



# Recommendation of the Council on Consumer Product Safety

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**Please cite this document as:**

OECD, *Recommendation of the Council on Consumer Product Safety*, OECD/LEGAL/0459

Series: OECD Legal Instruments

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## Background Information

The Recommendation on Consumer Product Safety (hereafter “the Recommendation”) was adopted by the OECD Council on 17 July 2020 on the proposal of the Committee on Consumer Policy (CCP). The Recommendation outlines the key elements that should be at the core of consumer product safety frameworks at domestic and international levels and promotes a consistent approach to product safety rules and terminology across jurisdictions in order to increase certainty and efficiency for all stakeholders. The Recommendation consolidates and updates six OECD legal instruments on consumer product safety (“the OECD consumer product safety acquis”) adopted by the OECD Council, on the proposal of the CCP, between 1977 and 1989.

### ***The OECD’s work on product safety and rationale for developing the Recommendation***

For over forty years, the OECD has been a key voice in global consumer product safety policy through the activities of the CCP and its Working Party on Consumer Product Safety (WPCPS). During this period, the CCP and WPCPS have produced research, analysis and policy guidance and coordinated international sweeps and consumer awareness campaigns in regard to a broad range of consumer product safety issues.

A key area of interest for the WPCPS in recent years has been the use of consumer behavioural insights to improve consumer responses to product recalls. In 2018, the WPCPS produced a background report on enhancing the effectiveness of product recalls globally and policy guidance is forthcoming.

Given the digital transformation taking place globally, the work of the WPCPS has had an increased focus on product safety issues relating to e-commerce and new and emerging technologies, such as the internet of things and artificial intelligence. In 2018, the WPCPS produced a background report on consumer product safety in the internet of things to inform this ongoing work.

The WPCPS also maintains the OECD’s GlobalRecalls portal, an online platform that brings together information on consumer product recalls from over 47 OECD Members and non-Members, and growing.

As part of the OECD-wide standard setting review launched by the OECD Secretary-General in May 2016 to strengthen and review all OECD instruments, in 2017, the CCP and its WPCPS agreed to consolidate the OECD consumer product safety acquis. The Recommendation builds on the last four decades of the CCP and WPCPS’ work. In particular, it takes into account current and emerging challenges to consumer product safety brought about by new technologies, increased cross-border trade and more complex globalised supply chains.

### ***Scope of the Recommendation***

The Recommendation calls for the establishment of robust consumer product safety regulatory and policy frameworks. Notably, it calls for frameworks that:

- Provide for a consumer right to safe products and rapid alerts when unsafe products are on the market or are the subject of a ban or a recall;
- Are informed by sound evidence and data sources, including, if possible, through the establishment of injury data collection systems, the development of systematic risk management and assessment approaches that are comparable from one country to another, information sharing activities (through the CCP), as well as awareness initiatives; and
- Pay specific attention to vulnerable consumers.

In order to remain relevant and effective, the Recommendation has a level of built-in flexibility, catering to the dynamic environment of product safety regulation. Notably it applies to consumer purchases occurring in-store and via e-commerce and all actors in the supply chain, including those actors involved in product design, manufacture, certification, distribution and maintenance. This in-built flexibility ensures its continued relevance and applicability across a variety of contexts, including in relation to product safety issues emerging from the Covid-19 crisis.

Consistent with the WPCPS' mandate, the Recommendation applies to consumer products with the exception of food, drugs and medical devices due to their specific characteristics.

The development of the Recommendation has been inclusive and participatory in nature, incorporating regular input from the CCP and WPCPS delegates as well as other interested OECD bodies, and stakeholders from the business community and civil society.

***Follow-up, monitoring of implementation and dissemination tools***

The implementation of the Recommendation will be supported by the development of a companion document to assist with interpretation of its key provisions and encourage consistency in its application amongst Adherents. In relation to product recalls specifically, the implementation of the Recommendation will also be supported by policy guidance on recall effectiveness.

In addition, the WPCPS will serve as a forum for exchanging information on consumer product safety policy and fostering multi-stakeholder dialogue on consumer product safety, as well as experience with the implementation of the Recommendation itself.

