Joint Action 2015 GPSD

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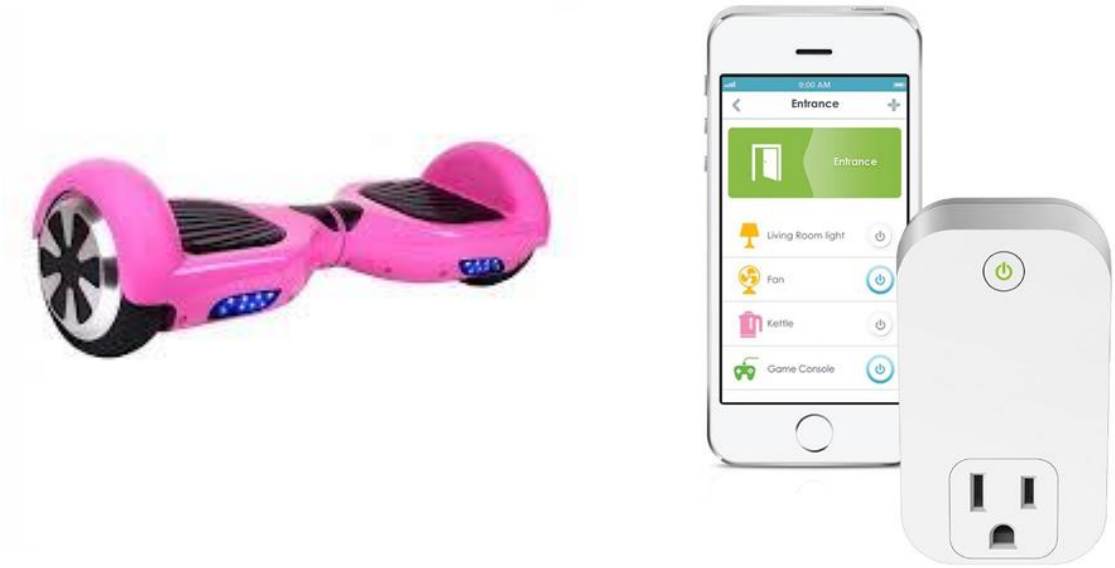

Final Report, New and Emerging Issues

Covering the period April 2016 – April 2017

Co-funded by
the European Union

PROSAFE
Joint Actions
Best Practice

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Disclaimer

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Executive Summary

This report presents the work done with respect to "New and Emerging Issues" as part of the "Joint market Surveillance Action on GPSD products – JA2015". The Action is co-funded by the European Union under Grant Agreement Number 705038 – JA2015 –GPSD.

Number of market surveillance authorities
The activity was undertaken by four market surveillance authorities from four different countries from within the European Economic Area: (France, Iceland, Latvia, and The Netherlands) and coordinated by PROSAFE. Malta also participated in this activity informally.

Scope of new and emerging issues
The scope of this report is new and emerging issues concerning both the hazards posed by individual products and the way that products are brought to market. These issues have a direct impact on the enforcement of consumer product safety and more specifically on the work of national market surveillance authorities.

Difficulties addressing new and emerging issues through the Joint Actions
The PROSAFE Joint Action model has been very successful. The model as it is currently formulated however requires products to be identified approximately 12 months in advance of any work beginning. In practice this is around 24 months before any testing is undertaken. The Member States' market surveillance authorities however often must respond to new and emerging issues that require action on their part in a much shorter timeframe. The Member States utilise their own resources in respect of new and emerging issues. There is however no rapid mechanism to coordinate these activities amongst the Member States. The informal collaboration promoted through the Joint Actions is very appropriate to encourage this sort of cooperation.

Overview of work undertaken
There were three phases in the work of this activity. In the first phase, the main focus was very much on the earlier identification of new and emerging issues considering the different possible understanding of the notion. Information exchange plays a vital role in this regard and was also the focus of the work undertaken during this phase on a draft procedure for sharing information. The second phase consisted of a broader discussion that was undertaken within the framework of the PROSAFE event during International Product Safety week, the Annual Market Surveillance Workshop and most recently at ICPHSO. During the second phase the importance of international collaboration has been highlighted but the participants have also begun to explore the extent to which it might be possible to revise the methodology currently applied to product activities in order to allow new and emerging issues to be better addressed in the Joint Actions. There has also been some discussion of how our priority-setting processes could be adapted in the future to better identify and address new and emerging issues. We have also been approached by the Danish Patent office who have some ideas about how Patent information could help identify future trends.

The third phase saw the drafting of the final report which brings together the work undertaken during both of the earlier phases and also adds to it the results of some desk research examining in particular best practices from jurisdictions outside Europe.

Recommendations
On the basis of the work undertaken, some recommendations have been made.

1. promote more systematic information exchange to identify new and emerging issues as early as possible
2. encourage greater international collaboration to share information and knowledge to promote the development of effective approaches to deal with specific new and emerging issues
3. develop appropriate methodologies for the Joint Actions to build capacity to deal with new and emerging issues
4. improve priority-setting in the Joint Actions again to address new and emerging issues in a more systematic fashion across different product sectors

Background Information
This chapter presents a short extract of the project description. The full description can be found in the Grant Agreement.

Title of the Activity
The name of the Activity is "New and Emerging Issues". The activity was part of Joint Market Surveillance Action on GPSD Products – JA2015.

Participating Member States
The activity was undertaken by 4 market surveillance authorities from 4 different countries from within the European Economic Area: (Iceland, Latvia, France and The Netherlands) and coordinated by PROSAFE.

Furthermore, MCCAA from Malta (which was outside the financial scheme) took part in one of the joint action meetings. This was done during the kick-off meeting held in conjunction with the JA2014 workshop held in Latvia in May 2016.

The applicant body that also took overall responsibility for the Joint Action was PROSAFE.

Overview of Key Staff in the Activity
The Activity Leader was Thomas Berbach from DGCCRF, France, who was supported by the PROSAFE consultant, Bruce Farquhar.

Main Objectives
The PROSAFE Joint Action model has been very successful. The model as it is currently formulated requires products to be identified approximately 12 months in advance of any work beginning. In practice this is around 24 months before any testing is undertaken. The Member States' market surveillance authorities however often must respond to new and emerging issues that require action on their part in a much shorter timeframe. The need to address these issues in a consistent way is no less important and in fact is perhaps even more important in these cases to avoid divergence within the internal market. The financial rules prohibit funds being made available for testing of products that are not identified in the Grant Agreement. We know that Member States are willing to and do utilise their own resources in respect of new and emerging issues. There is however no rapid mechanism to coordinate these activities amongst the Member States. The informal collaboration promoted through the Joint Actions is very appropriate to encourage this sort of cooperation. This activity will investigate how to promote greater cooperation between the Member States. This will help avoid any unnecessary duplication of efforts and will lead to a more consistent approach to new and emerging issues throughout the internal market. Moreover, this initiative will serve to better leverage the national resources that are currently being deployed. This activity will be led by the small group of Member States in the working group who will share their experience and try to identify best practices. However, all the Member States in the Joint action will be consulted and will be exposed to the work of the group through the workshop session. The following tasks have been identified:

- Establishment of a working group to exchange experience and provide a platform for the discussion of new and emerging issues.
- To organise 2 meetings of this group.
- To organise a session at a future workshop on new and emerging issues.
- To develop best practices in the coordination of Member State activities on new and emerging issues.
- To raise awareness as appropriate through the market surveillance workshops organised annually and to collaborate as appropriate with international partners.

Introduction
The report briefly presents the work that has been undertaken within the activity and contains recommendations for how to carry work on new and emerging issues forward in the future.

There have essentially been two phases thus far in the work of this activity. In the first phase, the participants took part in two teleconferences and a launch meeting. The main focus was very much on the earlier identification of new and emerging issues considering the different possible understanding of the notion. Information exchange plays a vital role in this regard and was also the focus of the work undertaken during this phase on a draft procedure for sharing information.

The discussions during the first phase also paved the way for the second phase which consisted of a broader discussion that was undertaken within the framework of the PROSAFE event during International Product Safety week, the Annual Market Surveillance Workshop and most recently at ICPHSO. During the second phase the importance of international collaboration has been highlighted but the participants have also begun to explore the extent to which it might be possible to revise the methodology currently applied to product activities in order to allow new and emerging issues to be better addressed in the Joint Actions. There has also been some discussion of how our priority-setting processes could be adapted in the future to better identify and address new and emerging issues. We have also been approached by the Danish Patent office who have some ideas about how Patent information could help identify future trends.

The draft report brings together the work undertaken during both of these phases and also adds to it the results of some desk research examining in particular best practices from jurisdictions outside Europe.

On the basis of the work undertaken and the desk research, some recommendations have been made for both short term and longer-term action to advance our consideration of new and emerging issue in the future.

Further work in this area is foreseen within the framework of JA2016 once the new Joint Action is launched.

1. Scope of New and Emerging Issues

The scope of this report is new and emerging issues concerning both the hazards posed by individual products and the way that products are brought to market. These issues have a direct impact on the enforcement of consumer product safety and more specifically on the work of national market surveillance authorities.

Recent years have seen a number of developments that have fundamentally altered the consumer product market. Chief among these has been the growth of market share taken up by imports to the EEA. Many product markets are now dominated by imports from outside the EEA. This has led to a longer and more complex supply chain within which different actors both within and outside the EEA play important roles in ensuring the safety of products brought to market. At the same time, technological advances have resulted in a shorter time to market for many new products. More recently, electronic commerce (e-commerce)has taken a significant share of the market and poses new challenges ; e-commerce radically changes the way many consumers obtain their products, bypassing in many cases the traditional distribution channels. Increasingly, authorities have had to deal with economic operators not only outside their own jurisdiction or even outside the EEA entirely, but also economic actors whose status is not addressed by the legal framework for market surveillance. Electronic commerce has opened the supply of goods directly to European consumers from outside Europe with the involvement of no economic operator based in the EEA.

