



EUROPEAN COMMISSION

Keeping European Consumers Safe

2007 Annual Report

on the operation of the Rapid Alert System
for non-food consumer products

RAPEX



The Directorate-General for Health and Consumer Protection of the European Commission manages the Rapid Alert System for non-food consumer products (RAPEX). This report describes the activity of RAPEX in 2007.

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Further information on the Directorate-General for Health and Consumer Protection is available at:

http://ec.europa.eu/dgs/health_consumer/index_en.htm

The RAPEX weekly overviews can be consulted at:

<http://ec.europa.eu/rapex>

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Health & Consumer Protection
Directorate-General

Foreword



Product safety is a shared concern and a shared responsibility. In our new economy, a product's journey from factory floor to supermarket shelf often spans the entire globe. This is why effective governance of product safety is such a critical issue today. There can be no compromise on safety. And yet, there is no such thing as a risk-free environment. As consumers, we expect that the products we buy for ourselves and our families are safe and we should not have to worry about how to distinguish a safe product from an unsafe one. It is the job of public authorities, regulators and businesses to jointly manage the risks of this new economy and make sure that all products are safe.

The year 2007 will certainly be remembered for its "summer of recalls", involving toothpastes tainted with chemicals and dangerous toys. However, we should be more worried by silence than by activity because alerts and crises always come with a lesson for us to learn. And indeed, those events have clearly shown us that 2007 will mark the turning point for global product safety. These recalls have prompted greater awareness of our entire product safety system and have strengthened our determination to improve that system through a renewed vision of the opportunities that we can seize together with our major trading partners to raise consumer safety across the world.

In this context, the Rapid Alert System for non-food consumer products (RAPEX) has played and will continue to play a key role. In 2007, the system registered 53% more notifications than in 2006. This is more than just a quantitative success. It means that significantly more dangerous products were detected and neutralised by businesses and national authorities than in the year before. It shows that, after four years, the system has reached maturity and the hard work invested in the past to set it up is now paying off.

Moreover, the exchange of RAPEX information with China has revealed tremendous capacity and potential for improving product safety upstream in the supply chain and in fostering a culture of safety and market surveillance outside Europe, thus becoming a valuable, "must-know" reference for international cooperation tools on product safety.

The RAPEX Annual Report 2007 includes detailed information on key products, including the number, type and origin of notifications as well as the identified risks. It also looks at the progress made in 2007, especially regarding international cooperation with China and the United States. However, the report does not stop at identifying the achievements of 2007 but rather it goes further, addressing also the challenges ahead for this new year.

I would like to take this opportunity to thank the Member States' governments and national authorities, businesses and consumer organisations, and all those who are constantly engaged in the everyday challenge of making sure that products for sale in Europe meet our consumers' rights and high expectations.

Meglana Kuneva
European Commissioner for Consumers



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Product safety in Europe and the role of RAPEX



Living in an open economy has brought European consumers tremendous benefits in terms of choices, prices, goods and quality. But living in an open economy is not devoid of challenges.

As supply chains become longer and more complex, most products span the entire globe before arriving in our households, and the risk of unsafe products entering into the supply chain is always present. Risk is inherent to any human process and risk-free situations just do not exist. The real challenge is to have systems in place that can identify the risk as early as possible, manage and reduce it, and ensure that such systems work reliably.

Ensuring global product safety is a complex activity involving multiple actors all over the world. It requires adequate laws in place, coherent and thorough enforcement of such laws, safe product engineering and production protocols, commitment by economic operators to play by the rules and close cooperation among global trading partners.

But above all, it is necessary for all these elements to work as one. Real-time communication and exchange of information on unsafe products are the golden threads holding the system together, giving it strength, guaranteeing its consistency and multiplying its benefits.

The European Commission carried out a thorough review of the EU global product safety system in the latter half of 2007, following the high-profile, worldwide alerts involving key consumer products. This review focused on existing legislation, enforcement capacity in the Member States, the obligations of economic operators and cooperation with third global partners. It confirmed that the EU product safety system is solid and guarantees a high level of consumer protection, while allowing the smooth overall functioning of global trade. There is, however, room for improvement, and a package of initiatives to reinforce our product safety net was identified. The results of this review highlight the central role of RAPEX as the internal market's safety net which alerts national authorities to emerging risks, identifies unsafe products on our markets and provides data on the measures taken by the authorities and/or the economic operators. At the same time, the RAPEX-China system has been instrumental in establishing the foundations of a "market-surveillance" culture in China and providing a blueprint for a Chinese domestic alert system. Furthermore, RAPEX-China has become the prototype for other third countries seeking to set up similar cooperation tools with China.





RAPEX in a nutshell



2.1. What is RAPEX?

The cooperation and information exchange system RAPEX (Community Rapid Information System) is the internal market's safety net. RAPEX is the basis of the network of national market surveillance and enforcement authorities who work together to keep European consumers safe. It ensures that information about dangerous non-food consumer products found in one Member State is rapidly circulated among all the national authorities and the European Commission for follow-up, with the aim of preventing the supply of these products to consumers. This coordination thus adds value to the surveillance and enforcement actions at national level and increases the safety of all European citizens. Thirty countries currently participate in the system (all EU Member States and the EEA countries: Iceland, Liechtenstein and Norway).

2.2. The legal basis of RAPEX

The Directive on general product safety 2001/95/EC (GPSD)¹ provides the legal framework for RAPEX. In addition, and after consultation with Member States, the Commission adopted the RAPEX Guidelines which aim to facilitate the effective and consistent application of the provisions of the GPSD related to the notification procedure.

The RAPEX system is used to exchange information on dangerous non-food consumer products, including those covered by "sectoral" Directives (e.g. toys, cosmetics, electrical appliances, personal protective equipment, machinery, motor vehicles). This is because most of the specific "sectoral" provisions do not provide for a similar rapid information exchange system.

However, some of these "sectoral" Directives foresee a notification procedure known as the "Safeguard Clause" but its aim – to check the grounds for national measures which seek to restrict the free movement of products – differs from the RAPEX objectives. The RAPEX system sets up a rapid exchange of information on dangerous products in order to protect the health and safety of consumers.

¹ OJ L 11, 15.1.2002, p. 4.

The GPSD is available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0095:EN:NOT>

and the Guidelines at:

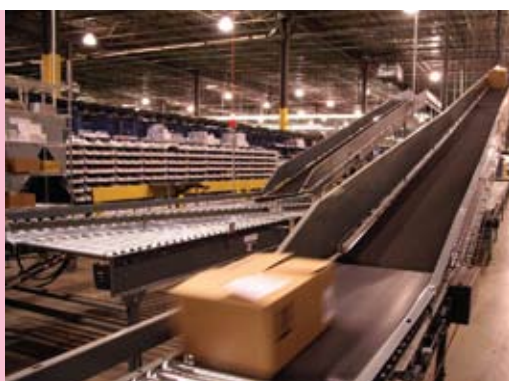
http://ec.europa.eu/consumers/safety/rapex/guidelines_states_en.htm

Sectoral Directives are available at the EUR-Lex website:

<http://eur-lex.europa.eu/>

Two guidance documents clarify the relationship between the GPSD and the sectoral Directives. They are available at:

http://ec.europa.eu/consumers/safety/rapex/key_docs_en.htm



Sectoral legislation relevant to consumer protection includes:

- Toys Directive 88/378/EEC
- Low Voltage Directive 2006/95/EC
- Machinery Directive 98/37/EC
- Cosmetics Directive 76/768/EEC
- Motor Vehicles Directive 70/156/EEC
- Personal Protective Equipment Directive 89/686/EEC

2.3. When is RAPEX used?

According to the GPSD, the national authorities of Member States notify the Commission, via the RAPEX system, of measures taken to prevent or restrict the marketing or use of consumer products posing a serious risk to the health and safety of consumers, which may be available in more than two European countries. This obligation is laid down in Article 12 of the GPSD (see box).

What types of measures can be taken?

Member States notify through RAPEX both measures ordered by national authorities and actions taken 'voluntarily' by producers and distributors. The most common measures are a ban/stop on sales, withdrawal of a dangerous product from the market and recall of a dangerous product from consumers.

What is a consumer product?

RAPEX is dedicated only to non-food consumer products. Consumer products are defined as:

- products which are intended for consumers;
- products which, while not intended for consumers, can be used by the latter (for example, a machine tool, originally intended for professional use, but which can be purchased in a shop by a consumer);
- products provided to consumers in the context of a service, or products that are in the premises of the service providers and involve an active use by the consumer (for example, hairdryers in hotels, or sunbeds, if operated almost exclusively by the consumer).

The most frequently notified consumer products are: toys, motor vehicles, electrical appliances, lighting equipment, cosmetics, children's equipment, clothing and household appliances.

The RAPEX system does not cover all consumer products. Certain products such as food, feed, medical devices and pharmaceuticals are excluded from the scope of RAPEX because information about such products is exchanged through specific alert systems established at European level. For example, the Rapid Alert System for Food and Feed (RASFF) is used to exchange information about dangerous food and feed.

What is a serious risk?

A 'serious risk' is defined by the GPSD as one which requires rapid intervention by the public authorities and includes risks of which the effects are not immediate. The national authorities are obliged to assess the risks posed by a product they intend to notify, as only those products which pose a serious risk are required to be notified through RAPEX.

What is the cross-border effect?

National authorities of Member States exchange information about dangerous products through RAPEX only if there is evidence or reasonable suspicion that these products can be found on the markets of at least two countries participating in the system.

Additionally, the RAPEX system allows for the exchange of information on measures ordered by the national authorities in relation to products that present a moderate risk for consumers. These notifications come under Article 11 of the GPSD.

Finally, the Commission also circulates information via RAPEX concerning other products or measures which do not fall into either of the above categories. For example, this can be done in cases where the national authorities are not able to provide all the information necessary for the identification of the product by the other authorities (e.g. model, brand, details of packaging) but it is important to highlight the risk that the type of product poses.



Classification of RAPEX notifications

Notification under Article 12: notifications of measures ordered by the national authorities, or actions taken 'voluntarily' by producers or distributors in relation to products presenting a serious risk.

Notifications under Article 11: notifications of measures ordered by the national authorities in relation to products presenting a moderate risk.

Notifications 'for information only': notifications of measures ordered by the national authorities, or actions taken 'voluntarily' by producers or distributors in relation to dangerous products, disseminated 'for information only' because they do not fall under Article 12 or Article 11.



2.4. How does RAPEX work?

The RAPEX system relies on close cooperation between the Commission and the national authorities of the Member States.

Role and obligations of national authorities

Each Member State has designated competent market surveillance authorities and granted them with the necessary powers to take measures in order to prevent or restrict the marketing or use of dangerous products. More specifically, the national authorities are competent to take samples of consumer products placed on the market, to test them in laboratories and – in cases where these products pose risks to consumers – order producers and distributors to stop their sale, withdraw them from the market and/or recall them from consumers.

In addition, each country participating in the RAPEX system has also established a single national RAPEX Contact Point which coordinates the operation of the RAPEX system at national level.

When the national authorities or a producer/distributor take measures which prevent or restrict the marketing or use of a dangerous consumer product, the RAPEX Contact Point submits to the Commission – using a standard notification form – information about this product and provides details on:

- product identification – name, brand, model, description, picture;
- risks posed by the product – type of risk, results of laboratory tests and risk assessment;
- measures adopted to prevent risks – type of measure, scope, duration, date of entry into force;
- distribution channels of the notified product – manufacturer, exporter, importer, distributors, countries of destination.

A list of the national Contact Points can be found on our website :

http://ec.europa.eu/consumers/safety/rapex/guidelines_states_en.htm

The Commission examines the information provided with regard to its compliance with the GPSD and the RAPEX Guidelines and checks its completeness. The result of this process is called validation. In particular, a notification is not validated if another country has already notified measures against the same product and same risk – i.e. if the RAPEX network has already been alerted.

If the examination conducted by the Commission leads to validation, information is circulated to the national RAPEX Contact Points in all countries participating in the system. All RAPEX Contact Points then forward this information to the competent national authorities, which then check whether the notified product is present on the market and if it is necessary to take appropriate action. The results of these market surveillance activities, including additional information relevant for other national authorities, are then reported back to the Commission through the RAPEX system. This feedback is called “reactions”.

Role and obligations of producers and distributors

The RAPEX system is also used to exchange information about the preventive or restrictive actions taken 'voluntarily' by producers and distributors in relation to dangerous products, which they have placed on the market. 'Voluntary' action in this context means measures taken without the intervention of the public authority.

Producers and distributors are in a prime position to assess whether a product they put on the market is dangerous because, as professionals, they have the information about the product and have contact with consumers. Therefore, once they become aware that a product is dangerous, they must immediately inform the competent authorities and the RAPEX Contact Point in their country, clearly identifying the product in question, the risks it poses and the information necessary to trace it. They must also inform the authorities of any measures taken to prevent further risks to consumers. First contact with the national authorities should be established as soon as possible and even before all the required information is available.

This information is then conveyed via the RAPEX system by the RAPEX Contact Point to the Commission and then on to other countries participating in the RAPEX system.

The obligation of economic operators to inform the authorities about dangerous products is a key element in the market monitoring procedure set up by the GPSD. National authorities are able to monitor whether the companies have taken appropriate measures to address the risks posed by dangerous products and to assess if additional measures are necessary.

