RAPEX SYSTEM - AN EFFICIENT TOOL FOR EUROPEAN CONSUMER SAFETY

Lecturer PhD. Corina ENE
Petroleum-Gas University of Ploiesti, Romania
enecorina@yahoo.com

Abstract:

The article analyzes the current state and future prospects of the European rapid alert system for dangerous non-food products (RAPEX), underlining its fundamental role in creating the necessary framework for the trade with safe products that meet consumers' right to privacy, health and safety.

The objectives and functioning of the RAPEX system, based on legislative initiatives geared towards the European consumer safety, converge, aiming at both monitoring the effectiveness and coherence of activities undertaken by the Member States' market surveillance, and promoting compliance with EU requirements on product safety, thus creating a base for actions at EU level sustaining the proper functioning of the internal market.

Keywords: consumer protection, product safety, dangerous goods, GPSD, RAPEX

JEL Classification: D18, P46

1. INTRODUCTION

Developed and implemented gradually, in parallel with the rising of the degree of European integration and internal market dynamics, consumer policy in the European Union (EU) has emerged more clearly after the adoption of the Single European Act in 1986 [1], becoming a stand-alone policy upon the entry into force, on 1 May 1999, of the Amsterdam Treaty, which gave increased responsibilities to the European institutions in promoting consumer rights.

Currently, acting as a consumer, every citizen of the EU enjoys a similar level of protection, regardless of country of origin, in the context of the European Union paying particular attention to the legitimate interests of protecting the health and safety, economic welfare, information and education, compensation (redress) and association of consumers.

In a world of a common currency, development of electronic commerce, where trade barriers have been minimized, all these issues shape the desire to improve the quality of life through the integration of Community regulations in all relevant consumer policy areas of at Community level.

Thus, areas with an impact on the general interests of European consumers are considered to be, among others: trade practices and unfair contract terms; misleading and comparative advertising; labeling; indicating prices; distance and direct selling; travelers' rights, tourism services packages; using real estate as "timeshare".

Enforcement of European consumer protection have been gradually expanded, so that European vision and strategy for 2007-2013 [4] reflect the new objectives related to increasing power and consumer confidence, which must be effectively protected against serious risks and threats. The implementing dimension of the new strategy is found in multiple steps of a practical nature, especially in relation to those groups of goods/services that are likely to raise concerns regarding safety and security in their use or consumption.

2. RAPEX – its role and meanings

Since 1992 (by Directive 92/59/EEC [8]), continuing in 2001 (by Directive 2001/95/EC, currently under revision, replacing the previous one), the EU focuses its attention on developing and implementing general product safety regulations, which are based on systematic approaches capable of providing effective market surveillance, in cooperation with the competent authorities in member countries. The basis of this integrated approach consists of a dedicated system, entitled "RAPEX", created in 2004 on the basis of Article 12 of Directive 2001/95/EC on general product safety

(GPSD), which allows the market surveillance authorities and the European Commission to distribute and effectively fructify information about dangerous products identified in the European market, to the benefit of consumers.

The system was also created by virtue of the notification procedure established under Article 11 of Directive 2001/95/EC [8], improving the operation of the RAPEX system by defining new risk assessment methods associated with products, in support of the control competent authorities.

The GPSD Directive differentiates by gravity the risks associated to products, as follows [8]: art. 12 notifications relates to a high risk, while art. 11 relates to notifications of moderate risk (for which the user provides a distinct RAPEX procedure).

"RAPEX" (as the English acronym for "European Rapid Alert System for Dangerous Consumer Products" or "Rapid Alert System for Non-Food Consumer Products") is the single EU rapid alert system intended for dangerous consumer products, except for food, feed, pharmaceuticals and medical devices, which are regulated by other mechanisms (e.g. RASFF) [13]. The role of this system is to facilitate the rapid exchange of information between Member States and the Commission on measures taken to prevent or limit the sale or use of products posing a risk to consumer health and safety. Thus, RAPEX – an electronic system, currently including 30 countries (27 EU member states and EFTA/EEA countries: Iceland, Liechtenstein and Norway), provides the proper framework so that information about dangerous products withdrawn from the EU market and/or recalled from consumers, as well as adopted measures shall be transmitted quickly between Member States and the European Commission.

