

The State of Product Safety—Jurisdiction Comparisons

This document was prepared as part of the International Product Safety Conference held on the Gold Coast of Australia in October 2013. The conference, co-hosted by the International Consumer Product Health & Safety Organisation (ICPHSO) and the Australian Competition and Consumer Commission (ACCC), brought together representatives from across the globe to discuss the major product safety issues facing regulators, suppliers, governments and other interested parties. This document provides a comparative outline of the product safety framework across 11 of the countries represented at the conference. It includes information on legislative structures, rules and regulations, management of unsafe goods, notification systems and future regulatory arrangements.

The ACCC and ICPHSO thank the following agencies for their assistance in the preparation of this document:

Brazil - Inmetro - The National Institute of Metrology, Quality & Technology | Canada - Health Canada | EU -DG SANCO - European Commission | Fiji - The Fiji Commerce Commission | New Zealand - Ministry of Business, Innovation & Employment | Papua New Guinea - Independent Consumer and Competition Commission | Samoa - The Ministry of Commerce, Industry and Labour | South Korea - Korea Consumer Agency | Singapore - SPRING Singapore

*The contribution for the United States was compiled by the ACCC. Any errors or omissions are accidental and unintentional.

An online version of this document is available at: www.productsafety.gov.au/icphso

	Legislative framework	How are rules for product requirements set?	How are goods prohibited from sale for safety reasons?	Are there notification requirements?	Are there likely to be any changes to regulatory arrangements?
Australia	<p>The legislative framework in Australia is established in the <i>Competition and Consumer Act 2010</i> (CCA), which incorporates the Australian Consumer Law (ACL) at Schedule 2. This legislation gives the Commonwealth Minister the power to set standards, impose interim and permanent bans and order compulsory recalls. It also establishes two notification requirements (for recalls and serious injuries, illnesses and deaths), a consumer guarantees regime which includes a requirement that goods be of acceptable quality including being safe; and a product liability regime (giving consumers a right of action for losses where goods are not safe). State and territory ministers have the power to create short interim bans and compel suppliers to recall goods. The CCA is administered by the Australian Competition and Consumer Commission (ACCC), jointly with state and territory consumer agencies.</p> <p>Web reference: www.austlii.edu.au/au/legis/cth/consol_act/caca2010265</p>	<p>Where there are safety concerns about consumer goods a mandatory standard can be imposed. Mandatory standards are regulations made by the Commonwealth Minister who is advised by the ACCC. Mandatory standards often draw on Australian voluntary standards or may draw from international standards. Australian Standards are not legal requirements in Australia unless they are 'called up' through regulations. In addition some Australian bans prohibit goods that do not meet certain requirements (rather than prohibiting sale completely)—see below.</p> <p>Web reference: www.productsafety.gov.au/mandatorystandards</p>	<p>Unsafe goods can be prohibited from sale in Australia through the imposition of a ban. Bans can be interim (lasting 60–120 days) or permanent. Permanent bans are imposed by the Commonwealth Minister on advice from the ACCC. Commonwealth, state and territory ministers are able to impose interim bans.</p> <p>Web reference: www.productsafety.gov.au/bans</p>	<p>There are two mandatory notification requirements in Australia. Suppliers are required to notify the Commonwealth Minister of a recall within two days of initiating the recall. Suppliers are also required to notify the Commonwealth Minister within two days of becoming aware of a serious illness, injury or death caused by the use of a product they sell. Both notifications can be made via online forms on ACCC websites.</p> <p>Web reference: www.productsafety.gov.au/recalls www.recalls.gov.au</p>	<p>The ACL will be reviewed by 2018. Regulations are frequently developed and reviewed. Information on changes is available on the Product Safety Australia website.</p>
