

The Framework for the Operation of CARREX

THE Council on Trade and Economic Development (COTED) at its Forty-Third (43rd) **determined that the Framework on the CARREX -**

- shall be applicable to all Member States of the Community;
 - **that information available to the authorities** of Member States, the Secretariat or COTED relating to risks to consumer health and safety posed by products **shall in general be available to the public;**
 - that the public shall have access to information on **product identification, the nature of the risk and the measures taken;**
 - that Officials of Member States, the Secretariat and institutions **shall not be required to disclose information obtained for the purposes of implementing this decision**, which by its nature, it is covered by **professional secrecy** in duly justified cases;
 - **except** for information relating to the **safety properties of products which must be made public if circumstances so require**, in order to protect the health and safety of consumers.
- ✚ Protection of professional secrecy **shall not prevent the dissemination** to the competent authorities, **of information relevant for ensuring the effectiveness of market monitoring and surveillance activities;**
- ✚ The authorities receiving information covered by professional secrecy **shall ensure its protection;**
- ✚ The System, maintained by the Community, **will only be used** by Member States and the Secretariat **for the exchange of information** with respect to goods that **pose a serious risk** to the health and safety of consumers;

For the proper administration of CARREX Member States must ensure that their laws -

- ✚ clearly set out **the health and safety requirements which a good must satisfy** in order to be marketed;
- ✚ **place a duty on producers** to place only safe goods on the market;
- ✚ require that producers **provide consumers with the relevant information** to enable them to assess the risks inherent in a good throughout the normal or reasonably foreseeable period of its use;

- ✚ **require that producers adopt measures commensurate** with the characteristics of the goods they supply and **are able to take appropriate action, if necessary, to avoid these risks**, adequately and effectively warning consumers, withdrawing or recalling the good from the market;
- ✚ **require that** distributors act with due care to help to **ensure compliance** with safety requirements and **assist in monitoring** the safety of goods placed on the market;
- ✚ **require that** producers and distributors immediately inform the competent authorities when they become aware that the good they have placed on the market poses risks to the consumer;
- ✚ nominate competent authorities to monitor compliance of goods with the general health and safety requirements and to take appropriate measures to ensure that only goods that are safe are on the market;
- ✚ nominate a CARREX National Contact Point (NCP) and alternate contact point responsible for submitting the information through the CARREX;
- ✚ a CARREX National Network (CNN) is **established, comprising the CARREX National Contact Point (NCP) and alternate and designated representatives from every competent authority** in the Member State involved in ensuring consumer product safety and mandate the sharing of information within the CNN;

Ensure that competent authorities are able to take the following measures, where appropriate:

- ✚ **for any good -**
 - to organise, even after it has been placed on the market as being safe, appropriate checks on its safety properties, on an adequate scale, up to the final stage of use or consumption;
 - to require all necessary information from the parties concerned;
 - to take samples of goods and subject them to safety checks;
- ✚ **for any good that could pose risks in certain conditions -**
 - to require that it be marked with suitable, clearly worded and easily comprehensible warnings, in the official language of the Member State in which the good is being marketed, on the risks it may present;
 - to make its marketing subject to prior conditions so as to make it safe;

✚ **for any good that could pose risks for certain persons -**

- to order that they be given warning of the risk in good time and in an appropriate form including the publication of special warnings;

✚ **for any good that could be dangerous -**

- to temporarily ban the supply of the good, the offer to supply the good or the display of the good for the period needed for the various safety evaluations and checks to be done and the controls put in place;

✚ **for any dangerous good -**

- where necessary, to ban its marketing and introduce the accompanying measures required to ensure the ban is complied with;

✚ **for any dangerous good already on the market - where necessary,**

- to order or organise its actual and immediate withdrawal, and alert consumers to the risks it presents;
- to order or coordinate or, if appropriate, to organise together with producers and distributors, its recall from consumers and its destruction in suitable conditions.

Further agreed that

✚ the CARREX Contact Point

- should inform the Secretariat of any measures taken by a competent authority of a Member State as authorised by this decision, the basis for the measures and any modification or termination of the measures;
- shall immediately notify the Community through the CARREX of products that pose a serious risk where the competent authority of a Member States **adopts or decides to adopt, recommends or agrees with producers and distributors on measures or actions that will prevent, restrict or impose specific conditions on the possible marketing or use, within its own territory, whether on a compulsory or voluntary basis.** Any modification or withdrawal of any such measure or action should also be notified through the CARREX;

✚ the draft Memorandum of Understanding template should guide Member States as to the elements that would need to be included in a Cabinet decision or other instrument establishing the operation of the CARREX National Network (CNN). Areas of cooperation include -

- daily monitoring of the CARREX for alerts, notifications and reactions to the same;

- decisions in relation to product withdrawal, recall and submission of alerts, notifications, or reactions;
- investigation of all complaints made on products that pose serious risks to the health and safety of consumers;
- market surveillance, inspection and enforcement activities;
- monitoring of the quality and performance of consumer products and materials through testing;
- gathering and dissemination of scientific, technical and regulatory information to help ensure the safety of consumers and consumer products;
- risk identification, assessments, product testing, among other measures;
- timely exchange of data and information on best practices;
- training in CARREX related areas such as risk assessment and market surveillance and consumer product safety;
- consumer education on CARREX; and
- meet regularly and at least once a month.
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