



CHEMTrust

Protecting humans and wildlife
from harmful chemicals

Briefing

Identifying dangerous consumer products: The UK's role in the EU Rapid Alert System (RAPEX)



Introduction

Every day consumers across Europe buy millions of products, taking for granted that these goods are safe. Monitoring data relating to all products available on the European market is a highly difficult task, though its importance cannot be overstated. To ensure safe use of products circulating throughout Europe, bodies in all parts of the supply chain must have up-to-date access to information on regulatory and compliance statuses.

The Rapid Alert System for dangerous products was created to facilitate the rapid exchange of information between the authorities of the 31 countries and the European Commission about dangerous products posing a risk to health and safety of consumers. Launched in 2005, the RAPEX system has enabled the free exchange of compliance status on a wide variety of non-food/pharmaceutical products sold in the EUⁱ.

Why is RAPEX important?

For a second year running, the European Commission in 2018 declared **hazardous chemicals to be the EU's second highest product risk to health and safety**ⁱⁱ.

Risks relating to chemicals comprised 22% of all notifications in 2017, with **toys listed as the most notified product** at 29%. In 2017, the system was increasingly used by national authorities with more than 2,000 alerts and nearly 4,000 follow up actions on dangerous products circulated through the Rapid Alert Systemⁱⁱⁱ.

The EU has made much use of RAPEX, with the Commission publishing a weekly summary of the consumer protection related alerts reported to it by the relevant national authorities (e.g. local authorities and national trading standards bodies). The overview includes information on dangerous products found, any risks to consumers that have been identified, and any measures taken in the notifying country in order to prevent or restrict their marketing or use^{iv}.

RAPEX serves as a significant tool for preventing damage from dangerous products to citizens and the environment of the EU. As an example, newspapers in the UK recently reported warnings over 'toxic' slime toy products containing high levels of lead and

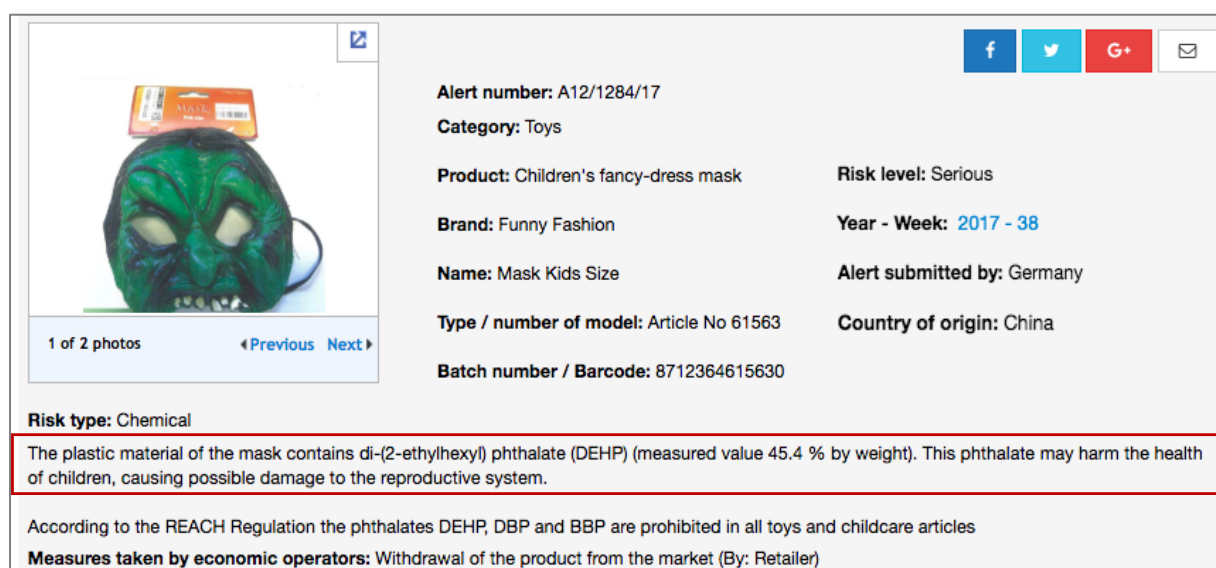
arsenic^{v.vi.vii}, which resulted from testing in Norway following a notification on RAPEX^{viii}. British authorities then removed a number of 'slime' products from the national market containing these toxicants.

