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CASP 2020

Coordinated Activities on the Safety of Products

Recall effectiveness

Recall process from A to Z:

Guidance for economic operators and market surveillance authorities

Date 29/07/2021



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EU CASP 2020
Activity: Recall effectiveness

Recall process from A-Z

Date 22/07/2021

Why this guide?

Product recalls are important for protecting consumers from dangerous products and may even save lives. Recalls are one of the most common measures to mitigate the risks posed by dangerous products that have already been supplied to consumers. Among the over 2,000 alerts on dangerous products exchanged each year through the EU's Rapid alert system for dangerous non-food products¹ (Safety Gate / RAPEX), about half concern recalling products from consumers.

While response rates vary considerably, depending on factors such as the channel of sale and product category, the proportion of products successfully recovered from consumers remains generally low. This is because consumers either are not aware that a product they own is being recalled, or fail to react when seeing a recall announcement.

No company likes to take corrective measures, but when a safety problem makes a product recall necessary to prevent injuries and save lives, it benefits both economic operators and consumers to move quickly and effectively. Evidence suggests that consumers' trust in companies can actually increase as a result of a well-managed recall.

The purpose of this document is to provide guidance to both economic operators and market surveillance authorities (MSAs) on all aspects of a recall process.

The recommendations provided in this guide are meant to complement the requirements under EU legislation, and do not in themselves constitute legally binding obligations. The guide applies to all non-food consumer products², as defined in the General Product Safety Directive (GPSD)³, without prejudice to any product-specific requirements or guidance.

This guide has been developed in cooperation with European MSAs⁴ and the European Commission's Directorate-General for Justice and Consumers in the framework of 2020 Coordinated Activities for the Safety of Products (CASP)⁵. It is intended as a working document that could be updated in the future on the basis of new trends and evidence.

The guide covers:

- Legal framework on recalls, including definitions, overview of the main legal acts and roles and responsibilities of different actors in the recall process;

¹https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/repository/content/pages/rapex/index_en.htm

² Sector specific recall requirements or guidance may be developed for harmonised products in the future.

³ Under Art. 2(a) of the GPSD, consumer products are products intended or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them and supplied or made available in the course of a commercial activity (with the exception of second-hand products supplied as antiques or as products to be repaired or reconditioned prior to being used). The definition does not cover food, medical devices and pharmaceuticals. https://ec.europa.eu/info/general-product-safety-directive_en

⁴ Developed in cooperation with MSAs from Austria, Bulgaria, Croatia, the Czech Republic, France, Germany, Iceland, Malta, Spain and Sweden.

⁵ https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/?event=casp:2020&lng=en

- Recall process from the point of view of economic operators;
- Recall process from the point of view of MSAs.

1. Legal framework on recalls

What is a recall?

A recall is any measure aimed at achieving the return of a dangerous product⁶ that is already in the hands of consumers or other end users⁷.

Types of recall

Recalls may be undertaken directly by economic operators on a voluntary basis, often as a result of guidance and suggestions provided by MSAs. When the MSA orders the economic operator to initiate a recall, this is considered to be a 'mandatory recall'.

In exceptional situations where there may be no other workable option to prevent the risks involved (e.g., when the economic operator cannot be identified or fails to act), the MSA may need to carry out corrective action themselves including recalling the product.

Recall versus market withdrawal and other corrective actions

While a recall aims at achieving the return of a dangerous product from end users, a withdrawal is any measure aimed at preventing a product in the supply chain from being made available on the market⁸.

Besides a recall and a withdrawal, other corrective actions can also be taken by economic operators or ordered by authorities. These include among other:

- Marking a product that poses risks in certain conditions with suitable warnings;
- Making the marketing of a product subject to prior conditions in order to make it safe;
- Completely banning the marketing of a product;
- Destroying a product;
- Technically repairing/amending the product.

Overview of the main EU legal acts relevant to recalls

[General Product Safety Directive \(2001/95/EC\)](#)

The key legislation at the EU level is the **General Product Safety Directive (GPSD)** 2001/95/EC. In relation to product recalls, the GPSD sets out the obligations of producers and distributors, the obligations and powers of the Member States and the system for rapid exchange of information (see section 1.3). These requirements apply to non-harmonised consumer products as well as to products covered by harmonised legislation⁹, if this legislation does not already contain provisions with the same objective.

[Regulation \(EU\) 2019/1020 on market surveillance and compliance of products](#)

This regulation sets out market surveillance rules for harmonised products, i.e., products belonging to sectors subject to common rules across the EU, such as toys, electrical appliances or protective

⁶ A dangerous product refers to any product which, under normal conditions of use including duration, putting into service, installation and maintenance requirements, presents a risk for the safety and health of persons. The RAPEX guidelines set out the framework for assessing the risk linked to a product. The risk-assessment tool can be found via <https://ec.europa.eu/consumers/consumer-safety/rag/#/screen/home>.

⁷ As per Articles 2(g) of the General Product Safety Directive 2001/95/EC (GPSD) and 3(22) of Regulation (EU) 2019/1020.

⁸ As per Articles 2(h) of the General Product Safety Directive 2001/95/EC (GPSD) and 3(23) of Regulation (EU) 2019/1020.

⁹ Harmonised sectors are subject to common rules across the EU (https://ec.europa.eu/growth/single-market/goods/free-movement-sectors_en).

personal equipment. It provides for the powers of MSAs, which include the power to order that the product is withdrawn or recalled, and the power to remove content from an online interface where no other effective means are available to eliminate a serious risk.

[E-commerce Directive](#) (2000/31/EC)

The Directive sets out the “notice and take-down procedure” for illegal content (e.g., dangerous product listings). Under this provision, hosting service providers may benefit from a liability exemption provided they ‘act expeditiously’ to remove or disable access to content upon learning of its illegal nature. A similar provision is included in the Commission proposal for the Digital Services Act that will replace the procedure of the E-commerce Directive, if approved by the co-legislators.

[General Data Protection Regulation](#) (2016/679) (GDPR)

This regulation harmonises data protection rules across the EU and thus needs to be taken into account when personal data is being collected or processed for recall purposes.

In addition, specific provisions may be set out in harmonised legislation¹⁰, such as Regulation (EU) 2018/858¹¹ on the approval and market surveillance of motor vehicles.

Finally, national legislation and guidance documents may contain additional requirements. An overview of national codes of good practice or guidelines on recalls is provided in Appendix 5.2.

Roles and responsibilities of different actors in the recall process

Economic operators

Depending on the case, any or all of the economic operators in the supply chain can be in charge of undertaking a recall.

Under the GPSD, producers and distributors have to immediately inform the competent national authorities when they become aware that a product they have placed on the market is dangerous, giving details of the actions they have taken to prevent risks to consumers. To help businesses comply with this obligation, the EC has set up a dedicated tool, the Product Safety Business Alert Gateway¹².

- **Producers** have the primary responsibility for the safety of the products they place on the market. If it is necessary to avoid risks to the health and safety of consumers, they have the obligation to take appropriate action (including withdrawing the dangerous product from the supply chain, warning consumers or, as a measure of last resort, recalling products that have already been supplied to consumers).
- **Distributors** have to act ‘with due care’ and must not supply products that they know are unsafe. They also have to cooperate in the action taken by producers and competent authorities to avoid risk, and pass on information on product risks. This may include for instance cooperating in publicising the recall notice, contacting consumers known to have purchased the recalled product directly and/or cooperating in collecting the recalled products and returning them to the producer. In practice, in case the producer is not based in the country of the recall, it will be the distributor who will be the main contact point for the MSA.

Regulation (EU) 2019/1020 contains a requirement to have a **dedicated economic operator** in the EU who is responsible for each product placed on the EU market¹³. This can be a **manufacturer, importer, authorised representative**¹⁴ or, when none of the above are established in the EU, a

¹⁰ EU harmonisation legislation is listed in Annex I to [Regulation \(EU\) 2019/1020](#).

¹¹ [EUR-Lex - 32018R0858 - EN - EUR-Lex \(europa.eu\)](#)

¹² <https://webgate.ec.europa.eu/gpsd/>

¹³ Article 4 of Regulation (EU) 2019/1020.

¹⁴ The authorised representative is defined as any natural or legal person established within the EU who has received a written mandate from a manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer's obligations under the relevant harmonisation legislation or under the requirements of Regulation (EU) 2019/1020 (Article 3).

fulfilment service provider¹⁵. Among their obligations (set by this Regulation), is to inform authorities of dangerous products and to cooperate with national authorities (including taking corrective actions and mitigating risks).

