU.

<i>Obligations of the economic operators with respect to harmonised products</i>	Mean obligations of the economic operators to make sure that products comply with technical legislation, bear the required <i>product identification</i> , are accompanied with the adequate safety instructions, product keep a copy of a technical documentation as not to jeopardise safety properties of a product etc.
<i>OJEU</i>	Means the Official Journal of the European Union.
<i>Consumer product sold on the Internet</i> in question 22.2. of the Questionnaire for Member States, Section C, Market surveillance on the safety of products sold on the Internet)	Means a product which has its own name and a model number (e.g. soft toy –'Singing Dolphin', model number SD-546) and not a product category (e.g. toys), or a total number of items of that product available or subject to measures (e.g. 953 items).
<i>Presumption of conformity</i>	Means the compliance of a product as far as the risks and risk categories covered by relevant national standards are concerned when it conforms to voluntary national standards, the references of which have been published by the Commission in the <i>OJEU</i> .
<i>Product identification</i>	Means the indication on the product, its packaging or in the accompanying documents, the identity of the manufacturer or, if imported, the manufacturer and the importer, i.e. an indication of their firm, trade name or a trademark, and the address where they can be contacted and a product reference or the reference to the batch of products to which the product belongs.
<i>Product safety legislation</i>	Means <i>General product safety legislation</i> and <i>Sector specific legislation on harmonised products</i> .
<i>RAPEX</i>	Means <i>the Community Rapid Information System for non-food Consumer Products</i> which Member States use to notify to the Commission measures taken to prevent or restrict the marketing or use of products posing a serious risk to the health and safety of consumers. See also <i>RAPEX Guidelines</i> .
<i>RAPEX Guidelines</i>	Commission Decision 2010/15/EU of 16 December 2009 laying down guidelines for the management of the Community Rapid Information System 'RAPEX' established under Article 12 and of the notification procedure established under Article 11 of the <i>General Product Safety Directive (OJ, L22, 26.01.2010)</i> .
<i>RAPEX notification criteria</i>	Under Article 12 of the <i>General Product Safety Directive</i> , Member States have a legal obligation to notify the Commission when the following four notification criteria are met: (a) the product is a consumer product, (b) the product is subject to measures that prevent, restrict or impose specific conditions on its possible marketing or use ('preventive and restrictive measures'), (c) the product poses a serious risk to the health and safety of consumers, (d) the serious risk has a cross-border effect.
<i>RAPEX notification</i>	Means a notification of a preventive or restrictive measure(s) against a consumer product posing a serious risk(s) to the health and safety of

	consumers adopted by an economic operator or a market surveillance organisation of a Member State, sent to the Commission under Article 12 of the General Product Safety Directive.
<i>Regulation (EC) No 765/2008</i>	See <i>Free Movement of Goods Package</i>
<i>Risk assessment guidelines</i>	Mean procedures for identifying and assessing levels of risks posed by consumer products as set out under point 5 of Part IV of <i>RAPEX Guidelines</i>
<i>Sector specific legislation on harmonised products</i>	Means the set of EU directives regulating conditions of marketing and safety aspects of products in areas such as toys, cosmetics, construction products etc. and their implementation into national legislations of Member States. For more examples of this sector specific legislation, see http://ec.europa.eu/enterprise/policies/european-standards/documents/harmonised-standards-legislation/list-references/index_en.htm
<i>Services Directive</i>	Means Directive 2006/123/EC of 12 on services in the internal market.
<i>SME</i>	Means micro, small and medium-sized enterprise. It includes enterprises which employ fewer than 250 persons and have an annual turnover not exceeding €50 million, and/or an annual balance sheet total not exceeding €43 million.
<i>"Standing or framework mandates"</i>	<i>Means a mandate to the relevant European Standardisation Organisation to draft the necessary standards in a specific field, according to the safety requirements established by the Commission, which does not require that the Commission issues a new request for each standard to be delivered or revised, except in cases of new emerging risks which will require a specific mandate from the Commission. It facilitates monitoring and production of deliverables and allows for a more effective organisation of work within the relevant European Standardisation Organisation. A standing or framework mandate also includes a work programme to identify which standards are needed or whether existing standards have to be revised to comply with the safety requirements.</i>
<i>Traceability</i>	Means an obligation to ensure that the origin of the product can be determined, for example, by indicating on the product, its packaging or in the accompanying documents, the identity of the manufacturer and/or the importer, i.e. an indication of the firm, trade name or a trademark and the address where they can be contacted, product reference or the reference to the batch of products to which the product belongs, by keeping and providing for documentation necessary for tracing the origin of the product etc.
<i>Technical documentation</i>	Means documentation which makes it possible to assess the conformity of a product to the relevant requirements, includes an adequate analysis and assessment of the risk(s), specifies the applicable requirements and covers, as far as relevant for the assessment, the design, manufacture and operation of the product.

<p><i>Website in question 22.1. of the Questionnaire for Member States, Section C, Market surveillance on the safety of products sold on the Internet)</i></p>	<p>Website has many webpages; example: www.XYZ.com should be counted as one website (which has many webpages, such as www.XYZ.com/product/ dedicated to different categories of products).</p>
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