For further information please consult: <http://www.oecd.org/internet/consumer/consumer-product-safety.htm>

Contact information: [sticonsumerproductsafety@oecd.org](mailto:sticonsumerproductsafety@oecd.org) or [consumer.policy@oecd.org](mailto:consumer.policy@oecd.org)

## THE COUNCIL,

**HAVING REGARD** to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

**HAVING REGARD** to the Recommendation of the Council concerning the Establishment of Data Collection Systems Related to Injuries Involving Consumer Products [[OECD/LEGAL/0160](#)]; the Recommendation of the Council concerning the Safety of Consumer Products [[OECD/LEGAL/0183](#)]; the Recommendation of the Council concerning Recall Procedures for Unsafe Products Sold to the Public [[OECD/LEGAL/0192](#)]; the Recommendation of the Council concerning Risk Management and Cost-Benefit Analysis in the Product Safety Field [[OECD/LEGAL/0196](#)]; the Recommendation of the Council concerning Safety Measures Taken in the Interest of Children [[OECD/LEGAL/0208](#)]; and the Decision-Recommendation of the Council on the OECD Notification System on Consumer Safety Measures [[OECD/LEGAL/0254](#)], which this Recommendation replaces;

**HAVING REGARD** to the Recommendation of the Council on Consumer Policy Decision Making [[OECD/LEGAL/0403](#)]; the Recommendation of the Council on Digital Security Risk Management for Economic and Social Prosperity [[OECD/LEGAL/0415](#)]; the Recommendation of the Council on Consumer Protection in E-commerce [[OECD/LEGAL/0422](#)]; the Declaration on the Digital Economy: Innovation, Growth and Social Prosperity (Cancún Declaration) [[OECD/LEGAL/0426](#)]; and the Recommendation of the Council on Artificial Intelligence [[OECD/LEGAL/0449](#)];

**RECOGNISING** that consumers have a right to expect that products put on the market are safe under reasonably normal or foreseeable consumer use or misuse;

**RECOGNISING** that compliance with product safety requirements by all economic operators can support a safe, fair and competitive consumer product marketplace;

**RECOGNISING** that businesses should only place safe products on the market;

**RECOGNISING** the benefits of global and digital supply chains, which have provided consumers with easy access to a wider range of innovative and technology-driven products, and have transformed how product design, manufacturing, and delivery processes are monitored, analysed and improved, including remotely;

**RECOGNISING** that consumer confidence in the safety of products supports sustainable market development and that in addition to the social costs of injuries and deaths resulting from hazardous consumer products, such products can also negatively impact the economy;

**CONSIDERING** that consumer trust in global and digital supply chains may however be affected by a number of ongoing and emerging safety challenges, such as inadequate information disclosures about safety risks, the changing nature and safety of technology-driven products throughout their lifetime, and the availability in domestic and global e-commerce of products that have been banned or recalled from traditional consumer markets;

**RECOGNISING** the importance of effective and innovation-friendly consumer product safety policies that reduce the risks and challenges associated with unsafe products, regardless of the technology involved, and, thereby, increase the protection of consumers at domestic and international levels;

**RECOGNISING** that a whole-of-government and multi-stakeholder approach is key to identifying and addressing consumer product safety challenges, which, in the digital transformation, cut across related issue areas, such as data protection, security, and transport;

**RECOGNISING** that consumer product safety frameworks differ across jurisdictions and therefore further international cooperation is vital to protect consumers from unsafe products within and across borders, including in particular in e-commerce.

**RECOGNISING** that Members and non-Members having adhered to this Recommendation (hereafter the “Adherents”) have different legal, policy, and institutional frameworks affecting their implementation of this Recommendation and the Recommendation;

**UNDERLINING** that international cooperation, including digital information sharing tools and initiatives, such as the OECD *GlobalRecalls* portal and the OECD’s global product safety awareness campaigns, can result in greater global awareness of product safety risks and more informed policy-making by governments to achieve better safety outcomes for consumers worldwide;

**On the proposal of the Committee on Consumer Policy:**

**I. AGREES** that this Recommendation addresses safety requirements related to consumer products (with the exception of food, medical devices and drugs) during a product’s lifetime, including products incorporating new technologies and those purchased via e-commerce.

**CONSUMER PRODUCT SAFETY POLICY FRAMEWORKS**

**II. RECOMMENDS** that Adherents work with businesses and consumer representatives and other civil society organisations (hereafter “other stakeholders”) in a transparent and inclusive manner, to promote and implement, at domestic and international levels, effective policy frameworks relating to consumer product safety.