Innovation and rapid technological change have become the norm and have greatly reduced the time to market and the length of many consumer product life cycles. Innovative products pose new problems. Rapid technological advances have significantly increased the power of consumer products. There are unintended consequences associated with their use or through their inter-connectedness, for example with the Internet of Things. Advances in our knowledge have also increased our understanding of the hazards presented by existing products: for example, in the case of chemicals, carcinogens and phthalates. We have also seen other trends that pose new problems with existing products such as the migration of professional products into the consumer market. The level of risk society and public opinion are willing to accept also evolves over time, reflecting changes in societal attitudes and even demographics. This is the case for example with the increased attention being given to the safety of seniors.

At the same time these trends can present opportunities for the market surveillance community. At the Consumer Safety Network meeting last November the European Commission presented a “Big data” project. The Commission presented the big data proof of concept, which is a pilot project drawn up in cooperation with DIGIT that aims at analysing consumers' comments and complaints on e-commerce websites and/or social media to identify potentially dangerous products. Member States but also some stakeholders showed strong support and interest in this project.

2. An overview of currently identified new and emerging trends

Future of Market Surveillance in Europe Report 2011
The first report sought to identify likely developments in the market for non-food consumer products and their potential effects upon Market Surveillance. A number of issues likely to affect the compliance of a product with the requirements of the General Product Safety Directive (GPSD) were identified. These issues included the growth in the number of imported products, the rise of e-commerce and direct manufacturer to consumer supply, the development of increasingly complex and innovative products and lastly reduced resources for market surveillance authorities following the global economic downturn.

European Commission Work Programme and National priorities
The Directorate-Generals of the European Commission produce annual Management plans. The plan from DG JUST from February this year identifies work being undertaken on market surveillance in respect of guidelines for e-commerce, international collaboration, actions to strengthen enforcement and compliance in the single market for products and further boosting the use and impact of product safety alerts. More specific product issues can be identified from the agendas and notes of the Consumer Safety Network (CSN) and Administrative Cooperation Committees (ADCOs). These are the obvious for a for Member States to identify their concerns. Products that have recently been discussed include candles, high chairs and ladders.

ICPHSO and International Product Safety Week
The meetings of ICPHSO both in North America and abroad for example as a part of International Product Safety Weeks in Brussels provide a platform for identifying and discussing emerging trends. Recent meetings have featured sessions on Internet of things, more powerful Lithium Batteries, 3-D printing, drones, e-cigarettes and hover boards. The timing of these sessions however lends them towards the identification and discussion of longer term trends and not to deal with new issues that require a more rapid response.

CPSC Staff Report Potential Hazards Associated with Emerging and Future Technologies
The long-awaited staff report on Emerging Consumer Products and Technologies was published in January 2017. This report represents a more systematic attempt to identify new and emerging issues that will have to be addressed in the short to medium term. Several technological and societal trends have been identified that are likely to influence the marketplace for consumer products.

- Increased integration of smart technology and the Internet of Things (IoT);
- An aging population, aging-in-place, and multi-generational homes;
- Large data set analysis, or “Big Data”; and
- E-Commerce and direct-to-consumer transactions.

On the basis of these trends the report then goes on to identify ten emerging and future consumer products and technologies which the Commission may want to consider in further analysing, prioritizing and managing of consumer risk.

- 3D Printers and the printed products;
- Internet-home based smart technologies;
- Software as a component part;
- Wearable products and technologies;
- New materials, including nanomaterials;
- Virtual reality (VR) and augmented reality (AR) games;
- Personal transportation products;
- High capacity energy storage and energy generation;
- Robotics, including robotic products to assist older adults; and
- Brain-machine interface/implantable technologies.

This is of course very valuable input to any consideration of new and emerging issues.

The World Economic Forum Global Risks Report

The World Economic Forum featured a Global Risks Report with opinions from almost 750 experts on a multitude of global risks that humanity will face in 2017, as well as the trends that could amplify them.

The document mentions 12 key emerging technologies, namely:

1. 3-D printing
2. Advanced materials and nanomaterials
3. Artificial intelligence and robotics
4. Biotechnologies
5. Energy capture, storage and transmission
6. Blockchain and distributed ledgers
7. Geoengineering
8. Ubiquitous linked sensors
9. Neurotechnologies
10. New computing technologies
11. Space technologies
12. Virtual and augmented realities

For each of these technologies, experts have highlighted what they believe are perceived benefits and potential negative consequences of their use and development.

Source: Opinion: What risks do we face from emerging technology? Market Watch Jura Dujmovic http://www.marketwatch.com/story/what-risks-do-we-face-from-emerging-technology-2017-02-22 Published: Feb 22, 2017 12:32 p.m. ET

Emerging Technologies: Anticipating the Impact of 3D Printing on the Toy Industry
This white paper from Underwriters Laboratory (UL) provides an overview of the advent of 3D printing in the toy industry. It addresses the uses, the advantages and trade-offs of 3D printing, and the potential impact on toy manufacturing. The paper briefly traces the evolution of toy safety and examines the safety and regulatory considerations facing developers of this technology for consumer utilization.

3. Dealing with New and Emerging Issues

How the existing framework in Europe identifies new and emerging issues

There are a number of data sources that help identify new and emerging issues in Europe. These include injury statistics, complaints and investigations, RAPEX notifications, the results of Joint Actions and the roundtable on new and emerging issues at PROSAFE General Assembly meetings and workshops. This data is feed into the existing infrastructure at the national and European levels. At the European level the most important fora are the Consumer Safety Network (CSN) for the General Product Safety Directive and the Administrative Cooperation Committees (ADCOs) and other regulatory committees that have been established to support EU harmonisation legislation.

Country Case Study France

An example of the experience at the national level was given during the Annual Market Surveillance Workshop in 2016. The representative from France gave their perspective on new and emerging risks within the context of the growing and changing market that we find ourselves in with more operators, more customers and more products. There is today more innovation in products which have a short life-cycle. As a result it is harder to know what is on the market before it is everywhere and it is harder to keep pace in assessing the safety and compliance of these novel products. To identify emerging risks of products market surveillance authorities should monitor all the information sources. Identifying emerging risks is similar to identifying risks: the only difference is in anticipation. It is necessary to find out about the risks of a product before it is everywhere on the market. Attention also has to be given to the precautionary principle, new scientific evidence, changes in societal acceptance and new usage of products. Very diverse examples of what can be found on the Internet were shown in the area of child-care. In conclusion, the representative presented three pillars necessary for an approach to bring the risk down to an acceptable level. These are regulating products (ban, safety requirements, conditions of use, mandatory warnings …) running information campaigns (towards the economic operators and/or the consumers) and preparing targeted market controls to remove risky products from the market. The earlier such measures are implemented, the more effective they will be. However, it was noted that it is difficult to convince of the necessity of these actions if the dire effects have not yet been experienced.

How the existing framework in Europe addresses new and emerging issues

The existing legal framework in Europe provides a variety of tools to deal with new and emerging issues. The General Product Safety Directive and sectoral legislation establish at Community level a general safety requirement for any product placed on the market.

The first responsibility of product safety lies within the producer: it is his responsibility to take into account all the risks posed by the product, and it is at this early stage that an assessment of the consequences of the introduction of a new technology, a new design, a new material or a new way to use a product needs to be undertaken. In this respect, the new and emerging issues will also include the novel way consumers may use the product, since the notion of reasonable and foreseeable use of the product is something that can evolve over time, and following fashion and trends. If such an assessment was not properly done or if the product fails to address the risks posed by the product, action can be taken by the authorities. The action can be taken irrespective of whether there is a specific regulation or the existence of any European standard for the product in question. The safety of products is to be assessed taking into account all the relevant aspects, in particular the categories of consumers which can be particularly vulnerable to the risks posed by the products under consideration, in particular children and the elderly. The GPSD establishes a hierarchy of documents that should be referred to. Under both the GPSD and sectoral legislation a harmonised European Standard may give a legal presumption of conformity with the general safety requirement. However, this presumption can always be rebutted and is only given insofar as a standard addresses a specific hazard. The safeguard clause and mandate procedure allow the European authorities to withdraw this legal presumption and to communicate to the voluntary European standards development organisations their priorities and concerns in respect of the standards for specific products. The relative speed of the voluntary standards process when compared with the legislative process have allowed new and emerging issues to be dealt with through new and revised standards. In matters where time is of the essence; the authorities also have the opportunity to issue temporary bans in respect of specific products or product classes and

ingredients or components. Moreover, there has been a more specific policy response in respect of many of the trends and issues we have identified.

The response to individual hazards and products

Within the existing legislative framework, we have seen a variety of measures adopted to deal with new and emerging issues. Temporary bans have been introduced to deal with phthalates and novelty cigarette lighters. New standards have been developed for innovative products and standards have been amended and revised where these have been identified as not assuring an adequate level of safety or not addressing all the relevant risks and hazards in an appropriate manner. An example is the baby walker standard that did not adequately address the stair fall hazard.

In a later chapter, we will consider two case studies, hoverboards and laundry detergent pods, where information exchange at the international level has played a vital role in the response to these emerging issues.

Some Case Studies

Hoverboards

This product became suddenly popular and widespread. The extent of the safety problem was difficult to assess. It was a popular product in some jurisdictions, but unknown elsewhere. The US-CPSC contacted the OECD product Safety WP member to exchange information. This was the catalyst for an approach to PROSAFE as a result of which the CPSC met with PROSAFE in Brussels to discuss the issue. The CPSC were able to identify that the main hazard was related to the batteries used in these products and a safety standard was developed within months and is being used as a basis for conformity within the USA. This example illustrates that there is clearly a need for a coordinated approach to such issues in Europe. The problems caused by these products may have been detected and all the jurisdictions alerted earlier through an Emerging issues identification mechanism.

