

**GUIDELINES FOR INFORMATION EXCHANGE
AND ON ADMINISTRATIVE COOPERATION**

BETWEEN

THE U.S. CONSUMER PRODUCT SAFETY COMMISSION

AND

**THE DIRECTORATE-GENERAL HEALTH AND CONSUMER PROTECTION
OF THE EUROPEAN COMMISSION**

2005

The U.S. Consumer Product Safety Commission (CPSC) and the Directorate-General Health and Consumer Protection of the European Commission (Directorate- General) share the common goal of improving information exchange between them.

The CPSC is an independent federal regulatory agency formed to protect the public against unreasonable risks of injuries and deaths associated with consumer products. It is charged with implementation of the U.S. Consumer Product Safety Act (CPSA), the U.S. Federal Hazardous Substances Act (FHSA), the U.S. Flammable Fabrics Act (FFA), the U.S. Poison Prevention Packaging Act (PPPA) and the U.S. Refrigerator Safety Act (RSA).

The Directorate-General is the Directorate within the European Commission responsible for monitoring the application of the General Product Safety Directive (GPSD), which regulates in a horizontal manner the safety of non-food consumer products placed on the European Union (EU) market, for operating the Rapid Exchange of Information System (RAPEX) established by the GPSD, initiating standardization and recognizing standards, taking rapid measures if necessary in case of serious risks and initiating regulatory action in other cases. The Directorate-General is also responsible for promoting and organizing administrative cooperation between the enforcement authorities of the EU Member States with a view to accomplishing the objectives of the GPSD.

It is noted that the EU responsibility for some of the information sought to be exchanged under these Guidelines belongs to the EU Member States or is shared between the EU Member States and the European Commission and that the EU legislation applicable to some of the products of concern under these Guidelines is under the responsibility of other Directorate-Generals of the European Commission.

Nothing in these Guidelines calls on providing assistance or information if such is prohibited by their respective laws and regulations, enforcement policies or other essential interests.

The Guidelines are intended to create a framework for voluntary information exchange and are not intended to create binding obligations under international law. It is also to be noted that enhanced regulatory cooperation on consumer product safety issues was highlighted as an important element of the Roadmap for U.S.-EU Regulatory Cooperation announced at the June 2004 U.S.-EU Summit.

THE CPSC AND THE DIRECTORATE-GENERAL INTEND THEREFORE TO APPLY THE FOLLOWING:

In order to protect the health and safety of consumers, the CPSC and the Directorate-General intend, consistent with applicable laws and regulations of the U.S. and EU to cooperate in areas that are within their scope of responsibilities that relate to consumer products of mutual concern. As far as necessary to reach the objectives of these Guidelines, the Directorate-General intends in particular to liaise with the relevant authorities of the EU Member States, the European Standardization Organizations, and other relevant bodies within the European Commission, and to facilitate contacts to the extent permitted under the laws and regulations of the EU between them and the CPSC. The areas of cooperation under these Guidelines include:

1. Exchange of scientific, technical, and regulatory information, to help ensure the safety of consumer products;
2. Exchange of information on emerging issues of significant health and safety relevance within their scope of authority. Information regarding products and manufacturers may be exchanged if necessary and permitted under the laws applicable in the EU and U.S.;
3. Exchange of information on standardization activities and cooperation in comparatively assessing specific product safety standards and in initiating standardization activities according to their respective rules and procedures;
4. Exchange of general information on market surveillance and enforcement activities;
5. Exchange of information on risks identified and measures taken with respect to products originating from each of their respective territories;
6. Exchange of information in case of major withdrawal/recall operations of mutual interest; and
7. Exchange of information on risk assessment and product testing.

For consumer products that are not within their scope of responsibilities contacts should be facilitated between them and the authorities or departments with responsibilities for such products in their respective territories.

Any and all activities under these Guidelines are subject to the needs of the CPSC and the Directorate-General based on mutual agreement. The focus of the activities will be agreed between them based on scientific, technical, regulatory or other developments or needs. Any and all activities under these Guidelines are subject to the availability of funds and other resources as well as their respective laws and regulations. Contact persons for developing the above mentioned activities are to be designated.

These Guidelines may be modified or terminated at any time with the approval in writing of the CPSC and the Directorate-General.