RAPEX also aims at products covered by sectoral /vertical directives (e.g. those for cosmetics, toys, electrical appliances, personal protective equipment, machinery, cars, vehicles), which pose a risk to consumer health and safety. Although some of these directives provide a separate notification procedure ("safeguard clause"), their purpose is not to be confused with the objectives of RAPEX.

Starting January 1st 2010, with the entry into force of Regulation (EC) no. 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products, the scope of RAPEX has been extended to cover both "consumer" and "non-consumer" type of products, aiming also at risks for various public interests, such as health and consumer safety, environment, health and safety at work, public safety - referring to most products currently on the market.

Also, RAPEX refers to products supplied by or found "on-site" at service providers, involving active use by the consumer (e.g. hair dryers in hotels; sunbeds, if they are operated the consumer).

In addition to the European legislative framework underpinning the RAPEX, on 16 December 2009 was adopted the Commission Decision 2010/15/EU laying down guidelines for the management of the Community Rapid Information System 'RAPEX'. RAPEX Guidelines complement GPSD by defining and clarifying key-issues in the operation of the system. The components of the RAPEX system are of complementary nature [7], being essential for effective and efficient functioning; these include:

- a legislative framework underpinning the operating mode of the system (GPSD User's Guide);
- an online application ("RAPEX Application"), which allows Member States and the Commission a rapid exchange of information through an electronic platform;
- RAPEX national contact points network, responsible for the operation of RAPEX;
- RAPEX national networks, established in all Member States, including RAPEX contact points and authorities involved in ensuring the safety of consumer products;
- RAPEX team of GPSD Commission department, which reviews and validates the documents submitted by RAPEX, maintaining and ensuring the correct functioning of the RAPEX system;
- RAPEX website (www.ec.europa.eu/rapex), which contains summaries of RAPEX notifications under Article 16 (1) of the GPSD;

- RAPEX publications (e.g. RAPEX statistics, RAPEX annual reports, informative materials).

Constant and rapid exchange of information between Member States is achieved through national RAPEX contact points, which are responsible for all information transmitted through the system by the country concerned. In this regard, Paragraph 10 of Annex II to the GPSD provides that "responsibility for the information provided lies with the notifying Member State."

The monitoring competent authority of each Member State (for Romania: National Authority for Consumer Protection) has, according to Article 12 of the GPSD and Article 22 of Regulation (EC) no. 765/2008, the legal obligation to use the RAPEX system and notify the Commission if the following *four criteria* are met [7]:

- the product is a consumer product;
- the product is subject to measures designed to prevent, restrict or impose specific conditions on its sale or use („preventive and restrictive measures");
- a product poses a serious risk to consumer health and safety;
- the serious risk has a cross-border effect.

Prior to a RAPEX notification, the authority of a Member State must carry out a risk assessment to determine whether the product on which the notice is to be made constitutes a serious risk to the health and safety of consumers and if, in this way, it meets one of RAPEX notification criteria [7].

As a particular situation, the measures adopted on a product that poses a serious risk that may have only local effects (local events) will not be notified through RAPEX. This applies where an authority of a Member State considers that a product has not been and will not be made available (by any means) to consumers in other Member States (e.g. measures on a local product manufactured and distributed in a single Member State).

Since RAPEX is not designated for the exchange of information concerning products posing a less serious risk, notifications relating to actions taken with respect to such products can not be accessed through RAPEX under GPSD, art. 12. If a notification cannot be sent through the RAPEX notification system, due to not meeting conditions specified in Art. 12, the national RAPEX contact point may choose to use that data for information purposes only.

The RAPEX system can also be used to disseminate information relating to products raising a risk to consumers, but, however, can not be correctly identified by authorities as they do not have sufficient data to identify the product (e.g. mark, model number, product image, the packaging etc.). These notifications are distributed for information purposes only.

Beside the fact the RAPEX system is used only for non-food products, according to art. 2 of the GPSD, the products concerned may belong to the following *categories* [7]:

- "consumer products", being designed, manufactured consumers and made available to consumers;
- "migrating products", products initially designed and manufactured for professionals, which are likely to be used by consumers.