Common requirements for children's products

Another example is the ICPSC Product Alignment Initiative. This was an International Project looked at developing a common set of requirements for a number of children's products – corded window coverings, booster seats and baby slings. The concept was to identify hazards and ways to address them. Jurisdictions were free to implement recommendations as appropriate in their own regulations or standards. This initiative was aimed at alignment or convergence of requirements and not full harmonization. This format also appears to be an interesting way to identify and address new and emerging issues.

Product Traceability and Tracking Labels

This concerns the OECD/ICPSC Product Traceability Work. This was a project to address specifically product traceability through a pilot product category : baby strollers. Criteria were identified for product marking. These do not specify all components of the marking, but focus on aspects that could be common to solutions that jurisdictions implement within their own legislative systems. This again aims at convergence of requirements and not harmonization, and provides another useful model to target new and emerging hazards.

Laundry detergent capsules.

An ICPSC Virtual Symposium was convened to discuss this issue at the request of the Australian authorities. Best practices were identified from a number of countries. Many jurisdictions implemented these best practices at the national level. As a result of the concern demonstrated by the Authorities, Industry also realized action could be taken on their side. An information campaign coordinated by the OECD was also very successful. The broadening of the perspective around this issue brought interesting aspects to light : the Japanese authorities were able to meet with industry and ensure their concerns were addressed, and these included specific problems related to the safety of seniors, before these products were even marketed in Japan. This example shows that the early identification of issues can have preventative effect and that the wider participation of

different jurisdictions at an early stage can identify different aspects of the problem that need to be addressed.

Nanotechnology in cosmetics

Lastly PROSAFE undertook an activity on nanotechnology in cosmetics as part of JA2012. One of the challenges of assessing the risks posed by nanotechnology in cosmetics is the lack of agreed testing methods. Some fortuitous timing allowed PROSAFE to include an activity that followed the usual sample and test methodology generally applied to the product activities. The testing carried out allowed some useful comparison of different test methods and experience to be gained with their practical deployment. Whilst it is true that many new and emerging issues require a more speedy response than the Joint Actions can currently offer, the nature of this specific issue and the state of the development of the policy discussions meant that the Joint Action could make a useful contribution to the consideration of this issue.

The response to changes in the way products are brought to market

Growth in imported products

The summer of recalls focussed attention on the growth of the share of imported products on the European marketplace. Whilst the initial focus was on the toy sector, this is now true of very many consumer product sectors. Research undertaken by the European Commission and the Toy industry identified difficulties with product traceability and the need to create a stronger climate for product quality in manufacturing countries. These conclusions led to many concrete initiatives. These include the China-RAPEX information exchange system, trilateral cooperation between the EU, China and the USA and many training initiatives in China. From the PROSAFE side, there were also initiatives with the Chinese authority AQSIQ, exploring the feasibility of the exchange of information about controls undertaken in China and their use to help better target controls at European arrival ports (JA China 1 and JA China2).

Cooperation with customs

The need for greater cooperation between customs authorities and market surveillance authorities was also an important factor to consider when addressing the increase in levels of imported product. A new legal base for the cooperation was established in Regulation 765/2008. DG TAXUD has led the development of cooperation guidelines and the drafting of checklists that can be used by Customs officials directly to help detect non-compliant products in a wide range of product categories. PROSAFE is also seeking to actively encourage cooperation between Market Surveillance Authorities and Customs Authorities at the national level, both before market surveillance inspection in using data helping to identify importers and after, sharing the control data with customs to help them identify suspicious products in the ongoing importation flow.

Product Tracking and Traceability

One of the main challenges associated with the enforcement of imported products is the identification of the manufacturer. This has been a major issue with the China-RAPEX cooperation. The European Commission has been trying to deal with this issue in the framework of its bilateral cooperation with China. A questionnaire concerning traceability and recall preparedness was prepared and deployed to raise awareness of this issue amongst economic operators. The ICPSC led the way in considering product traceability and tracking labels with a conference in Stockholm in 2009. An international initiative has also developed a set of core information for a tracking label for strollers as a case study. Most recently the Product Safety and Market Surveillance Package included a proposal to require Country of origin marking on consumer products. This however has proven to be a controversial issue and has in fact resulted in stalemate between the European Council and the European Parliament with no progress being made on the package as a whole as a result. The fact that a mandatory origin mark can actually help product traceability was heavily debated. In the OECD however, the Working Party was able to draft a common paper expressing the format and minimum information for tracking and traceability data.

Growth of online sales

The growth in imported product has also helped pave the way for an explosive growth in online sales. The distribution chain has been disrupted with the appearance of new players in the marketplace such as fulfilment houses, drop shipping and direct importation by consumers has also

taken off. This raises new challenges for market surveillance authorities. The European Commission has responded to this major development with a period of reflection and study. A report on best practices in market surveillance online has been published and Guidelines are in development and are eagerly awaited. The OECD which has long-standing work in the online environment has also weighed in with reports and coordinating internet sweeps. ICPEN has coordinated online sweeps in relation with other aspects of consumer protection for some years now. The OECD Working Party on Consumer Product Safety has now applied that model in the product safety field and the European Commission is now also seeking to promote sweeps in Europe addressing safety and product compliance specifically. PROSAFE has encouraged activities within the Joint Actions to study the availability online of the products they are targeting and to take samples online as appropriate. Many authorities do identify specific obstacles and difficulties associated with taking samples online, but the hope is that these will addressed in the forthcoming Guidelines and that common sweeps will help promote experiences in this field that have actually been effective.

Using Big Data to Identify Product Safety Issues

Information on product safety issues could be gathered through data mining of comments posted on e-commerce websites/social media. The available data can be filtered and organized to allow detection of products posing safety issues, even though at this stage it is still felt that human analysis of these cases will still be required. DG JUST in cooperation with DIGIT has launched a big data proof of concept with a number of volunteering market surveillance authorities, a pilot project which aims at analysing consumers' comments and complaints on e-commerce websites and/or social media to identify potentially dangerous products.

New and emerging issues and the Joint Actions

The PROSAFE Joint Action model has been very successful. The model as it is currently formulated requires products to be identified approximately 12 months in advance of any work beginning. In practice this is around 24 months before any testing is undertaken. The Member States' market surveillance authorities however often must respond to new and emerging issues that require action on their part in a much shorter timeframe. The need to address these issues in a consistent way is no less important and in fact is perhaps even more important in these cases to avoid divergence within the internal market. The financial rules prohibit funds being made available for testing of products that are not identified in the Grant Agreement. We know that Member States are willing to and do utilise their own resources in respect of new and emerging issues. There is however no rapid mechanism to coordinate these activities amongst the Member States. The informal collaboration promoted through the Joint Actions is very appropriate to encourage this sort of cooperation. There is then scope to investigate how to promote greater cooperation between the Member States. Such cooperation would help avoid any unnecessary duplication of efforts and will lead to a more consistent approach to new and emerging issues throughout the internal market. Moreover, this would serve to better leverage the national resources that are currently being deployed.

4. Discussion of New and Emerging issues at the International Level

We saw in the previous section that there are many examples where new and emerging issues have been identified as a result of international collaboration. The growing international dimension in consumer product safety has seen an explosion in bi-lateral and even tri-lateral cooperation. The EU-China and EU-China-USA cooperation have been particularly valuable in addressing the issues concerning the growth of imported product into Europe. There are however two multi-lateral platforms which have sought to encourage more systematic exchange of information about new and emerging issues and whose efforts were reflected in some of the case studies.

International Consumer Product Safety Caucus (ICPSC)

The ICPSC had its origins in an international regulators caucus meeting in the margins of ICPHSO meetings. The ICPSC was launched in November 2005 in order to have a more structured exchange of information at the international level and to promote greater cooperation at the international level. The ICPSC usually met twice a year. A Chairs advisory group was established that met by teleconference more regularly. The six-monthly meetings and the teleconferences provided a regular exchange of information on new and emerging issues. The ICPSC also developed other means to explore in greater depth some of these issues. These included a conference on product traceability and tracking labels (2009), a product tracking label project and product alignment initiative (both detailed above). Specific teleconferences were convened to discuss electronic commerce, laundry detergent pods and cooperation on market surveillance. In 2012, the ICPSC began work on forecasting in an effort to more systematically identify new and emerging issues and areas where closer collaboration would pay dividends. The forecasting report compiled information on regulatory and standards development work, research and market surveillance activities. This report contained an enormous amount of information and in an effort to make this information more accessible and to provide a greater focus to identifying specific areas of mutual concern, a matrix was drawn up showing a much shorter list of issues where a number of jurisdictions had identified their interest. By 2013 there was a degree of overlap with the work being undertaken by the OECD WP and with dedicated resources for the ICPSC lacking, a decision was made to suspend the operations of the ICPSC and transfer the substantive work to the OECD WP.

OECD Working Party on Consumer Product Safety

The OECD has a long established Committee on Consumer Policy and has previously worked on product safety during the 1990s. The OECD's re-entry into the field of consumer product safety can be traced back to a Roundtable on Consumer Product safety held by the OECD held in November 2008. A Working Party was launched to address some of the issues and made quick progress on a number of substantive infrastructure projects such as the establishment of a Global recalls portal. The membership of the OECD WP and the ICPSC overlapped to a considerable extent and when the ICPSC faced issues with respect to resourcing its activities, the OECD WP took on the activities of the ICPSC in 2013. For a number of years, the OECD WP has organised regular teleconferences and Global Forum meetings in conjunction with ICPHSO meetings and International Product Safety Weeks as a means to promote greater information exchange on new and emerging issues. The OECD WP has also leveraged the considerable expertise the OECD Committee on Consumer Policy has on e-commerce to promote information exchange and launch practical collaboration through an internet sweep on consumer product safety issues in the online sales in 2015. The OECD has also pursued some work on risk assessment that has shown some light on the practices of jurisdictions outside Europe when assessing the safety of new and emerging issues (*Report on International Consumer Product Safety Risk Assessment Practices 20 September 2016)*. Unfortunately, latterly the OECD WP has also had to deal with shrinking resources and has had to concentrate on its other projects.