Brazil	<p>Inmetro's legal scope is established by the Federal Constitution (article 22, VI), complemented by Federal Laws 9933/1999 and 12545/2011. Inmetro is responsible for preparing, adopting, and applying technical regulations related to legal metrology; the prevention of deceptive practices; protection of consumer health or safety, or the environment. Its competence is exclusive for legal metrology. For the other matters, Inmetro has a complimentary competence to federal agencies which have those specific legal competencies. Inmetro is also the executive body of the Brazilian System of Conformity Assessment, which is responsible for establishing conformity assessment procedures. Based on this, the Institute carries out market surveillance related to its technical regulations and mandatory conformity assessment procedures. Inmetro has a technical cooperation with the National Secretariat of Consumer, which is responsible for managing the National System of Consumer's Protection, established by the National Code of Consumers' Defence, Federal law number 8078/1990.</p> <p>Web reference: www.inmetro.gov.br/legislacao www.planalto.gov.br/ccivil_03/leis/l8078.htm</p>	<p>Once a problem is detected, related to a product or a service, usually denounced by society, Inmetro starts to study if it may be solved by Inmetro's legal tools. If we decide that its worth to settle a regulatory measure, we establish a technical commission to discuss the legal text. A draft is published in the National Journal, allowing 60 days for comments. If the measure impacts on Brazilian foreign trade the draft is also notified to the WTO. Afterwards, we analyse all contributions and amend the text, when necessary. InMetro then publish the final version of the text in the National Journal and begin its implementation, preparing market surveillance. Failure to comply may result in fines, apprehension of the products, suspension or cancelling product registration.</p> <p>Web reference: www.inmetro.gov.br/qualidade/prodCompulsorios.asp</p>	<p>Inmetro publishes drafts of legal texts in the National Journal, respecting the principle of transparency. In parallel, public discussions may be called in order to consult stakeholders. After exhaustively discussing the problems and possible solutions, if there is evidence which suggests high risk to consumers and a regulatory measure is unable to decrease it, then, it may be banned.</p> <p>Web reference: Brazilian Recall System portal: http://portal.mj.gov.br/recall</p>	<p>Product recalls are regulated by the Brazilian Secretariat of Consumer that belongs to the Ministry of Justice. The consumer protection law also includes penalties for suppliers that do not make recalls, when they know that the product is unsafe.</p> <p>In the administrative sphere, the notification applied by Inmetro and the inspectors in the Brazilian states is established in internal procedures. It is a document to suppliers informing them that they are selling irregular products (and what is the irregularity, mentioning the regulation) and the suppliers have 10 days to present their defence. Fines can vary from R\$100,00 to R\$1.500.000,00.</p> <p>Web reference: Ordinance MJ (Ministry of Justice) 487/2012 www.in.gov.br/imprensa/visualiza/index.jsp?data=16/03/2012&jornal=1&pagina=159</p>	<p>There were some recent changes in Inmetro law in 12545. One of the changes allow Inmetro to have access to the ports, airports and borders in general in partnership with the Brazilian customs, called Receita Federal.</p>

	Legislative framework	How are rules for product requirements set?	How are goods prohibited from sale for safety reasons?	Are there notification requirements?	Are there likely to be any changes to regulatory arrangements?