Market surveillance authorities

MSAs are responsible for market surveillance and the enforcement of product safety legislation in their territory. In relation to product recalls, MSAs shall encourage and promote voluntary actions by producers and distributors, among other things, by the development of codes of good practice.

If voluntary actions undertaken by economic operators are unsatisfactory or insufficient, authorities can also order or, if necessary, organise it themselves (at the expense of the operator, if it can be identified). In urgent cases, MSAs can order a recall without the need to first suggest a voluntary action. At national level, other measures and sanctions may also be available to the MSA¹⁶.

European Commission

The EC has an overarching responsibility and specific powers to ensure the competent authorities fulfil their duties. It is also in charge of running Safety Gate / RAPEX, which allows national authorities to promptly share information on recalls and other corrective measures.

Examples of EC product safety initiatives

Product Safety Pledge¹⁷

In June 2018, the EC facilitated the conclusion of the Product Safety Pledge by several major online marketplaces. This initiative, which is the first one of its kind in the product safety area, sets out specific voluntary actions in 12 different areas that go beyond the 'notice and take-down' procedure established in the E-Commerce Directive. The ultimate goal is to improve the detection of unsafe products marketed in the EU before they are sold to consumers or as soon thereafter as possible. In particular, the Pledge includes a commitment to cooperating with EU Member States' authorities and sellers to inform consumers about recalls. The Commission is monitoring the implementation of the Pledge and encouraging further market places to join the initiative.

International cooperation

The EC played an important role in setting up the OECD (Organisation for Economic Co-operation and Development) Global Recalls portal¹⁸, which serves as a single window for sharing information about product recalls worldwide, and contributes to the system with information on dangerous products from Safety Gate / RAPEX. It also participates in the OECD global communication campaigns. In 2019, it co-led, together with the Australian Competition and Consumer Commission, an OECD campaign to raise awareness of the importance of recalling and returning unsafe products.

¹⁵ Fulfilment service providers are defined as any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services (Article 3 of Regulation (EU) 2019/1020).

¹⁶ For instance, under Czech legislation, the MSA can control a voluntary recall, and if appropriate, impose fines for failure to organise or perform it.

¹⁷ https://ec.europa.eu/info/business-economy-euro/product-safety-and-requirements/product-safety/product-safety-pledge_en

¹⁸ <http://www.oecd.org/sti/consumer/product-recalls/>



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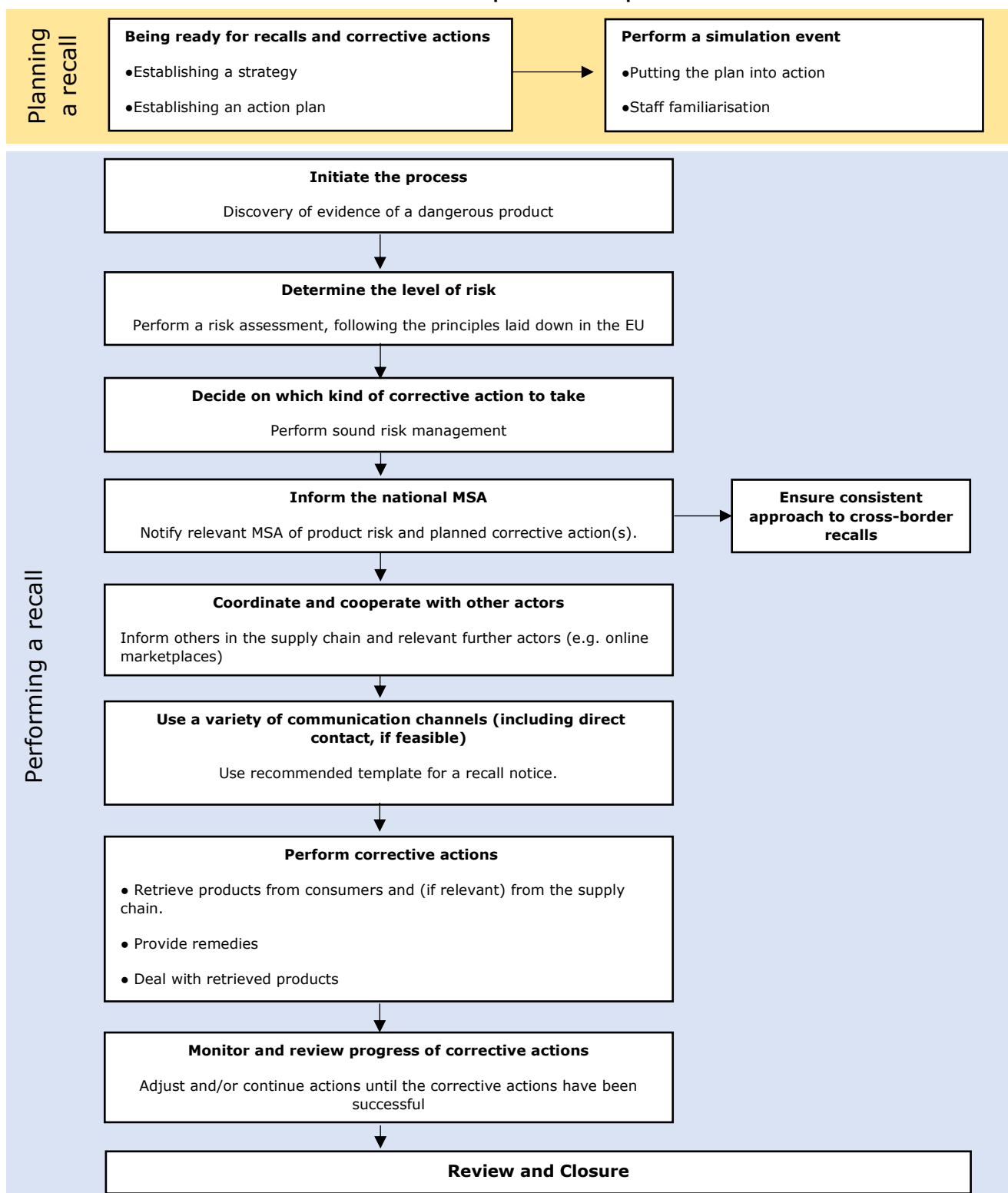
Coordinated Activities on the Safety of Products
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2. Recall process from the point of view of economic operators

Schematic overview of the recall process: process flowchart



Detailed overview of the recall process

Being ready for a recall

Establishing a recall strategy

Being prepared and planning in advance is essential to be able to act quickly and effectively. Both the producers and distributors should have in place a written recall strategy to make sure that they comply with relevant EU and national product safety legislation.

Key elements of the strategy should include:

- Commitment to undertake recalls and other corrective actions, whenever necessary to prevent harm;
- Securing appropriate financing and workforce to ensure that recalls and other corrective actions are carried out effectively and achieve the desired results;
- Clear allocation of responsibilities: It is important that the policy not only has the full backing of senior management, but is also well known across the whole of the organisation, with staff being aware of their respective roles and responsibilities;
- Quality management of the recall strategy and plans, including internal publication, circulation, reviewing and amending;
- Putting in place a mechanism to collect notifications/feedback from consumers and to react accordingly;
- Identifying the key players that need to be taken into account – authorities, media organisations, distribution chain (in both directions);
- Securing organisational support and senior management endorsement.

Such a policy will minimise the risks dangerous products could pose to consumers and display a responsible approach by the company. In this way, consumers will be protected and reputational damage minimised.

Establishing an action plan

The plan should include all the key elements required for an effective recall. These elements are explored below.

1. Appointing a corrective action team

Recalls and other corrective actions require a team consisting of those who have the relevant expertise in a broad range of areas, such as production, technical issues (including IT), quality assurance, risk management (including insurance and liability considerations), marketing, customer services, etc.