Bi-lateral and tri-lateral cooperation

There are a number of examples of bi-lateral and tri-lateral cooperation that we can identify that contribute to how new and emerging issues are identified and tackled. The China-RAPEX and a similar manufacturer information notification scheme between the US and China establish important data flows between consumer and producer nations. Within the context of China-RAPEX there is information exchanged on the risk assessments used by the authorities in Europe and a dialogue can result with the Chinese authorities. There has also been a focus on training in China

promoting safety by design. Some of the materials produced within the framework of the Joint Actions for example with respect to cords and drawstrings in children's clothing have been featured in training in China. The tri-lateral cooperation between the EU, the USA and China provides through its summit declarations a strategic direction for the more practical day to day collaboration. New and emerging issues such as product tracking and traceability and e-commerce issues have featured in the declarations. Moreover, the latest summit in 2016 reached consensus on the need for cooperation to discuss emerging technologies and/or rapidly developed new products.

Exchange of information on complaints and investigations

A useful example of bi-lateral information exchange can be found between France and the USA. The exchange has taken place in both directions. France has alerted the USA about a fatal accident concerning a diving mask that occurred in the French Caribbean and the USA has contacted France about a battery-operated children's product brought on to the US market by a French company. These examples show how direct bi-lateral and information exchange between national market surveillance authorities of complaint data and investigations can be important in detecting new and emerging issues. This is also the case with a multi-lateral exchange of information as we have seen most notably with our hoverboard and laundry pod examples.

5. Survey of International Best Practices

In addition to considering the collaborative efforts at the international level we can also learn by examining how specific jurisdictions outside Europe are trying to address new and emerging issues.

Australia
In March 2013, the Australian Competition and Consumer Commission published Emerging Hazard Identification and Risk Management Guidelines. This paper outlines how Product Safety Staff currently identify consumer product safety hazards and the considerations that are relevant to managing them. The paper also describes the available options for addressing hazards and explains the policy and legislative framework in which risk management decisions are made. A short overview of the issue identification process and risk management framework is provided.

Canada
The Consumer Product Safety Program Health Canada adopted a Risk Assessment Framework in December 2014. The document talks about complaints or emerging trends being the basis to consider risk assessment. Health Canada has a number of sources of data it can access. These mandatory reporting under section 14 of the Act. Industry must report to Health Canada after they become aware of a health or safety incident involving its consumer product. There is also a gateway on the Health Canada web site where members of the public can report an Issue Involving a Consumer Product. The Canadian Hospitals Injury Reporting and Prevention Program (CHIRPP) is an injury and poisoning surveillance system that collects and analyses data on injuries to people who are seen at the emergency rooms of 11 paediatric hospitals and 6 general hospitals in Canada. CHIRPP provides valuable pre-event data by asking three questions: what was the injured person doing when the injury happened?; what went wrong?; and where did the injury occur? Health Canada's Plans and Priorities 2016-2017 contain a commitment to continue to apply a risk-based approach for the early detection of potentially unsafe consumer products and cosmetics by triaging and assessing incident reports, notifications, and complaints, as well as the identification of emerging trends for assessment, the cyclical Enforcement Plan and other enforcement activities. There is then systematic consideration given to emerging trends in Risk Assessment and enforcement activities.

Automated Product Safety Issue Detection Using Online Reviews
Hundreds of products are recalled annually because of issues that can cause injury or death. Consumers often spot these issues and complain about them online, long before the first serious injury or death occurs. Engineering students at the University of Waterloo have applied machine learning to a corpus of millions of reviews from across the internet, and a database of thousands of recalls, to create a system to identify product safety issues that consumers mention. These techniques could be applied to help consumer protection agencies and corporations identify issues before serious injury or death occurs.

United States of America
The CPSC is a data-driven agency and benefits from real-time from a variety of sources in its efforts to identify new and emerging issues. The National Electronic Injury Surveillance System (NEISS) is a statistical sample of hospital emergency rooms that provides real-time data on injuries and deaths associated with consumer products. The CPSC can identify trends as they appear or sometimes does retrospective analysis to identify trends in historical data in specific product sectors. Examples of two reports pertaining to the safety pf seniors and to safety have already been given above. This information can be used to set priorities within those products sectors and for the agency in general. Other sources of data include Section 15 reports of products with substantial product hazards, fast-track recalls, coroner death reports and incident data collected in the Consumer Product Safety Information Database available online at saferproducts.gov.

The General Accounting Office (GAO) has published three reports that address the ability of the Consumer Product Safety Commission to respond to new and emerging issues. The first report Agency Faces Challenges in Responding to New Product Risks GAO December 2012 was published in

December 2012. The report noted that the CPSC uses various means to stay informed about risks that may be associated with new or existing products including (1) market surveillance activities for imported products, retail stores, and Internet sales; and (2) formal agreements and various activities with other agencies. Action was recommended to broaden information sharing with foreign jurisdictions.

The second report International Regulatory Cooperation; Agency Efforts Could Benefit from Increased Collaboration and Interagency Guidance was published in August 2013. This repot reviewed the activities of a number of agencies including the CPSC. The report acknowledged the importance of regulatory cooperation and concluded that efforts should be made to remove existing barriers to cooperation and that tools should be developed to enhance collaboration, such as mechanisms to facilitate staff level dialogues.

The third report Challenges and Options for Responding to New and Emerging Risks was published in October 2014. The report discusses how CPSC's authorities and other factors may affect its response time to new and emerging hazards and options and their trade-offs that may be available to address CPSC's ability to respond to these hazards. Whilst the report made no new recommendations attention was drawn to previous recommendations contained in the reports listed above and another previous recommendation related to CPSC's participation in voluntary standards development.

CPSC Seniors Hazard Sketch 2013
In this report, U.S. Consumer Product Safety Commission (CPSC) staff present statistics on injuries and deaths associated with consumer products among seniors 65 and older. This report is intended to provide a general overview, using data taken directly from the CPSC data files for the purpose of comparison among the products. The reported injuries and fatalities were associated with, but not necessarily caused by, consumer products. A number of trends can be determined amongst Emergency Department-Treated Injuries and fatalities. These can be used to help set future priorities.

Toy-Related Deaths and Injuries Calendar Year 2015
This report provides updated summary information on toy-related fatalities for the years 2013 and 2014, and gives detailed information on toy-related fatalities for 2015. These fatality counts are based on reports obtained by CPSC staff from the CPSC Injury and Potential Injury Incident file (IPII), Death Certificate File (DTHS), In-Depth Investigations (INDP), and the National Electronic Injury Surveillance System (NEISS). In addition, this report presents the estimated emergency department-treated injuries associated with toys for the 2015 calendar year and the injury estimates from 2011 to 2015, based on the NEISS. A number of trends can be determined amongst Emergency Department-Treated Injuries and fatalities and again these can be used to help set future priorities.

CPSC Staff Report Potential Hazards Associated with Emerging and Future Technologies 2017
The long-awaited staff report on Emerging Consumer Products and Technologies was published in January 2017. This had been requested by the previous Chairman of the Commission. The report provides a brief overview of some of the potential emerging consumer products and technologies that may become available or gain wider use in the next few years. Several technological and societal trends have been identified that are likely to influence the marketplace for consumer products. On the basis of these trends the report then goes on to identify ten emerging and future consumer products and technologies which the Commission may want to consider in further analysing, prioritizing and managing consumer risk. These new products are expected to provide improved performance and can introduce previously unimagined features. However, the introduction of new consumer products and technologies also could expose users to new or increased hazards. More details of the content of the report have been presented earlier.

6. Overview of activities undertaken within JA2015

Launch Meeting
The launch meeting for the activity was held on the 25th of May. A brief explanation was given of the project objectives and deliverables and a draft outline work plan was presented. A number of case studies and background reports were then presented and discussed before moving to o a more general presentation and discussion of how new and emerging issues are currently addressed. The case studies and background reports have been referred to above. Some issues were identified and this then prompted some initial discussion of how to address some of these issues. The full note of the meeting is available as a deliverable from the activity.

Draft procedure for information exchange
On the basis of the discussion during the launch event a first attempt was made to draft a procedure for information exchange. This is presented in greater detail in the next chapter.

Teleconference 28th June
A teleconference was convened on the 28th of June to discuss the draft procedure. The discussion clarified some of the concepts behind the draft procedure and went on to consider some of the details of its potential future implementation.

Annual Market Surveillance Workshop
The AMSW held in November 2016 provided an opportunity to address a number of aspects concerning the Joint Actions including how to tackle new and emerging issues.

Agenda point 6 of the AMSW. Broadening the Scope of PROSAFE's Joint Actions - Identifying New and Emerging Issues and Tackling New Sectors
The senior consultant gave a short presentation around identifying new and emerging issues. Such issues can concern both specific products or hazards as well as different aspects of the supply chain. With the degree of globalization that has taken place many of these issues cross jurisdictions not only in the EU but around the world. A number of examples of international cooperation were given. These have already been presented above.

The current Joint Action model however cannot respond quickly to such issues due to limitations on the funding. However, it may perhaps be possible to leverage the national resources committed and the best practices developed. A new method development task is therefore being established under JA2015 to help the Member States deal with new and emerging issues more efficiently. A working group to exchange experience will be established to provide a platform for the discussion of new and emerging issues. The goal of the group is to develop best practices in the coordination of Member State activities on new and emerging issues and to raise awareness as appropriate through the market surveillance workshops organised annually and to collaborate as appropriate with international partners. Two meetings of this group will be organised and a session on new and emerging issues will be held at a future workshop.

