

## **General Product Safety Regulation**

# **Standardization Organization for the Cooperation Council for the Arab States of the Gulf GSO**

## **The General Product Safety Regulation**

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### **Note**

**This Regulation is a sixth draft issued in order for the Gulf Conformity Assessment Committee to review it and make observations about its content and verify that it is in compliance, within 2 weeks from the date of its publication.**

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## **General Product Safety Regulation**

### **1. Preface**

The purpose of this Regulation is the following:

- 1/1 Achieving integration and interconnection between Member States in all areas, and pursuant to the objectives of the GCC Economic Agreement – on which the foundations of the Common Gulf Market rest – in order to improve the common business functioning among the Gulf Council Countries. The said Economic Agreement has also determined the steps of economic integration by firstly establishing the Free Trade Zone and secondly the Customs Union, then by the completion of the Common Gulf Market, and finally by the establishment of the Monetary and Economic Union, and aims at unifying the economic, industrial and customs legislations applied in these countries.
  
- 2/1 Ensuring a high level of protection of the health and safety of consumers and establishing a legislative framework for any product placed on the market, or supplied or made available or intended for consumers, or likely to be used by consumers under reasonably foreseeable conditions even if not intended for them, and also ensuring the safety of local or imported

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products placed on internal markets of the Member States.

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### **2. Scope of Application**

- 1/2 This Regulation shall apply to all the products defined in Clause 8/3. Each of the requirements of this Regulation shall apply to all products in so far as there are no specific provisions with the same objective in laws and legislations of the member states governing the safety of the products concerned.
- 2/2 Where products are subject to specific product safety requirements stipulated by legislations of the Member States, such requirements shall prevail over the requirements of this Regulation with regard to the aspects and risks or categories of risks covered by those legislations. Therefore, this Regulation shall only apply to aspects and risks or categories of risks which are not covered by the said legislations.
- 3/2 Products which have been granted a conformity mark shall be considered in compliance with the General Safety Requirement under this Regulation.
- 4/2 This Regulation shall not apply to products intended to be exported outside of the Member States and which might be manufactured in accordance with contractual terms of the country to which they are exported, provided that none of these products is displayed in the markets of the Member States unless it fulfills the requirements set forth in this Regulation or in the Gulf Technical Regulation/Regulations related to such product.

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5/2 This Regulation shall not apply to products imported in small quantities (non commercial) or provisionally (as display samples) and components of big industrial and governmental projects.

### **3. Definitions**

In this Regulation, the following terms shall have the meanings assigned to them hereunder unless the context otherwise requires:

#### **The Cooperation Council**

The Cooperation Council for the Arab States of the Gulf

#### **The Organization**

The Standardization Organization for the States of the Cooperation Council

#### **The Member States**

The Member States of the Cooperation Council (The United Arab Emirates, the Kingdom of Bahrain, The Kingdom of Saudi Arabia, The Sultanate of Oman, Qatar, and Kuwait)

#### **The Board of Directors**

The Board of Directors of the Organization

#### **The Gulf Technical Regulation**

A document approved by the Board of Directors, which lays down product characteristics and their related processes and production methods including the applicable administrative provisions, with which compliance is mandatory. It may include or deal exclusively with terminology, definitions,

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packing or marking and labeling requirements as they apply to a product, process, or production method.

### **National legislations**

A mandatory document issued by relevant authorities in the Member States of the Council which determine the essential requirements of a product or of a specific category of products.

### **Conformity Mark**

The conformity mark of the GCC States which shall take a special form and shall be affixed to a product and/or a conformity declaration which demonstrates that the essential requirement specified in the relevant Gulf Technical Regulations is complied with.

### **Essential Requirements**

Special requirements related to the products which may affect the health, safety and environment, with which compliance is mandatory.

### **Product**

Any product which is intended for consumers consumption or use, even in the context of providing a service, or which is likely to be used by consumers under reasonably foreseeable conditions, even if not intended for them, and is supplied whether for consideration or not, in the course of a commercial activity.

This definition shall not apply to second-hand products supplied as antiques or as products to be repaired or reconditioned prior to being used, provided that the supplier expressly informs the person to whom he supplies the product to that effect.

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### **Safe product**

Any product which does not present any risk or only the minimum risks compatible with the product's use, under normal or reasonably foreseeable conditions of use and, considered to be acceptable and having a high level of protection for the safety and health of persons, taking into account the following:

- (a) the characteristics of the product, including its composition, packaging, instructions for use or assembly and, where applicable, for installation and maintenance, according to the nature of each product;
- (b) the effect of the product on other products, where it is expected to be used with other products;
- (c) the presentation of the product, the labeling, any warnings and instructions for its use and disposal and any other indication or information regarding the product;
- (d) the categories of consumers at risk when using the product, in particular children and the elderly.

### **Dangerous product**

Any product which does not meet the definition of "safe product" stated here above;

### **Supply Chain**

All stages experienced by a product after it has been produced and until it has been delivered to the end user (including importation, storage, wholesale, installment and delivery...)