2. Establishing product safety monitoring procedures

Economic operators should put in place robust risk-based monitoring system to identify potential safety issues with their products. The action plan should include arrangements to collect and analyse – on an ongoing basis and for every product – information such as:

- Product liability claims;
- Complaints from consumers (filed directly or via retailers, and including those from other sources like MSAs and consumer organisations);
- Insurance claims or legal actions;
- Non-compliance issues reported by company's quality control procedures or by other organisations;
- Results of product testing;
- Information from service engineers or from after-sales / repair centres;
- Any evidence of consumer abuse or inappropriate use of the product;
- Any evidence of malicious tampering with products;
- Developments in legislation or standards concerning the products involved;
- Notifications/requests/information concerning (potentially) dangerous products from MSAs;

- Dangerous product notifications in Safety Gate/RAPEX (that companies can sign up to¹⁹);
- International databases of dangerous products, such as the OECD's Global Recall Portal).

3. Establishing product traceability strategies

Union harmonisation legislation²⁰ requires economic operators to mark products so that they can be traced. Regulation (EU) 2019/1020 also requires that products subject to specific EU harmonisation legislation must bear the contact details of an economic operator based in the EU who has specific responsibilities and acts as contact point for the market surveillance authorities²¹. Moreover, the GPSD sets out that producers are obliged to put in place systems that allow them to take corrective actions, which implies being able to trace products²².

Consumers need to be able to identify unsafe products and responsible economic operators. In addition to any other legal requirements, traceability information should include:

- Manufacturer/producer identification;
- General product identifier (e.g., a code number allocated to a product type);
- Specific identifier such as a serial number, batch reference, manufacturing date or bar code.

Such information should be provided in a legible and durable manner, ideally on the product itself or, where that is not possible, on its packaging or in a document accompanying the product.

In addition, accurate identification of affected products and actors in the supply chain is crucial for an effective and efficient recall execution. Without such information, the scope of a recall can become a lot wider, with more products having to be recalled. For some harmonised products, economic operators are obliged to keep track of the actors they supplied their product to, or from whom they bought products (e.g., for a period of 10 years for toys and 3 years for cosmetics).

4. Establishing strategies to facilitate direct consumer contact

Being able to identify and directly contact consumers affected by a recall can dramatically improve recall effectiveness. Economic operators should make sure to maintain a record of customers' contact information together with relevant product information for safety purposes.

Such information may come from various sources. In particular:

- Product registration schemes;
- Other sources of customer data, such as loyalty programmes, records of online and other distance sales, delivery records, servicing records, digital receipts.

These are explained in more detail below.

Use of consumer data for recalls in the light of the GDPR

The companies' privacy/data policy should clearly indicate that one of the purposes of data processing (for a registration scheme, loyalty programme, online purchase, delivery, digital receipt, etc.) is to provide information to consumers in case the product they bought is subject to a recall or if there are any other issues with it. This way, when consumers accept the terms of a registration scheme, loyalty programme, online purchase, product delivery or digital receipt, they can at the same time give their consent to their personal data being processed for this purpose. If the economic operator needs to carry out a recall, there is then no obstacle to using customer data to directly contact those affected by the recall.

¹⁹ <https://ec.europa.eu/safety-gate-alerts/screen/webReport/subscription>

²⁰ Decision 768/2008/EC.

²¹ Art. 4(4) of Regulation (EU) 2019/1020.

²² Art. 5(1) of Directive 2001/95/EC.

4a. Product registration

When a consumer registers a product, he or she provides information (e.g., an email address) that personally links them to the product and allows for direct contact in case of product recalls or safety warnings.

Manufactures and sellers of durable consumer products (such as electronic devices, household appliances, childcare articles, toys, furniture and sports equipment) are therefore recommended to put in place **free, user-friendly product registration schemes for safety purposes**.

The following best practices may encourage product registration rates

- **Clearly establishing a link between product registration and safety:** Most consumers do not understand the advantage of registering their products and do not make the link between registration and safety. The invitation to register should therefore explicitly mention the possibility of contacting the owner in case the product develops a safety risk (or another defect). If product registration is offered for purposes other than product safety (in particular, marketing), this must be made clear. The best-practice solution is to make it possible for customers to provide separate contact details specifically for safety purposes.

Examples of linking product registration with safety by Mattel²³

The invitation to register states explicitly:

'Product registration only for the purpose of recalls or safety alerts

The information you provide shall not be used for any purpose other than to contact you in case of a recall or safety alert regarding the product you have registered.'

- **Addressing data protection concerns:** Many consumers are worried that their contact details will be misused for marketing purposes. It is therefore important to reassure them that their personal data will not be used for any other purpose(s) than those to which they give their consent. In addition, the amount of information required for customer identification should also be reduced to the minimum (e.g., email address and/or phone number only, which also tend to be more permanent than a residential address).
- **Offering several registration options:** Whenever possible, consumers should be encouraged to register their purchases at the point/moment of sale (both online and offline, e.g., through electronic registration stations). In a recent EU study, registration at check-out was considerably more effective than post-purchase.²⁴ However, it should also be possible to register products after the purchase (e.g. through a registration form attached to the product packaging and on the company's website), so that older products as well as those bought second-hand or received as gifts can be registered too.
- **Reducing the burden for consumers:** Registering a product should be as easy as possible for consumers.
 - Only the minimum information necessary for product and customer identification should be required. In many cases, it will possible to pre-fill product information fields (e.g. when a registration form is attached to the product packaging or when more innovative ways of product registration, such as QR/barcode scanning, are being used).
 - If registration is done online, drop-down menus can help save time and make the registration process more user-friendly. In addition, a dedicated product registration

²³ <https://service.mattel.com/es/registration/default1.asp>

²⁴ European Commission, 2021, Behavioural study on strategies to improve the effectiveness of product recalls. https://ec.europa.eu/info/business-economy-euro/product-safety-and-requirements/product-safety/consumer-product-safety/behavioural-study-strategies-improve-effectiveness-product-recalls_en

section should be easy to find on the operators' websites and the process itself should not require setting up an account.

- It should be possible to register products received as gifts or bought second-hand. Time limits should not be imposed or proof of purchase required.
- Finally, **incentives**, such as extended warranty, after-sales support or gift cards/coupons, could make the process more worthwhile for consumers.

Example of industry-wide initiative to promote product registration

The Register My Appliance portal²⁵ developed by the Association of Manufacturers and Domestic Appliances (AMDEA) in the UK allows consumers to register appliances from some 60 major brands in one place, without having to find the site of each individual company. AMDEA also organises an annual Register My Appliance Day campaign to alert consumers to the importance of product registration. The initiative is supported by the UK government, fire services and consumer organisations.

4b. Other sources of consumer data

Data allowing customers to be linked to specific purchases is also routinely collected by companies through other sources.

While customarily intended for marketing purposes, **loyalty programmes** can also enable the identification of consumers during product recalls. One obstacle may be the quality of contact details associated with such programmes, since consumers do not always provide complete and accurate information to avoid receiving marketing information. A best-practice solution would be to make it possible for customers to provide separate contact details specifically for safety purposes when they sign up to loyalty programmes.

Given the growth of e-commerce, the use of customer information provided in the context of **online purchases** is an ever more effective way of tracing the owners of recalled products. When a product is bought directly from the online seller, customer information is recorded automatically and the seller can hence easily use this information in the event of a recall. When the purchase takes place through an online marketplace, depending on its business model, the marketplace can either inform consumers directly or ask the sellers to reach out to their customers.

Example of the use of loyalty programmes to identify customers

Decathlon Spain use loyalty card details to contact customers affected by a product recall.

The communication reads²⁶:

'MANAGING THE SAFETY RECALL OF YOUR PRODUCTS

At DECATHLON, your safety is our priority. We develop our products in accordance with current rules and regulations. However, we know that zero risk does not exist.

In the event of an anomaly in one of our products, we want to be able to contact you quickly and personally. For this purpose, we may decide to use one of your contact details (telephone, email or postal address) as long as this information is in our possession.

What if we don't have this information? We may need to ask you when purchasing products that may pose a risk to your safety in case of malfunction (bicycle, diving equipment, climbing equipment, etc.). We guarantee that this information is not used for other purposes.'

²⁵ <https://www.registtermyppliance.org.uk/>

²⁶ https://www.decathlon.es/es/landing/politica-privacidad-y-cookies/_/R-a-politica-privacidad-y-cookies

Customers' contact details may also be available from numerous other sources, such as delivery/servicing records or digital receipts.

5. Identifying legal obligations

EOs are legally required to notify the relevant MSA without delay in case a product that they have placed on the market has been found to be unsafe and may require a recall and/or other corrective action. These legal requirements should be emphasised in the plan, along with the nomination of a single point of contact with the relevant MSA concerning any safety issues.