In August 2018 the Eurasian Economic Union (EEU) announced the launch of a pilot project based on RAPEX for its own member states, so the RAPEX approach is proving to be popular around the world.

What is a RAPEX notification?

A notification consists of information provided by the network's participating countries concerning measures or actions taken for products presenting a risk to the public. Information is provided on the origin of the product, the risk posed, and measures taken by economic operators.

See below for an example notification of a children's scary mask containing very high levels of a phthalate which are associated with a wide range of toxic effects, including impacts on genital development, semen quality, children's neurodevelopment amongst others^{ix}. The phthalate, DEHP, is listed on ECHA's substance of very high concern (SVHC) list and is restricted in above 0.1% by weight in toys and childcare articles^x.



The screenshot shows a RAPEX notification interface. On the left, there is a photo of a green and black children's fancy-dress mask. To the right of the photo, the following details are listed:

- Alert number:** A12/1284/17
- Category:** Toys
- Product:** Children's fancy-dress mask
- Brand:** Funny Fashion
- Name:** Mask Kids Size
- Type / number of model:** Article No 61563
- Batch number / Barcode:** 8712364615630
- Risk level:** Serious
- Year - Week:** 2017 - 38
- Alert submitted by:** Germany
- Country of origin:** China

Below the details, the **Risk type** is identified as **Chemical**. A red-bordered box highlights the following text:

The plastic material of the mask contains di-(2-ethylhexyl) phthalate (DEHP) (measured value 45.4 % by weight). This phthalate may harm the health of children, causing possible damage to the reproductive system.

At the bottom, it states: According to the REACH Regulation the phthalates DEHP, DBP and BBP are prohibited in all toys and childcare articles. **Measures taken by economic operators:** Withdrawal of the product from the market (By: Retailer)

Figure 1: Example RAPEX Notification. Source: ECHA Rapid Alert System – Search alerts^{xi}

The UK's role in RAPEX

Since its creation, the UK has benefited greatly from the RAPEX system. The British Toy and Hobby Association recently estimated that between 10-12% of toys on the UK market are counterfeit^{xii}, showing the importance of proper monitoring of product safety.

Notifications

CHEM Trust has analysed the Commission's data on RAPEX notifications to see what role the UK has had in the process.

Our analysis found that the UK has submitted a low number of notifications proportionate to its population compared with other EU Member States. Between 2014 and 2018, the **UK submitted only 47 chemical-related notifications** (0.7 per million population), compared to 288 by the Czech Republic which submitted 288 (27.2 per million population).