Canada	<p>The legislative framework in Canada is established in the Canada Consumer Product Safety Act (CCPSA). The Act sets out general requirements and powers, and contains a provision to make regulations. There are currently over 30 regulations under the CCPSA that outline more specific requirements for certain consumer products and/or hazards. In addition, the Act contains a schedule of prohibited consumer products (Schedule 2).</p> <p>The CCPSA is administered by Health Canada, specifically the Consumer Product Safety Program. Note that cosmetics, which are subject to the Cosmetic Regulations under the Food and Drugs Act, are also administered by the Program.</p> <p>Web reference: http://laws-lois.justice.gc.ca/eng/acts/C-1.68/index.html</p>	<p>The CCPSA modernised Canada's product safety system and introduced new tools to prevent or address dangers to human health or safety posed by consumer products. These include powers to order corrective measures or mandatory product recalls, and an administrative monetary penalties scheme with fines up to CDN\$25,000 per day for non-compliance with an order.</p> <p>The CCPSA contains a general prohibition against the manufacture, import, advertisement or sale of consumer products that are a danger to human health or safety.</p> <p>It also includes other prohibitions against the manufacture, import, advertisement or sale of consumer products that are prohibited or that do not meet regulatory requirements.</p> <p>For some consumer products, specific product requirements are set out in regulations. Such regulations may outline specifications or make reference to an existing standard. Standards that are incorporated by reference in regulations are considered to be 'mandatory standards'. In the case where there are no regulations set out for a specific product, suppliers may look to an available health and/or safety standard or published guidelines from Health Canada or another relevant organization (e.g. regulators in other jurisdictions, industry associations, etc.) as part of their due diligence.</p>	<p>Orders for mandatory recall can be made for consumer products where the Minister believes on reasonable grounds that they pose a danger to human health and safety.</p> <p>This determination of whether a consumer product poses a danger to human health or safety is informed by risk assessments, through inspections, product testing or lab reports, and/or professional judgement from the Consumer Product Safety Program, among other considerations.</p> <p>While there are a number of enforcement powers in the CCPSA to address dangers to human health and safety, the Program usually takes a step-wise approach to enforcement where appropriate, first considering voluntary measures.</p> <p>Web reference: http://laws-lois.justice.gc.ca/eng/acts/C-1.68/page-9.html#h-17</p>	<p>A person who manufactures imports or sells a consumer product for commercial purposes must report incidents to Health Canada. Incidents are defined as any occurrence, defect, characteristic, or incorrect or insufficient labelling that resulted or may reasonably have been expected to result in death, serious injury or serious adverse health effects; or a recall or other measure initiated by another jurisdiction for health and safety reasons.</p> <p>Such incidents must be reported to Health Canada and the manufacturer within two days. The manufacturer (or importer) then has ten days to provide Health Canada with a report about the product and proposed actions.</p> <p>Web reference: http://laws-lois.justice.gc.ca/eng/acts/C-1.68/page-4.html#h-8 http://hc-sc.gc.ca/cps-spc/pubs/indust/2011ccpsa_incident-lcspsc/index-eng.php</p>	<p>Early in 2013, federal government departments and agencies were required to make their forward regulatory plans publicly available on their websites annually. These plans describe upcoming regulatory proposals that departments or agencies plan to introduce over a 24-month period. It is intended to give consumers, business, other stakeholders and trading partners greater opportunity to inform the development of regulations and to plan for the future. A list of Government-wide forward regulatory plans is also available on the Treasury Board of Canada Secretariat's website.</p> <p>This Health Canada's Forward Regulatory Plan provides information on planned and potential regulatory initiatives that Health Canada expects to bring forward over the next two years. It also identifies public consultation opportunities and a departmental contact point for each regulatory initiative. It should be noted that this Plan will be adjusted and updated over time as Health Canada's operating environment also changes over time.</p> <p>Web reference: Treasury Board of Canada Secretariat's website: http://www.tbs-sct.gc.ca/rtrap-parfa/plan-eng.asp</p>