In addition, the recall plan should provide for a thorough risk assessment and risk management process to decide on whether a product recall and/or other corrective action is needed.

6. Establishing a communication strategy

A communication strategy should be prepared and be part of the recall action plan. Elements that should be considered include:

- Mapping of available communication channels (including product-specific channels and those allowing access to specific population segments, e.g. vulnerable and minority groups) and the best multipliers (including trade associations, charities, consumer groups, user portals such as chats, forums, etc.);
- Preparing template documents (e.g. for a recall notice, press release or internal messages);
- Pre-written translations into the languages of the countries where products of the economic operator are sold, including the languages of minority groups.

Detailed guidance on how to communicate recalls to consumers can be found in step 5 of the next section.

7. Identifying possible remedies and ways to retrieve the products

Whether an operator offers the consumer a reimbursement, a free replacement product or a repair, the possible remedies need to be prepared and integrated into the business planning. This is also the case for the return of recalled products (e.g. free shipping/returns or concluding contracts with parcel services to transport recalled and replacement products).

The choice of potential remedies may be influenced by legal obligations and consumer rights at national level.

8. Developing a contingency plan for dealing with retrieved products

Dealing with retrieved products (product reworking/recycling/destruction) needs to be properly planned to ensure that it is carried out in a safe and controlled manner.

The following factors should be considered:

- Establishment of accurate traceability and disposal records;
- Collection, transport, storage and security logistics;
- Supply chain control and oversight of recalled products;
- Manufacturing procedures/practices for any planned reworking /recycling;
- Legal considerations, including notification requirements and supplier contract issues covering recall events;
- Cross-border implications;
- Safety, ethical and environmental considerations.

9. Simulating recall events

Once the action plan has been completed and agreed by senior management, it is worthwhile to put the plan into practice by simulating a possible recall event. It is a good way to inform and familiarise staff with the workings and requirements of the plan and the role that they have in securing a timely and effective outcome. It can also be linked to staff training and personal development. The lessons

learnt from such an exercise can be used to make appropriate adjustments to the plan as part of an ongoing service improvement programme.

Performing a recall

The discovery of a dangerous product requires the economic operator to act without delay to minimise the risk that it poses. This requires a series of actions to be undertaken.

Step 1: Determining the level of risk

The first task is to identify the level of risk by performing a risk assessment²⁷. This should take into account the severity and the likelihood of the injury that could result from the product defect²⁸.

The risk assessment should follow the principles laid down in the EU risk assessment guidelines²⁹. A dedicated IT tool (RAG)³⁰ transposing these principles is available for that purpose.

Step 2: Deciding on which kind of action to take

The risk assessment must be accompanied by sound risk management. Detailed guidance on latter is provided in the guidelines produced under a parallel horizontal activity of CASP 2020³¹.

For example, the risk level for a defective household electrical appliance posing a risk of fire may be only 'low', meaning that the probability of a single appliance causing a fatal fire during the lifetime of the appliance is less than one in a million. Nevertheless, if millions of the defective appliances have been placed on the market, it is almost inevitable that fatal fires will occur if appropriate measures are not taken.³²

If it is decided that a recall is the most appropriate action, consideration needs to be given to what products need to be recalled (e.g. batches). If identification is not possible, then it may be necessary to recall all products. This will determine any other actors in the supply chain that need to be involved.

A recall may need to be accompanied by additional measures, as the economic operator should investigate the cause of the safety issue in the workflow process and take steps to rectify the problem. This could include a change to product design, production process or quality control procedure.

Step 3: Informing the national MSA

In parallel with the actions listed above, the relevant MSA(s) need to be duly informed. This can be done using the [Product Safety Business Alert Gateway](#)³³ or by contacting the [relevant authorities](#), whose details can be found on the EC website³⁴. A formal voluntary recall partnership may already exist with an MSA, part of which is an established channel of communication for this purpose.

At the outset of a recall, when contact has been established, the MSA may specify the frequency of progress reporting and any deadlines that need to be met.

Step 4: Ensuring a consistent approach to cross-border recalls

For economic operators supplying products to consumers in more than one Member State, it is important to adopt a standardised approach to cross-border recalls and ensure that corrective actions are implemented in a comprehensive and consistent manner across all affected areas.

²⁷ [EU Risk Assessment Guidelines](#)

²⁸ It is important to note that the risk of injury is not confined to the product itself as incorrect or inappropriate labelling can lead to a serious injury.

²⁹ <https://eur-lex.europa.eu/eli/dec/2019/417/oj>

³⁰ <https://ec.europa.eu/rag/#/screen/home>

³¹ <https://ec.europa.eu/safety-gate/#/screen/pages/casp2020HorizontalActivities>

³² [RAPEX guidelines Commission implementing decision \(EU\) 2019/417](#)

³³ <https://webgate.ec.europa.eu/gpsd/>

³⁴ Authorities responsible for products falling under the General Product Safety Directive are listed at https://ec.europa.eu/safety/consumers/consumers_safety_gate/menu/documents/Business_Gateway_contacts.pdf and those responsible for products subject to EU harmonisation legislation at <https://webgate.ec.europa.eu/icsms/public/authoritySearch.jsp?locale=en>.

Where a recall has been ordered by one national MSA, the economic operator should implement it in all other EU countries where the product has been marketed. It should not wait to be ordered to do so by other national MSAs.

If the product has been exported to non-EU countries, it will also be necessary to inform the relevant MSAs in those countries and perform a recall, subject to relevant national law. A voluntary recall should be performed without waiting for an order from the third country authority. These countries may have their own recall alert databases for dangerous products that could be used to notify consumers.

Step 5: Coordinating and cooperating with other actors

In addition to national MSAs, economic operators in the supply chain need to be informed of the recall as soon as possible so that they can assist in its implementation. They should also be regularly updated of the progress throughout the duration of recall actions.

It may be also necessary to work with other parties. For instance, online market places should be alerted so that they stop unsafe products from being offered for sale. They can also assist with identifying economic operators in the supply chain and informing affected customers.

Step 6: Communicating recall to consumers

A recall can only prevent harm if consumers return, or at least stop using, the dangerous product. Yet, many recalled products remain in consumers' hands, either because consumers are unaware that a product they own is being recalled or because they fail to act on a recall despite seeing a recall announcement. Therefore, effective recall communication is of vital importance.

6.1 Channels for recall communication

Many consumers are simply not aware that they own a dangerous product, so the very prerequisite for taking action is not met. Below are key recommendations to help reach as many consumers affected by a recall as possible.

1. Use direct consumer contact, whenever possible.

As explained on pages 9-12, consumer data is often available (e.g. because the product was registered, bought online or through a loyalty programme, or delivered to a consumer's home). In such cases, direct notification should always be used first, as it is considerably more effective than blanket advertising campaigns in terms of reaching affected consumers and encouraging response. In a behavioural experiment carried out by the EC, respondents were over twice as likely to respond to direct recall notification than to a generic recall announcement. Moreover, direct notification is the preferred communication channel for all consumer groups across the EU. These findings are corroborated by hard data from the US Consumer Product Safety Commission (CPSC), which show correction rates of 50% for direct notification compared to 6% for a joint press release by the CPSC and the recalling company.

Direct contact with consumers can take the form of:

- Personalised letter;
- Direct email;
- Telephone call or text messages;
- Alert through recall app or connected device.



Direct consumer contact: Example of best practice

The **Belgian** authorities have published (September 2020) a **short guide on communicating recalls to consumers**³⁵. It requires economic operators to directly contact all known users of the recalled product.

If all users cannot be reached or the response rate is weak:

- the recall notice should be displayed for at least 2 months in a visible place at the point of sale;
- if the economic operator has a website and/or social media accounts:
 - the recall information should be clearly displayed on the homepage for at least 2 months,
 - at least one message on the recall should be posted on its social media channels;
- if the company has its own newsletter, the recall info should be communicated in it at least once.

Similar requirements exist in the **Finnish guidelines**³⁶, including a minimum 3-month period for displaying recall information.

Direct consumer contact in the light of the GDPR

As explained above, the recommended approach is for companies' data policy to mention the possibility of contacting consumers with safety or other product-related information.