The Risk Assessment Group and New and Emerging Risks
There was then a presentation which reflected on how to involve the Risk Assessment Group in addressing new and emerging risks. The Risk Assessment Group might be able to contribute for example by helping to identify new products or new risks. The example was given of small magnets which caused trouble in 2008, but the risk was actually described for the first time in 1954. The Rapid Advice Forum could be one source of information. Priority-setting is then another important issue. How serious is the risk related to a specific issue? Can the authorities be helped to arrive at a common picture of the need for action? Is it possible to establish a common benchmark for safety requirements or a commonly agreed risk assessment so that Member States have agreed on safety requirements (and acceptable risk)? This would help increase the certainty for economic operators. The development of a Risk Assessment Template would be one step. The RAM (Risk Assessment Methodology) should address harm and not only injuries. In respect of priority-setting it may be possible to identify emerging issues sufficiently in advance to include them in a Joint Action following our more formal methodology. This has been the case for example with nanotechnology in cosmetics where the testing activity was able to help shed light on the different test methods available.

The French Perspective

A representative from France gave the French perspective on new and emerging issues. This has been presented as a case study in chapter three.

Other remarks during AMSW

The coordinator of the kick scooters activity drew attention to the challenges posed by the risk assessment of emerging issues in particular in respect of markets that develop very quickly and concern inherently dangerous activities. It was noted in particular that the risk mounts as the product becomes more widely available. This mitigates for identifying new and emerging issues as soon as possible.

New ways of working

There was also discussion during AMSW of new ways of working. The limitations of the current methodology applied to then Joint actions are well known especially insofar as they limit the response to new and emerging issues. A number of different methodologies were presented that could be more appropriate to addressing new and emerging issues. These include screen testing, documentary checks and re-visiting a product sector. There was also again discussion of whether there could not be some allocation of resources in a Joint action for a yet unidentified product. This is something that is being considered practically by EEPLIANT so a precedent may be established in the proposal for the second EEPLIANT project.

IPSW 2016

PROSAFE held an event during the International Product Safety Week held in Brussels in November. Prior to the event a questionnaire had been launched online. Participants and PROSAFE members were invited to give their views on different aspects of the implementation of the Joint Actions and market surveillance more generally. The results of the questionnaire provided a backdrop to the discussions during the event. Many of the concerns expressed related to the time it takes to have the results of the Joint Actions. This impacts on the ability of some authorities to participate as they need to plan further ahead than usual. It also greatly restricts the extent to which the Joint Actions as they are currently implemented can deal with new and emerging issues. This is a significant limitation as there was considerable interest expressed in having the Joint Actions address new and emerging issues. The discussions during IPSW had highlighted the need to address new and emerging issues. It was also stressed that risk management is much more than simply taking legal measures. Perhaps it is necessary to take a step back and look at the major trends in consumer health and safety in the world today and identify what role market surveillance of products can play in tackling these issues. Examples were given of the growth of e-commerce and the increase in skin cancer. Risk management should mean working together to reduce risks. It was also suggested that publicising what types of products were tested and the results, both good and bad, would help empower consumer to make informed choices. Risk management should be a holistic approach to reduce problems in society. Ion closing the PROSAFE event the Director from the European Commission highlighted the need to make further progress with international collaboration and expressed her wish that more concrete proposals would be developed and even implemented before the next Product Safety Week.

Discussions with Danish Patent Office

A PROSAFE consultant was approached by some experts in the Danish Patent Office who suggested that it might be possible to detect new and emerging issues through information contained in patents. PROSAFE met with the experts and posed two questions to them. First, is it possible to see if we could spot the hover boards "back in time" – would it have been hypothetically possible to see traces of hover boards before they became breaking news in our part of the world? Second, if we knew that this was possible, would it then be possible to "look forward" and get a manageable number of results. (Such a "radar" is useless, if it gives you 10 million hits. It must be able to give you a number of results that you can look through in a reasonable time.) The good news is that this seems possible as is discussed in the note of the meeting annexed to this report.

ICPHSO 2017

The discussions during ICPHSO 2017 again re-iterated the importance of international collaboration especially with respect to identifying new and emerging issues. It was also very interesting to listen to the comparison of the risk assessment procedures applied by Health Canada and in Europe. On the face of it these approaches are very similar but there are differences in the way they tackle different aspects such as probability factors.

7. Information Procedure

The following draft information procedure was developed in the first phase of the activity's work.

1. Objective
The objective of this procedure is to provide a mechanism to help facilitate cooperation amongst authorities on new and emerging issues. The mechanism should help authorities understand how widespread the problem is and whether any other authority has some relevant information about the issue and even how to address it. Authorities may also simply wish to confirm that an issue they have encountered is a problem or not. Many issues have a global nature and there are good examples of international cooperation. The current Joint Action model cannot respond to new and emerging issues in an appropriate timescale due to limitations on funding and advanced planning obligations. However, we can perhaps leverage the national resources committed and the best practices developed. The following procedure focuses on these broad objectives.

2. Scope
The focus of the procedure is the marketplace and not organisations or the authorities themselves. The intention is to identify unsafe products or address specific issues that have an impact on product safety. Reports by PROSAFE members, for example, on progress and developments at the national level should continue to be made elsewhere. Moreover, this procedure should not duplicate but complement the existing means available to PROSAFE members to raise issues such as the existing RAF procedure and the Risk assessment group. In addition, there are other existing means at the Commission level such as the CSN or ADCOs and expert groups where it would be more appropriate to discuss for example questions of interpretation of specific legislation

3. Avenues for Information Exchange to identify New and Emerging Issues
Two distinct avenues for information exchange to facilitate the identification of new and emerging issues have been envisaged. One approach is to provide a platform to allow jurisdictions to post information in a relatively unstructured way. This would encourage the sharing of as much information as possible but leave the analysis of that information to the jurisdictions themselves. The main advantage of this approach is to make sure that useful information does not go unreported. This would help jurisdictions when they are researching issues they encounter and when they are assessing the need to engage in a more deliberate discussion with other authorities. However, it would not provide any means on its own to coordinate action or more in-depth discussion in respect of specific issues. The other avenue for information exchange envisaged during the kick-off meeting would complement this more general information sharing by providing a platform for authorities to raise specific issues with their counterparts in other jurisdictions in a more structured way.

3.1 Informal information exchange forum

The first component, the unstructured information exchange, would be facilitated through the provision of an electronic bulletin board where authorities would be free to post any information they wished. Other authorities could then search this information as they encounter issues themselves. This would obviously aid in the detection of emerging trends. PROSAFE could also maintain a web page of links to other information sources that would complement this information. A non-exhaustive list would include our own RAF, RAPEX, ICSMS, US-CPSC Consumer Product Safety Database and NEISS Injury data, Health Canada incident data, etc. This information exchange would be relatively unfiltered with little or no obstacle to information being posted. This would mean that this is potentially an enormous amount of data and the onus would have to be on the authorities themselves to make sense of it.

3.2 Structured Information Exchange

The second component of the proposed system addresses the need to have a more structured exchange of information once a jurisdiction is either convinced they have a problem or is so concerned by an issue that they wish to share this information more deliberately than simply posting it to a bulletin board or even sending round a RAF enquiry. A RAF enquiry is a structured form of information exchange but the means we primary envisage for the new procedure would be sharing the information during teleconferences. The suggestion during the kick-off meeting was to have teleconferences on a regular basis. Authorities could choose to participate as and when they desired. Our hope would be that a significant number of jurisdictions who have a lot of information to share would participate regularly. Many of these jurisdictions might be from outside Europe, e.g. The USA, Canada and Australia, as the use of teleconferences would facilitate their participation and we know from previous experience with the ICPSC of their interest for such information exchange. This would provide a critical mass to maintain interest in the calls. These regular calls could then be complemented by *ad hoc* teleconferences that could be convened as and when necessary to discuss specific issues. These calls would focus on a single issue which would facilitate the direct engagement of the relevant subject matter experts. Information flow would be assured through regular reporting of these teleconferences, workshop tour de table sessions such as we currently hold, reports to workshops and regular written reports. The workshops would imply a six-monthly written reporting frequency. One of the two written reports in any given year could perhaps be part of a larger PROSAFE annual report reflecting on PROSAFE's activities and the current state of the art of Consumer Product Safety. Such an initiative was planned by the ICPSC and was well-receive but unfortunately was never realised. This would link in well with our impact improvement and enhanced communications initiatives. The main filter to the information in this more structured information exchange would be the commitment required by authorities to raise the issues in a more formal forum and in the case of *ad hoc* teleconferences to actually be willing to present and lead the discussion on the issue concerned.

3.3 Relationship between these two information exchanges

It could be said then that the new procedure is a RAF+. When an authority detects an issue if they see there is perhaps a trend amongst the information in the unstructured information exchange or they have sufficient information or concern themselves they could in the first instance send a RAF enquiry. However, if they felt the need to take the matter further then they could raise the issue at one of the regular teleconferences or ask to convene an ad hoc teleconference to address that issue specifically.

4. Technical implementation

The more structured part of the process is fairly straight-forward to implement relying on teleconferences, workshop sessions and reporting. A memo would need to be prepared describing the procedure and an invite to participate in the first call sent out. We could schedule the first call towards the end of September after we have had a chance to hold another teleconference to discuss the memo. The bulletin board will require further consideration. In the first instance, we can certainly develop a web-page to point to other sources of information. We can liaise with the PROSAFE office to see what opportunities for a web-based bulletin board exist within the existing PROSAFE web site.