European Union	<p>In the EU there are several different pieces of legislation that are in place to ensure that products placed on the EU market are safe.</p> <p>There are sectoral product safety rules regulating "harmonised products", such as the Directive on toy safety, the Regulation on cosmetics, etc. A horizontal Regulation (EC) No 765/2008 sets out requirements for the accreditation and market surveillance relating to the marketing of these harmonised products.</p> <p>In addition to this, the General Product Safety Directive 2001/95/EC (GPSD) requires Member States to have laws with specific requirements ensuring a high level of product safety throughout the EU for consumer products that are not covered by specific sectoral legislation. The Directive also complements the provisions of sectoral rules which do not cover certain matters, for instance in relation to producers' obligations and the authorities' powers and tasks.</p> <p>The Member States of the EU are responsible for enforcing the product safety laws, and they are also responsible for market surveillance.</p> <p>Web reference: http://ec.europa.eu/consumers/safety/prod_legis/index_en.htm</p> <p>http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/index_en.htm</p>	<p>General requirements for the safety of products are set out in sector specific legislation and the GPSD. Then, in order to specify these safety requirements, voluntary standards are drawn up by the European Standardisation Organisations. The references to European product standards, that confer compliance with the Directives' safety requirements, are published in the Official Journal of the European Union.</p> <p>Under certain conditions, the European Commission can adopt a formal decision (in agreement with EU Member States) requiring the Member States to ban the marketing of a product posing a serious risk, to recall it from consumers or to withdraw it from the market. Such decisions are, at the moment, only valid for a maximum period of one year but can be renewed. For example, a decision of this kind ensures that cigarette lighters placed on the EU market are child-resistant.</p> <p>In areas not covered by the EU law, there may be national product safety requirements in the European Union's Member States.</p> <p>Web reference: http://ec.europa.eu/consumers/safety/euro_standards/index_en.htm</p> <p>http://ec.europa.eu/consumers/safety/prod_legis/index_en.htm</p>	<p>EU legislation sets out the conditions that determine when corrective action needs to be taken by EU Member State market surveillance authorities on products.</p> <p>EU Member States carry out market surveillance and need to take appropriate action (withdrawal, ban, recall etc.) in case they find dangerous products on their markets. Voluntary action by producers, distributors and suppliers is encouraged. Distributors must cooperate in the action taken by producers and competent authorities to avoid safety risks.</p> <p>Under certain conditions, the European Commission can adopt a formal decision (in agreement with EU Member States) requiring the Member States to take corrective action on marketing of a product posing a serious risk, as described above.</p> <p>Web reference: http://ec.europa.eu/consumers/safety/prod_legis/index_en.htm</p> <p>http://ec.europa.eu/consumers/safety/rapex/index_en.htm</p>	<p>Producers and distributors must inform the competent authorities of any products that they have placed on the market that are dangerous.</p> <p>EU Member States need to inform the European Commission and other Member States about the products they find on their market posing risk to the health and safety of consumers, and which are available in other EU Member States. In case the product poses serious risk, this needs to be done via the Rapid Alert System for non-food dangerous products (RAPEX).</p> <p>Web reference: http://ec.europa.eu/consumers/safety/rapex/index_en.htm</p> <p>http://ec.europa.eu/consumers/safety/rapex/guidelines_states_en.htm</p> <p>https://webgate.ec.europa.eu/gpsd-ba/index.do;jsessionid=S52d9ysQF0WW8RDPSC2PvnnvKSKgkzHQPjTHmP81tQqjc47TXr8q!197414170</p>	<p>A legislative review of the product safety legislation is currently ongoing. The European Commission has proposed a new package of legislative and non-legislative measures to improve consumer product safety and to strengthen market surveillance of products in the EU, with the aim of having the new rules in place in 2015.</p> <p>http://ec.europa.eu/consumers/safety/psmsp/index_en.htm</p>

	Legislative framework	How are rules for product requirements set?	How are goods prohibited from sale for safety reasons?	Are there notification requirements?	Are there likely to be any changes to regulatory arrangements?