In respect of the types of RAPEX notifications, there are two alternatives: "Article 12 notification" (normal, usual cases) and "Article 12 notification requiring emergency action" (whether there is a risk that threatens life and/or there were fatal accidents, and in any other cases where a RAPEX notification requires urgent action by all Member States).

Notifications must be complete, stating the following *data categories* [7]:

- Information identifying the notified product: category, name and trademark, model and/or type number, bar code, lot or serial number code, customs classification, description and packaging accompanied by pictures;
- Information certifying the origin of the product: country of origin, name, address and contact details (e.g. phone, e-mail) of the manufacturer or exporter. Detailed information on third country producers allow the Commission to promote more effectively enforcement actions in those countries and help reduce the number of hazardous products exported to the EU

- Information on applicable safety requirements for the notified product: reference number, title of regulations and standards;
- The description of the risk posed by the notified product: description of laboratory and organoleptic test results, testing reports and certificates that prove non-compliance of safety, known information about accidents or incidents, a full risk assessment followed by conclusions;
- Information on the notified product supply chains in the Member States, together with information on destination countries, importers and distributors of the notified product;
- Information on measures taken: type (mandatory or voluntary), category (e.g. withdrawal from the market, recall from consumers), scope (national or local), date of entry into force and duration (permanent or temporary).
- Information of whether a notification, a part of it or its attachment(s) are covered by confidentiality (such a request must be accompanied by a thorough justification).

Weekly (every Friday), the Commission publishes a report regarding dangerous products reported by national authorities (containing summaries of RAPEX notifications, given the confidential nature of information) which mention the product, its associated dangers and the measures adopted by the notifying country.

As a mode of operation, the RAPEX procedure includes the following *steps*:

1. When the presence of a hazardous product (e.g. toys, child care articles, cosmetics, household appliances etc.) is remarked on the market, the national authority shall take appropriate measures to eliminate the risk (withdrawal, warning etc.).

Correct and accurate identification, based on details, is a key-element for compliance with regulations and effective market surveillance, as it allows national authorities to identify the notified product and to take necessary measures, distinguishing it from the same or similar products on the market.

2. Immediately, the national contact point informs the European Commission (Directorate General for Health and Consumer Protection - DG SANCO) about the product, the associated risks and the taken measures to prevent risks and accidents.

National authorities are required to assess risks posed by the product they intend to notify (using risk assessment under the RAPEX guidelines [7]), as only those products which pose a serious risk should be notified through RAPEX.

Before sending a RAPEX notification to the Commission, the RAPEX contact point in the notifying state checks the compliance with RAPEX notification criteria and decides what type of notification will be launched via the RAPEX ("Article 12 notification" or, where appropriate, "Article 12 notification requiring emergency action").

The RAPEX Contact Point conveys to the Commission - using a standard notification form - the following *product information and details*:

- the product identification (name, trademark, model, description, image);
- product's risk (type of risk, the results of laboratory and risk testing);
- measures taken to prevent risks (type of measure, scope, duration, date of entry into force);
- the distribution channels of the notified product (manufacturer, exporter, importer, distributors and countries).

3. The European Commission validates and disseminates information to national contact points, which should ensure that competent authorities verify whether the recently notified dangerous product is currently on the market. In such a case, the authorities will take measures to eliminate the risk in various ways.

The Commission reviews the information provided on compliance with GPSD and RAPEX guidelines and monitor their implementation through a thorough process of validation. In particular, a notification is not valid if another country has already notified the measures for the same product and the same level of risk.

The measures taken by the notifying state may include both prevention and limitation steps imposed by national authorities and measures taken voluntarily by producers and distributors.

GPSD Article 8 [8] provides a list of various categories of *measures* notified through RAPEX, including the following:

- marking a product with an appropriate warning on the risks it may pose;
- establishing prior conditions to the marketing of a product;
- consumers' warning about the risks that a product might pose;
- temporary ban on the supply, offer to supply and display of a product;
- ban on marketing a product and any other accompanying measures;
- withdrawal of a product off the market;
- product recall from consumers;
- destruction of a withdrawn or returned product.

The most common measures consist in prohibition/suspending the sale, withdrawal of the dangerous product from the market, informing consumers about product risks, or recall a hazardous product from consumers.