If the operator does not have its customers' consent to have their data processed to receive safety alerts or other product-related information, it may still be able to use this data to directly contact them about a recall that affects them, if this is compatible with the purpose for which the personal data was initially collected. If there is a problem with the product, consumers would legitimately expect to be informed about it by the producer or seller and thus avoid harm. The operator should inform consumers that they intend to use their data for safety information purposes as soon as possible (and in any event before the first communication about the recall). Personal information further processed under the 'compatibility of purposes justification' (i.e. without the consent of the data subject) should not be used for any other purpose than alerting consumers about the risk and the remedial actions to be taken.

In addition to the above, such personal data processing can be lawful if it is necessary for compliance with a legal obligation, such as an MSA decision ordering the economic operator to carry out a recall and to inform all affected consumers directly.

2. Use a variety of communication methods, if not all consumers can be reached directly

In many instances it may be difficult to reach consumers directly, for example in sectors with many low-value products or when products are bought second-hand. In such cases, using all available communication channels will be the most effective strategy. This may include, in particular, the company's website, social media channels, newsletters, retail outlets and, as appropriate, announcements in the mass media and other communication channels.

Example communication channels:

³⁵ <https://economie.fgov.be/sites/default/files/Files/Quality-and-Security/Acteurs-du-marche-qui-fournissent-directement-aux-consommateurs-utilisateurs.pdf>;

<https://economie.fgov.be/sites/default/files/Files/Publications/files/Procedure-recall-tot-bij-de-consument-invoerder-tcm325-276979.pdf>

³⁶ <https://tukes.fi/en/products-and-services/dangerous-products>

Online communication channels

- Company's websites in the country's official language(s);
- Company's social media;
- Communication channels of national MSAs (website, dedicated recall databases³⁷);
- Websites of consumer organisations and industry associations;
- Online newsletters;
- Online communities (e.g. users' groups).

Traditional media. This includes newspapers, magazines, radio or TV. Coverage in traditional media may be the result of media engagement actions (such as press releases).

In-store communications: recall notices (such as posters, leaflets, etc.) in points of sale, both offline and online.

Specialist media and industry-specific publications.

The use of a variety of communication channels

The effectiveness of **direct consumer contact supported by other communication channels** was exemplified in a recall campaign run by Boots in the UK in 2002/2003.³⁸ Thanks to a loyalty card programme operated by the company, it was possible to identify and alert 43% of customers affected by a product recall. Within days of the decision to issue a public recall, a letter was sent to the customers in an envelope that carried a red message emphasising the importance of the contents. These letters included large type to ensure elderly customers could read the notice. Contact was made by a letter was sent to the customers in an envelope that carried a red message emphasising the importance of the contents. As the letter was also aimed at elderly consumers, a large font size was used. At the same time, notices were sent to all Boots stores, to be displayed in prominent positions in view of regular customers and placed on the Boots website. In addition, some Boots store managers arranged for notices to be displayed in local doctors' offices as locations many users of the product may attend.

Another example of multichannel recall communication is a 2016 case on unsafe fireworks in Finland. The importer, through its own quality control systems, detected an error: a yellow warning sticker was fixed wrongly, instructing to position the fireworks so that the explosives would fire in the wrong direction, posing a danger to spectators. The company estimated that about 300 defective products had been sold in Finland. Tukes, the Finnish Safety and Chemicals Agency, considered the situation serious enough to use multiple means of communication in order to inform consumers. In addition to the press release, a **public emergency warning** was issued via radio and television. Sending such an emergency warning is very exceptional, but it is an effective way to reach the citizens. In addition, capitalising on previous cooperation with the Finnish Hospitality Association (MaRa), its members were asked to reach out to tourists via the hotel lobbies, as it was the New Year's period, hence also overcoming potential language barriers in conveying the safety warning. Nowadays, public warnings are also sent via 112 Finland mobile application.

3. Adapt communication tools to consumer characteristics.

As is the case when developing a marketing strategy for a product, prior to launching a recall, it is important to consider what types of consumers are likely to use the recalled product. Customer categorisation helps to tailor the recall channel to the right consumer audience, thus increasing effectiveness.

- For instance, EU-wide consumer survey suggests that older and less digitally-confident audiences are less likely to be exposed to online communication channels and may be better reached through local newspapers or other traditional media (e.g. local newspapers,

³⁷ Examples of recall portals are provided in Appendix 4.3

³⁸ Electrical Safety First (2014), Consumer Voices on Product Recall, available at: <https://www.electricalsafetyfirst.org.uk/media/1259/product-recall-report-2014.pdf>



- radio or TV), while vulnerable consumers are less likely to respond to recall communication in general but more likely to spread word-of-mouth with friends and family³⁹.
- It is also of crucial importance that recall information reaches consumers in their own language.
 - In the case of specialised products, owners could be targeted through dedicated magazines, consumer associations or online media. For instance, for children's products, engaging with online parenting fora may increase success rates.

4. Activate word-of-mouth.

Recall announcements should encourage consumers to further spread the news about a recall. For example:

- If the product was sold second-hand or offered as a gift, the customer could be encouraged to inform the new owner/recipient about the potential safety issue;
- A recall notice can include an option to share the announcement on Facebook and Twitter, which facilitates spreading the news further, among friends and family;
- Consumers can be given incentives to spread the information about the recall on their social networks or within their own networks (e.g. a gift card).

Examples of economic operators encouraging word-of-mouth

In the **Takata airbag recall**, Toyota has been collaborating with the Carma Project, giving incentives to people for spreading information about the recall, and having friends and family get their cars checked. Consumers who share recall information on their social networks receive a \$5 gift card for every Toyota owner that schedules an appointment for a vehicle repair and an additional \$50 gift card after the vehicle repair has been completed⁴⁰.

Another good practice consists in encouraging word-of-mouth directly in recall notices. A recall announcement concerning a dangerous baby sleeping 'nest' by the **retailer Jollyroom.dk** states for example "If you have sold or given the product away, please notify the new owners of the recall"⁴¹. This kind of encouragement seems particularly useful in case of products that are often bought as gifts or sold second-hand, such as durable childcare products or domestic appliances.

5. Explore new means of communication

- Social media channels are particularly effective for targeting specific audiences and activating the word-of-mouth, as they allow people to share recall information with their contacts.
- Using online influencers (such as actors and public figures) and infographics, videos or memes to complement written announcements may increase the reach of, and engagement with, recall communications.
- Recall apps and internet-connected devices facilitate direct communications with consumers.

Finally, new technologies can alert consumers in real time about any safety issues. Internet-connected devices also have the potential to be fixed through remote updates or, if necessary, their functionality could be reduced or switched off completely to prevent further incidents.

Examples of the use of new technology to alert consumers

Samsung Galaxy Note 7 recall conducted between September 2017 and February 2018 concerned over 4.6 million phones with a battery defect posing a risk of overheating and explosion. Thanks to the sending of over 23 million recall alerts and push notifications to Samsung's customers, and a software update that reduced battery capacity to 0, 90% of the phones were returned to the company within four months and a further 7% within 7 months.⁴².