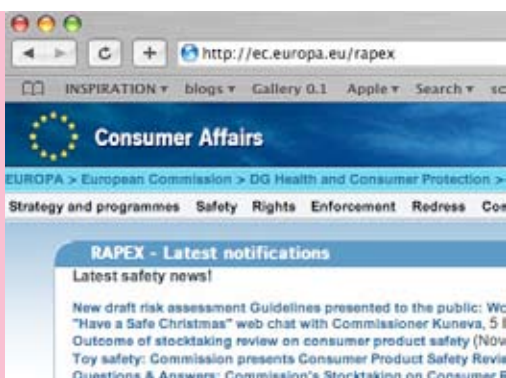
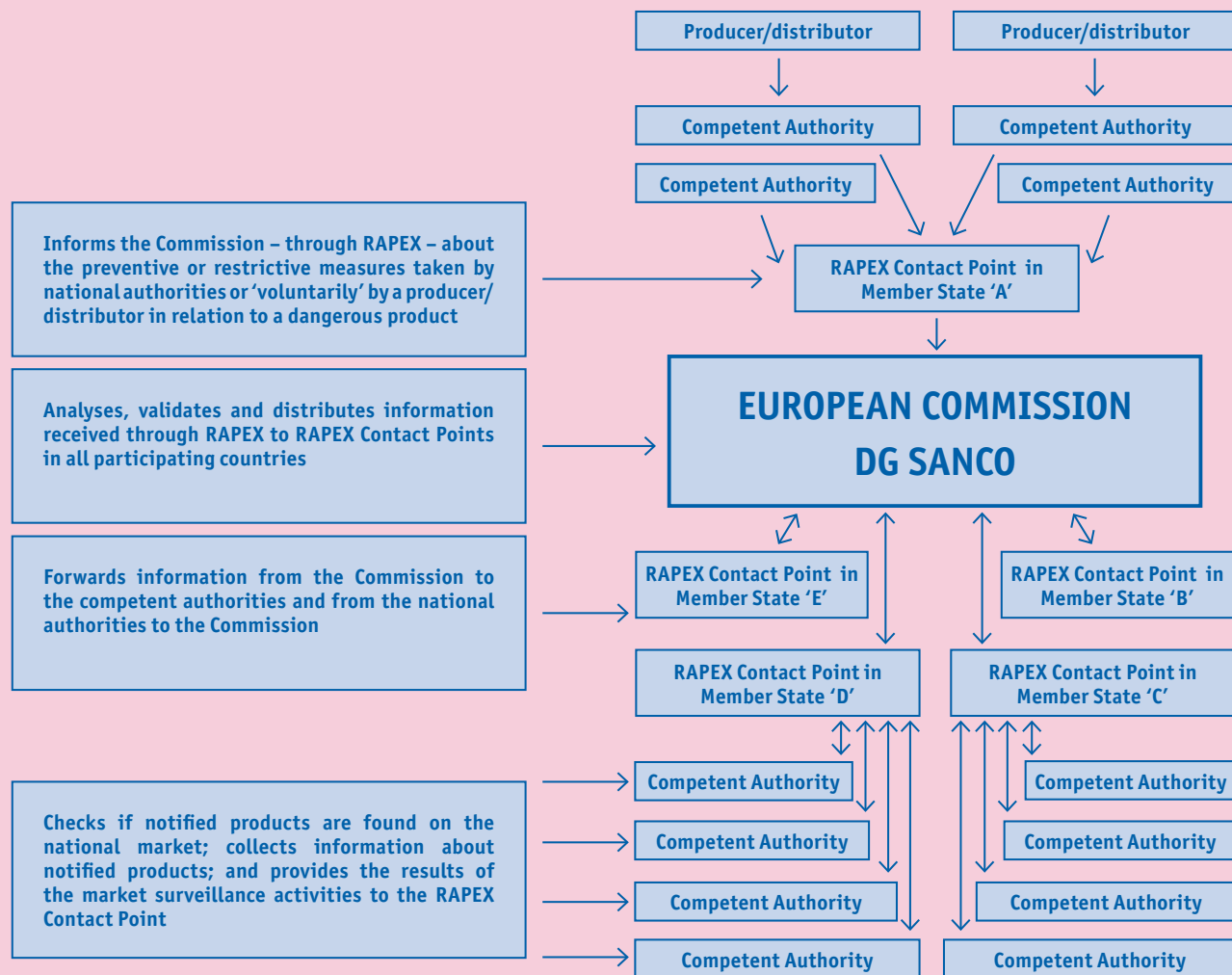
To simplify the practical application of the notification obligation of producers and distributors, the Commission is developing an IT tool called 'Business Application', which will enable economic operators to submit notifications Europe-wide to national authorities through the Internet. The new application will consist of two main elements:

- a notification form – intended for producers and distributors
- a database of all business notifications – intended for the competent national authorities.

The Commission intends to make the application operational in 2008.

The figure below illustrates the cooperation between the European Commission, the national RAPEX Contact Points and national market surveillance authorities.

RAPEX network



2.5. RAPEX website – information to consumers

The Commission publishes weekly overviews of RAPEX notifications on products posing serious risks to consumers on the RAPEX website: <http://ec.europa.eu/rapex>

These overviews provide information on the product, the nature of the risk posed and the measures taken to prevent these risks. This information enables consumers to check whether the products they use or plan to purchase have been subject to RAPEX notifications.

RAPEX statistics

3.

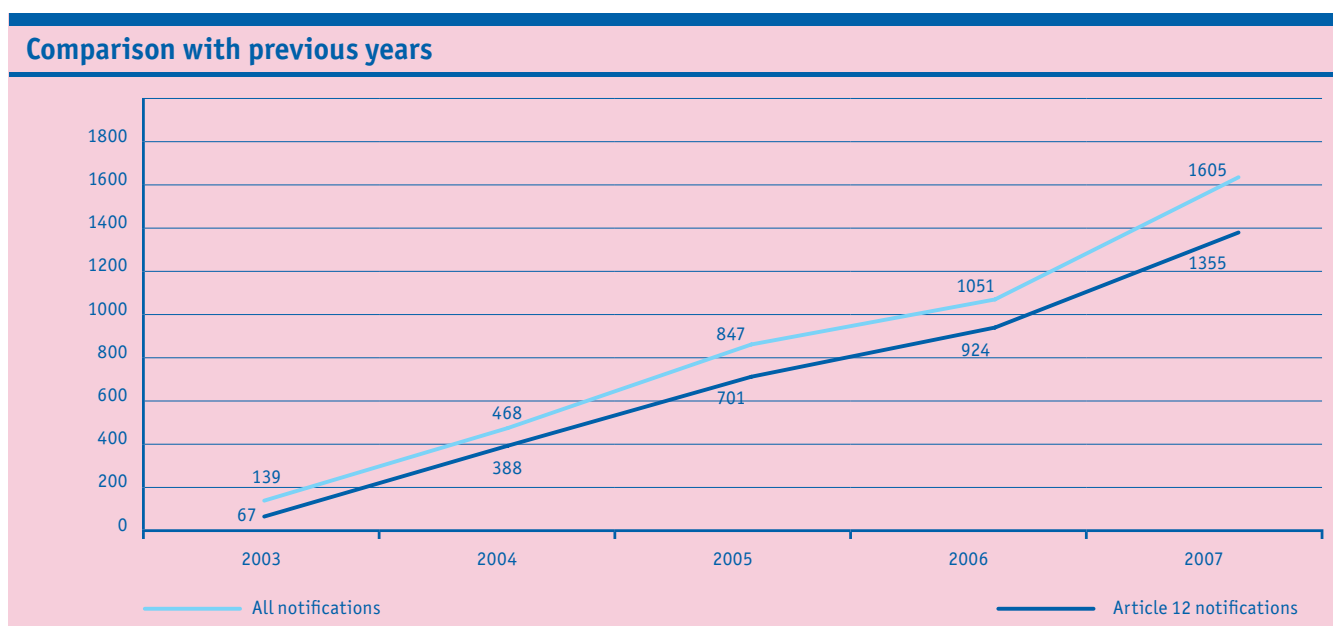
3.1. Total number of notifications

Situation in 2007

In 2007, the Commission validated 1 605 notifications:

- 1 355 of these notifications were published as notifications under Article 12 of the GPSD (measures taken by the competent authorities or by economic operators for products presenting a serious risk);
- 12 notifications were treated under Article 11 of the GPSD (measures taken by the competent authorities for products posing a moderate risk);
- 238 notifications did not qualify for treatment as Article 12 or Article 11 and were disseminated for information only.

The total number of notifications validated by the Commission has risen steeply during the last few years. In the fourth year of application of the revised GPSD, the number of notifications has more than tripled from 468 in 2004 to 1 605 in 2007.



In 2007, there was an increase of 53% compared to 2006 (1 605 notifications in 2007 compared to 1 051 notifications in 2006). In 2006, the total number of notifications rose by 24% compared to 2005.

These results can be attributed to an increased effectiveness of product safety enforcement by national authorities, increased awareness by businesses as regards their responsibilities, the EU enlargement in 2004 and 2007, as well as to several network-building actions coordinated by the Commission. The number of high-profile consumer product recalls in the summer of 2007 certainly increased the stream of notifications in the second part of the year, although the overall number of notifications, before the recalls, was significantly higher than the level registered in the same period in 2006.

The **number of Article 12 notifications** grew by 47% compared to 2006 (1 355 notifications in 2007 compared to 924 notifications in 2006). In 2006, the growth of Article 12 notifications was 32% compared to 2005.

The **number of notifications disseminated for information only** has more than doubled (from 104 notifications in 2006 to 238 notifications in 2007). These mainly concern notifications with insufficient information about the product or missing information on the manufacturer or importer. These notifications are disseminated for information so that other countries are aware of the safety problems, which are often linked to specific product categories. Consumers are warned in generic terms of typical risks with these product categories (see relevant websites in Section 7).

In the following charts, the figures only concern RAPEX notifications that were validated by the Commission under Article 12 of the GPSD. Notifications under Article 11 and notifications 'for information only' are not covered by the detailed statistics below.

3.2. Notifications by notifying country

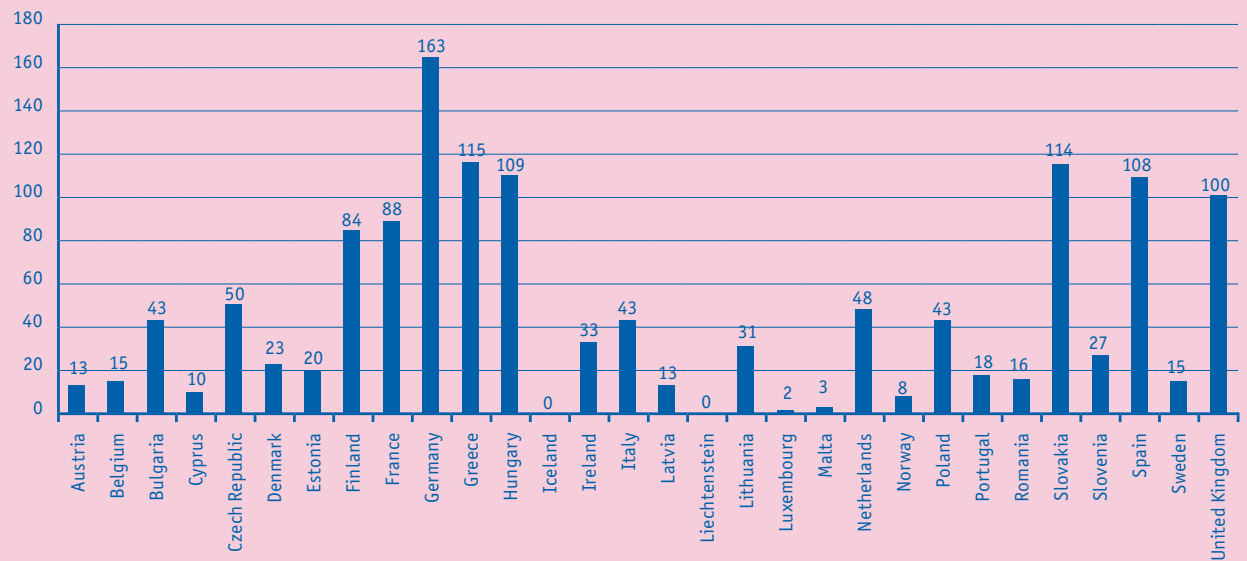
Situation in 2007

In 2007, all EU Member States and Norway were active in the RAPEX system.

