

Looking into Products for Your Safety



Product Safety Act



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Investing in your future



The Product Safety Act

The Product Safety Act ensures that only safe products are placed on the market. This Act also gives Consumers three fundamental rights:

- To have access to safe products only;
- To receive information regarding the safety aspects and the proper use of products;
- To be adequately informed about risks associated with their products;



What is a Safe Product?

A product is safe if it presents no risk or minimal risk to the safety and health of consumers, under normal or reasonably foreseeable conditions of use.



Who is responsible to put safe products on the market?

Manufacturers, Importers and Retailers are responsible to ensure the products they supply are safe.

More specifically, **Manufacturers** are responsible for:

- Designing and manufacturing the product in accordance with the essential requirements laid down in legislation
- Carrying out sampling and testing of products in accordance with the procedures laid down in legislation
- Provide consumers with relevant information and warnings and keep themselves informed about the risks

Importers must ensure that:

- Technical information is available to market surveillance authorities
- Where appropriate, the Declaration of Conformity accompanies the product
- The manufacturer gives a formal assurance in writing that necessary documents will be available when requested by a surveillance authority.

Retailers are strongly advised to ensure that they have evidence which shows who supplied the product, otherwise they become legally responsible. It is essential that retailers act with due care and have basic knowledge of the applicable legal requirements.



The CE Mark



The CE Mark is an external symbol that indicates that the marked product may be placed on the European market without national restrictions. With the CE mark the manufacturer confirms that his product conforms to the requirements of the relevant European legislation. Without the CE marking, and thus without complying with the provisions of the legislation, the product may not be placed on the market

Who is responsible for CE marking?

The manufacturer is responsible to check whether his product falls under the scope of any legislation that requires CE marking as obligatory.

Before affixing the CE mark, the manufacturer must:

- Determine if his product applies to any legislation;
- Determine the essential requirements for design and manufacturing of the product;
- Choose the conformity assessment procedure indicated in the legislation as applicable to the product;
- Select the applicable product standards and test methods for the product;
- Prepare a declaration of conformity.

Only after these obligations are fulfilled, can the CE mark be affixed to the product.

The Product Safety Act requires manufacturers to affix the CE mark on certain non-food products, such as low-voltage electrical equipment (any equipment designed for use with a voltage rating between 50 and 1,000 V for alternating current and between 75 and 1,500 V for direct current), toys, personal protective equipment, construction products, machinery etc. One should note that this is not an exhaustive list of all the items that require the CE Marking. Other types of non-food products, like cosmetics and detergents do not require a CE mark but must abide with the essential requirements laid down in legislation.

For instance, in the case of cosmetics these should be marked with:

- a list of ingredients;
- name and address of manufacturer or supplier;
- date of minimum durability in case of products that expire before the 30 month period;
- warning statements and precautionary information;



Toy Safety



A toy is any product or material that is designed or clearly intended for use in play by a child under 14 years of age.

The essential safety requirements for toys are to protect children from risk of injury or damage to health bearing in mind the normal behaviour of children. To ensure this, toys must not:

- Be flammable
- Have easily detachable small parts which may pose a choking hazard e.g. eyes or buttons. Toys which have small parts and are not suitable for children under three (3) years must carry an age suitability and hazard warning.
- Have sharp edges, points or mechanisms which children could get their fingers trapped in.
- Contain toxic substances or toxic paint.

All toys must have a CE mark on the label or packaging. CE marked toys mean that these toys have been manufactured in line with the essential safety requirements.

Some tips consumers should keep in mind after buying a toy are the following:

- Packaging – this can be as dangerous as an unsafe toy so remove it before giving the toy to a child.
- Check the toy before giving it to a child. Make sure there are no small pieces that are becoming detached. Children under 3 are especially at risk because they put items into their mouths to explore shape and texture, and this can cause choking.
- Always follow the instructions provided with the toy.
- Keep the receipt, any instructions and the packaging, in case there is a need to refer to them or go back to the seller or manufacturer for any reason.



Where unsafe goods are found on sale, officers can take action including seizing goods, issuing advice and warnings or prosecuting businesses that put the consumer at risk.



Low voltage electrical equipment

Electrical equipment may be placed on the market only if:

- it does not endanger the safety of persons, domestic animals or property when properly installed;
- it has been constructed in accordance with principles constituting good engineering practice;
- it is maintained and used in applications for which it was made;
- it is in conformity with the EC safety objectives;
- it is CE marked.

The Director General responsible for the enforcement of the Product Safety Act can order the product to be removed from the market or destroyed if it results that such product is not safe. The director general may also publish a statement identifying both the products that are unsafe and the producers of these products if they continue to operate irregularly.

To further ensure safety, products should always be accompanied by guidelines on how to use a product safely.

Whoever places unsafe products on the market, whether it is an importer, local manufacturer, distributor or retailer, would be guilty of an offence under the Product Safety Act.



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