To that effect, in their frameworks, Adherents should:

***Business practices for safe products***

1. Include measures in order that businesses:
  - a) Place safe products on the market and consider and manage risks to the safety of such products throughout their lifetime, in particular at the design, manufacture, distribution, use and disposal stages;
  - b) Do not supply to consumers unsafe products that pose an unreasonable risk to the health or safety of consumers in reasonably normal or foreseeable use or misuse;
  - c) Implement, without delay, appropriate corrective measures (including product withdrawals and recalls), and take all the necessary steps to notify the relevant government bodies and consumers in instances where businesses should have known, or where they become aware, that the products they placed on the market are unsafe.

***Effective protection***

2. Establish and maintain government bodies that have the authority and power to investigate and take action to protect consumers from unsafe products, including requiring businesses to withdraw, recall or adopt any other appropriate corrective measures against unsafe products, and to issue market withdrawal and recall notices. Such government bodies should have the resources and technical expertise to exercise their power appropriately and effectively. In addition, policy frameworks should be reviewed, when needed, to ensure they remain effective.
3. Provide government bodies with powers to make public final product safety decisions affecting businesses and, where possible, any final measures or commitments given by businesses.
4. Consider, where appropriate, establishing an alert system at domestic level to enable government bodies to identify and swiftly exchange information about unsafe products including, where possible, with their foreign counterparts.

5. Take into account behavioural insights, and give special attention to vulnerable and disadvantaged consumers, such as children, the elderly and disabled people, when developing and implementing consumer product safety policy frameworks.
6. Encourage transparency and co-operation on consumer product safety matters among businesses and between businesses and government bodies.
7. Encourage the continued development and use of technology as a tool to enhance consumer product safety, and ensure that appropriate steps are taken to address the risks associated with such technology, in consultation with businesses and other stakeholders.

### ***Information disclosures***

8. Include measures in order that businesses:
  - a) Inform consumers about ways to report consumer product safety problems, as appropriate;
  - b) Provide consumers, via appropriate communication channels, with timely, clear, accurate, easily accessible, and conspicuous safety information about a product they placed on the market. Such disclosures, which should be made in plain and easy-to-understand language, at a relevant time and should allow consumers to assess and take precautions against the risks inherent in a product when such risks are not immediately obvious without adequate warnings. They should include, as appropriate, instructions for safe use, information about the maintenance and disposal of the product, as well as warning labels, such as age restrictions; and
  - c) Make available all safety-related information necessary for consumers to make an informed purchase decision in all languages in which the purchase can be conducted.
9. Consider, where appropriate, the use by government bodies and businesses of consumer product safety communication tools and symbols that already exist at the international level.

### ***Product risk assessment and management***

#### ***Performed by businesses***

10. Encourage businesses to systematically take safety into account in the design, quality assurance, production and supply of consumer products, including in risk assessment and risk management, and to consider how they might need to respond if a product is found to be unsafe before or after it is placed on the market.
11. Invite businesses to develop tools to monitor and communicate information about the safety of a product to relevant government bodies, consumers and other stakeholders.

#### ***Performed by product safety government bodies***

12. Adopt systematic procedures for risk assessment and management to enable effective and comparable domestic and global approaches for:
  - a) Identifying risks that may require policy intervention;
  - b) Understanding the magnitude of injuries, related patterns, and identifying high risk groups; and
  - c) Prioritising their policy and enforcement actions.

Such approaches may be informed by cost-benefit analysis, as well as risk data from other jurisdictions.

13. Make publicly available, as appropriate, information such as criteria, and methodologies of risk assessment and management in order to achieve greater transparency in government bodies' decision-making processes, and for the purpose of ensuring greater comparability of risk assessment and management systems within and across jurisdictions.

14. Consider establishing and maintaining, as part of government bodies' risk management programmes, data collection and analysis systems on injuries resulting from unsafe products at the domestic level, as appropriate.