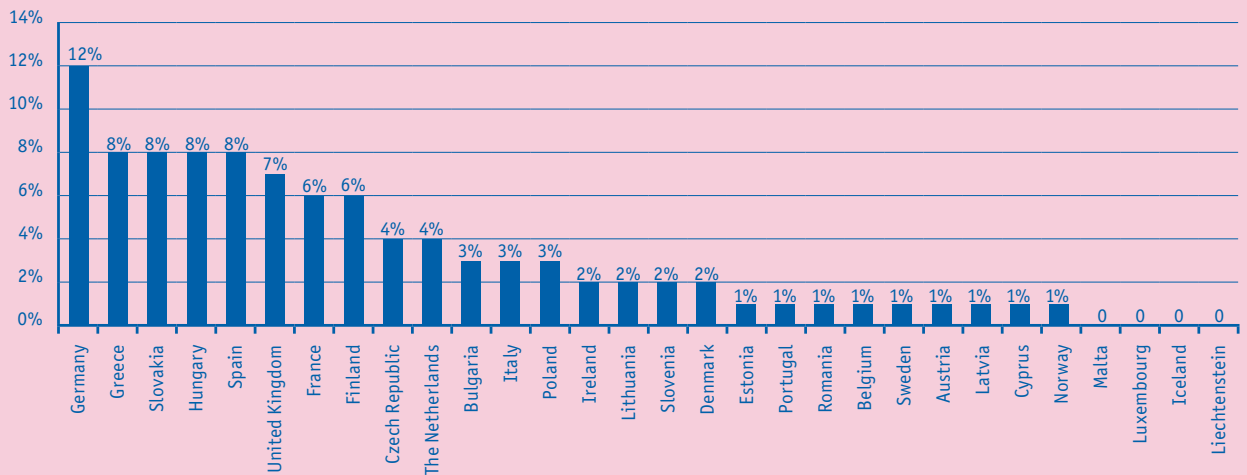
The following five most frequently notifying countries accounted for 44% of all notifications:

- Germany – 163 notifications, approx 12%
- Greece – 115 notifications, approx 8%
- Slovakia – 114 notifications, approx 8%
- Hungary – 109 notifications, approx 8%
- Spain – 108 notifications, approx 8%

Number of notifications by notifying country (absolute values)



Notifications by notifying country (%)

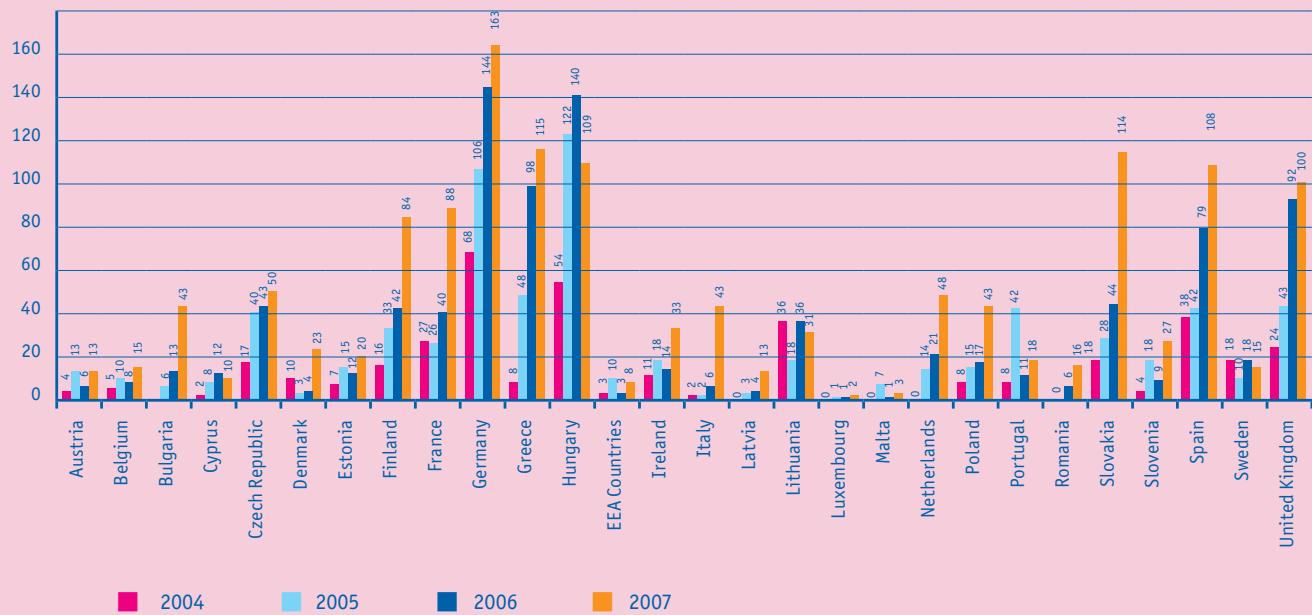


Comparison with previous years

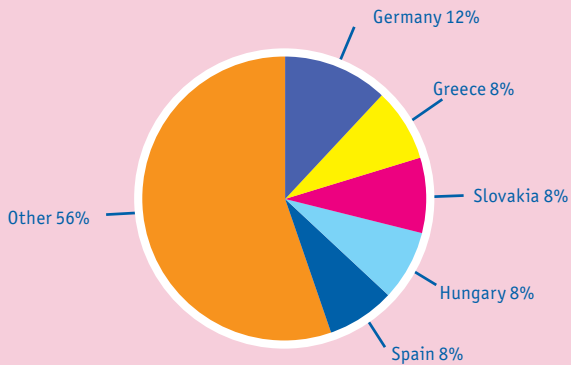
In 2007, most notifying countries increased their activities in the RAPEX system. The gap between the countries with the highest number of notifications and those with the lowest number is decreasing compared to previous years. This is reflected in the fact that the total share of the five most frequently notifying countries is decreasing (from 61% in 2006 to 44% in 2007).

However, it is important to bear in mind the different size of the countries as well as the different production and market structures across the EU.

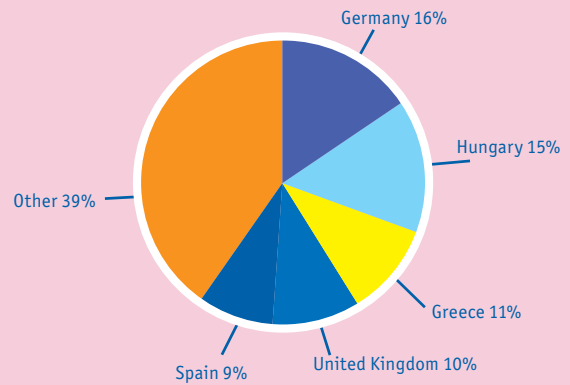
Number of notifications by notifying country (comparison 2004–2007)



5 most frequently notifying countries – 2007



5 most frequently notifying countries – 2006



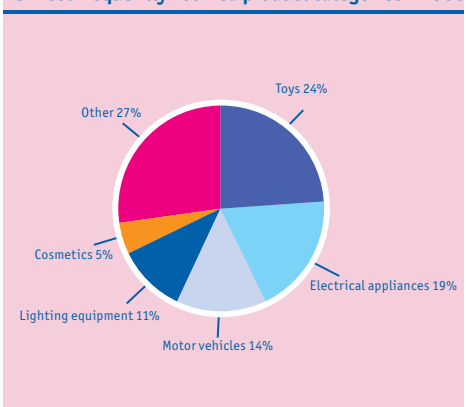
3.3. Notifications by product category

The lion's share of notifications concerned the following product categories, which accounted for almost 70% of all notified products:

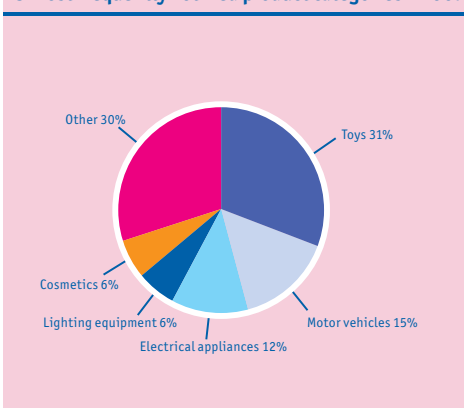
- toys – 417 notifications, approx 31%
- motor vehicles – 197 notifications, approx 15%
- electrical appliances – 156 notifications, approx 12%
- lighting equipment – 84 notifications, approx 6%
- cosmetics – 81 notifications, approx 6%.

Toys alone accounted for almost one-third of the notifications in 2007. Many of these notifications concerned products that were taken off the market or recalled from consumers by the economic operator and featured prominently in the world media during the second part of 2007. Childcare articles and children's equipment accounted together for more than 6% of the notifications in 2007. More than one out of three products notified in 2007 was either a toy or a childcare article/children's equipment, thus confirming that child safety is a top-ranking priority for market surveillance authorities.

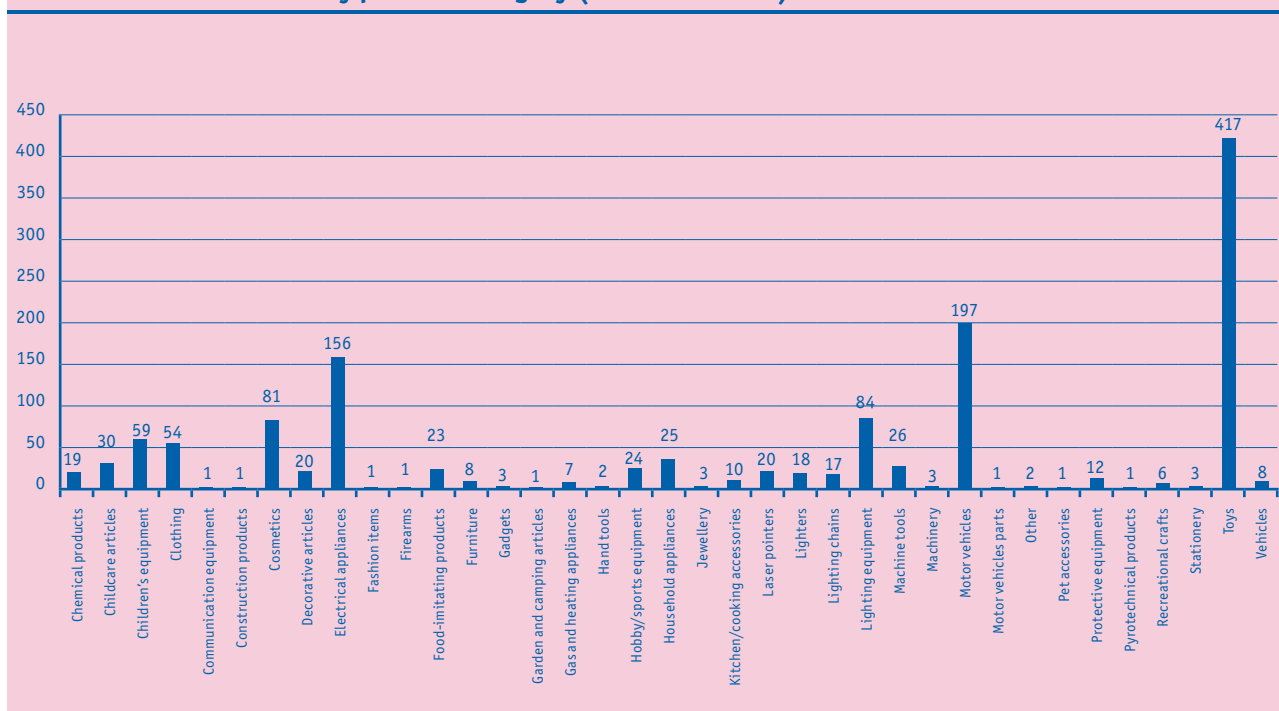
5 most frequently notified product categories – 2006



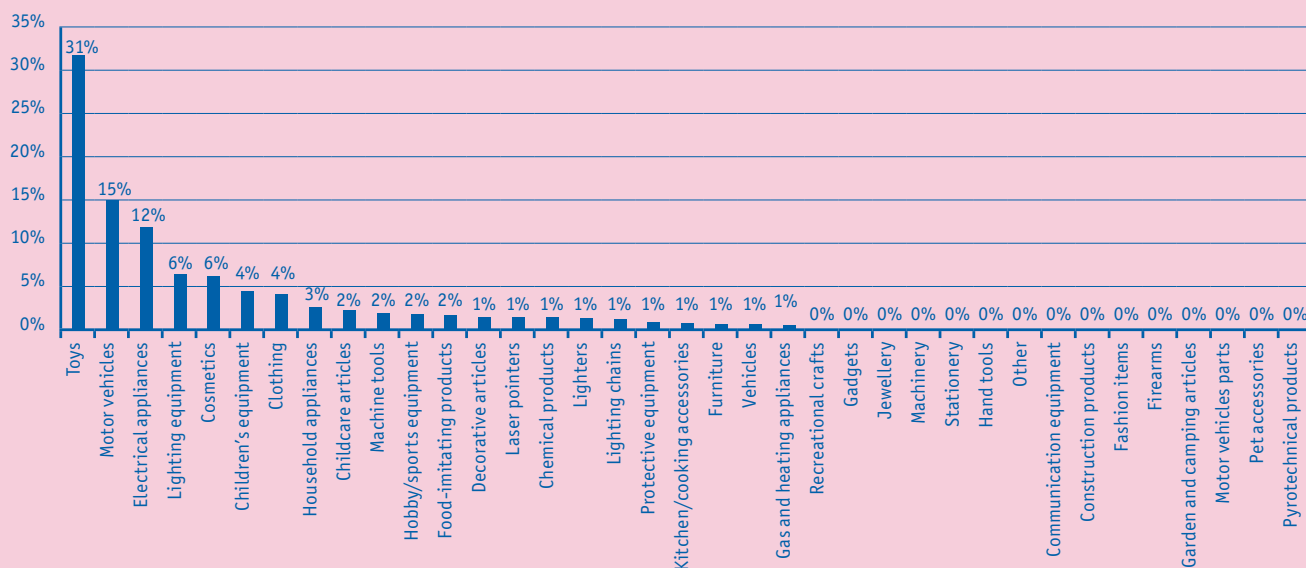
5 most frequently notified product categories – 2007