3. THE ROLE AND OBLIGATIONS OF PRODUCERS AND DISTRIBUTORS IN RESPECT OF DANGEROUS GOODS

According to the GPSD and Regulation (EC) no. 765/2008, the role of national authorities is to ensure that companies comply with their obligation to place only safe products on the market. To this end, they must designate market surveillance authorities with necessary powers to take measures in order to prevent or restrict the marketing and use of hazardous products. Competent national authorities must take appropriate measures when identifying dangerous consumer products on the market, where a manufacturer or distributor has failed to take corrective action voluntarily.

Thus, product safety responsibilities are shared between the operators and supervising authorities, which, together, should establish and comply with the necessary framework to market only safe products that do not endanger the life, health or safety.

Economic organizations should be able to assess whether the products they produce/sell are dangerous because, as professionals, they have information about the product and keep contact with consumers. Therefore, once they became aware that a product is dangerous, they must take immediate action to prevent further risks to consumers. In addition, they must inform the competent national authorities, which clearly identify the product concerned, the risks posed and the information necessary to pursue. This information is then transmitted through the RAPEX system, to the Commission and other countries participating in the scheme.

Products presenting a serious risk and preventive or restrictive measures initiated by a manufacturer or distributor should be notified immediately to the competent authorities of Member States by the notification mechanism referred to in art. 5 of GPSD [8]. Operators' obligation to inform the authorities about dangerous products is a key-element in market monitoring using the procedures established by the GPSD. National authorities are able to monitor whether companies have taken appropriate steps to address the risks posed by dangerous products and to assess whether further measures are needed.

The figure below illustrates the cooperation between the European Commission, national contact points RAPEX and national markets.