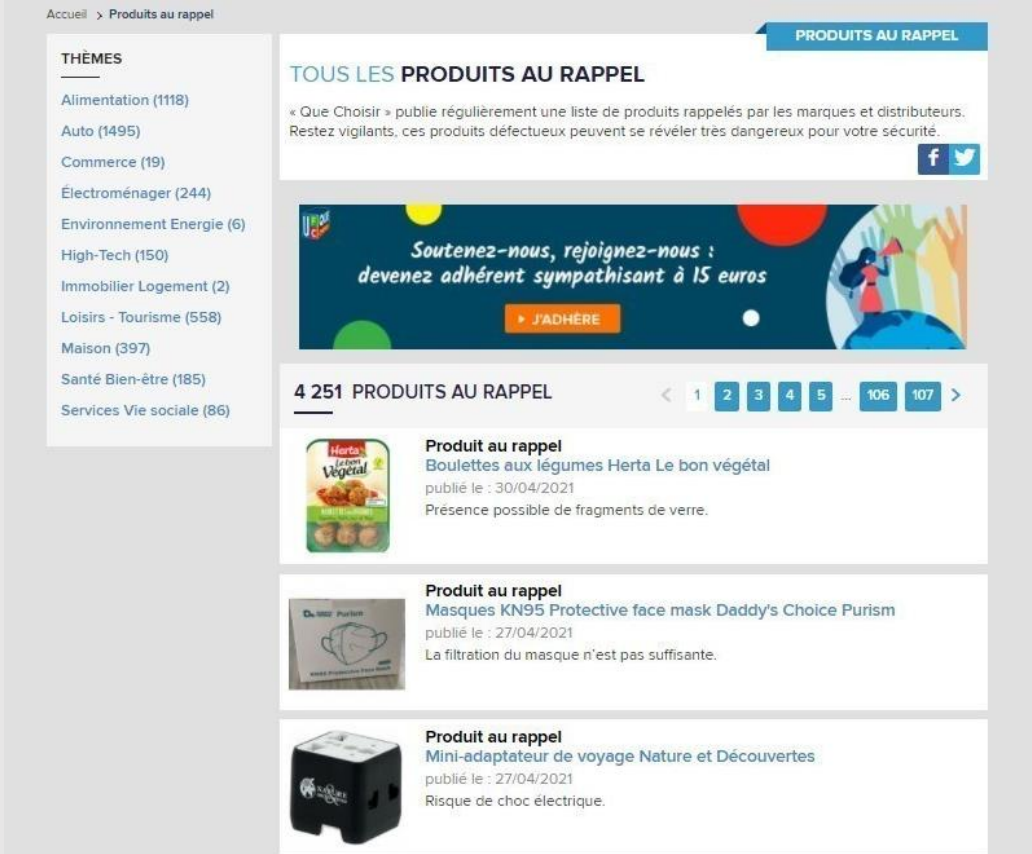
Vodafone have developed a prototype product recall system that allows manufacturers to notify consumers about recalled faulty or potentially dangerous electrical goods, and shut them down remotely if needed, including tumble dryers, washing machines, fridges and freezers⁴³.

6. Leverage other actors

In addition to operators in the supply chain and the MSAs, consumer organisations and other actors may also help spread recall information to consumers.

Example of consumer organisation spreading recall information

A recall portal of UFC Que Choisir⁴⁴



The screenshot shows a web portal for product recalls. On the left is a sidebar with 'THÈMES' (Themes) and a list of categories with item counts: Alimentation (1118), Auto (1495), Commerce (19), Électroménager (244), Environnement Energie (6), High-Tech (150), Immobilier Logement (2), Loisirs - Tourisme (558), Maison (397), Santé Bien-être (185), and Services Vie sociale (86). The main content area is titled 'TOUS LES PRODUITS AU RAPPEL' (All products under recall). It includes a banner for 'Soutenez-nous, rejoignez-nous : devenez adhérent sympathisant à 15 euros' (Support us, join us: become a sympathizer member for 15 euros) with a 'J'ADHÈRE' button. Below the banner, it shows '4 251 PRODUITS AU RAPPEL' with pagination. Three product recall entries are visible: 1. 'Boulettes aux légumes Herta Le bon végétal' (Vegetable balls) recalled on 30/04/2021 due to possible glass fragments. 2. 'Masques KN95 Protective face mask Daddy's Choice Purism' recalled on 27/04/2021 due to insufficient filtration. 3. 'Mini-adaptateur de voyage Nature et Découvertes' recalled on 27/04/2021 due to risk of electric shock.

Online marketplaces can play an important facilitating role in passing recall information to consumers, given that, depending on their business model, they may be able to identify consumers who have

³⁹ European Commission (2019), Survey on consumer behaviour and product recalls effectiveness, available at: https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/repository/tips/Product.Recall.pdf

⁴⁰ WTVM, 22 January 2019, <https://www.wtvm.com/2019/01/23/toyota-collaborates-with-new-project-give-encourage-people-check-vehicle-recall-status/>

⁴¹ <https://www.jollyroom.dk/kundeservice/tilbagekaldelser/babydan-cuddlenest-ergo>

⁴² OECD (2018). Measuring and Maximising the Impact of Product Recalls Globally: OECD workshop report, OECD Science, Technology and Industry Policy Papers, No. 56, OECD Publishing, Paris, <https://doi.org/10.1787/ab757416-en>

⁴³ <https://www.vodafone.com/news/press-release/vodafone-smart-product-recall-system-allows-manufacturers-to-warn-consumers-of-faulty-goods>

⁴⁴ <https://www.quechoisir.org/rub-produit-au-rappel-t647/>

purchased a recalled product. The signatories of the EU Product Safety Pledge⁴⁵ have agreed to voluntary commitments, which include cooperating with EU Member State authorities and sellers to inform consumers about relevant recalls and other corrective actions. Some marketplaces directly reach out to consumers that have purchased the product under recall, while others ask the sellers to contact their customers.

Likewise, financial institutions may have the details of customers who bought recalled products using payment cards, while insurance companies have the data of those who insured their personal goods.

How can third parties process customer data in light of the GDPR?

Third parties – such as online marketplaces, financial institutions and insurance companies – may be able to contact consumers affected by a recall directly (if this is compatible with the initial purpose for which the personal data was collected, as explained above) or can share customer contact details with the company performing the recall (if this is clearly indicated in the privacy/data policy that the data subject consented to).

7. Ensure two-way communication.

It is important that recall communications provide a point of contact that consumers can reach in their national language to make a complaint or request more information (e.g. a telephone number or online chat function).

6.2 The contents and format of a recall notice

Recall notices should encourage consumers to take action, and therefore need to be clearly drafted and easily understandable to consumers, and use wording that inspires an appropriate level of urgency.

A good recall notice:

- Has an **eye-catching format** and graphical elements to enhance visibility and alert consumers to the risk (e.g. red outline and bolding/highlighting of key words).
- Is available in the **official language(s)** of the country where the product is being recalled. When products are sold in jurisdictions with diverse populations, it may be beneficial to provide information in additional languages.
- Uses plain, concise and **easy-to-understand language**, avoiding jargon and technical terms. Short paragraphs with subheadings/bullet points are preferable to lengthy continuous text.
- Contains **clear heading** that draws attention to the recall, such as 'Product Safety Recall'. Titles like 'Voluntary Recall' are less effective.
- Includes all relevant **product identification information**:
 - Name, brand and model of the product;
 - High quality picture of the product. A 3D picture where users can drag the mouse to rotate the object or a few- second video or GIF showing the product from all sides could also be used relevant channels;
 - Key product identification numbers (such as serial, batch or lot numbers, part numbers such as GTIN or UPC codes or globally unique identifiers) as well as clear visual indication of where to find them on the product;
 - information on when and where the product was sold, if available.

⁴⁵ [Product safety pledge | European Commission \(europa.eu\)](https://ec.europa.eu/product-safety-pledge/)



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Example of visual indication of where to find identification numbers

The Whirlpool tumble dryer recall includes a picture, with clear guidance on where the serial and model numbers of the affected tumble dryers could be found.



- Clearly states the **hazard** that the product poses and why. It is important to avoid any language that could diminish consumers' perception of risk, including terms and expressions such as "voluntary", "precautionary", "discretionary", "in rare/specific situations" as well as indicating that there have been no reported accidents linked to the product.
- Gives simple instructions on **what to do**, both immediately – such as to stop using the product – and on how to participate in a recall (e.g. return the product to the shop, arrange for its collection, etc.).
- Provides clear details about the **remedy**, such as product repair, replacement or refund.
- Provides **contact details** that allow consumers easy access to further recall information via, for instance, a dedicated free phone number. Other forms of contact could include an interactive online service or email address but these may be less accessible to less digitally-savvy and vulnerable consumers. Encourages consumers to spread information about the recall with their social circles or those to whom they sold/offered the product.

A recent EU study⁴⁶ indicates that the use of a standardised template for recall notices may increase consumer engagement and help combat information overload. The standardisation of recall notices may also be beneficial to economic operators by clearly indicating the content and format of the information to be provided. A recommended standardised template can be found below and also attached to this document (See Appendix 4.6).

⁴⁶ European Commission, 2021, Behavioural study on strategies to improve the effectiveness of product recalls. https://ec.europa.eu/info/business-economy-euro/product-safety-and-requirements/product-safety/consumer-product-safety/behavioural-study-strategies-improve-effectiveness-product-recalls_en



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Company logo (optional)

Product Safety Recall



[COMPANY NAME] RECALLS [NAME OF THE PRODUCT]

[Insert PICTURE OF PRODUCT & graphical indication of where to find identification numbers (if applicable)]

Include PRODUCT IDENTIFICATION INFORMATION:

- Identification numbers, such as batch and serial number
- Information on where and when product was sold (if available)

HAZARD

- Clearly state the hazard the product poses and why
- Don't use any terms or expressions that may decrease consumers' perception of risk, e.g. "voluntary"/"precautionary", "in rare/specific situations"

WHAT TO DO

- Instruct consumers to stop using the product immediately
- Clearly explain how to participate in the recall (e.g., return to point of sale, schedule appointment for in-house pick-up/repair, etc.)