Fiji	<p>The <i>Trade Standards and Quality Control Decree 1992</i> empowers the Minister for Industry and Trade to prescribe product safety or quality standards based on the recommendation of the Trade and Quality Control Advisory Council. The Decree also includes provisions for product recalls and consumer redress.</p> <p>This Decree and the <i>Commerce Commission Decree 2010</i> (CCD2010) empowers the Director of National Trade Standards and Measurements and the Fiji Commerce Commission to conduct inquiries, testing and regular inspections on the sale or manufacture of goods below approved standards, and to institute legal action against traders who breach any of the declared standards.</p> <p>Web reference: www.mit.gov.fj/index.php/divisions/departments-of-national-trade-measurement-standards/laws-enforced-by-the-department</p> <p>www.mit.gov.fj/index.php/downloads/acts-decrees</p>	<p>Product safety or quality standards can be prescribed by regulation for any kind of goods, including performance, testing, and labelling requirements, and 'such other safety standards, measures or specifications as are reasonably necessary to prevent or minimise risk of use'. Currently, the regulations on standards in force are listed at the link below.</p> <p>Web reference: www.mit.gov.fj/index.php/divisions/departments-of-national-trade-measurement-standards/laws-enforced-by-the-department</p>	<p>The Minister can impose temporary bans by notice for a period not exceeding three months on goods and services deemed dangerous. Subsequently those goods could be declared dangerous by the Minister or allowed into the market. Prior to the referred exercise, the Director of National Trade Standards and Measurement can issue defect notices to a person or person(s) having goods for trade that are deemed dangerous or do not meet the required standards that requires such person or person(s) to make representations before the Department submits its recommendation to the Minister.</p> <p>Inspectors of the Department are empowered to seize any goods deemed dangerous or do not meet required standards. Penalties of up to maximum of \$10k for a natural person or \$50k for a body corporate can be imposed by the Court for those in breach.</p> <p>The Decree also has provisions for voluntary recalls.</p> <p>Web reference: www.mit.gov.fj/index.php/divisions/departments-of-national-trade-measurement-standards/laws-enforced-by-the-department</p>	<p>Where a supplier voluntarily takes action to recall goods because the goods will or may cause injury, the supplier shall, within 24 hours after taking that action, give notice in writing to the Director:</p> <ol style="list-style-type: none"> stating that the goods are subject to recall; setting out the nature of the defect in, or dangerous characteristic of, the goods setting out the action that the supplier intends to take on the recall. <p>Web reference: www.mit.gov.fj/index.php/divisions/departments-of-national-trade-measurement-standards/laws-enforced-by-the-department</p>	<p>As and when required the changes can be done following the procedures set out in the Decree.</p>
New Zealand	<p>Part 3 of the <i>Fair Trading Act 1986</i> (FTA) provides the Minister of Consumer Affairs with the power to ban products, set standards through regulation and order compulsory recalls. The <i>Consumer Guarantees Act 1993</i> also provides a civil 'guarantee' that consumer goods are safe. The FTA is administered by the Ministry of Business Innovation and Employment (MBIE) and enforced by New Zealand Customs Services and by the Commerce Commission post importation. These provisions cover all consumer products with the exception of food, gas and electrical products, motor vehicles and cosmetics that are regulated by other agencies under product specific legislation.</p> <p>Web reference: www.consumeraffairs.govt.nz/for-business/compliance/product-safety/requirements-for-importers-and-retailers</p>	<p>MBIE draws on consumer complaints, marketplace sampling/testing and data and intelligence sourced from other organisations within New Zealand and overseas. The Minister is able to take action that ranges from interim bans of a product through to permanent regulations. The basis for the majority of these provisions are published standards. The preference is for New Zealand or joint Australia/New Zealand standards, the majority of which directly relate to the equivalent ISO standards.</p> <p>Web reference: www.consumeraffairs.govt.nz/for-business/compliance/product-safety/requirements-for-importers-and-retailers</p>	<p>The unsafe goods notice provisions are the most frequent means of banning unsafe products. They provide for an 18 month interim ban after which the ban can be made permanent. The Minister of Consumer Affairs can rescind or amend the unsafe goods notice within that 18 month period.</p> <p>Web reference: www.consumeraffairs.govt.nz/for-business/compliance/product-safety/requirements-for-importers-and-retailers</p>	<p>No notification requirements are in force at present (but we see below) but in many cases, voluntary prior contact is made with MBIE by businesses contemplating a recall.</p> <p>Web reference: www.consumeraffairs.govt.nz/for-business/compliance/product-safety/recalls</p>	<p>The Consumer Law Reform Bill (CLRB) is anticipated to be enacted within the next few months and once implemented will provide additional regulatory options including:</p> <ul style="list-style-type: none"> enabling the Minister to issue product safety policy statements that whilst not compulsory are aimed at being persuasive and seek marketplace correction introducing compulsory notification of product recalls to MBIE giving additional powers for product safety officials. <p>www.consumeraffairs.govt.nz/legislation-policy/policy-development/consumer-law-reform?searchterm=Consumer+Law+Reform</p>