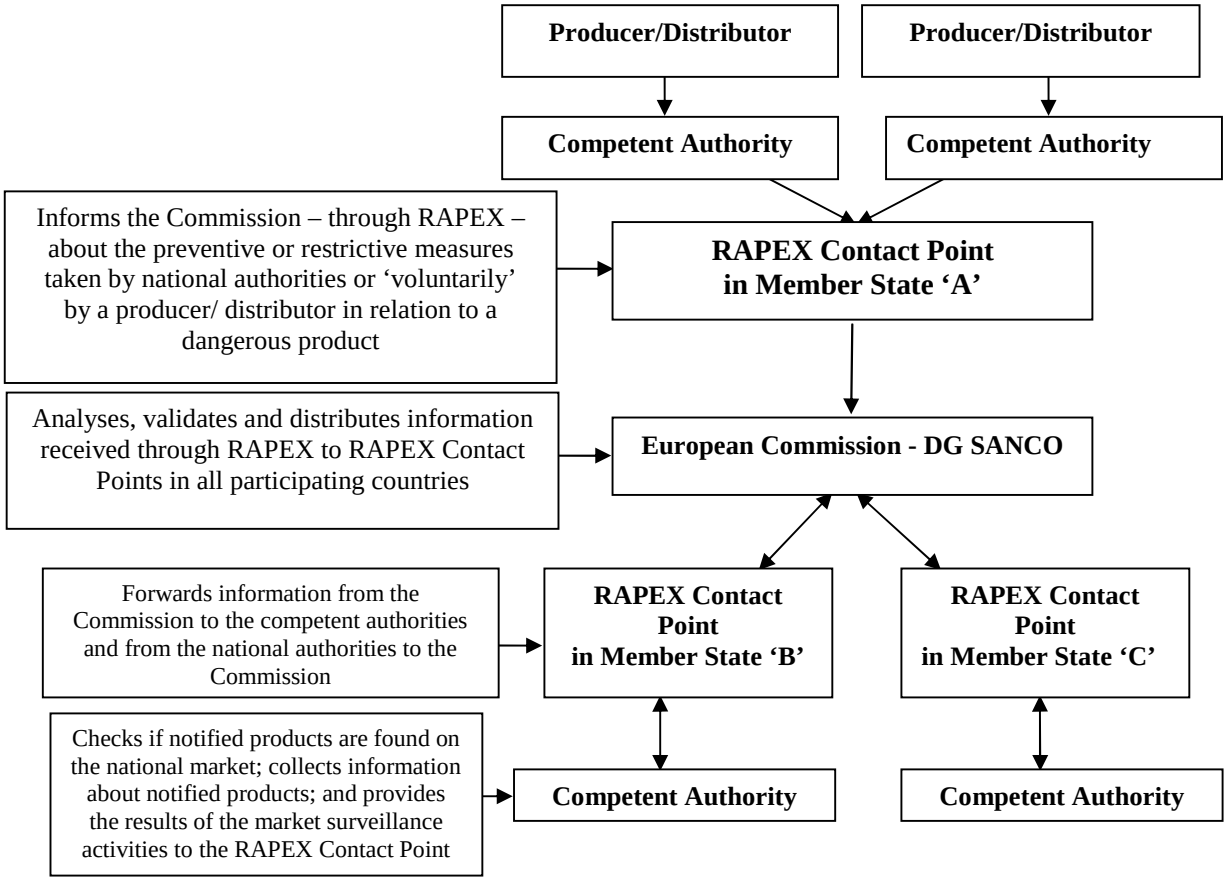

Figure 1. RAPEX NETWORK: cooperation between the Commission, RAPEX national contact points and national competent authorities

Source: „Keeping European consumers safe"- Annual report, 2009, RAPEX, http://ec.europa.eu/consumers/safety/rapex/docs/2009_rapex_report_en.pdf

It is noted that there is an interdependence between these elements and the key-factor is the European Commission through its role as a "mediator" between producers/distributors and RAPEX contact points in Member States. These links are established through the competent authorities designated by the Commission in each state.

Consumers can learn about the risks of a product or the company that sold the product from the national authority, the Commission and/or media. In most cases, information is available to consumers in one of the following ways: warnings posted by the company/enforcing authority/Commission and/or withdrawal notices published in newspapers and magazines and/or posters displayed at sales points.

Regarding products recalling, if the acquisition requires the registration of a customer contact data (e.g. cars), they are informed on safety issues through letters individually sent by production companies.

Currently, European companies assume more seriously responsibilities for consumer product safety and quickly withdraw unsafe products from the market [13]. It appears that they start to use more regularly the rapid alert system for businesses ("Business Application") which enables companies to notify online the authorities of the Member States relating to the dangerous products placed on the EU market. The online system allows businesses to alert all concerned Member States, while simplifying and speeding the whole process.

4. CURRENT ASPECTS IN THE RAPEX SYSTEM FUNCTIONING

On 15 April 2010, the European Commission published the 2009 RAPEX Report [13], which points out to a significant number of cases consisting of dangerous products withdrawal from the market.

The RAPEX Annual Report 2009 is the latest report released by the European Commission, since the report for year 2010 will be published soon (in May 2011). It highlights the effectiveness of the cooperation within the EU regarding the consumer products, fact suggested by the increasing in the number of notified products by 7% in 2009 (1,993 notifications) compared to 2008 (1,866 notifications) [9]. Moreover, the total number of the notifications submitted through the RAPEX system has gradually increased since 2004 (when GPSD was transposed into national laws of Member States), so that in the sixth year of its existence, the number of notifications has increased over four times. Since 2004, the figures have grown *each year* as follows: 81% in 2005, 24% in 2006, 53% in 2007 and 16% in 2008, this phenomenon being partially fueled by the 2004 and 2007 enlargements of the EU.

In 2009, the European Commission released *1,993 notifications* [9] through the RAPEX system, including:

- 1,699 notification in accordance with Article 12 of the GPSD (preventive or restrictive measures taken by national authorities or voluntarily by operators on products posing serious risks to consumer health and safety, e.g.: stop or prohibit sales, market withdrawals, products recalling from consumers);
- 11 notifications under Art. 11 of the GPSD (measures taken by the competent national authorities on the products posing moderate risk);
- 283 notifications were distributed to Member States for information purposes, as they were not qualified for distribution in accordance with art. 12 or art. 11. Although one can note a decreasing in the number of notifications distributed for information purposes by 9% compared with 2008, notifications launched in 2009 had a higher degree of accuracy, the risks being clearly identified, which facilitated the activities of other states in taking preventive actions.