REMEDY


- Clearly describe the remedy available to consumers (e.g., repair, replacement, refund)

CONTACT

- Provide website and free phone number, interactive online service and/or email address where consumers can get more information

[APOLOGY (OPTIONAL)]

SPREAD THE NEWS: Tell your friends and family about this recall!



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Step 7: Retrieving products from consumers

Participating in a recall should be straightforward and cost-free for consumers. If the process is easy to understand and convenient in terms of time and effort, then this is more likely to motivate consumer response. Indeed, the burden of recall participation is the second most reported reason for consumers

not to respond to recalls, and this burden is especially onerous for time-poor and socially-disadvantaged consumers⁴⁷.

To start with, a recall notice (as explained above) should be clear and easy to understand, allowing consumers to easily identify the recalled product and the action to take. It should also make it clear that the remedy will be provided at no cost and provide quick methods of contact, such as by phone or email.

Shipping back or otherwise returning a recalled product should be as straightforward as possible for consumers. For this to be the case:

- When products are to be returned by post, the supplier should arrange for pre-paid, addressed postage.
- For bulky, non-portable items, the supplier should arrange for the product to be collected from the consumer's home, or, if appropriate, repaired on-site. If a replacement product is being supplied, it should also be delivered by the supplier, at no cost to the customer. In addition, the supplier should ensure a means for product retrieval when professional dismantling/installation is required.
- Allowing customers to return the product to any shop that supplies the product, rather than restricting it to the outlet where the product was purchased, will not only reduce the burden for consumers but may also be a more sustainable option.
- Accepting recalled products without proof of purchase will increase the likelihood of consumer response, as receipts and other proofs of purchase are unlikely to be kept, especially for lower-value products. In addition, an MSA may order that a recall is undertaken without proof of purchase as a recall is an obligation which must be performed, whether or not the end user has such proof.

Step 8: Providing remedies and possible extra incentives

Recall remedies – such as repair, replacement or refund – should be speedy and attractive enough to make it worthwhile for consumers to participate in a recall.

A remedy involving consumers repairing, destroying or disposing of the product themselves should not be offered unless it can be carried out easily and safely. There is also the risk that the MSA will not be satisfied with the repair outcome and order the economic operator to undertake a recall.

In addition, repair involving the replacement of faulty parts by the consumer could discourage those who may lack the technical skills or the determination to do it. This is particularly the case, if the repair is seen as time-consuming, or impaired by inadequate/difficult instructions (which could also compromise the quality of the repair).

In some cases, extra incentives should be considered to motivate consumers to act, for instance when the recall process is cumbersome/complicated for the consumer, or when the product is of low value.

Examples of recalls providing extra incentives⁴⁸

A retail store in Australia recalled a pressure cooker and offered AUD (Australian dollars) 10 gift card in addition to a full refund.

A Canadian company recalled infant body suits and offered free shipping, along with a 10 dollar gift card for every returned body.

An American retailer recalled crystal mugs and offered free shipping to those consumers unable to return the product in-store. It also provided a USD (American dollars) 100 gift card in addition to a full refund.

⁴⁸ OECD (2018), Measuring and maximising the impact of product recalls globally: OECD workshop report. https://www.oecd-ilibrary.org/industry-and-services/measuring-and-maximising-the-impact-of-product-recalls-globally_ab757416-en

Step 9: Dealing with the products that have been retrieved

Retrieved products need to be dealt with in a transparent and auditable way, taking account of safety, ethical and environmental (e.g. waste disposal) considerations.

It is crucial to ensure that recalled products or any of their dangerous parts cannot be resold (be it within or outside the EU), for instance on the grey market (as, in addition to posing a safety risk to consumers, this would have a damaging effect on the company).

The most sustainable solution should ideally be favoured, provided it is not at the expense of safety. In many cases, it will be possible to safely repair or rework the product or at least recycle (parts of) it. If this is not possible (e.g. in case of the presence of hazardous chemicals) or would incur disproportionate burden, the products will need to be destroyed.

The choice of the method of recycling/destruction will vary depending on the type of product. Whatever method is chosen (e.g. incinerating, shredding, crushing), it has to ensure that the product is totally recycled/destroyed and can no longer pose any harm.

Where it is necessary to use a third party to recycle/destroy recalled products, care should be taken to ensure that the process is carried out in a safe manner and diligently monitored and evidenced. If personal oversight of the recycling/destruction is not possible, consideration should be given to employing a third-party inspection service, which should provide clear documentation of the procedure.

Prior to reworking/recycling/destruction, returned products should be suitably documented, labelled and handled (isolated in a designated quarantined area) to make sure that they do not re-enter the marketplace. Products that are to be reworked to correct the fault should undergo a new conformity assessment.

Step 10: Monitoring the progress of a recall

Economic operators should put in place a comprehensive continuous monitoring system in order to assess the effectiveness of the actions undertaken and decide whether any adjustments need to be made to the recall procedure.

Operators are recommended to use a multi-faceted approach to measuring recall effectiveness, taking into account a variety of factors in addition to return rates, such as the price and expected lifespan of a product, customer traceability, communication methods used, ease and attractiveness of recall participation and/or injury data.⁴⁹

A range of tools to measure recall effectiveness⁵⁰

- Number of units placed and those still remaining on the market
- Number of units recovered from the supply chain
- Number of units recovered from consumers or repaired in the field
- Number of unreturned recalled products disposed of by consumers
- Product's price and its expected lifespan
- Timespan between when a product is supplied and when it is recalled
- Whether the product can be tracked and traced across supply chains
- Whether customer data is available

⁴⁸ OECD (2018), Measuring and maximising the impact of product recalls globally: OECD workshop report. https://www.oecd-ilibrary.org/industry-and-services/measuring-and-maximising-the-impact-of-product-recalls-globally_ab757416-en

⁴⁹Information and table contents based on ISO 10393 and OECD (2020). Policy guidance on maximising product recall effectiveness, retrieved from: [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP/CPS\(2019\)4/FINAL&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP/CPS(2019)4/FINAL&docLanguage=En)

⁵⁰ Based on OECD (2020). Policy guidance on maximising product recall effectiveness, [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP/CPS\(2019\)4/FINAL&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP/CPS(2019)4/FINAL&docLanguage=En)



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- Communication methods used
- Communication response rates (such as replies to direct contacts, number of calls received, number of website views)
- Consumers' awareness and comprehension of the recall (e.g. measured in a survey)
- Ease for a consumer to participate in the recall (e.g. the cost and inconvenience as well as any particular challenges certain groups of consumers may face in responding)
- Attractiveness of remedies offered to consumers
- Nature of the safety defect and the risk posed to consumers
- Number of injuries or incidents occurring post the recall announcement

Step 11: Adjusting or expanding recall actions

The information obtained from monitoring may necessitate the adjustment of some of the actions being taken. If, for instance, a response rate is low for a particular communication channel, it may be necessary to divert resources to alternative channels showing higher response rates. If the demand for repairs is higher than expected, a temporary increase in the repair workforce will need to be considered, such as outsourcing.

If further products have been added to the recall programme, an expansion of the actions will be necessary. A new recall notification will need to be created, along with a unique identification number to aid auditing and to ensure that only one notice exists at any one time.

Step 12: Termination of recall actions

Before deciding to close the recall process, the questions below need to be considered:

- Have the desired outcomes been achieved?
- Has a high proportion of consumers received a recall notice and had sufficient time to take action?
- Have injury/incident reports come to an end?
- Is the number of returns at a satisfactory level for the type of product in question and the risk posed?
- Does the MSA agree that all necessary steps have been taken?

When the considerations above have been met, actions can cease (subject to any government requirements that might exist at a national level). In case a resumption of actions is required, it will be necessary to maintain recall capability.