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### **Producer**

- the manufacturer of the product, when he is established in one of the Member States, and any other person presenting himself as the manufacturer by affixing to the product his name, or any other relevant commercial description, or the person who reconditions the product.
- The manufacturer's representative in one of the Member States, when the manufacturer is not established in the Cooperation Council, or the importer if there is no representative established in one of the Member States.
- Any professional in the supply chain, insofar as its activities may affect the safety properties of a product.

### **Distributor**

Any professional in the supply chain, whose activity does not affect the safety properties of a product.

### **Recall**

Any measure aimed at achieving the return of a dangerous product from the consumer to the producer or distributor who has supplied it or made it available to the consumer.

### **Withdrawal**

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Any measure aimed at preventing the distribution, display and offer of a product dangerous to the consumer.

### **Code of Good Practices**

A set of documented processes, procedures or regulations preferred or recommended in a specific area.

### **ISO**

International Standardization Organization.

### **IEC**

International Electro technical Commission.

## **4. General Safety Requirement**

- 1/4 Producers shall be obliged to place only safe products on the Common Gulf Market.
- 2/4 A product shall be deemed safe whenever one of the conditions is met according to the following cases:
- a. When it is in conformity with the Gulf unified legislations and technical regulations related to product safety, whenever they exist;
  - b. In the absence of unified Gulf legislations, if the product is in compliance with the national legislations of products in the Member State in whose market the product is placed or sold;
  - c. In the absence of legislations prescribed in bullets (a) and (b), if the product is in compliance with the

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national standards fully transposing the unified Gulf standards related to the product and published by the Organization. The Member States shall publish such national standard in their accredited references.

d. In the absence of the legislations and the standards prescribed in bullets (a) to (c) above, the conformity of a product to the general safety requirement shall be assessed by taking into account the following elements in order:

- National standards related to the product safety in the Member State in whose market the product is placed or sold;
- product safety codes of good practice in force in the sector concerned;
- the state of the art and technology;
- reasonable consumer expectations concerning safety.

### **5. Other obligations of producers and Distributors**

1/5 Within the limits of their respective activities, producers shall provide consumers with the relevant information to enable them to assess the risks inherent in a product throughout the normal or reasonably foreseeable period of its use, where such risks are not obvious without adequate warnings, in order to take precautions against those risks.

The presence of warnings does not exempt any person from compliance with the other requirements laid down in this Regulation.

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- 2/5 Within the limits of their respective activities, producers shall adopt measures commensurate with the characteristics of the products which they supply, in such a manner as to:
- (a) be always informed of risks which these products might pose;
  - (b) enable them to take appropriate action necessary to control these risks, including withdrawal from the market, adequately and effectively warning consumers or recall from consumers.

The measures shall include, for example:

- (a) an indication, by means of the product or its packaging, to all data of the identity and details of the producer and the product reference or, where applicable, the batch of products to which it belongs, except where not to give such indication is justified;
- (b) in all cases where appropriate, the carrying out of sample testing of marketed products, processing of complaints and, if necessary, keeping a register of complaints and keeping distributors informed producers of such monitoring.

Measures such as that referred to in (2/5/b) shall be undertaken on a voluntary basis or at the request of the competent authorities in accordance with Clause (3/6/f). Recall shall take place as a last resort, where other measures aimed at preventing risks would not suffice, or where the producers consider it necessary or where such measure is taken by the competent authority. It may be included within the framework of

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codes of good practice on the matter in the Member State concerned, where such codes exist.

3/5 Distributors shall be required to act with due care to help to ensure compliance with the applicable safety requirements, in particular by not supplying products which they know or should have presumed, on the basis of the information in their possession and as professionals, do not comply with those requirements. Moreover, within the limits of their respective activities, they shall participate in monitoring the safety of products placed on the market, especially by passing on information on product risks, keeping and providing the documentation necessary for tracing the origin of products, and cooperating in the action taken by producers and competent authorities to avoid the risks. Within the limits of their activities they shall take measures enabling them to cooperate efficiently.

4/5 Where producers and distributors know or ought to know, on the basis of the information in their possession and as professionals, that a product that they have placed on the market poses risks to the consumer that are incompatible with the general safety requirement, they shall immediately inform the general authorities of the Member States thereof, giving details, of action taken to prevent risk to the consumer.

5/5 Producers and distributors shall, within the limits of their activities, cooperate with the general authorities, at the request of the latter, on action taken to avoid the risks posed by products which they may supply or have supplied. The procedures for such cooperation,

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including procedures for dialogue with the producers and distributors concerned on issues related to product safety, shall be established by the competent authorities.

### **6. Application Procedures and Powers of the Member States**

1/6 Member States shall ensure that producers and distributors comply with their obligations under this Regulation in such a manner as to ensure the safety of the products placed on the market.