Papua New Guinea	<p>The legislative framework in Papua New Guinea is established under the <i>Independent Consumer and Competition Commission Act 2002</i> (the Act). The Act gives the power to the Independent Consumer and Competition Commission (the Commission) to impose interim and permanent bans and order compulsory recalls. The Minister may declare consumer product safety and information standards and it is the Commission's role to ensure compliance.</p> <p>Web reference: www.paclii.org/pg/legis/consol_act/icacca2002483</p>	<p>In Papua New Guinea, consumer product and safety standards are set in collaboration with the National Institute of Standards and Industrial Technology (NISIT) or by any prescribed association or body. NISIT is a national statutory body responsible for spearheading standardisation in Papua new Guinea. Most of the standards have been adopted from other international standards. Their standards can be voluntary or mandatory.</p> <p>In relation to interim and permanent bans the Commission develops these with the assistance of the Australian Competition and Consumer Commission.</p> <p>Web reference: www.iccc.gov.pg/index.php/consumer-service</p>	<p>The Commission may impose a ban through an Unsafe Goods Notice in the National Gazette. A ban can be an interim, which lasts for 18 months, after which it may become a permanent ban, or the Minister may declare a standard after consultation with the Commission.</p> <p>Web reference: www.iccc.gov.pg/index.php/consumer-service</p>	<p>There are two mandatory notification requirements. One is for a supplier who has supplied recalled goods to another person outside Papua New Guinea to notify the Commission within 10 days. The second is where a person voluntarily takes action to recall goods because the goods will or may cause injury to any person. That person shall within two days after taking that action notify the Commission in writing. There is provision for a conference in respect of interim bans and recalls.</p> <p>Web reference: www.iccc.gov.pg/index.php/consumer-service</p>	<p>One of the priorities of the Government of Papua New Guinea is the review of the Act. Any proposed changes to the product safety provisions should be known by the middle of 2014.</p>
Samoa	<p>The legislative framework is established by the <i>Fair Trading Act 1998</i> which empowers the Minister for Commerce, Industry and Labour to prescribe product safety or quality standards, and to order product recalls and consumer redress. There are currently two standards in force, the Fair Trading (Toy Approved Standards) Regulations 2013 and the Fair Trading (Approved Egg Standards) Regulations 2010.</p> <p>The Act also empowers the CEO of the Ministry of Commerce, Industry and Labour to conduct an inquiry regarding the sale or manufacture of goods below the approved standard, and to order restitution by the trader if it is of the opinion that substandard goods were supplied.</p> <p>Web reference: www.samlii.org/ws/legis/consol_act/fta1998117/</p>	<p>The <i>Fair Trading Act 1998</i> confers broad powers on the Minister for Commerce, Industry and Labour to prescribe product safety or quality standards by regulation for any kind of goods, including performance, testing and labelling requirements, and 'such other safety standards, measures or specifications as are reasonably necessary to prevent or reduce risk or injury to person or damage to property or equipment'.</p> <p>In practice, such regulations are likely to be developed by external consultants, with considerable reliance on equivalent New Zealand and Australian standards.</p> <p>Web reference: www.samlii.org/ws/legis/consol_act/fta1998117/</p>	<p>Beyond the legislative framework described above in relation to prescribed standards, there is no legal mechanism for banning the sale of dangerous goods on an interim or permanent basis in Samoa.</p>	<p>No</p>	<p>The competition and consumer protection regime is currently being overhauled in Samoa, with the Fair Trading Act to be repealed and replaced by a comprehensive Competition and Consumer Act in late 2013. The product safety aspects of the Fair Trading Act will be retained, with responsibility for enforcing the Act to be transferred to a new independent authority.</p>

	Legislative framework	How are rules for product requirements set?	How are goods prohibited from sale for safety reasons?	Are there notification requirements?	Are there likely to be any changes to regulatory arrangements?