Number of notifications by product category (absolute values)



Notifications by product category (%)



3.4. Notifications by type of risk

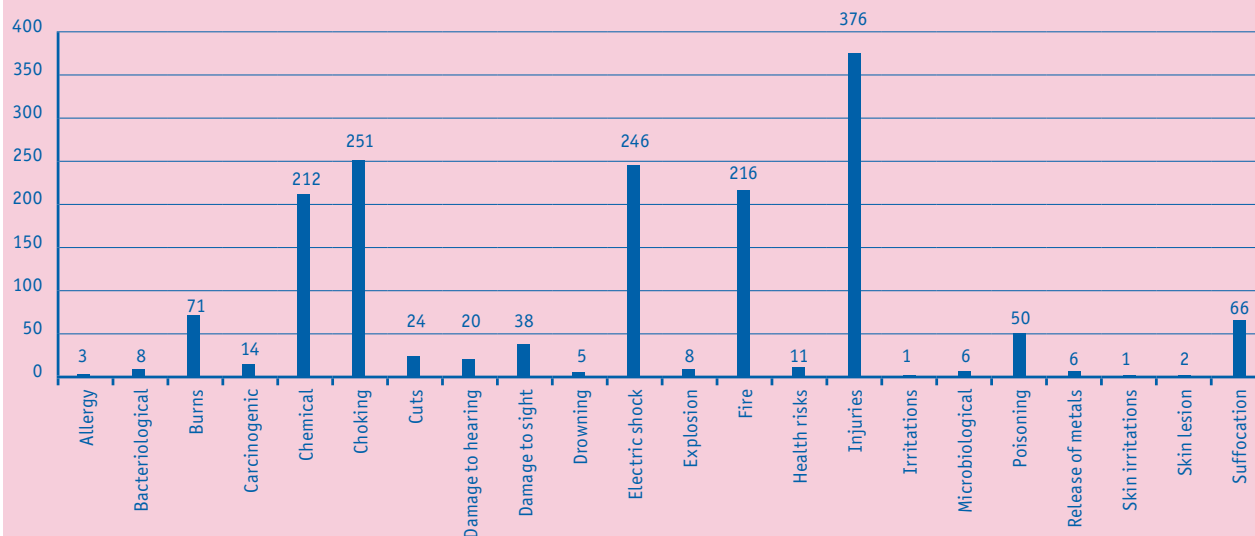
Some notifications concern products presenting more than one risk; therefore the total number of notified risks is higher than the total number of notifications.

The five most frequently notified risk categories were:

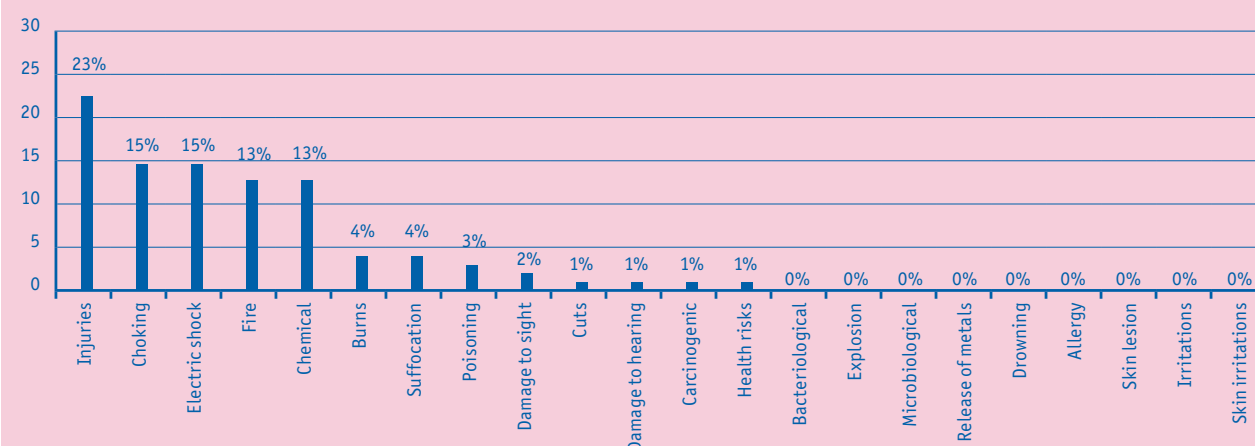
- injuries – 376 notifications, approx 23%
- choking – 251 notifications, approx 15%
- electric shock – 246 notifications, approx 15%
- fire – 216 notifications, approx 13%
- chemical risk – 212 notifications, approx 13%.

The total number of risks falling into the five most frequently notified risk categories account for 79% of all risks.

Number of notifications by type of risk (absolute values)



Notifications by type of risk (%)



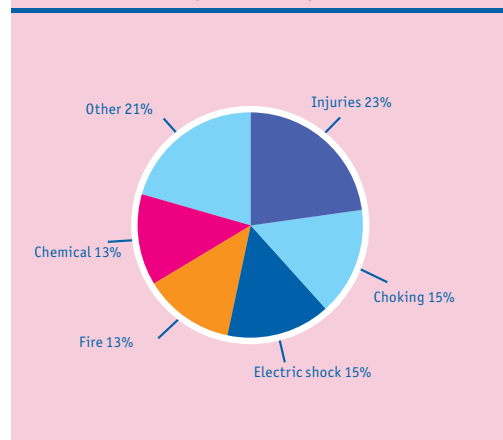
Risks of the most frequently notified product categories

Each product category is likely to expose consumers to specific types of risk.

A look at the most frequently notified product categories shows us the following:

- The main risk arising when playing with unsafe toys is choking (often associated with the presence of small parts in toys intended for young children). Toys are also often taken off the market due to a chemical risk – i.e. when it transpires that they contain levels of chemical substances that are considered too high.
- In the case of problems with motor vehicles, the main risk is injuries, often combined with the risk of fire.
- Electrical appliances and lighting equipment mainly contain the risk of electric shock, often combined with the risk of fire.
- Cosmetics are mostly taken off the market when they contain banned chemical substances or substances in concentrations higher than those allowed by the relevant legislation.

5 most frequently notified types of risk

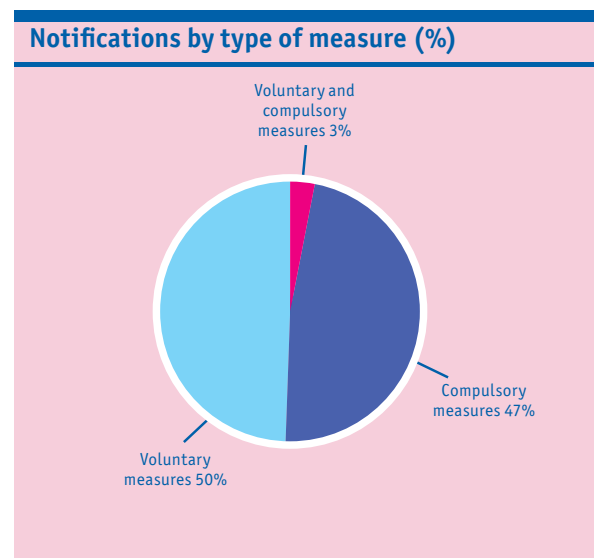
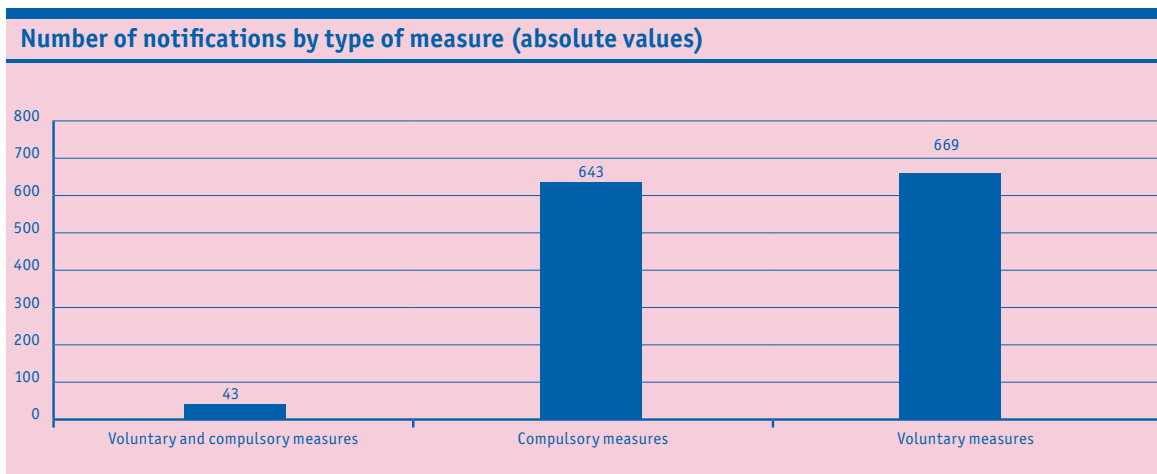


3.5. Notifications by type of measure

643 out of 1 355 serious risk notifications concerned compulsory measures ordered by the national authorities (47% of the total number). In 669 cases, the economic operator took 'voluntary' measures (50%). In 43 cases (3%), compulsory measures were complemented by corrective actions taken by the economic operator.

Compared to 2006, there was an increase in the share of notifications concerning measures taken by the economic operators (41% in 2006 versus 50% in 2007). This is because industry is more aware of its obligations and takes responsibility for its products, and because various initiatives are taken by national authorities and the European Commission to promote and enforce this obligation.

The share of notifications concerning measures initiated by businesses versus compulsory measures also depends on the notifying country. Some countries frequently report measures taken by the economic operators; others mostly notify measures adopted by the national authorities (see table below).



Number of notifications by type of measure per country (absolute values)

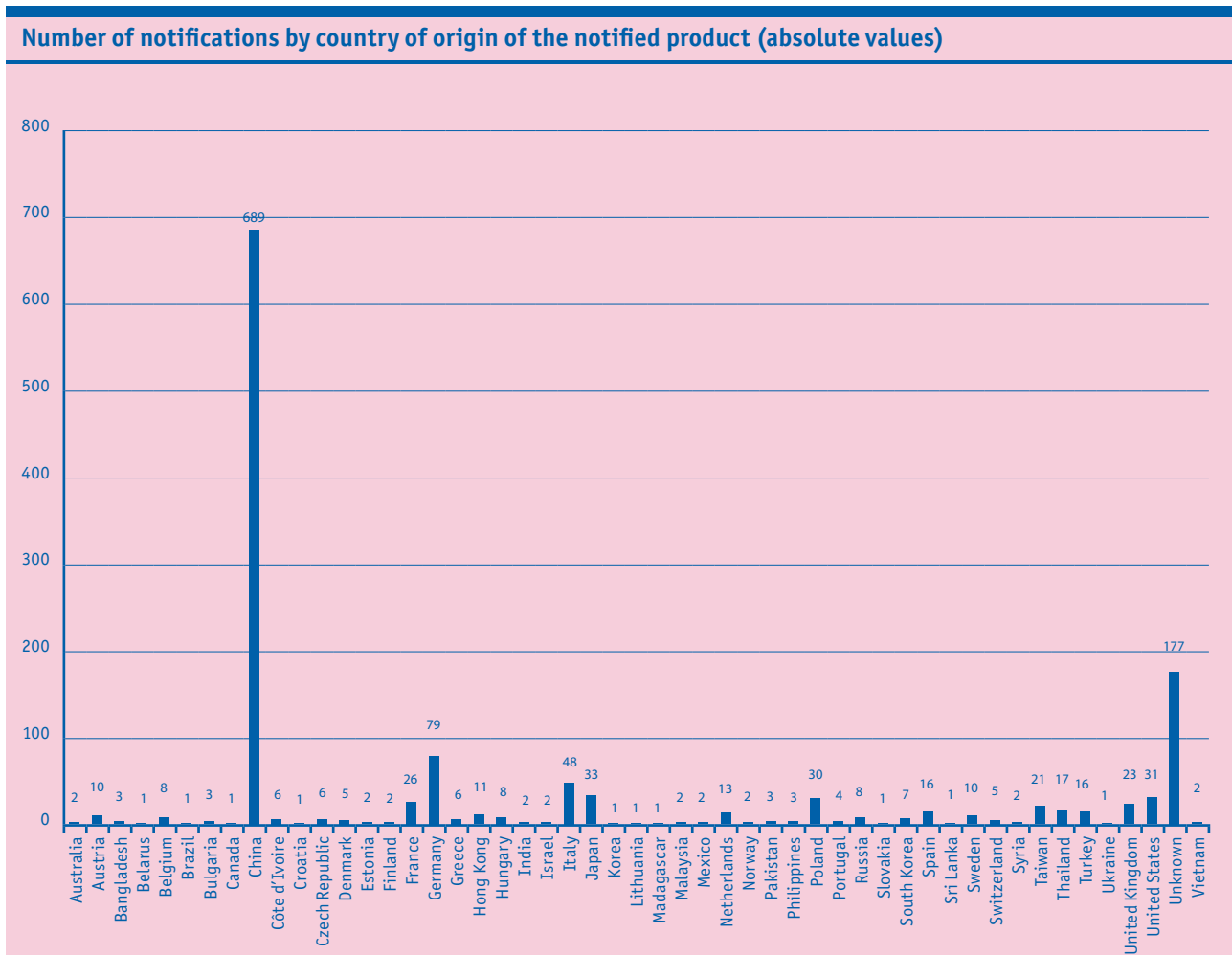
Jan–Dec 2007	Voluntary and compulsory measures	Compulsory measures	Voluntary measures	TOTAL
Austria		2	11	13
Belgium		2	13	15
Bulgaria	1	42		43
Cyprus		9	1	10
Czech Republic		47	3	50
Denmark		7	16	23
Estonia		18	2	20
Finland	6	46	32	84
France	1	12	75	88
Germany		24	139	163
Greece	1	23	91	115
Hungary		105	4	109
Ireland	1	3	29	33
Italy	5	31	7	43
Latvia		11	2	13
Lithuania	1	30		31
Luxembourg			2	2
Malta		2	1	3
Netherlands	6	28	14	48
Norway		3	5	8
Poland		12	31	43
Portugal		3	15	18
Romania	2	13	1	16
Slovakia	10	43	61	114
Slovenia	6	18	3	27
Spain	1	90	17	108
Sweden			15	15
United Kingdom	2	19	79	100
Total	43	643	669	1 355