### ***Product recalls and other corrective actions***

15. Include measures in order that businesses:

- a) Issue warnings, withdraw, modify, repair or replace the product concerned or prevent consumers from using it when the need for a recall and any other corrective action is identified, as soon as possible and as appropriate;
- b) Communicate effectively with consumers about a product recall without delay by providing them with clear, accurate and easy-to-understand information about the affected product and its associated risk and remedies. Such communication should, where appropriate, be coordinated with relevant government bodies and should also include information relating to the rights and obligations of the consumers affected by a product recall;
- c) Provide consumers with adequate compensation as appropriate;
- d) Put in place mechanisms and tools appropriate to the circumstances in order to identify and contact those consumers affected by a recall without delay;
- e) Put in place product identifiers and tracking and traceability information, which should be made available to the relevant government bodies, as appropriate; and
- f) Assess and report on the effectiveness of their product recalls and adapt, if necessary, their recall strategy and report to the relevant government bodies, so that the latter can assess if the situation is properly managed or if their intervention is necessary.

16. Encourage government bodies, businesses and other stakeholders to work together on the development of guidelines and international standards for planning, launching and conducting recalls, promoting their use and communicating effectively to consumers about them.

17. Encourage relevant government bodies and businesses to establish mechanisms at domestic level, as appropriate, to alert all stakeholders about the existence of a product recall in their jurisdiction.

18. Encourage businesses to establish and maintain adequate production and quality control records, which should be made available to the relevant government bodies, where appropriate.

### **CONSUMER PRODUCT SAFETY AWARENESS**

**III. RECOMMENDS** that Adherents work together with businesses and other stakeholders to provide consumers with relevant information on ways to buy and use safe products. Such initiatives should be designed to meet the needs of different groups, taking into account factors such as age, income, disability, and literacy.

To that effect, Adherents should:

1. Ensure that official information about the relevant consumer product safety legislation and relevant legal requirements that apply in their jurisdiction are accurate, up-to-date, and easily accessible to all stakeholders.



2. Develop, as appropriate, awareness activities aimed to alert all stakeholders about the steps they can take to identify risks and prevent injuries associated with consumer products.

## **INTERNATIONAL COOPERATION**

**IV. RECOMMENDS** that Adherents work together to enhance international cooperation, having in mind the objective that product safety government bodies should be well-informed about products regarded as unsafe in other jurisdictions so they may, if necessary, take steps to protect consumers in their own jurisdiction.

To that effect, Adherents should:

1. Develop, as appropriate, effective information sharing initiatives among consumer product safety government bodies, which could, for example, cover the following initiatives:
  - a) Consumer product safety legislation, regulations and guidelines, as well as officially published draft legislation and regulations;
  - b) Individual measures, such as product withdrawals, bans, recalls and other corrective measures;
  - c) Research projects developed or sponsored by governments, undertaken by universities, businesses and other organisations; as well as the results of analyses of injury data;
  - d) Risk assessment methodologies and practices; and
  - e) Emerging product safety risks.
2. Explore, when developing their domestic consumer product safety frameworks, the compatibility with rules in other jurisdictions, as appropriate.
3. Examine, when developing or reviewing domestic, government-initiated standards or technical regulations, the possibility of alignment with existing international standards.
4. Engage in the development and promotion of international standards, and encourage businesses and other stakeholders to participate in such activities.
5. Use information sharing mechanisms available at the international level, such as the OECD *GlobalRecalls* portal, to facilitate a timely response to incidents, to help detect and deter unsafe products from being made available in other jurisdictions, including among non-Adherents.
6. Work together, as appropriate, on the development and implementation of joint surveillance and enforcement programmes, including with non-Adherents.
7. Develop global awareness campaigns on consumer product safety and encourage businesses and other stakeholders to participate in such activities.
8. Work together with businesses and other stakeholders on the development of a global injury data taxonomy and procedures for collecting and analysing injury data, where appropriate, and take into account the value of aligning the taxonomy with well-established systems.

**V. ENCOURAGES** business and other stakeholders to disseminate and follow this Recommendation in their approach to consumer product safety;

**VI. INVITES** Adherents and the Secretary-General to disseminate this Recommendation;

**VII. INVITES** non-Adherents to take due account of and adhere to the present Recommendation;

**VIII. INSTRUCTS** the Committee on Consumer Policy, through its Working Party on Consumer Product Safety, to:

- i. Serve as a forum to exchange information with respect to the implementation of this Recommendation;
- ii. Develop best practice guidelines to support the implementation of this Recommendation;
- iii. Serve as a forum, using the OECD *GlobalRecalls* portal, for the rapid exchange of worldwide recall information; and
- iv. Monitor the implementation of the Recommendation and report to Council no later than five years following its adoption and at least ten years thereafter.

## About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

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- **Recommendations:** OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.
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