Specifications

A set of specifications styli needs to be developed. Then it will be possible to explore with the PROSAFE office the practical implementation and the consequences of that. The means to implement the more structured information exchange are already in place as teleconferences were the means proposed. With respect to the unstructured information flow we had already discussed giving that the functionality needed to be a forum. This would raise issues of confidentiality and access, ability to thread discussions, storage etc. It is clear that this will be a two-step process. First, the specification would need to be drawn up and then this would have to be discussed with the PROSAFE office.

Access

It is suggested that it would be wise to include from the outset jurisdictions who it is already known would make a significant contribution to the information exchange for example the USA, Canada and Australia. The OECD Working Party on Consumer safety could serve as a useful reference group to include from the launch.

Filtering and storing

These issues will also need to be addressed.

8. Analysis

Before going on to make some recommendations about how we could improve the way new and emerging issues are addressed, we can draw some conclusions from the information we have gleaned and the discussions that have been held during the past months.

There is an extensive formal infrastructure at the European level that provides a platform for the discussion of new and emerging issues. This includes the Consumer Safety Network, ADCOs and other regulatory committees. PROSAFE provides another informal platform through its General Assembly meetings and workshops. The meeting schedule for these groups however is often only every six months and the agendas of their meetings are already long. It is therefore difficult for them to facilitate the kind of informal rapid exchange of information that is necessary to allow many new and emerging issues to be addressed in an appropriate time-frame.

We have also seen that in most cases the authorities already have the appropriate tools at their disposal to deal with the issue, but that knowledge is key to identifying the appropriate action to take. This often goes beyond simply being aware of the issue but having a more detailed understanding of the hazard presented. It requires greater cooperation and even coordination of research efforts. A good example of this is the hoverboards where the issue was related to the batteries and the electrical components. We have also seen that the appropriate response may not require sampling and testing. The application of the current methodology used for most of the product activities is usually sufficient. Documentary checks or screen testing may also be an appropriate response. This was the case for example with hoverboards. Once the hazard was identified as being related to the electronic components it was possible to ask for evidence of testing to an appropriate standard.

One of the major features we can identify is the international dimension of most, if not all, the new and emerging issues that have been encountered in recent years. This aspect is essentially because of the staggering growth in out-sourcing we have seen in the consumer product market. The clear majority of consumer products are made in the far east with a global market in mind. The relative lack of injury data in Europe also makes cooperation with those jurisdictions who have better access to representative data more important.

Perhaps the key success factor in dealing with new and emerging issues is the early exchange of information. This is particularly important as the product life cycle has shrunk enormously and as products are brought much more quickly to markets all around the world. Information on problems and issues with products also spreads rapidly through social media, bringing pressure for rapid action to bear on both economic operators and market surveillance authorities. We have seen this most dramatically in hoverboards but also in respect of laundry pod detergents, where early international collaboration led to a consistent approach being adopted across different jurisdictions and in the case of Japan the regulatory authorities being able to intervene with effective measures even before these products were brought to the Japanese market. Different tools have been used to promote this early exchange of information. Many of these have been quite informal in character. In Europe, we can see that we have the following channels. RAPEX (Rapid exchange of Information of dangerous non-food product), once a dangerous product is identified the system works rather well and information is transmitted to both Market Surveillance Authorities and consumers accordingly. ICSMS, information related on products and related risks in the form of a database. CONFLUENCE (EU Platform) is an internal administrative collection of various documents mainly grouped according to various Directives/product groups, allowing member to respond and contribute in much the same way as a Wiki. What is lacking up until now is a channel for more informal information sharing. There is also no internet-based discussion forum/thread where emerging issues can be discussed. The Rapid Advice Forum exists within PROSAFE but its use needs to be further promoted. Perhaps then this could ideally be integrated within any new system that is developed, or if the European Commission wishes to bear the cost of organising and monitoring, the CONFLUENCE Wiki system could be further developed with this objective in mind. We have also seen that the European Commission and other jurisdictions are exploring the possible role of big data could play in identifying new and emerging issues.

Remaining Challenges

Market surveillance is one of the cornerstones of the European product safety regime. The very nature however of new and emerging issues poses a serious challenge to product safety authorities and their ability to respond in a timely fashion. The PROSAFE Joint Action model has been very successful The Joint Actions have already contributed to addressing new and emerging issues either through providing a platform to undertake market surveillance in support of a ban or assessing compliance with a new or revised standard. The results of Joint Actions have also provided valuable input and justification for amendments and revisions that have been made to existing European Standards. The priority-setting undertaken prior to launching new Joint Actions has also considered new and emerging issues. The model as it is currently formulated however requires products to be identified approximately 12 months in advance of any work beginning. In practice this is around 24 months before any testing is undertaken. The Member States' market surveillance authorities however often have to respond to new and emerging issues that require action on their part in a much shorter timeframe. The need to address these issues in a consistent way is no less important and in fact is perhaps even more important in these cases to avoid divergence within the internal market.

The financial rules prohibit funds being made available for testing of products that are not identified in the Grant Agreement. However, who is to say these rules cannot be changed in the future?

For the moment we know that Member States are willing to and do utilize their own resources in respect of new and emerging issues. There is however no rapid mechanism to coordinate these activities amongst the Member States. The informal collaboration promoted through the Joint Actions is very appropriate to encourage this sort of cooperation. We go on in the next section to present some recommendations as to how to promote a more systematic treatment of new and emerging issues through the Joint Actions.

9. Recommendations

The following recommendations are made if we wish to move towards a more systematic consideration of new and emerging issues

1. promote more systematic information exchange to identify new and emerging issues as early as possible

2. encourage greater international collaboration to share information and knowledge to promote the development of effective approaches to deal with specific new and emerging issues

3. develop appropriate methodologies for the Joint Actions to build capacity to deal with new and emerging issues

4. improve priority-setting in the Joint Actions again to address new and emerging issues in a more systematic fashion across different product sectors

1. Promote more systematic information exchange to identify new and emerging issues as early as possible
Certain aspects of the draft information procedure could be implemented immediately. These relate more to the informal communication channels that have been so useful in the past at the international level. An effort could however be made also to provide greater transparency about these efforts through regular reporting for example through a newsletter, or circulation of the notes from teleconferences and regular agenda items at workshops and meetings which were related to the teleconferences. Consideration could also be given to annual reporting and analysis such as done through the ICPSC forecasting and matrix work. This could also be linked to more responsive priority-setting.

The establishment of a more formal systematic exchange of information that would require a specific IT solution will require further consideration, not least considering what means would be most appropriate to launch such a system. The development of a technical specification could be the first step but the solution may not necessarily lie within PROSAFE's grasp. It could be dependent on the IT systems used by the European Commission for example to best ensure integration with other information sharing efforts amongst the appropriate regulatory committees and technical bodies. Any procedure that is developed should also seek to tap into the work being undertaken on big data as a potentially significant source of information.

2. Encourage greater international collaboration to share information as early as possible and promote the development of consistent approaches to deal with specific new and emerging issues
The informal information sharing foreseen as part of the draft information procedure would lend itself to extension to jurisdictions outside Europe. The model for this channel is the previous work undertaken by the ICPSC and the OECD so there should be little or no resistance from other jurisdictions. More practical collaboration beyond the simple exchange of information could be encouraged through convening teleconferences or meetings around specific issues. Use can also be made of other bi-lateral and multi-lateral platforms as appropriate.

3. Develop appropriate methodologies for the Joint Actions to build capacity to deal with new and emerging issues
Whilst continuing to assess whether the financial regulation affords sufficient flexibility to allow us to deal with new and emerging issues according to our traditional methodology, attention could also be given to the development of different methodologies that require less planning or resources to implement. Some of these may be well suited to a rapid response to a new or emerging issue as was the case with documentary checks of hoverboards. Consideration could however also be given to developing capacity within the Joint Actions, perhaps through product activities where we have a longer-term commitment such as toys, child care articles, electrical appliances, power tools etc. becoming a resource for new and emerging issues in their sectors. We could also consider whether

a more general response to new and emerging issues could be resourced though the days participants give to the overall coordination of the Joint actions. The focus would be more on information exchange and coordinating research or testing funded by the authorities themselves.

4. Improve priority-setting in the Joint Actions again to address new and emerging issues in a more systematic fashion across different product sectors

Greater consideration could be given to more thematic priority-setting. Issues around themes or specific hazards and not necessarily products could be the focus of priority-setting. Such an approach might help identify new and emerging aspects of these themes that need to be addressed. Consideration could also be given to the issues identified for example by the CPSC in their recent report.

Implementation of the recommendations

It is stressed that the implementation of these recommendations has to be done with regard to the existing infrastructure. The intention of the new and emerging issues was not to develop systems and procedures that would in any way duplicate the existing system. Rather the intention has been to develop tools that would complement the existing infrastructure for example aid the Consumer Safety Network and the ADCOs and other regulatory committees in their work. All the information gleaned therefore should be fed into the appropriate regulatory committees and other platforms in the existing infrastructure.