3.6. Notifications by country of origin of the notified product

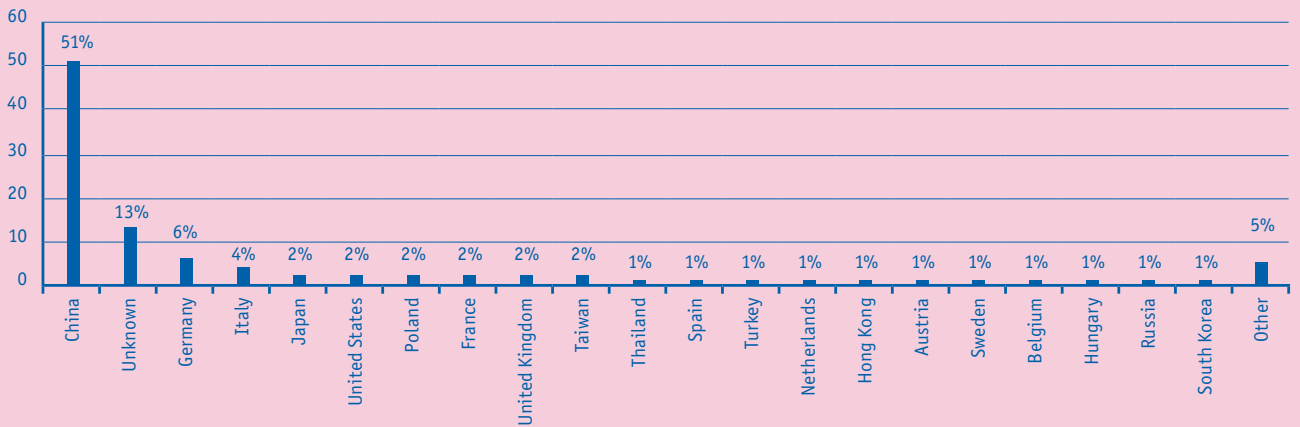
China was indicated as the country of origin of the notified product in more than half of the cases in 2007 (700 notifications, or 52%, for China including Hong Kong, compared to 49% in 2006). One reason is the high number of products imported to the EU from China, but it is also due to the increased focus of the authorities, in particular following the high-profile recalls during the summer.

303 notifications (22%) concerned products originating from the 27 EU Member States (EU-27) and the EEA countries.

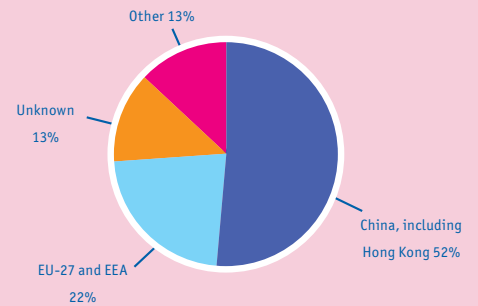
The number of notifications in which the country of origin was not indicated was fairly high – namely 177 notifications (13%). This high percentage of products with unknown origin hampers their traceability and therefore the chances of tackling the problem at the source become limited. However, in 2007 substantial improvements were registered on previous years.



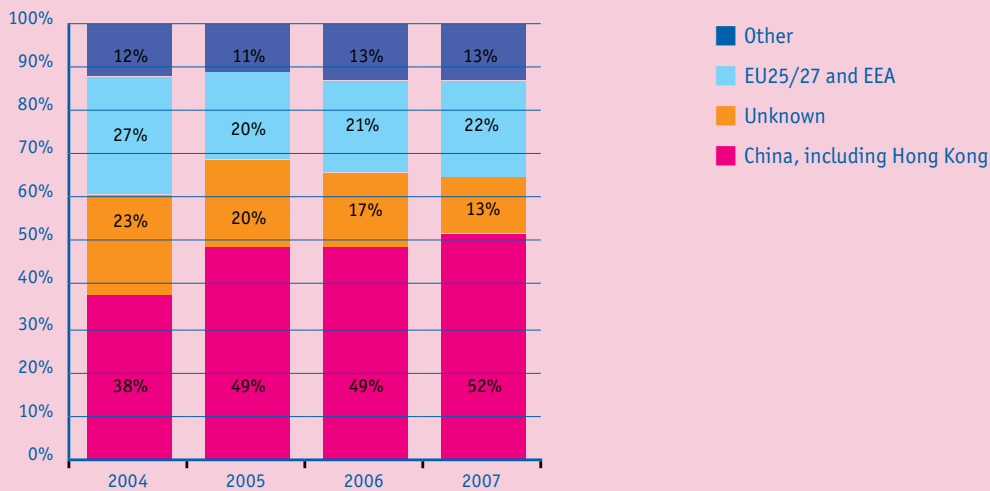
Notifications by country of origin of the notified product (%)



Notifications by country of origin of the notified product



Notifications by country of origin of the notified product (comparison 2004–2007)



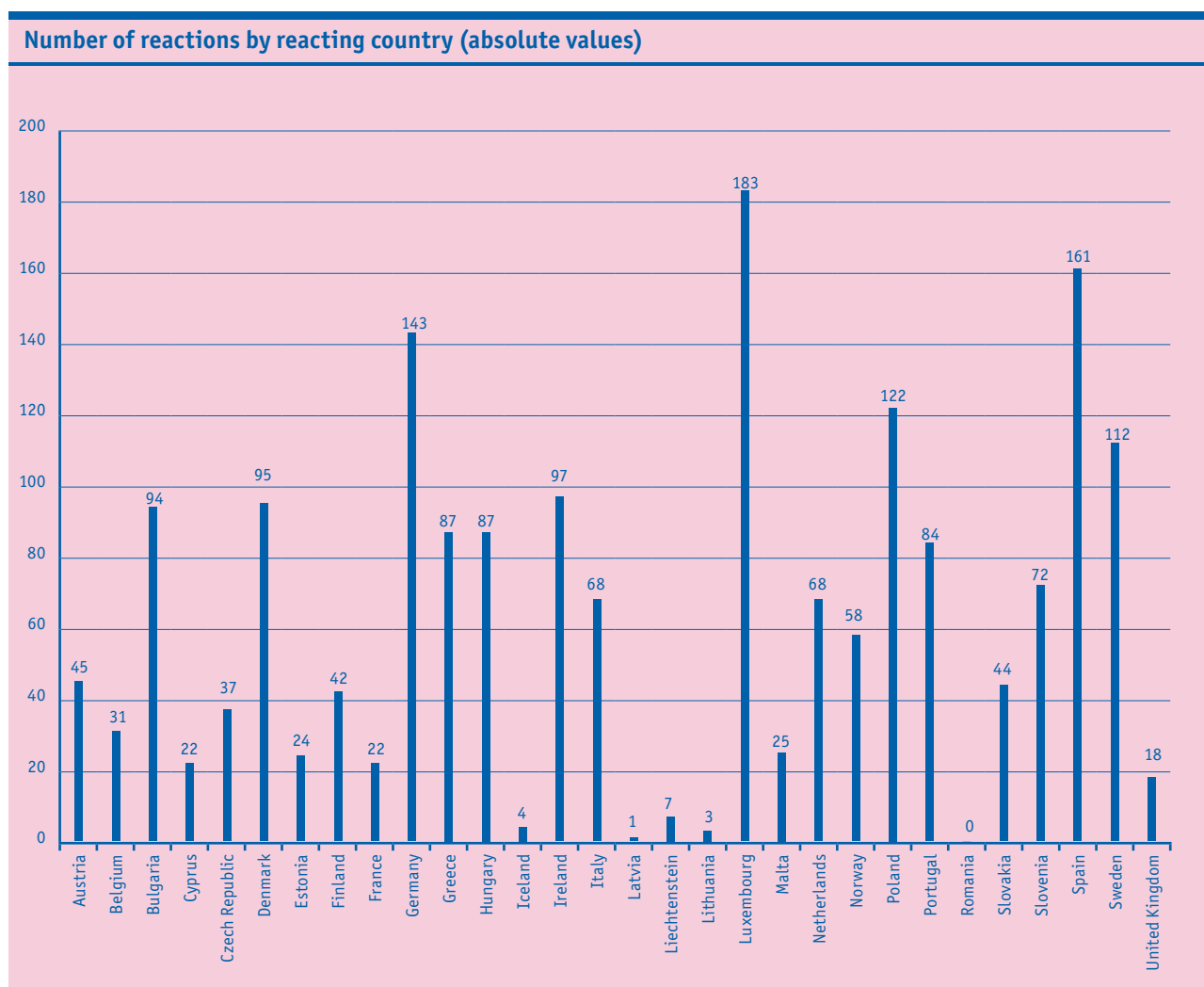
3.7. Reactions

In 2007, 1 856 reactions were sent by the Member States and the EEA countries. These reactions were sent on 694 different notifications (of which 675 were Article 12 notifications, 3 were Article 11 notifications and 16 notifications were distributed for information only). In other words, approximately one out of two notifications was reacted upon.

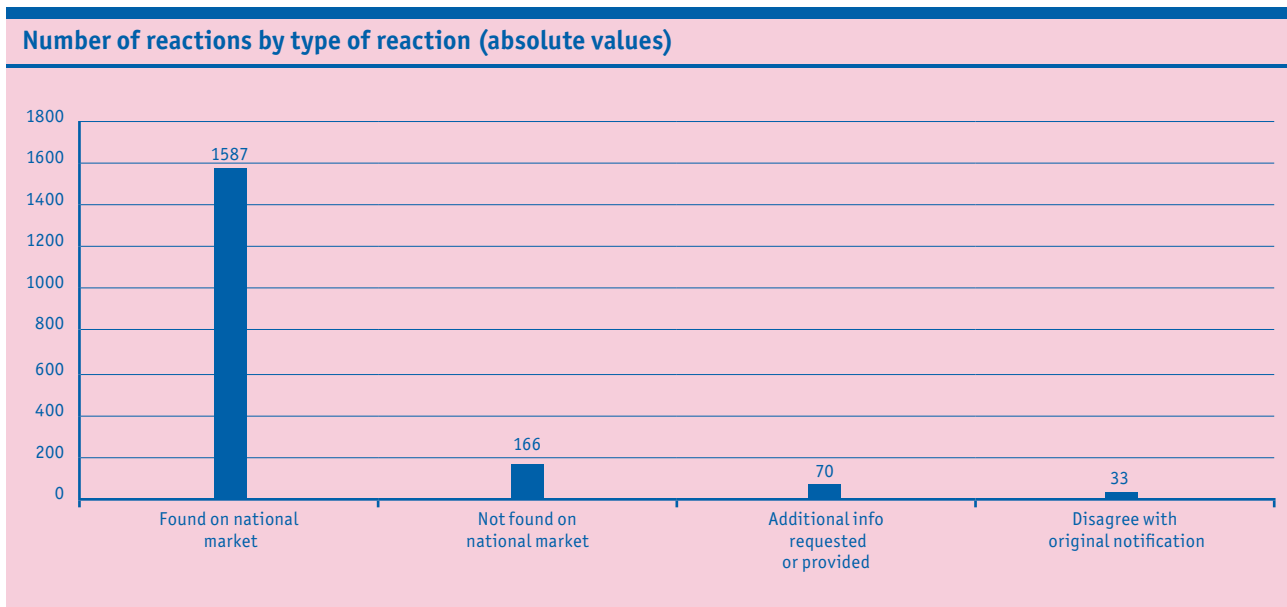
In 2007, 26 Member States and all the EEA countries reacted to certain notifications.

The following five countries accounted for 40% of all reactions.

- Luxembourg – 183 reactions, approx 10%
- Spain – 161 reactions, approx 9%
- Germany – 143 reactions, approx 8%
- Poland – 122 reactions, approx 7%
- Sweden – 112 reactions, approx 6%.