The total notifications number distributed through the RAPEX system in terms of products posing a serious risk is increasing each year. This is due to increased awareness, focus on the safety of products by national authorities and business sector, more frequent and more effective controls on consumer products market, joint market surveillance by national authorities and the RAPEX training conducted by the European Commission in different regions.

Thus, improving system efficiency is due to better market surveillance by Member States, but also to increased accountability of the operators on product safety, unsafe products being more quickly withdrawn from the market.

Regarding the situation of the notifications by notifying countries, it is noted that in 2009, 26 EU Member States and Norway have sent notifications through RAPEX. *Countries* that have sent the largest number of notifications are [2]:

- Spain (220 notifications - 13%);
- Germany (187 notifications -11%);
- Greece (154 notifications - 9%);
- Bulgaria (122 notifications -7%);
- Hungary (119 notifications -7%).

Product categories most frequently notified through RAPEX system were:

- toys (472 notifications, 28%);
- clothing, textiles and fashion items (395 notifications, 23%);
- automotive (146 notifications, 9%);
- electrical appliances (138 notifications, 8%);
- cosmetics (86 notifications, 5%).

Regarding the country of origin for the notified product, for 60% of notifications sent via the RAPEX system in 2009 (1,013 notifications), China (including Hong Kong) was indicated as the country of origin [9]. This situation should be analyzed in the context of the influence of various factors, such as: increasing imports of goods from China, the concentration of control actions taken at national level on Chinese products, more effective cooperation between EU and China and availability of provided information regarding the notified products' country of origin, which led to improved identification and product traceability.

In this respect, in January 2006, DG SANCO and the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) of China signed a Memorandum of Understanding (MOU) on product general safety, according to which RAPEX information concerning Chinese products are made available on-line by AQSIQ through a special application - "RAPEX-China", which is based on quarterly reporting arrangement. At the same time, AQSIQ agreed to provide the Commission with information on the conclusions on actions taken regarding the data provided through the "RAPEX-China" application, which allows the Commission to monitor and analyze the activities of market surveillance by Chinese authorities on their territory, and allow both sides to identify and address weaknesses in their systems of cooperation [12].

In the case of 337 notifications (20% of all notifications sent via RAPEX) products have originated from the 27 EU Member States and 3 EFTA/EEA States. This is consistent with data from previous years (20% in 2008, 22% in 2007 and 21% in 2006).

Most frequently notified risk categories, which represented 82% of all alerts on dangerous products to consumers, were [9]:

- chemical (493 notifications, 26%), e.g. the presence of the substance Dimethyl Fumarate (DMF), used in consumer products, leather (shoes, furniture etc.), resulting in strong sensitivity after contact with skin (severly irritant);
- injuries (405 notifications, 21%), e.g.: of toys and childcare articles: toy weapons with arrows; beds, high chairs, cradles, writing instruments for children. The most common problems were sharp edges, insufficient stability or the presence of openings in which children could enter the feet, hands or head, thus enabling injury.
- choking (261 notifications, 14%), the overwhelming majority of notified cases refer to a choking hazard for toys for young children (under 36 months), containing elements that they could swallow;
- electric shock (214 notifications, 11%), e.g. technical defects that lead to the risk of electric shock due to insufficient wires insulation, improper cable fixing, or inadequate size of accessories;
- strangulation (182 notifications, 10%), e.g. clothes with a string/cord in the neck area for children under 7 years, which may be caught in playground equipment and cause strangulation.

It should be noted that some RAPEX notifications cover products that generate more than one risk (e.g. a toy may present a choking hazard due to small parts and, at the same time, a chemical risk due to excessive levels of dangerous substances). Therefore, the total number of notified risks is greater than the total number of notifications.

According to RAPEX data, is also concluded that each product may expose consumers to different risk categories. For example, the main risks that result from an unsafe toy for children are: suffocation by swallowing of small parts and chemical risks often associated with high levels of chemicals such as phthalates, lead and other heavy metals; the risk most often associated with electrical products is, obviously, electric shock, often combined with fire risk.

