

Market Study Report 2022

Consumer Goods in the EU: Persisting Safety Issues

March 2023

Background

The European Union Single Market is a dynamic entity that has progressively developed over the timespan of more than 40 years, through regulations and also the practices of various economic operators. In 2008, the internal market began implementing the New Legislative Framework¹, a series of texts that establish the rules to operationalise the principle of free movement of goods throughout the EU and guarantee that only safe products are introduced to the market.

However, the rapidly evolving trade environment in the EU has rendered the New Legislative Framework inadequate. As a result, compliance issues have arisen, with a significant percentage of products failing to meet safety and consumer information requirements. In 2017, the European Commission released a report stating that ‘there are still too many hazardous and non-compliant products sold on the EU market: as many as 32% of toys, 58% of electronics, 47% of construction products, or 40% of personal protective equipment examined do not meet the requirements for safety or consumer information mandated in EU law.’² On a weekly basis, the RAPEX³ system continues to report a high number of non-compliant products on the market, leading to frequent injuries. Similarly, TIC Council, through the practical experience of its members, has been advocating for a revision of the New Legislative Framework.

Between 2012 and 2017, TIC Council carried out market studies, including tests of self-assessed electrical consumer goods to assess the compliance of consumer electrical products sold in the European Single Market with basic safety requirements from European product safety legislation. The project’s objective was:

- ▶ **to assess the enforcement of EU product legislation and the degree of safety that consumers can expect from the EU Single Market;**
- ▶ **to deliver insights into the impact that different approaches to conformity assessment can have on compliance outcomes, and, thus, consumer product safety.**

In 2022, TIC Council decided to reiterate the tests to check whether, after 10 years, the consumer safety situation in the EU had improved. The results show that the situation has deteriorated further.

Methodology

The project consisted in acquiring and testing a set of electrical consumer products that carry the CE marking but no other certification mark (i.e., only self-assessed by their manufacturers, meaning that the manufacturer or supplier of that product conducted

1. It includes [Regulation \(EC\) 765/2008](#), [Decision 768/2008](#), and [Regulation \(EU\) 2019/1020](#).

2. https://single-market-economy.ec.europa.eu/news/safe-products-eu-single-market-commission-acts-reinforce-trust-2017-12-19_en

3. <https://ec.europa.eu/safety-gate/#/screen/home>

the required conformity assessment and certified that the product complies with the applicable requirements, without the involvement of a third-party conformity body.) and that were readily available to any consumer in brick & mortar shops in Europe.

120 samples were sourced from seven different EU countries and sent to an accredited laboratory not associated with any TIC Council member. A series of testing and evaluations were conducted, limited to the mandatory baseline safety clauses of the applicable European Standards (EN).

The consumer electrical products were selected amongst those with the most significant market distribution, the broader potential of causing serious harm to users and for which there are established safety standards. These products include:



Electronic Battery Chargers



Hairdryers



Hair Curlers and Straighteners



Irons



Household Fans/Ventilators



Toasters/Grills



Lamps (fixed or portable, not LED)