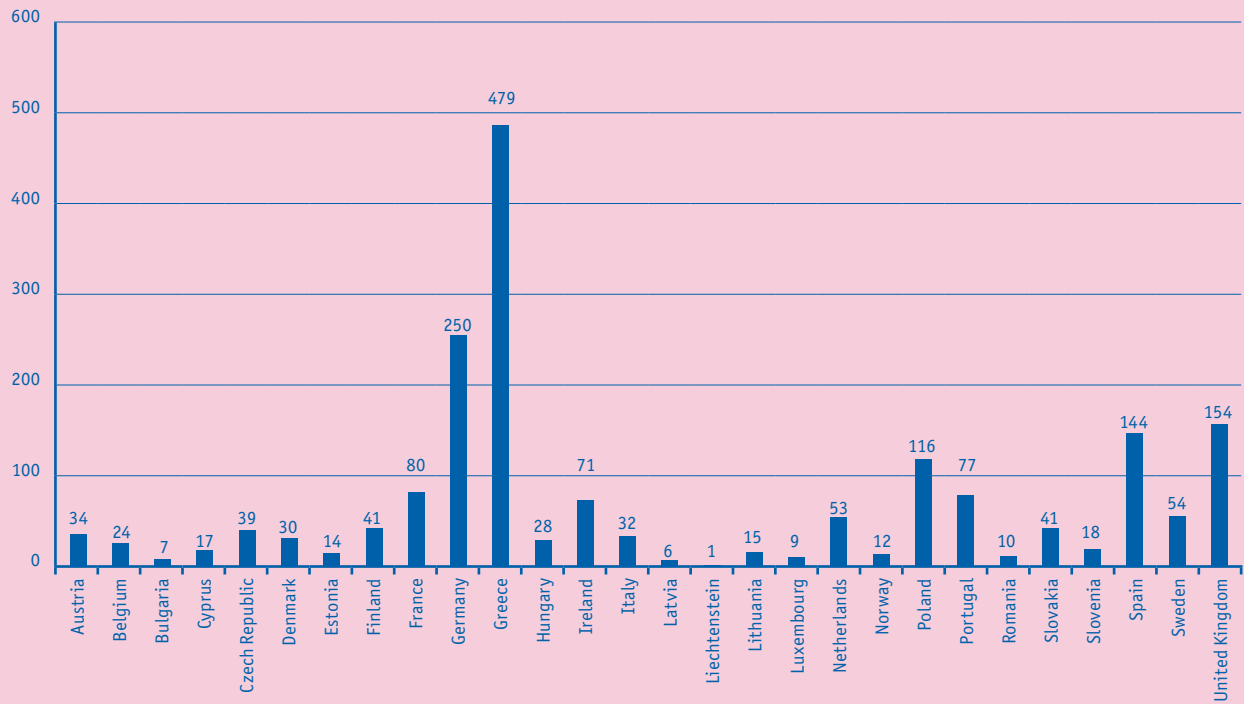


Most reacting countries stated that the notified product was found on their national market and that adequate measures were taken (1 587 reactions, 86%). In 70 cases (4%), the reacting country asked for additional information. In 33 cases (2%), the reacting country did not agree with certain aspects of the original notification. Some countries also informed that a notified product was not found on their markets (166 reactions, 9%).

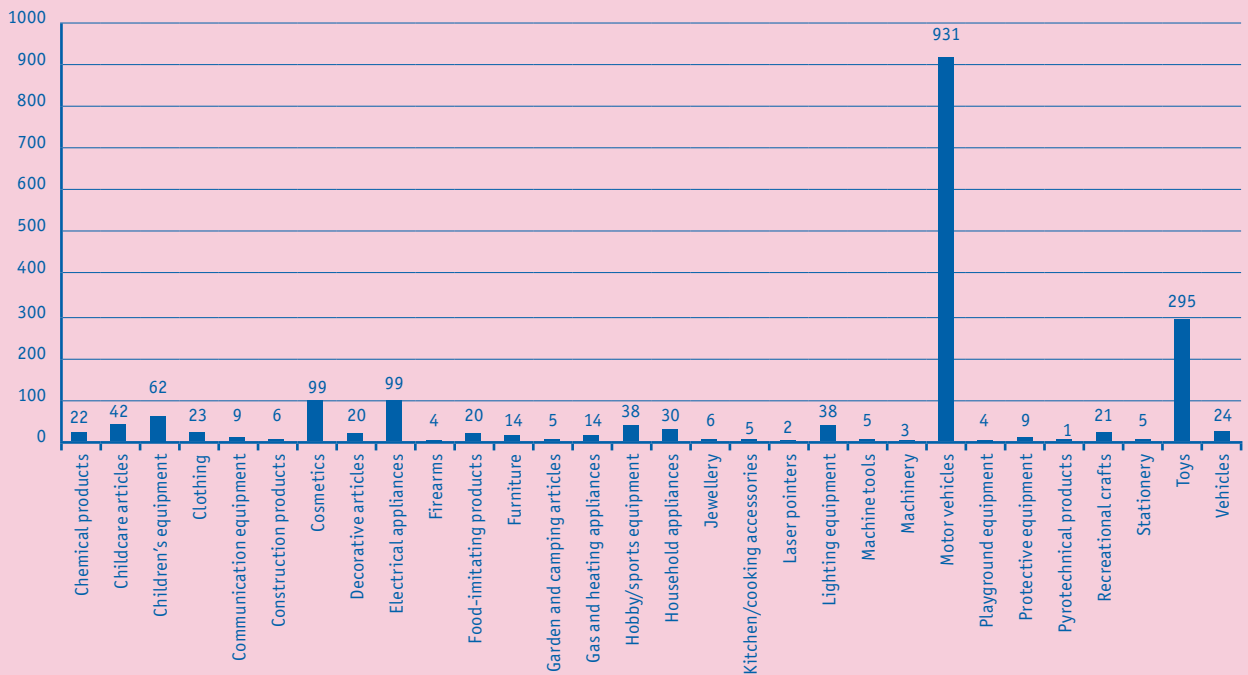


The following charts show the features of the original notifications that were reacted upon by the other Member States. Reactions concerned mainly notifications on motor vehicles. Given the wide distribution and easy traceability of these products, reacting countries generally provided information on whether the dangerous motor vehicle was found on their national market and supplied additional information on the corrective measures taken on their territory. As injuries and fire are the most common risks relating to motor vehicles, they also rank high in the charts. Similarly, Greece is the country most active in notifying motor vehicles and therefore its notifications are most commonly reacted upon.

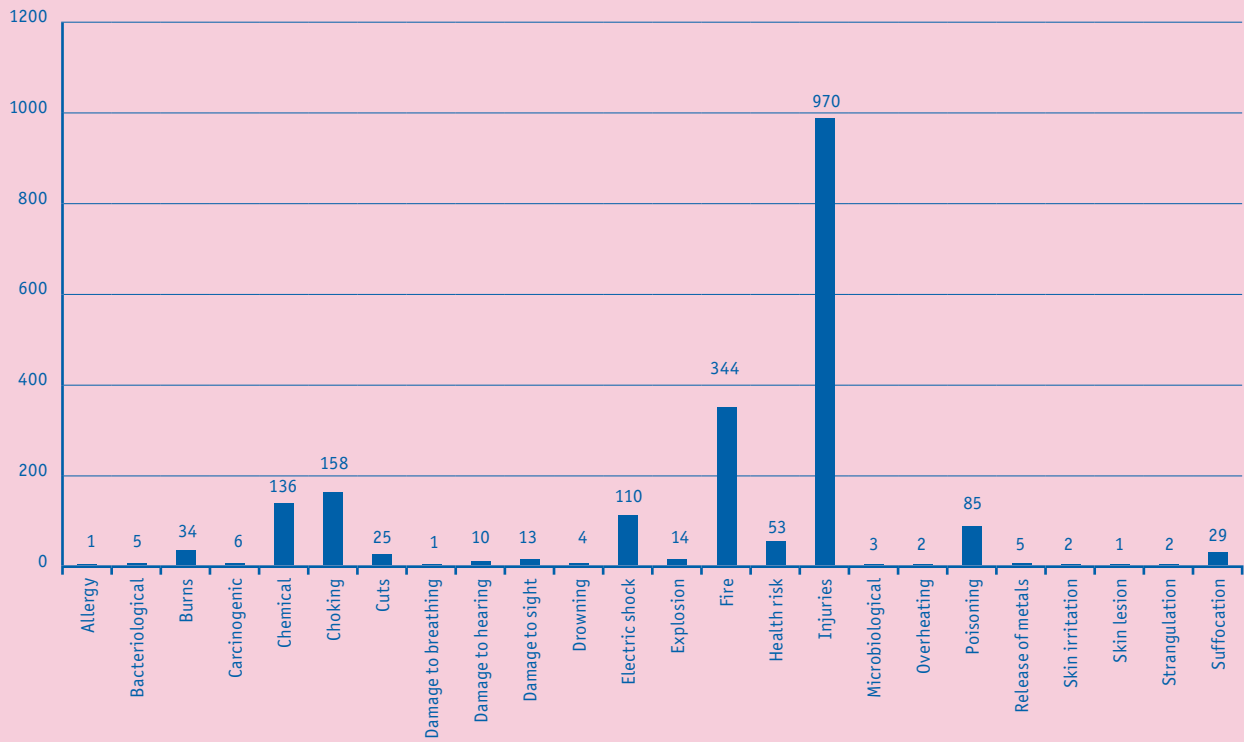
Number of reactions by notifying country of the original notification (absolute values)



Number of reactions by product category of the original notification (absolute values)



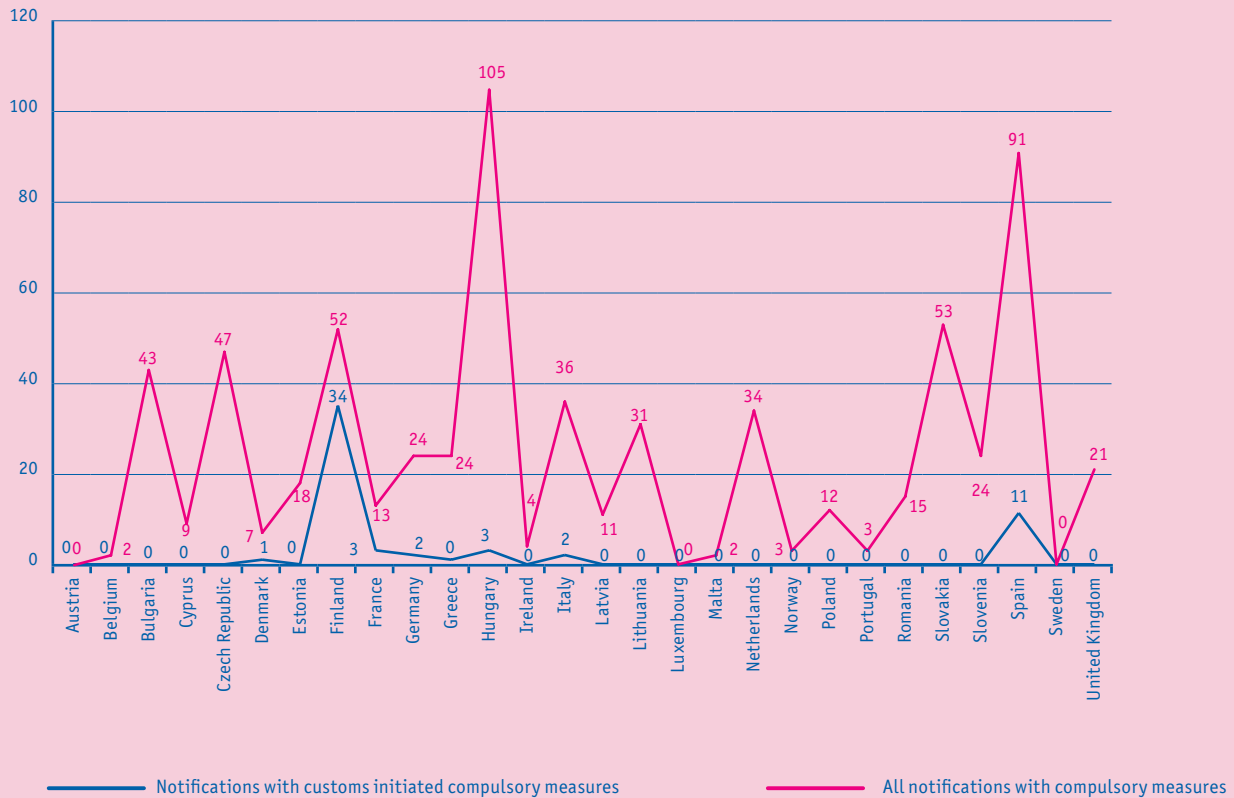
Number of reactions by type of risk of the original notification (absolute values)



3.8. Notifications by the customs authorities

In 2007, there was a noticeable increase in notifications initiated by the customs authorities. This is an extremely positive sign, as customs are able to stop batches of dangerous products well before they are placed on the market. The Commission is exploring the best options for further strengthening the cooperation between customs and market surveillance authorities.

Number of notifications concerning compulsory measures initiated by the customs authorities (absolute values)



Key developments

4.

4.1. High-level recalls and global product safety

In 2007, over 18 million toys were recalled globally during the summer because of magnetic parts that became loose, thereby posing life-threatening risks to children. This recall was coupled with almost 2 million toys being pulled off the shelves because of excessive levels of lead in their paint. A few months before, toothpaste tainted with diethylene glycol, a thickener used in brake fluids and anti-freeze, was found on the European market. As all products originated from China, and even though it was made very clear that the risk posed by the magnetic toys lay with their design and not with their country of origin, questions about the “Made in China” brand were asked and, more importantly, the confidence of consumers was affected.