2/6 Member States shall establish or nominate authorities competent to monitor the compliance of products with the essential requirements of this Regulation and empower such authorities to take the appropriate measures vested with them under this Regulation.

3/6 The competent authorities referred to in Clause (2/6) shall be granted the following powers:

Taking all the measures mentioned here after in this Paragraph:

(2) For all products:

- to make, even after their being placed on the market as being safe, appropriate checks on their safety properties on an adequate scale, up to the final stage of availability in the market;
- to request all necessary information from the parties concerned;

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- to take samples of products in order to subject them to safety checks;
- (b) for products that could pose risks in certain conditions:
- to require that such products be marked with suitable, clearly worded and easily comprehensible warnings on the risks they may present, in the official language of the Member State (Arabic) in which the products will be marketed;
  - to make their placing on the market subject to prior conditions so as to make them safe;
- (c) for products that could pose risks for certain persons:
- to urge that such persons be given warning of the risk in good time and in an appropriate manner, including the publication of special warnings.
- (d) for all products that could be dangerous:
- to ban their marketing temporarily or for the period needed for the various controls, checks or safety evaluations.
- (e) for all dangerous products:
- to ban their display in the market and take the necessary measures required to ensure the ban is complied with;
- (f) for dangerous products already on the market:

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- to order or organize their immediate and effective withdrawal, and alert consumers to the risks that may result from their use;
- to order or coordinate or, if appropriate, to cooperate with producers and distributors in order to recall such products from consumers and destroy them in suitable conditions.

4/6 In order to ensure effective market surveillance, aimed at guaranteeing a high level of consumer health and safety protection, which entails cooperation between competent authorities, Member States shall ensure that approaches employing appropriate means and procedures are put in place, which may include in particular:

- (a) establishment, updating and implementation of sectoral control programmes by categories of products or risks and the monitoring of control activities, findings and results;
- (b) follow-up and updating of scientific and technical knowledge concerning the safety of products;
- (c) periodical follow up and assessment of the functioning of the control activities and their effectiveness and, if necessary, revision of the control approach and regime put in place.

5/6 Member States shall enable consumers and other interested parties to submit complaints to the

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competent authorities on product safety and on control activities and shall follow these complaints effectively. Member States shall inform consumers and other interested parties of the procedures established to that end.

6/6 The Organization shall take necessary action to operate a Gulf network of the authorities competent in the area of exchange of information on product safety in Member States.

7/6 This network shall be developed in a coordinated manner with the other Member States procedures. Its objective shall be, in particular:

- (a) the exchange of information on risk assessment, dangerous products, test methods and results, recent scientific developments as well as other aspects relevant to control activities;
- (b) the establishment and execution of joint market survey and testing projects;

8/6 Where a Member State takes measures which restrict the placing on the market of a product, require its withdrawal or ban its circulation, the Member State shall, inform the Organization of the measures, specifying the reasons for adopting them. It shall also inform the Organization of any modification or elimination of such measures.

9/6 Any decision taken under this Regulation and involving restrictions on the placing of a product on the market or requiring its withdrawal or recall must state the

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appropriate reasons on which it is based. It shall be notified as soon as possible to the party concerned and shall indicate the remedies available under the requirements in force in the concerned Member State which issued the said decision and the time limits applying to such remedies. The parties concerned shall be given an opportunity to submit their views before the enforcement of the measure. In necessary and urgent cases that require urgent measures to be taken, the parties concerned shall be given an opportunity to express their views after the measures have been implemented.

10/6 Measures requiring the withdrawal of a product or its recall shall take into consideration the need to encourage producers, distributors, and consumers to contribute to the implementation of such measures and to ensure the free movement of products which are in compliance with this Regulation and with other Gulf Regulations.

11/6 Member States shall when taking any measure involving restrictions on the placing of a product in the market or requiring its withdrawal or its recall, ensure that the parties concerned have the opportunity to appeal against such decision to the competent legal authorities.

12/6 The Organization shall examine the matter with Member States, and if it is found out that the measure taken by the concerned country is safe, the Organization shall then take the necessary action.

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13/6 Member States shall communicate to the Organization all activities that they adopt to implement this Regulation, in order for the Organization to verify that there are no discrepancies in the procedures adopted among the Member States.

14/6 In situations of immediate risks, the national competent authorities in the Member States shall inform the Organization – through a system of rapid exchange of information- of any measure requiring the withdrawal or the ban of any product covered by this Regulation on the territories of the Member States.

### 7. References:

1	Product Liability Regulation
2	ISO/IEC GUIDE 23-1982: Methods of indicating conformity with Standards for third-party certification systems
3	Conformity Assessment – Guidance on a third-party ISO/IEC GUIDE 28:2004 Certification Systems for Products
4	ISO/IEC GUIDE 60:2004 Conformity Assessment – Code of Good Practice
5	ISO/PAS 17002:2004 Conformity Assessment --Confidentiality--Principles and Requirements
6	ISO 17000:2004 Conformity Assessment—Vocabulary and General Principles