Household Space Heaters

Results

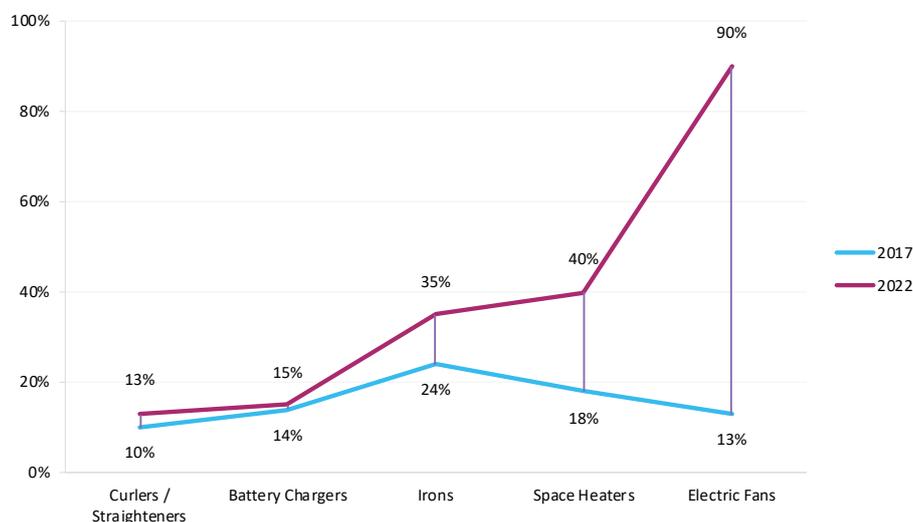


Of the 120 products tested, 85 were not in compliance with the standards, and 28 presented dangerous non-conformities (meaning defects that can cause hospitalisation, permanent bodily damage to the consumer, potential loss of property, or fires).

The safety tests were based on mandatory safety clauses (e.g., heating, abnormal operations, double insulations, warnings etc.) and excluded additional clauses included in harmonised standards that do not focus on safety issues, thus making it likely that the actual percentage of non-compliance observed may in fact be underestimated.

Compared to the 2012-2017 results⁴, the data demonstrates a significant increase in the rate of non-compliance of the tested products with their applicable standards. Indeed, the 2022 results show an increase of 15 percentage points in the total number of non-conformities and an increase of 6 percentage points in dangerous non-conformities, from 17% to 23%. This illustrates the danger that self-assessed products may bring to the market and to households. Such a risk potential is unacceptable in any market.⁵

Figure 1 illustrates comparative data of dangerous non-conformities found in selected product categories.



4. https://www.tic-council.org/application/files/1415/5903/8639/IFIA_CIPC_239_2014-2016_Market_survey_report.pdf

5. https://single-market-economy.ec.europa.eu/news/safe-products-eu-single-market-commission-acts-reinforce-trust-2017-12-19_en

Recommendations

TIC Council believes that the increase in the number of dangerous products circulating in the EU could be the result of a long-existing regulatory framework that has failed to incentivise market operators to comply and failed to fully implement robust market surveillance activities.

POSSIBLE WAYS OF THINKING ABOUT THIS INCLUDE THE FOLLOWING:

1. The approach of self-declared conformity was shaped and implemented when the EU industries were mainly focused on local manufacturing, which is no longer the case.
2. The sharing of responsibility along the product's supply chain is becoming more complex, with more and more operators involved, sometimes coming from other geographical regions and subject to other safety requirements.
3. The 'need to improve market surveillance' is a reality that needs to be implemented thanks to increased resources for national market surveillance authorities. A law that lacks an effective monitoring system with sanctions for non-compliance is ineffective.
4. Technology and regulations have become more complex as the concept of "product" has evolved, including more connected devices and specific compliance issues. This leads to the fact that some market operators do not have the necessary technical know-how and in-house laboratories to properly assess compliance with all the directives and standards applicable to their products. The situation might become even more complex with the addition of cybersecurity and AI requirements in the near future.

► **TIC Council recommends that electrical consumer products which have been amply demonstrated as exceedingly dangerous and that continue to escape effective control by market surveillance authorities should no longer be allowed to use the self-declaration of conformity option but, instead, be governed by the Notified Body model.**



Editor's Note About TIC Council

TIC Council is the global trade federation representing the independent third-party Testing, Inspection and Certification (TIC) industry which brings together about 100-member companies and organizations from around the world to speak with one voice. Its members provide services across a wide range of sectors: consumer products, medical devices, petroleum, mining and metals, food, and agriculture among others. Through provision of these services, TIC Council members assure that not only regulatory requirements are met, but also that reliability, economic value, and sustainability are enhanced. TIC Council's members are present in more than 160 countries and the wider TIC sector currently employs more than 1 million people across the globe.