Against this background, a global debate on the ability of our systems to protect consumers’ safety has been initiated. This is the context in which the European Commission carried out, from September to November 2007, a thorough screening of the EU product safety system, with a view to identifying its strengths, focusing on its weaknesses and putting forward proposals for improvement. The exercise brought all the actors and elements of the system under the spotlight: public authorities at national level, economic operators, EU relevant policies (trade, customs, industrial policy, health and consumer protection) and international cooperation with key trading partners.

This ‘stocktaking exercise’,² using toys as a study case, yielded the following messages, highlighting the main ‘roadmaps’ to restore consumers’ confidence:

- 1) Economic operators must take full responsibility for the products they produce and make available to consumers. Reputable businesses are making significant efforts to ensure the safety of their products. But



European Commissioner for Consumers Meglena Kuneva visiting the National Toy Testing Laboratory in Yangzhou, Jiangsu Province in China (25 July 2007)

² http://ec.europa.eu/consumers/safety/news/index_en.htm

all the actors involved must raise their game because there is still a significant stream of unsafe products circulating in Europe. Industry has agreed to work with the European Commission over the coming months on a number of measures to rebuild the confidence of consumers. For the safety of toys, for example, this commitment will materialise in a “Safety Pact” and a thorough evaluation of measures adopted by industry in the toy supply chain.



- 2) Market surveillance authorities in the Member States have dug even deeper than usual over past months, but the stocktaking exercise has shown that there is still scope for improvement. The Commission is assisting the Member States’ market surveillance authorities to identify and share best practices towards more targeted and risk-based controls. Traceability of products should be reinforced. Benchmarking will be used to encourage the national authorities, since the Commission intends to publish comparative enforcement capacity data in the Consumer Market Watch in 2008. The market surveillance capacity of the Member States will also be strengthened, as the Commission will continue co-financing well-designed joint market surveillance projects (in 2007, with EUR €3.3 million Community funding). Recent major changes to EU customs legislation will assist in identifying high-risk consignments for controls. Secure customs exchange mechanisms will also enable rapid action to be taken when information becomes available on new types of dangerous products. These mechanisms are used to distribute relevant information available through RAPEX in order to alert the competent customs authorities of specific, potentially dangerous cargo.
- 3) On the international scene, cooperation with our major trading partners – the United States and China – will be deepened and expanded. With China, in particular, the existing cooperation has already yielded tangible results in terms of controls and measures taken against unsafe products of Chinese origin found in Europe. Moreover, the Commission is assisting the Chinese authorities in setting up a domestic alert system, similar to the European RAPEX, to better track sub-standard and dangerous products, especially toys.
- 4) All products must be born safe, especially toys and products intended for children. Safety is not an “add-on” or optional, but should be built into the product, its design and from the onset of its production process. Clear rules setting stringent safety requirements are therefore needed. In this respect, the Commission’s proposal for revising the Toys Directive, adopted in January 2008, contains reinforced safety prescriptions to address physical, mechanical and chemical risks in toys. The Commission will also present, in the course of 2008, a temporary measure, under Article 13 of the GPSD, requiring warnings on certain magnetic toys, pending the revision of the relevant standard to address the risks that these toys could pose.

4.2. International cooperation – RAPEX on the world scene

China

In 2007, 700 RAPEX notifications concerned products of Chinese origin, including Hong Kong. This figure corresponds to 52% of all notifications and confirms the important share and, at the same time, the slow growth of dangerous products “Made in China” and found in Europe, as compared to 2006 data. In October 2007, undoubtedly because of the special campaign to check the safety of Chinese-made toys in the run-up to the holiday season sales, there was an all-time high of 179 RAPEX notifications. During the same month, 69% of all serious risk notifications concerned Chinese products. In this respect, it is also important to bear in mind that almost 80% of all toys on the European market are imported from China.

This year the Commission continued its constructive cooperation with the Chinese product safety administration under the Memorandum of Understanding between the Health and Consumer Protection Directorate-General and the Chinese General Administration for Quality Supervision, Inspection and Quarantine (AQSIQ) signed in 2006. During her visit to China in July, Commissioner Kuneva obtained a commitment from the Chinese authorities to step up safety checks on consumer products before they are exported to Europe. She stressed that the EU cannot accept any compromises on safety issues and agreed with Minister Li Changjiang on regular deliverables to measure progress.

The Joint Statement issued during the 10th China–EU Summit held in Beijing on 28 November 2007, testifies to the strong focus placed by the EU and its Member States on improving product safety. It also underlines the clear will, on both sides, to continue to deepen the existing constructive dialogue, to commit to a regular exchange of information and to aim at measurable, continuous improvements, since “a high level of product safety is key to consumer confidence and reciprocal trade”³.

At operational level, validated RAPEX information concerning products of Chinese origin continues to be made systematically and immediately available to AQSIQ in order for it to directly follow up on notifications. Talks have been held at expert level to make this system more efficient.

So far, AQSIQ has provided the Commission with four reports on the investigations carried out and measures adopted. Between September 2006, when RAPEX-China was set up, and end-2007, AQSIQ investigated and took appropriate follow-up measures relating to 357 RAPEX notifications.

A significant peak in follow-up was registered during the three-month period from July to September 2007 following the visit of the Commissioner, since according to the third report, AQSIQ investigated 184 new notifications during this period compared to 84 in the two previous reports combined.

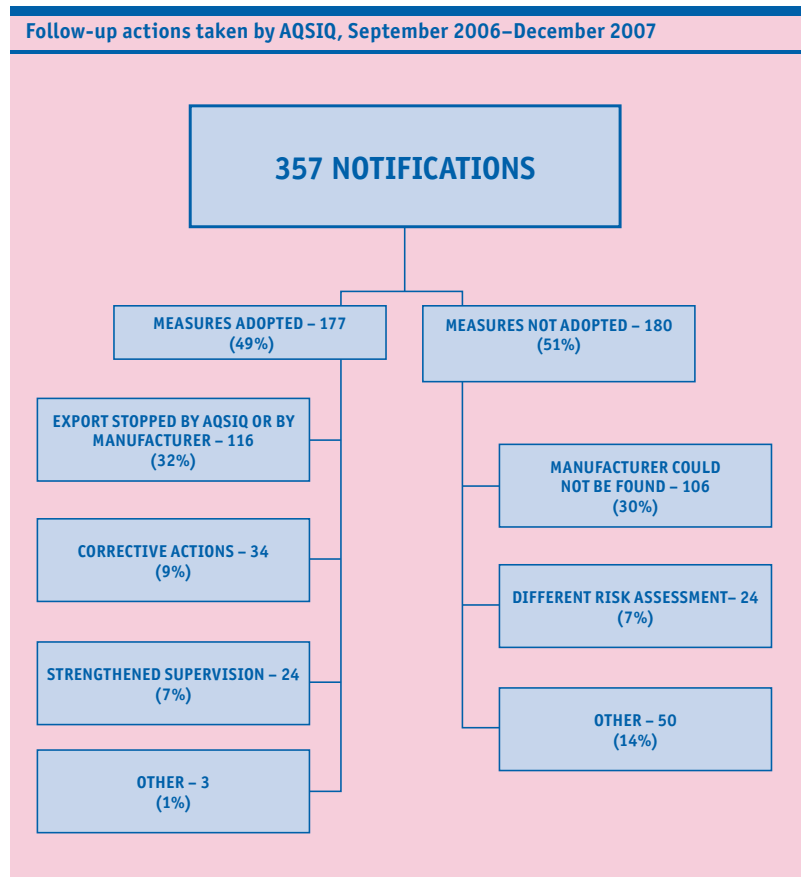


EU Health and Consumer Protection Director-General Robert Madelin during the International Consumer Product Safety Conference in Beijing, China (21-22 May 2007)

³ http://www.eu2007.pt/UE/vEN/Noticias_Documentos/20071202CHINA.htm, point 28 of the Joint Statement.

The latest report covers 89 new RAPEX notifications on products originating from China, which were investigated by AQSIQ between September and December 2007.

The chart below provides a detailed breakdown of the measures implemented by the Chinese authorities.



The Commission also found encouraging AQSIQ's efforts to construct in the short-term a national rapid warning and investigation platform, designed to be connected to the RAPEX-China system, thus allowing in the future a quicker and more effective response and also further statistical information. The Commission highlighted to AQSIQ the value of producer identification for traceability and encouraged measures such as reported mandatory bar-coding of certain products. Moreover, the Commission has encouraged the participation of Chinese experts in traineeship programmes, both in the Commission and in those Member States that volunteered to host the experts in 2008. Education on European product safety rules and their implementation is a most effective way to promote product safety and one that is likely to yield the most long-lasting results.

United States

Europe and the United States face many similar challenges regarding product safety. As many products are common to both markets, a strong transatlantic relationship in this area is of key importance to ensuring consumer safety on both sides of the Atlantic and with China, which is also a very important trading partner for the United States. The EU product safety stocktaking of the second half of 2007 and the US action plan for improved product safety were exchanged. Furthermore, EU and US authorities have agreed to engage in a continued dialogue to ensure a consistent approach in the implementation phase of their relevant action plans. The First Transatlantic Economic Council held in Washington on 9 November 2007, in which Commissioner Kuneva also took part, stated its clear intention "to enhance cooperation on import safety"⁴.

Sharing of information between both sides of the Atlantic on product safety, standards and measures adopted is a confirmed objective for Europe. The Commission looks forward to developments in the US Congress which would enable the Consumer Product Safety Commission – the US federal authority in charge of product safety – to engage in such exchanges.

4.3. Risk assessment

In 2007, the Commission Working Group for the Improvement of the RAPEX Risk Assessment Guidelines (IRAG WG), consisting of experts from Member States, concluded its work with the first draft of the new Guidelines. The draft was presented to stakeholders at a workshop for Member States, industry, NGOs and others on 11 December 2007. The workshop provided an overview of the background and approach of the draft Guidelines as well as a practical exercise on how to apply them. Participants were asked to give their comments in order to improve the draft further. A wider public consultation, further improvements and the adoption of the Guidelines are planned for 2008.



4.4. RAPEX seminars

The European Commission organises RAPEX seminars for the national authorities in charge of product safety (including customs authorities). These seminars aim to strengthen the knowledge of, and build capacity for, the management of the RAPEX system and the overall enforcement of the GPSD. Operational issues relating to the functioning of the system and concrete questions on the implementation and interpretation of the GPSD, as well as risk assessment, are the standard contents of these seminars.

In 2007, the European Commission organised seven training sessions in Slovenia, Finland, Ireland, Italy, Portugal, Norway and Spain. In 2006 and 2007, in total 20 Member States benefited from the RAPEX seminars, which reached around 1 000 market surveillance inspectors. New RAPEX training sessions are already planned for 2008, for example in Bulgaria and Malta.

⁴ http://ec.europa.eu/enterprise/enterprise_policy/inter_rel/tec/doc/tec_joint_statement.pdf

In addition, the Commission also hosted two RAPEX Contact Points meetings in Brussels (on 23 March and 16 November).

4.5. Cooperation with customs authorities and visits to major ports in the EU

The year 2007 also saw increased focus on the role of customs authorities in the protection of consumers against unsafe products. With close to 90% of all goods entering the European market via seaports, it is crucial that any unsafe products are identified before they are distributed to the marketplace.



European Commissioner for Consumers Meglena Kuneva visiting the port of Rotterdam in the Netherlands (23 April 2007)

As “guardians” of Europe’s external borders, customs authorities have a very important role to play in the enforcement of product safety requirements. To stress this importance, Commissioner Kuneva visited the two biggest European ports, Rotterdam and Hamburg, where she was shown how incoming shipments were controlled in practice by the customs authorities.

Synergies between market surveillance and customs authorities can yield tremendous results in ensuring product safety across the EU. The role of customs in early identification of dangerous products and in preventing them from reaching EU markets is crucial. Recent amendments to the Community customs legislation introduced modern risk management tools that enable the enforcement of legislation on product safety in the EU to be substantially increased. In this context, closer coordination between RAPEX and the customs mechanisms for exchanging alerts on incoming non-compliant cargos (Risk Information Form – RIF) is being implemented.

4.6. Developments relating to specific products and market surveillance practices

Toothpaste

In 2007, during the summer months, the European Commission received through the RAPEX system information from Member States (notably France, Romania, Spain and the United Kingdom) about batches of Chinese toothpaste distributed in the EU containing diethylene glycol (DEG), a chemical component often used in anti-freeze and as a solvent.

The levels of DEG detected in the batches of toothpaste varied and in certain cases reached up to 9%.

As the notified toothpastes could pose a serious risk to the health and safety of consumers (mostly children, who are likely to ingest toothpaste, and individuals with kidney or liver disease), they were immediately



withdrawn from the market and recalled from consumers by the market surveillance authorities of the Member States.

Several of the Chinese toothpastes with DEG found on the EU market were counterfeit goods.

Following the action and measures taken in Europe, Chinese authorities banned the use of DEG in toothpaste and closed down a number of local manufacturers.

Chinese toothpastes containing DEG were also found in many other countries around the world, including Canada, Japan and the United States.