Regarding the reactions situation on the product type, of the total feedback, approx. 80% are related to RAPEX notifications covering the following five categories of products [9]:

- vehicles (790 reactions, 52%);
- toys (201 reactions, 13%);
- electrical appliances (90 reactions, 6%);
- clothing, textiles and fashion articles (83 reactions, 5%);

- childcare articles and equipment for children (56 reactions, 4%).

More than half of the received reactions (77%) were sent in response to notifications about consumer products that present the risk of injuries and fires - risks that are associated with motor vehicles. By figures, the most common risk categories included in the reactions are as follows: lesions (870 reactions, 54%), fire (195 reactions, 12%), chemical hazards (175 reactions, 11%), suffocation (127 reactions, 8%) electric shock (75 reactions, 5%) [9].

In most cases (1,392 reactions, 91% of total reactions), Member States have indicated that the notified product has been found of their market and that, nationally, appropriate (preventive or restrictive) measures have been taken. For 15 reactions (1% of total), the reacting country asked/offered information about the case, while for 27 reactions (2% of total), the country has not agreed to the notification information, mainly to the conclusions of the risk evaluation included in the notification made by the notifying state. For 96 reactions (6% of total), the Member States have notified the Commission that the product was not found on their markets.

In most cases where the country reacts to a notified product found its own market (1,392 reactions), measures have also been emphasized [9], as follows:

- in 80 cases (6%), the measures were ordered by national authorities (required action);
- in 1,171 cases (84%), measures were adopted by the operators (voluntary action);
- in 15 cases (1%), measures were both voluntary and compulsory;
- in 126 cases (9%) no measure was taken.

According to information presented in the 2009 RAPEX report, Romania (which, in 2009, along with Cyprus, received RAPEX training seminars) has not released any notification during 2009, undertaking only two reactions notifications launched by other states. In March 2011, Romania has launched three notifications, being also the country of origin for a notified product [10]. This may suggest a relatively low participation in the RAPEX system, while the presence of dangerous products on the market can not be considered negligible.

5. CONCLUSIONS AND PERSPECTIVES

The evolution of international trade has led to the need to create complex role bodies and mechanisms to protect consumer safety, which resulted in the designing the RAPEX system, based on an active and sustained cooperation between Member States.

However, the system functioning shows a lack of correlation between the number of notifications made by a Member State and the safety of products on its market. Thus, some Member States launches more notifications due to effective monitoring mechanisms, expanded market size, high level of imports, the large number of staff involved in inspections etc.

For that matter, increasing the number of notifications submitted through the RAPEX system does not necessarily mean that there are more dangerous goods on the European market. Rather, these results can be attributed to increased awareness and attention to product safety by national authorities and business sector, more frequent and more effective measures of control for consumer products, joint market surveillance by national authorities, EU enlargement in 2004 and 2007, and training provided by the European Commission for various stakeholders.

Simultaneously, a small number of notifications launched by a state (e.g. Romania) do not necessarily mean a reduced presence of dangerous products on the market. This may be the result of insufficient application of the RAPEX opportunities, inadequate monitoring of market operators and lack of interest in products safety.

Challenges for the future are related to the effects of initiatives such as the review of GPSD, strengthened checks at European ports, establishing a common European framework for market surveillance and traceability, the possibility of introducing risk analysis in the product design stage, creating a European database containing data about all complaints made by consumers, expanding the use of RAPEX to new groups of products.

Viable solutions on product safety should not omit the need to increase the responsibility of manufacturers and distributors, regarding both the safe nature of the products in the market and active involvement in the efficient and effective functioning of the RAPEX system by using the "Business Application" and taking voluntary measures or mandatory measures, as appropriate.

Thus, maximizing the safety of consumer products derives from several of steps such as: improving product certification and testing practices, the efficiency of the production quality control, optimization of market surveillance, the proper functioning of the RAPEX system (including application RAPEX-China) and European database on consumer complaints, along with increasing consumers' awareness of potential hazards.

These are possible through the united efforts of European institutions, national authorities, industry, research institutes and testing, inspection and certification sector.

We may conclude that the RAPEX system, although perfectible, plays an important role in product safety and is an effective instrument which, through constant exchange of information between participants, allows the adoption of necessary measures to ensure product safety requirements for consumers and facilitate the consistent market monitoring and surveillance, creating the proper framework for the compliance with the legislation in the Member States.

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