Singapore	<p>Under the <i>Consumer Protection (Trade Descriptions and Safety Requirements) Act</i> (CPA), there are two legislations: The <i>Consumer Protection (Safety Requirements) Regulations</i> empowers SPRING Singapore as the Safety Authority to ensure the safety of 45 categories of household electrical, electronic and gas products. These products are gazetted as Controlled Goods and suppliers are required to register them with SPRING before putting them up for sale.</p> <p>The <i>Consumer Protection (Consumer Goods Safety Requirements) Regulations 2011</i> (CGSR) empowers SPRING Singapore as the Safety Authority to oversee the safety of general consumer goods. Suppliers are not required to register these goods with SPRING.</p> <p>Web reference: www.mti.gov.sg/legislation/Pages/Consumer-Protection-(Trade-Descriptions-And-Safety-Requirements)-Act.aspx</p>	<p>Household electrical, electronic and gas products covered by the CPS Scheme must meet the specified safety standards before they are given the SAFETY Mark and sold in Singapore.</p> <p>Consumer goods covered by the CGSR regulations are required to meet applicable safety standards, such as those published by the ISO, IEC, EN standards published CEN, or ASTM. For consumer goods for which applicable standards are not published by any of these standards bodies, compliance to applicable regional or national standards will be accepted.</p> <p>Web reference: http://spring.gov.sg/QualityStandards/CPS/CPS/Pages/CPS-Scheme.aspx</p> <p>http://spring.gov.sg/QualityStandards/CPS/Documents/List_of_controlled_goods.pdf</p> <p>http://spring.gov.sg/QualityStandards/CPS/CGSR/Pages/CGSR-Regulations.aspx</p>	<p>SPRING Singapore as the Safety Authority has the power to stop the supply of consumer goods that do not meet the requirements of both schemes. SPRING Singapore may direct suppliers and retailers of unsafe goods to cease the sale or supply of these goods, and inform consumers on the potential danger posed by these goods.</p> <p>Failure to comply with SPRING's directive may result in a fine not exceeding \$10 000 or imprisonment for a term not exceeding two years or both.</p> <p>Web reference: http://spring.gov.sg/QualityStandards/CPS/SAT/Pages/consumer-products-tested.aspx</p> <p>http://spring.gov.sg/QualityStandards/CPS/SAT/Pages/Product-Safety-Alerts.aspx</p>	<p>Companies are strongly encouraged to notify SPRING Singapore of any voluntary recalls. Suppliers may do so through any reasonable means, such as the <i>Form for Notification of Safety Issues</i> which can be found in the CGSR Information Booklet. SPRING Singapore may then issue a product recall alert on its website at www.spring.gov.sg/safetyalerts as well as alert consumers through the Consumer Association of Singapore (CASE).</p> <p>Web reference: http://spring.gov.sg/QualityStandards/CPS/Documents/CGSR_InfoBooklet.pdf</p>	Nil
South Korea	<p>The <i>Framework Act on Product Safety</i> (2013) and the individual acts according to product characteristics such as <i>Quality Control and Safety Management of Industrial Products Act</i> and <i>Electrical Appliances Safety Control Act</i> have the provisions to protect consumers from the risk of consumer products. Each law allows for the ban of products which may cause any danger or harm to consumers and the withdrawal of the products.</p> <p>Also, the <i>Framework Act on Consumers</i> (2012) stipulates the surveillance by collecting injury data of every consumer goods regardless of types. According to the law, the authorities can propose or order a recall, a withdrawal on the products which don't have the safety standards to satisfy, if necessary to businesses.</p> <p>Web reference: www.kca.go.kr/web/img/kca/eng/laws/Framework_Act_on_Consumers.pdf</p>	<p>The safety standards for consumer safety are established after promulgation and acceptance of opinions in accordance with <i>Administrative Procedures Act</i>.</p>	<p>If the consumer products pose any danger or harm or do not conform to the safety standards, the goods can be prohibited according to the relevant provisions of the laws.