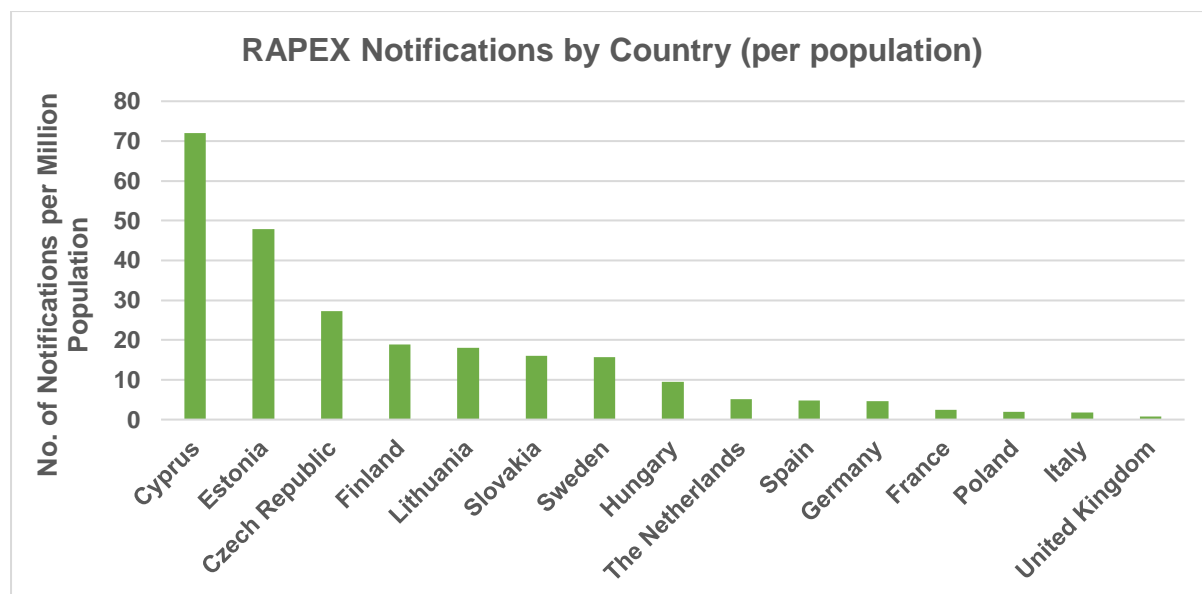


Figure 2: RAPEX notifications on dangerous products (risk category 'chemical') by country, per million population. Source: Data collected by CHEM Trust through RAPEX's search system ^{xiii}

Participation in co-ordinated market surveillance

The European Commission co-finances a number of coordinated market surveillance activities (joint actions) every year, involving Member State authorities. A budget of EUR 2.5 million is available every year to co-finance enforcement activities relating to non-food consumer products on the market. On the basis of a list of products agreed by national authorities, specialized laboratories are selected to test the products and assess if they are dangerous, and these actions often lead to submission of notifications^{xiv}.

The United Kingdom has not participated in a single one of these Joint Market Surveillance Action on Consumer Products programme between 2013 and 2016. The table below gives the programmes that have been undertaken, including toys and childcare items. Each of these programmes typically involve between six and twenty Member States. For example, Germany has been involved in ten joint action programmes between 2013 and 2016^{xiv}.

	Focus of the joint action
Joint Market Surveillance Action on Consumer Products 2013	Toys intended for children under 3 years
	Childcare articles: Cots
	Chemicals in clothing
	Kick scooters
	Smoke detectors
Joint Market Surveillance Action on Consumer Products 2014	Child care articles - Safety barriers
	Acoustic toys
	Lighting chains and LED lamps
	Fireworks
	Power tools: angle grinders
Joint Market Surveillance Action on Consumer Products 2015	Childcare articles: Soothers and soother holders
	Plastic toys: chemical risks
	Household appliances: mixers
	Playground equipment
	Power tools (particularly those with cutting blades)
Joint market surveillance action on consumer products (2016)	Baby carriers
	Electric toys
	Electrical appliances
	Handheld power tools: impact drills
	Climbing equipment

Figure 3: Joint Action Programmes by the EU Commission. Source: RAPEX Annual Report 2016 ^{xiv}

The future of RAPEX in the UK

As demonstrated above, the UK is highly dependent on the EU for assurance that products on the UK market are safe. RAPEX has allowed for much improved vigilance across the European market, serving as a means for each member of the supply chain, right down to the individual retailer and consumer, to make informed decisions on products and where they are sold.

UK manufacturers, suppliers, retailers and customers continue to make use of the instantaneous exchange of information on products through RAPEX in order to counteract risks to public health and the environment.

In CHEM Trust's view it is essential that consumers, trading standards and local authorities in the UK should be able to make use of the RAPEX platform, and related EU regulatory measures, post-Brexit. RAPEX must continue to play a significant role in the protection of consumer health, and that of the environment in the UK.

The fact that the UK notifies very few chemical hazards to RAPEX and has not participated in EU-wide projects in this area is very disturbing. Testing of consumer products is largely a responsibility of local councils, and these statistics suggest that they may not have enough capacity to properly link with EU-level initiatives.

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