ANNEX 1 List of Acronyms and Abbreviations

ADCO – Administrative Cooperation Committee
AMSW – Annual Market Surveillance Workshop (PROSAFE Joint Actions)
AQSIQ – General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China
CONFLUENCE – wiki software used by European Commission developed by Atlassian
CPSC – Consumer Product Safety Commission (USA)
CSN – Consumer Safety Network
DGCCRF La Direction générale de la concurrence, de la consommation et de la répression des frauds (France)
EEA – European Economic Area (EU plus Iceland, Norway and Liechtenstein)
EEPLIANT – Energy Efficiency ComPLIANT Products 2014
EHLASS – European Home and Leisure Accident Surveillance System (EU now defunct)
GAO - General Accounting Office (USA)
GPSD – General Product Safety Directive (EU)
ICPHSO – International Consumer Product Health and Safety Organisation
ICPSC – International Consumer Product Safety Caucus
ICSMS – Internet-supported information and communication system for pan-European market surveillance
IDB – Injury Database (EU)
IPSW – International Product Safety Week
NEISS – National Electronic Injury Surveillance System (USA) CHECK
OECD – Organisation for Economic Cooperation and Development CHECK
PROSAFE – Product safety Enforcement Forum of Europe
RAF – Rapid Advice Forum (PROSAFE Joint Actions)
RAM – Risk Assessment Methodology
RAPEX - Rapid exchange of Information of dangerous non-food product
UL –Underwriter's Laboratory
WP – Working Party (OECD)

ANNEX 2 - Identification of new and emerging issues using patent data – notes from a PROSAFE consultant

A PROSAFE consultant met with two people from the Danish Patent and Trademark Office to discuss if you can spot "new and emerging issues" by searching through patents.

We had two questions for the experts in the meeting. First, we wanted to see if we could spot the hover boards "back in time" – would it have been hypothetically possible to see traces of hover boards before they became breaking news in our part of the world? Second, if we knew that this was possible, would it then be possible to "look forward" and get a manageable number of results. (Such a "radar" is useless, if it gives you 10 million hits. It must be able to give you a number of results that you can look through in a reasonable time.)

The good news is that this seems possible, but it is necessary to have a bit of background information first:

Patents (and utility models) are categorised in a system that resembles the "decimal classification system" used by libraries to classify their books. In the patent world, everything falls in one of 8 main categories. They are very broad and generic – A as an example is "Human necessities", C is "chemicals and mixtures".

If you "drill down" one level, you will find a big number of subcategories. One such one is A63 - "Sports, games and amusement".
Under this category you will find A63h – "Toys" and A63c – "Skateboards, roller skates, etc. etc." The hover boards feature in A63c.
There are further subcategories at the next level, for instance "electric toys", "drives for toys", "dolls" and almost always a category called "others".

All patents and utility models are assigned with a number of these subcategories depending upon the characteristics of the product. As an example, we found that hover boards were assigned with subcategories like "roller skates", "drives for roller skates", "urban transportation" and a number of others. This characterisation is done by a patent officer as part of the assessment of the patent and it is generally speaking detailed and quite "broad" to ensure that the innovation will be found again if somebody else makes something similar in the future. The purpose of the system is to prevent that #2 gets a patent on something that somebody else has already invented.

Here are two important points. If something is "new and emerging", chances are that it doesn't fit into the existing categories. Hover boards are new, so the patent officer would not know in which category to put it. Therefore, the officer either dumps it in "miscellaneous" or he adds a lot of extra subcategories – subcategories that make up strange combinations. ("Electric vehicles" and "urban transportation" is a logical combination. "Roller skates" and "electrical drives" are surprising at a first glance.) So if we want to look for potential new and emerging issues, we just have to go through the patent applications registered under "others" or with "surprising" combinations of subcategories.

How to do this then in practice? Well, we found that there could be three promising roads forward:

· The system with subcategories is updated every 3 months, so we could check every 3 months for new subcategories (in those areas that we find interesting). New subcategories are normally put in place when "something" becomes so significant that it makes sense to have a new category. If for instance hover boards are found to make up the bulk part of "other roller skates", then it is quite

likely that the system will be expanded with a new category "hover boards". So new subcategories could be a sign of something new and emerging.

- We could read through all the new patents in the most interesting subcategories. This sounds impossible, but it isn't. In 2016 there were less than 2.000 patents or utility models registered for toys. We tried at the meeting to check some of them, and you can flip through some hundred applications in one hour, so 2.000 patents would take like half a day according to the experts. (This is what they do every day when they check new applications so they would know.) If you like, you can filter down this amount by only looking on patents from US, JP and Korea (and probably a few others). China accounts for something like 90% of the applications, but most of them are utility models, i.e. "just another design" of an already well-known toy, for instance hover boards with red tail lights. The innovative patents seem to come from outside of China.
- We could analyse a number of patents for "surprising and new" combinations of subcategories. If we for instance pick all patents for toys and analyse the subcategories, we would probably find that there are a lot of "dolls" in combination with "sound emitting toys" every year, but what would be interesting was if we suddenly saw new combinations like "dolls" and "urban transportation" beginning to pop up. That could be an indicator of something new.

What about the hover boards? Quite interesting, indeed! We didn't spend a lot of time on it, but the oldest patent we found was from 2003. It was filed by Sony. Apparently, they had sold it to Toyota some years later and in 2014, a Chinese company picked it up. When you looked at the number of patents, you saw a number of patents scattered over the years 2004 – 2010. From 2010, patents began to show more regularly – a couple of patents every year until 2014-15 where we saw many patents (or more likely utility models). There were few patents in 2016 – probably because this spring had "dried out" again.

So new and emerging technology, how to do in practice? Well, we have the impression that any patent agency can do this – the search tools are universal and the patent officers will use them as part of their assessment of new patents. The Danish Patent and Trademark Office delivers this kind of search as a consultancy service. Price approx. 150 EUR/hr. and it seems as if 1 – 2 days per year would buy us what we would need so we don't have to invest a lot of money. Can we do it ourselves? Probably – if we can access their databases. They may be public – We think the information is – but it may also be that these agencies have agreed that people have to pay to access the information to finance their costs. We don't know at this juncture.

If we wanted to go further, it would seem realistic to focus on toys, CCA and electrical household appliances – and probably to look particularly for these in combination with batteries, electric energy and magnets (and probably "new" materials like nano etc.).

ANNEX 3 - Example of note of PROSAFE tour de table (AMSW 2016)

Note of tour de table on new and emerging issues

Turkey

The first Turkish delegation told that they had examined a number of electrical appliances in 2016, including electric kettles, flashlights, electric blankets and space heaters. Most of these were imported from China. The unsafe ones exposed the user to the risk of fire and electric shock. The representative went on to inform that the authority was working on a new organisational structure intended to strengthen the market surveillance activities. At present, there are ten different authorities responsible for market surveillance, which clearly complicates matters and calls for coordination. On top of this, yet another authority undertakes Import checks. The government is analysing an alternative structure. The final decision is pending.

The second Turkish delegation informed that they had allocated about half of their work on small household appliances. The plan was to investigate some 270 appliances.

Netherlands

The Dutch representative told that the Dutch authority would analyse the outcomes of PROSAFE's projects to find areas where they would have to do national follow-up projects. They see Joint Actions as a first check of the market. If a Joint Action shows that there are unsafe products on the market, they will create a national project. He ended by informing the audience that the Dutch authorities were undergoing a new restructuring. The results are expected to be implemented summer 2017.

UK

A PROSAFE consultant noted that the UK saw many issues with laser pens and the airports had seen a number of near-misses. He suggested that PROSAFE could do a small follow-up to confirm that there are many high power pens around. The Joint Action Leader replied that this was indeed an issue. The PROSAFE consultant for the old laser pen activity confirmed that the problem rested with the expensive lasers classified in class 3B, not the cheap key ring laser pointers. He added that such lasers had presented issues for many years. The problem in an aircraft is not that the laser beam blinds the pilot, but rather that they light on the canopy window will scatter and cause the pilots to lose their night vision. Laser pens are cheap and easy to find on the internet.

Germany - Baden-Württemberg

The representative from the German authorities in Baden-Württemberg told that they had run a project on robot lawnmowers and observed that the current standard didn't provide sufficient protection, in particularly to children. The Joint Action Leader noted that PROSAFE had run a similar Joint Action in 2009 and asked how the results would compare. The PROSAFE consultant from that Action replied that the participants had been very disturbed about what we found. They had examined the draft IEC standard to find that it had serious shortcomings. They had also proposed to revisit the area a few years after the Action to check if the market had picked up on the new standards. He finished by saying that he wasn't surprised by the German findings and he proposed to plan a new Joint Action on it.

Cyprus

The Cypriote representative told about a number of projects undertaken by their authority:

- They had tested 109 different toys including 30 acoustic toys tested as part of JA2014, 24 children's disguise customs (tested according to EN 71-2), 30 toys tested according to EN 71-1 and 22 toys that were tested for chemicals according to EN 71-3.
- Flammability of children's nightwear. They had sampled and tested 22 samples according to EN 14178. This was the first test of this kind carried out by the authority.
- A number of national campaigns on cots, products sold in open fairs, cords & drawstrings in children's clothing.
- Plus a number method development activities including activities on communication.

Romania

The representative told that they had concentrated this year's efforts on cosmetics, electrical appliances and lighters. Currently, they were preparing a special control project for the winter season with a focus on lighting chains and toys (being a product that is sold in this season).

Iceland

The Icelandic representative told that besides contributing to the Joint Actions, they had run a number of projects and activities in 2016. The authorities had run projects on window blinds, child carry backpacks and toys (flutes and building bricks). They had also participated in the recall of a reflector vest and a small doll. Both had been handed out for promotion purposes, but an investigation had shown that they didn't comply so they had to be recalled. The authorities had run an activity on measuring instruments and alcometers that were found to be very unreliable. Finally, the representative noted that Iceland had seen a high number of cars (23.000 cars in a population of 400.000) being recalled in Iceland in 2015.

Poland

The Polish representative presented an emerging issue that they had faced. Mid-November, local media had reported incidents with a plush toy that caused rash, irritation in eyes and even cases where the child fainted during play. The authority had also received several emails from consumers with descriptions of accidents. The toys were shaped like fruits and vegetables and offered free of charge by one of the biggest retailers in Poland. An analysis showed that the toys contained melamine, a CMR substance that is banned according to the Toys Safety Directive. UOKIK had decided to test the toys for the 55 banned allergic fragrances and were looking for an accredited laboratory to do the testing. The representative asked if anybody knew such a laboratory or had experiences with testing for allergenic fragrances in plush toys. One of the PROSAFE consultants remembered that a German authority had done a project on plush toys in 2015. It could be useful to contact them. He will send contact information to the Polish representative. The Swedish Chemicals Agency informed that they would test toys every year for various chemical substances, but probably not for allergic fragrances. They would check and get back to the Polish representative.