</p> <p>Moreover, regardless of product characteristics, the <i>Framework Act on Consumers</i> forbids products which are dangerous or are deemed to pose harm to consumers.</p> <p>Web reference: www.kca.go.kr/web/img/eng/10_1%20FRAMEWORK%20ACT%20ON%20CONSUMER.doc (see Articles 46 to 50),</p> <p>www.smartconsumer.go.kr ^a, www.safetykorea.kr</p> <p>^a The website provides information on quality comparisons and recall of all items.</p>	<p><i>Framework Act on Product Safety</i> states that if any enterprise has found that there exist any seriously defective goods, it must report the defects to the head of the competent central administrative agency (including electronic report). In that case, the retailer should report about the defect of the products which do not have any standards to conform to the director as well. Other necessary matters which the enterprise is required to report can be determined by the Presidential Decree.</p> <p>Web reference: www.kca.go.kr/web/img/eng/10_1%20FRAMEWORK%20ACT%20ON%20CONSUMER.doc (see Article 47),</p> <p>www.smartconsumer.go.kr ^a, www.safetykorea.kr</p> <p>^a The website provides information on quality comparisons and recall of all items.</p>	None
United States	<p>The <i>Consumer Product Safety Act</i> (CPSA) authorizes the Consumer Product Safety Commission (CPSC) to develop standards and bans and to pursue recalls under certain circumstances. The CPSC also administers the <i>Consumer Product Safety Improvement Act</i> (CPSIA) and a range of Acts that deal with specific products.</p> <p>Web reference: www.cpsc.gov/en/Regulations-Laws--Standards/Statutes/</p>	<p>The CPSC can promulgate consumer product safety rules to prevent or reduce an unreasonable risk of injury associated with consumer products. The rule may include requirements for performance, markings, warnings and/or instructions. The <i>Administrative Procedure Act</i> (APA) requires the CPSC to solicit input from the public on proposed regulations and to respond to public comments. The CPSC relies on voluntary standards whenever they eliminate or reduce the risk of injury and compliance with the standard is substantial. Voluntary standards can be referenced on an interim basis while the CPSC develops a final consumer product safety rule.</p> <p>Rules can establish requirements for third party bodies that assess conformity to consumer product safety standards. The CPSC can also establish mandatory test programs for any product.</p> <p>Web reference: www.cpsc.gov/en/Regulations-Laws--Standards/Rulemaking/</p>	<p>The CPSC can make rules that ban the manufacture, importation, sale or advertisement of a consumer product that presents an unreasonable risk of injury and no feasible consumer product safety standard would adequately protect the public on a permanent or interim basis.</p> <p>Web reference: www.cpsc.gov//PageFiles/105435/cpsa.pdf (see sections 8 and 9 of CPSA)</p>	<p>Suppliers must report to the CPSC within 24 hours if they obtain information that reasonably supports the conclusion that a product:</p> <ul style="list-style-type: none"> fails to comply with a consumer product safety rule or a voluntary consumer product safety standard relied on by the CPSC fails to comply with any other rule, regulation, standard, or ban under the CPSA or any other statute enforced by the CPSC contains a defect which could create a substantial product hazard or creates an unreasonable risk of serious injury or death. <p>Suppliers must report certain choking incidents to the CPSC within 24 hours. Businesses must also report to the CPSC within 30 days if a product is subject to three successful civil law suits.</p> <p>Web reference: www.cpsc.gov//Global/Business-and-Manufacturing/Business-Education/RegulatedProductsHandbook.pdf (see chapter 9)</p> <p>Suppliers may report via phone, e-mail, postal mail or online at:</p> <p>www.saferproducts.gov/CPSRMSPublic/Incidents/ReportIncident.aspx</p>	