Lighters

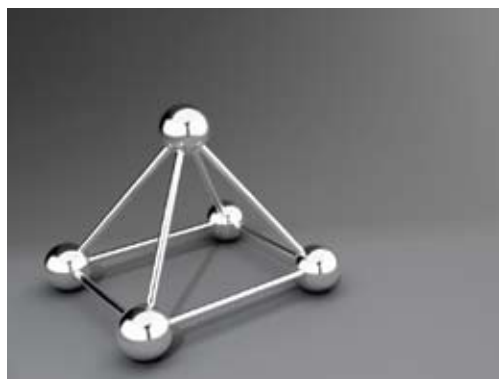
An important development in 2007 regarding lighters was the adoption of a follow-up Decision, extending the validity of the requirements put in place in 2006. Moreover, this Decision also prohibits the sales of non-child-resistant and novelty lighters to consumers as of 11 March 2008.

Magnets in toys

Magnets are increasingly used in toys for their play and educational value. In recent years, they have become more powerful and can also be detached more easily, because the construction techniques used so far have sometimes turned out to be inadequate for the countless ways in which magnets are now used in toys. Either loose or otherwise detached from the toy, magnets can be swallowed or inhaled by a child, hence posing life-threatening risks. When more than one magnet is swallowed, the magnets can attract each other and cause intestinal perforation, infection or blockage, which can be fatal. A number of accidents, either deadly or requiring major surgery, involving magnets in toys, were reported worldwide in the course of 2006 and 2007. During the summer of 2007, over 18 million magnetic toys were recalled globally, and a significant number of these toys were found on the European market.

In May 2007, the Commission requested the European Committee for Standardisation (the CEN) to review the current European standard for toys (EN 71-1) and to address the safety requirements for magnets used in toys. This revision is expected to be completed by the first half of 2009 and, in principle, should be available by the end of that year.

Until that time, to deal with this emerging risk, Member States are resorting to measures that vary significantly from each other, creating a fragmentation that is not satisfactory, since it is conducive to an uneven level of consumer protection and could jeopardise the functioning of the internal market. For this reason, Commissioner Kuneva announced a forthcoming Commission measure under Article 13 of the GPSD, requiring warnings on toys consisting or composed of magnets or magnetic components that can detach during normal playing activity and therefore be ingested by children. This type of measure is in place for a limited duration of one year (renewable) or until appropriate constructional requirements are available to manufacturers in the form of a revised standard.





Joint actions

Enforcement of the applicable product safety rules in Europe is the responsibility of the Member States. To support the market surveillance efforts of the national authorities, the Commission is financially supporting cross-border activities between Member States. This has resulted in a number of 'joint actions' aimed at improving cooperation between the responsible authorities in ensuring product safety, for example regarding suffocation accidents involving children, playground equipment, cord extension sets, lighting chains and lighters. Two specific projects are worth highlighting:

- PROSAFE (an informal network of market surveillance authorities in Europe) is currently undertaking a three-year project known as EMARS (Enhancing Market Surveillance through Best Practice) to develop best practices for market surveillance. It includes the development of a knowledge base, a rapid advice forum, a handbook, risk assessment guidelines and a European training framework for market surveillance officers.
(for more information see: <http://www.emars.eu>)
- Member States in the Baltic Sea Region have recently started a three-year project to improve cooperation, specifically focusing on collaboration between market surveillance and customs authorities.

Future challenges

5.

5.1. New developments for RAPEX

One of the key developments for RAPEX in 2008 will be the implementation of the Generic Rapid Alert System (GRAS) platform. This new IT system will function as a common base for all rapid alert systems managed by the Directorate-General for Health and Consumer Protection, including the RAPEX system.

Once set up, the new application will ensure a more rapid and efficient operation of RAPEX. At the same time, it will significantly simplify the work of the RAPEX Contact Points and will allow for improved access to RAPEX data for the national market surveillance authorities.

Once the new IT system and the new Risk Assessment Guidelines are in place, the Commission will also revise the RAPEX Guidelines to take into account these developments as well as the experience and best practices gained in the operation of the RAPEX system.

Finally, the 2007 figures, presented in the previous sections of this report, can lead to several conclusions. More intensive public authority vigilance and surveillance activity for certain products or areas typically increases the number of notifications. At the same time, when economic operators undertake their own safety checks diligently, they build safety into the system, which eventually yields fewer notifications. In addition, criteria adopted by the relevant authorities when notifying the Commission, for example whether different types and models of dangerous products are notified individually or grouped together, influences the statistics.

The Commission is well aware of the need for other comparable safety indicators to be developed in cooperation with business, public authorities and stakeholders and also through evaluation and classification of consumer complaints.





5.2. Restoring consumer confidence in toy safety

The year 2007 witnessed major alarms involving core consumer products like toys and toothpaste. Using the case of toys, the Commission carried out a thorough screening of the EU product safety system in an inclusive approach involving all the main public and private actors. Some of the results and concrete proposals have already been highlighted above. The focus here is on business-centred and business-driven initiatives, which stemmed from the Commission's stocktaking exercise and will take place in 2008.

1) Evaluation of the safety measures put in place by business in the toy supply chain, "from conceptual design to the toy box" and from "factory to shelf" – this evaluation, which includes the participation of the toy industry, consumer organisations, standardisation experts and Member States, is currently ongoing and its results will be delivered in the first half of 2008. The recommended actions coming from this study will be implemented with industry in 2008.

2) A "Safety Pact" with the European toy industry – ideas proposed so far include:

- sharing expertise – in particular participating in the Commission's evaluation of business safety measures in the toy supply chain with a view to investigating ways in which safety measures can be enhanced;
- providing education and training – in particular in the context of the Memorandum of Understanding with China, providing education and training on EU toy safety rules and standards so that there is a clear understanding of what is required to ensure that toys are safe and fully compliant;
- seeking global solutions – in particular working closely with its counterparts in the United States and China to look at ways in which the industry can cooperate on testing requirements;
- cooperation with national authorities – working together to ensure that dangerous goods, in particular counterfeit goods, can be identified and intercepted in time to ensure a high level of consumer safety.

5.3. Consumer Market Scoreboard: the role of RAPEX

The Commission's Communication on the single market review⁵ concluded that the market has to be more responsive to the expectations and concerns of citizens and more able to adjust to the challenges of globalisation. In this context, the first Consumer Market Scoreboard – in which product safety has been chosen as one of the main indicators – is intended to be the tool for monitoring and assessing the single market's performance from the perspective of consumers.

The main challenge for 2008 is to present comparative data on EU Member States' product safety enforcement capacity. The Health and Consumer Protection Directorate-General is currently defining the questions which should give useful, exploitable data. This will be an occasion to "benchmark" the enforcement capacity of Member States and stress the need for adequate resources to protect consumers.



⁵ http://ec.europa.eu/citizens_agenda/single_market_review/index_en.htm



Glossary

6.

AQSIQ

General Administration for Quality Supervision, Inspection and Quarantine of the People's Republic of China

Article 11 notification

Notifications of measures or actions taken for products presenting a moderate risk

Article 12 notification

Notifications of measures or actions taken for products presenting a serious risk

Compulsory measures

Measures ordered by national authorities (e.g. ban of sales, informing consumers, withdrawal from the market, recall from consumers) or by the customs authorities (e.g. rejection of import)

CPSC

United States Consumer Product Safety Commission

EEA countries

(as used in this report) countries that are members of the European Economic Area (EEA) but are not members of the European Union, namely Norway, Iceland and Liechtenstein

EU-27

All EU countries

'For information only' notification

Notifications of measures or actions taken which the Commission disseminated to the National Contact Points for information only because they do not fall under the scope of Article 12 or Article 11 of the GPSD

GRAS

Generic Rapid Alert System, a general IT platform for all rapid alert systems of the Directorate-General for Health and Consumer Protection

National Contact Point

Representative of the network of all national market surveillance authorities considered by the European Commission as the single contact point for that country

Reaction

Information provided by Member States in response to a “validated” notification. A reaction normally contains information about the presence of the notified product in other Member States and the measures taken therein

‘Voluntary’ measures

Corrective measures ‘voluntarily’ taken by the producer or distributor (e.g. stopping of sales, informing consumers, withdrawal from the market, recall from consumers) on the business’ own initiative, without the intervention of a public authority

7

Important websites

EU Commission, Directorate-General for Health and Consumer Protection:

http://ec.europa.eu/dgs/health_consumer/index_en.htm

EU Commission, Directorate for Consumer Affairs:

http://ec.europa.eu/consumers/index_en.htm

EU Commissioner for Consumer Affairs, Ms Meglena Kuneva:

http://ec.europa.eu/commission_barroso/kuneva/index_en.htm

Results of the stocktaking exercise on product safety:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1746&format=HTML&aged=0&language=EN&guiLanguage=en>

EU Commission, Directorate-General for Enterprise and Industry – “New Approach” Sectoral Directives:

http://ec.europa.eu/enterprise/sectors_en.htm

EU Commission, Directorate-General for Taxation and Customs Union:

http://ec.europa.eu/dgs/taxation_customs/index_en.htm

RAPEX:

<http://ec.europa.eu/rapex>

Business notifications:

http://ec.europa.eu/consumers/safety/rapex/guidelines_business_en.htm

Lighters:

http://ec.europa.eu/consumers/safety/prod_legis/prod_legislation_lighters_en.htm

Toys:

http://ec.europa.eu/enterprise/toys/index_en.htm



National contact details



National RAPEX Contact Points

A list of the contact details of the national RAPEX Contact Points is available at:

http://ec.europa.eu/consumers/safety/rapex/contact_points.pdf

Product safety information for consumers per country

AUSTRIA

Ministry of Social Affairs and Consumer Protection
www.produktsicherheit.gv.at

Austrian Consumers Information Association (Verein für Konsumenteninformation)
www.konsument.at

Austrian Road Safety (Kuratorium für Verkehrssicherheit) www.kfv.at

Große schützen Kleine (regional initiative for child safety)
www.grosse-schuetzen-kleine.at

BELGIUM

www.economie.fgov.be
www.economie.fgov.be/protection_consumer/security/home_nl.htm

BULGARIA

Ministry of Economy and Energy – in charge of consumer protection
www.mee.government.bg

Commission for Consumer Protection
www.kzp.bg

CYPRUS

www.mcit.gov.cy

CZECH REPUBLIC

Ministry of Industry and Trade

www.mpo.cz

Czech Trade Inspection

www.coi.cz

State Health Institute

www.szu.cz

Consumers Defence Association – SOS

www.consumers.cz

DENMARK

Informationscenter for miljø og sundhed

www.miljoeogsundhed.dk/default.aspx?node=281

The Danish Consumer Council

www.forbrugerraadet.dk/english/

ESTONIA

Consumer Protection Board

www.tka.riik.ee

FINLAND

Finnish Consumer Agency

www.kuluttajavirasto.fi/en-GB/

FRANCE

www.minefi.gouv.fr/DGCCRF

GERMANY

Federal Institute for Occupational Safety and Health (RAPEX contact point)

www.baua.de

Federal Office of Consumer Protection and Food Safety (single contact point for cosmetics and daily commodities) www.bvl.bund.de

GREECE

www.efpolis.gr

HUNGARY

Hungarian Authority for Consumer Protection

www.nfh.hu

Free consumer line: +36 80 201 205

Central database on unsafe and prohibited products

www.piacfelugyelet.hu

ICELAND

www.neytendastofa.is

IRELAND

National Consumer Agency

www.consumerconnect.ie

e-mail: ask@consumerconnect.ie

Health and Safety Authority

www.hsa.ie

Irish Water Safety

www.iws.ie

ITALY

Ministero dello Sviluppo Economico, Direzione Generale Armonizzazione
Mercate e Tutela dei Consumatori, Ufficio D4 Sicurezza prodotti

<http://www.sviluppoeconomico.gov.it/>

LATVIA

www.ptac.gov.lv

LIECHTENSTEIN

Amt für Handel und Transport (Office of Trade and Transport)

www.aht.llv.li

LITHUANIA

State Non Food Products Inspectorate

www.inspekcija.lt

LUXEMBOURG

www.eco.public.lu

MALTA

www.mcmp.gov.mt/consumer.asp

THE NETHERLANDS

Voedsel en Waren Autoriteit (Dutch Food and Consumer Product Safety
Authority)

www.vwa.nl

e-mail: meldkamer@vwa.nl

Free consumer complaint number: +31 800-0488

NORWAY

Directorate for Civil Protection and Emergency Planning
www.dsb.no

Norwegian Pollution Control Authority
www.sft.no

Norwegian Food Safety Authority
www.mattilsynet.no

POLAND

www.uokik.gov.pl

PORTUGAL

www.consumidor.pt

ROMANIA

National Authority for Consumer Protection
www.anpcnet.ro

SLOVAKIA

Ministry of Economy of the Slovak Republic
www.economy.gov.sk

Slovak Trade Inspection
www.soi.sk

Public Health Institute of the Slovak Republic
www.uvzsr.sk

SLOVENIA

Market Inspectorate of the Republic of Slovenia
www.ti.gov.si/en/

Health Inspectorate of the Republic of Slovenia
www.mz.gov.si/en/

National Chemicals Bureau of the Republic of Slovenia
www.uk.gov.si

SPAIN

Instituto Nacional del Consumo
www.consumo-inc.es/Seguridad/home.htm

SWEDEN

www.konsumentverket.se

UNITED KINGDOM

www.berr.gov.uk

The Commission's RAPEX Team



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