Denmark

The Danish representative told that the Danish Safety technology Authority had participated in the Joint Action on LED and CFL lights, the USB chargers and the CCA Actions. Lately, they had engaged in a national testing of Christmas lighting. This project had revealed that a new type had entered the market – laser driven Christmas lights. The lasers are class 2 lasers but they had also found a few 3R that would be notified via RAPEX. He ended by informing that the authority planned to check e-cigarettes in 2017. Their aim was to check 15% of all products on market.

France

The French representative took the floor and told that France had implemented a new piece of legislation in the beginning of 2016 laying down restrictions on the use of sunbeds, including a ban for children's use of sunbeds. The authorities had carried out a high number of controls to check that the regulation was properly implemented. The controls had resulted in 36 cases that had been sent for prosecution. He went on to say that hoverboards had been an issue. The authorities planned to do a campaign around Christmas 2016 to check if the required improvements had been being implemented. The French had also worked on e-commerce trying to fine-tune their cooperation with the major operators. One task was to find how to carry out inspections. Many of these companies were based outside of France. Goods could be stored in France, but the warehouse owner would only be responsible for the storage conditions. Finally, he informed about an activity aiming at improving the access to injury data. The French Ministry of Health was running a small injury database and DGCCRF had started discussing with them to set up an internet access to the database.

Malta

The Maltese representative informed about an issue that had cropped up quite recently. It concerned prescription glasses that falls under the Medical Device Directive. Consumers apparently went online to buy such glasses, and the manufacturer shipped them directly to the consumers. The authorities had checked a few to find that often lacked the required documentation. They were

searching for a way to deal with these products. The suppliers were based outside the EU so the product had been flagged by Maltese customs.

Spain

The Spanish representative took the floor and informed about the Spanish RAPEX notifications in 2016 highlighting a number of products (toys and other children's products with small parts, toys containing phthalates, powerful lasers, ladders with inadequate mechanical strength, inter alia). The representative also presented some impressive statistics from the Spanish national and regional market surveillance campaigns undertaken in 2016 and planned for 2017 comprising products or services. Details can be found in his presentation that is uploaded to the "Members area" of PROSAFE's website.

Germany – Bavaria

The German representative from the authorities in Bavaria told that hoverboards would be on their shortlist for some time as well. This task had become easier after it had been clarified which authority in each of the 15 "Länder" had the responsibility. He continued to report that the Germans were working to improve the market surveillance environment in Germany along the lines laid down by regulation 765. This included the establishing of a "Market Surveillance Board" in Germany. It had existed for two years and had served as a forum for discussions of market surveillance and sharing of best practices. The representative noted that he was hoping to see a similar board emerge on European level.

Austria

The representative from Austria took over and informed that they had decided to amend the Austrian product safety act now rather than to await an adoption of the Product Safety and Market Surveillance Package. It was necessary to deal with e-commerce and administrative non-compliances. The authorities has also experienced issues with elasticated straps where they had seen a substantial number of eye injuries. They were planning to copy requirements from a British Standard into their legislation. Finally, he informed about an activity on glass windows in furniture where the authorities had seen a high number of spontaneous bursting glasses. There had been no severe injuries, but the risk could be totally removed by using laminated glass instead. He ended by informing that the authorities were drafting an internal guideline for cooperation with customs and an external guideline for undertaking recalls.

Kenya

A representative from the Kenyan market surveillance authorities participated in the PROSAFE meeting and shared some insights from their work:

- The market surveillance department had seven sections dealing with food, textiles, mechanical engineering and electrical engineering etc. It started in 2008 and employed 30 officers today. The plan was to upgrade it to become a directorate and to accredit it according to EN ISO 17020 for inspections bodies.
- The market surveillance authority worked with product safety and quality. As an example, they had recently focussed on steel bars for reinforcement of concrete. Here, they had seen that tough competition on price had led to decreasing cross-sections, which compromised the mechanical strength of the final construction. The problem was also seen in 2014 where the authorities seized quite a lot of goods. Therefore, they were writing new legislation that would allow the authority to issue recalls to economic operators.
- They had also experienced issues with inner tubes for motorcycle tyres, most often with products made in China. He found that they existing legal framework was weak, as it did not describe a procedure for recall of products. The authorities could issue public notices, but he noted that the lack of a proper national recall mechanism presented challenges in their enforcement activities. The authorities had banned several brands of cosmetics and had published a list on their website, but they still struggled to clean the market.
- He finished by informing that standardisation in Kenya was undertaken by the Kenyan Standardisation Bureau. On top of this, an East African body would coordinate and harmonise standards in the East African region.

Sweden

The representative from the Swedish Chemical Agency told that they had run a number of projects in the past year, but wanted to inform about two product groups. The first was jewellery where the authorities had followed up a previous project that had shown excessive contents of nickel, cadmium and lead. This year's project had included analyses of 140 products and found that 30% of the jewellery failed, mostly due to contents of lead or cadmium. Most of the non-compliances were found on products bought on the internet. The second project dealt with chemicals in electrical consumer products and was part of an action undertaken by ROHS ADCO. It focussed on cheap USB cables but included other products as well. They checked 154 products and found that 28% did not comply, mainly due to lead in the solder or contents of PBB. She noted that it was discouraging to find these results repeated year after year without any improvements.

Slovenia

Slovenia briefly informed that their authority is responsible for legislation covering 160 areas. They have started awareness-raising activities to inform consumers and business about what is a safe product. This had included the hosting of school classes, displaying dangerous products and promoting of the PROSAFE cooperation.

Finland

The Finnish representative told that they had tested some 450 electrical appliances in 2015. They had also received a high number of notifications from consumers on exploding batteries but this was more or less foreseeable due to the number of these batteries in modern appliances. A project on batteries and battery safety would be worth considering. He went on to say that hoverboards had been popular in Finland during summer time, but causing quite few incidents, Finland had only seen two fires caused by that product (compared to 80 in Sweden in the same period). He finished by informing that they had also checked a number of car jacks with insufficient mechanical strength; the jack was unable to hold the car.

Czech Republic

The Czech representative informed about their activities. They had focussed on toys, textiles and the products covered by the Joint Actions and the projects run by the ADCO groups. This included for instance a project on windows coordinated by the CPD ADCO. The Czech authorities had checked 4 windows to find 3 failing due to lack of noise suppression and water resistance. They had also checked a number of kick scooters and found a number of products that had trouble with the brakes so measures were taken. Finally, he informed about a check of marking on life jackets. They had found several jackets that mentioned two standards where only one standard would be correct. In total, the Czech authorities had checked 196 samples during the year; 75% had been tested and half of them failed. This meant that the results would be in line with the year before. They had issued 11 RAPEX notifications.

Lithuania

Lithuania took over. The representative told that the authorities do planned checks as well as follow-up on consumer complaints. They took part in the Joint Actions coordinated by PROSAFE and arranged their annual programmes in line with these projects. They plan to continue this activity.

Slovakia

Slovakia were next and told that they focussed on toys and electrical products. They had started sectoral programs on these products that were still on-going at the time of the conference meaning that the cases were still being investigated. These activities comprised 260 samples including 80 toys and 70 electrical products. A total of 44 cases had been notified via RAPEX.

Bulgaria

Bulgaria was last in this Tour de Table. They informed that their regular checks had included hoverboards. They had checked 15 models. None of the traders were able to provide the technical documentation so sales were banned. They were currently looking for an appropriate laboratory that could test the batteries in the hoverboards. The Bulgarian representative went on to tell that his authority had also looked into expanded polystyrene used for insulation (a CPD product) where

they wanted to examine the flammability of the product. However, these tests were found to be quite costly compared to their budget.

Cooperation with Customs

One of the representatives wanted the floor after the end of the Tour de Table to raise the discussion of customs. He found that product safety should be a priority for customs. It was much easier for customs to stop products at the point of entry than for market surveillance to "take them from the shelves" later on. He found that the participants should do something about it, individually or through the PROSAFE cooperation. Several different statements came up during the discussion:

- It is a good idea to improve the cooperation, and the authorities should take action. However, it is questionable whether the Member States need the support from a central source (like PROSAFE or TAXUD). You still need to establish the cooperation on a local level.
- The role of customs is often overestimated. In the port of Rotterdam as an example NVWA is responsible for import controls, but only able to check a small fraction of the goods that enters Netherlands. Customs can't block everything.
- The initiatives should be taken on a national level but they should be coordinated via PROSAFE.
- The authorities must try to see this from customs' side as well and find "what is in it for customs". We should try to create a win-win situation. Customs' primary task is the fiscal task followed by preventing imports of drugs.
- The Commission did a lot together with the Member States in the TAXUD groups to establish tools and guidelines. The national customs authorities should know them and have implemented them. The market surveillance authorities should try to meet their national customs authority to discuss further.
- The cooperation seemed to work well except that the market surveillance authorities were very reluctant to answer when customs blocked a product and asked for a decision.
- One of the authorities told that they agreed with custom where to focus. Otherwise, customs could easily block too many goods for the market surveillance authority to react appropriately to all of them.
- It could be difficult for a market surveillance authority to decide on measures based on the information from customs. It is often only a 1-page PDF, and the authority might need more photos and descriptions, perhaps also to see the product. This is where improvement may be needed.
- We would need to ascertain that banned products do not re-enter from another corner or at another shift. Customs would have information exchange platforms, but there seemed to be flaws in their application. The backdoor was still open.