Step 13: Learning from experience

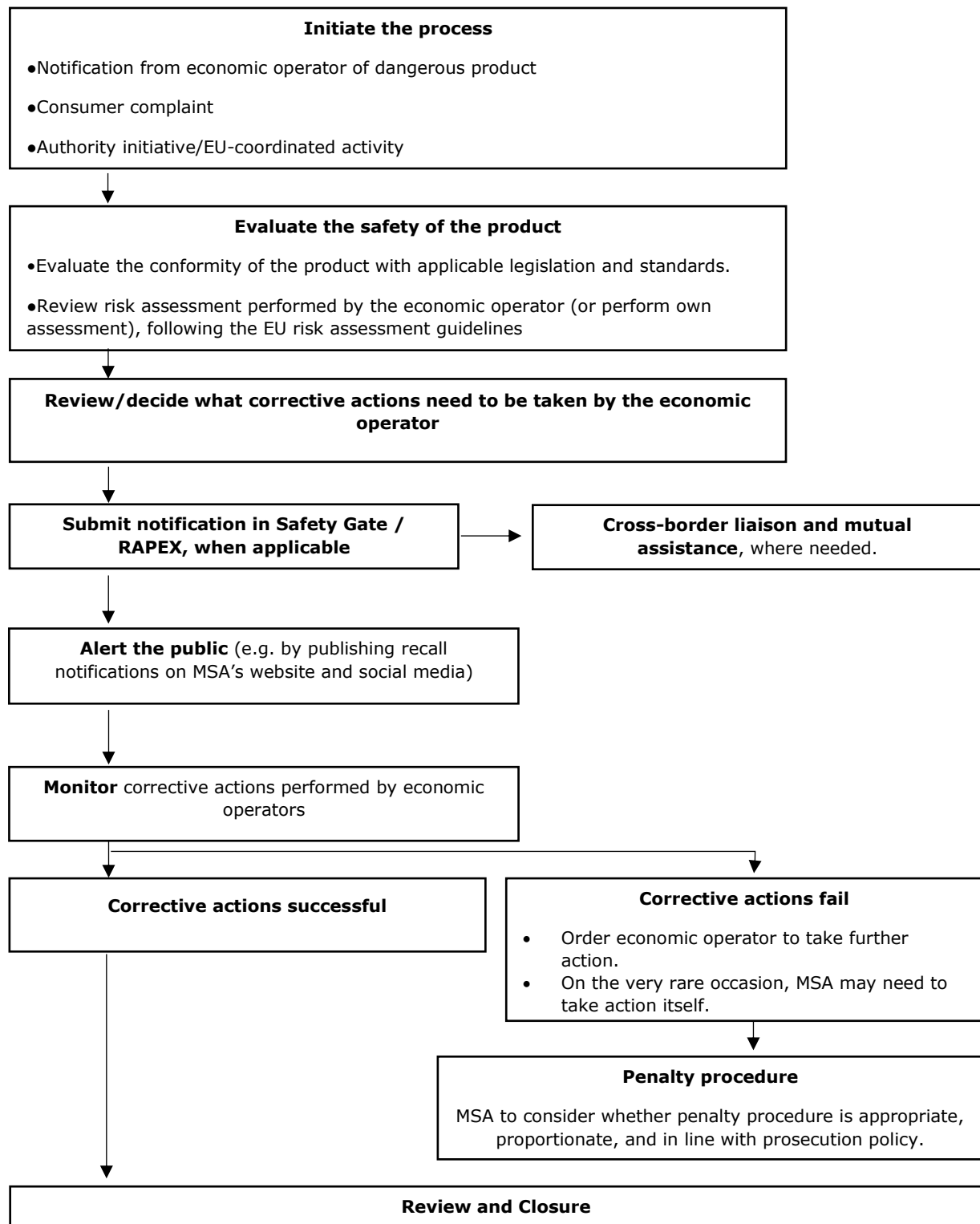
A producer should review production standards and implement any necessary changes to avoid the problem re-occurring. Others in the supply chain may need to review their working practices and, if necessary, make improvements to internal procedures. The effectiveness of the recall action plan should be assessed, and when required, any necessary improvements should be made. In addition, the financial impact of the recall should be assessed for internal management purposes. This may help the company decide on whether a contingency plan, such as insurance cover, is required for possible future incidents.

Safety adjustments may be required at any stages of the product lifecycle, such as:

- Design stage;
- Production process – including monitoring, labelling, packaging, marking and instructions;
- Materials procurement, storage and use;
- Storage and shipping.

3. Recall process from the point of view of MSAs

Schematic overview of the recall process: process flowchart



Detailed overview of the recall process from the point of view of MSAs

Key steps in the recall process

Step 1: Initiating the process

From MSAs' perspective, the initial event that triggers the recall process can include:

- An economic operator informing the authority about a dangerous product they are responsible for, and the corrective actions they intend to adopt;
- A consumer complaint (under the GPSD, Member States shall ensure that consumers and other interested parties can submit complaints on dangerous products and that these complaints are followed up as appropriate⁵¹);
- An authority investigating a product as part of planned (national or EU-coordinated) market surveillance activities or as a result of an alert (e.g. from RAPEX, the Information and Communication System on Market Surveillance (ICSMS), non-EU authorities or media reports).

Step 2: Evaluating the safety of the product

An evaluation of the safety of the product needs to be undertaken and appropriate documentary, physical and/or laboratory checks performed.

This includes an evaluation of the conformity of the product with applicable legislation and standards and an assessment of the risk posed by the product that takes into account the nature of the hazard and the likelihood of its occurrence. The risk assessment process should follow the principles laid down in the EU risk assessment guidelines⁵² and can include the use of a dedicated IT tool (RAG)⁵³.

If the process was initiated by the economic operator, the MSA should review the risk assessment submitted by the company and may come to a different conclusion regarding the level of risk at stake.

Step 3: Reviewing/Determining the corrective action

Based on the results of the risk assessment, the appropriate corrective action needs to be defined.

- If an action has been initiated by an economic operator, the MSA will review the proposed corrective action(s).
- If an action has been initiated by the MSA, it will request the economic operator to take the necessary measures or order them (mandatory corrective action), if the company does not take voluntary action.

In addition to product recall, other corrective actions may be needed, including withdrawing or destroying the product or stopping/restricting it from being placed on the market.

Step 4: Submission of notifications in Safety Gate / RAPEX

If the criteria to notify the case to Safety Gate / RAPEX are met, it is a legal requirement for the MSA to submit a notification. It will be reviewed and validated by the EC before being circulated to all other Member States. An extract of the notification will also be made available on the Safety Gate public website⁵⁴.

Step 5: Cross-border liaison and mutual assistance

There should be efficient ways for MSAs to cooperate, exchange information and assist each other in certain circumstances. It may not always be possible for an MSA to conclude an investigation into a

⁵¹ The list of national contact points for consumer can be found at:

https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/repository/content/pages/rapex/docs/contact_points_consumers_en.pdf

⁵² <https://eur-lex.europa.eu/eli/dec/2019/417/oj>

⁵³ <https://ec.europa.eu/consumers/consumer-safety/rag/#/screen/home>

⁵⁴ <https://ec.europa.eu/safety-gate-alerts/screen/webReport>

recalled product without the assistance of an MSA in another Member State. When this is the case, requests for mutual assistance⁵⁵ can be made to another Member State to take enforcement measures.

For economic operators who supply products to consumers across the EU, it is important that MSAs encourage them to have a cross-border approach to a recall (which is standardised and implemented in a consistent manner).

It is also important to cooperate and exchange information with authorities of third countries and international organisations such as the OECD, whose goal is to promote product safety information sharing worldwide (including through the [global portal on product recalls](#))⁵⁶.

Step 6: Monitoring corrective actions performed by the operators

Checks are required to confirm that the actions committed to by the economic operator or mandated by the MSA have been performed and have been successful. This could entail a documentary audit as well as physical checks at outlets such as distributors, retailers, online platforms, etc.

If the economic operator has not taken the actions it has committed to/was ordered to take, or those actions are found to be unsuccessful, the MSA will order the operator to take additional measures and may also impose penalties. In exceptional cases, the MSA may need to carry out the recall itself.

Monitoring recall effectiveness

Valuable data may be available to MSAs from the recalling company, and can be analysed to ascertain:

- level of customer awareness of and participation in a recall (through actual return rates);
- risk perceptions of the recalled product (e.g. from the number of customer complaints);
- level of awareness about the recall among other businesses in the supply chain, including online platforms;
- levels of safe reworking/destruction.

Data may also be available from MSA databases as well as from other sources. This can include:

- complaints from consumers, including injury data;
- complaints/information from economic operators
- recall alerts from other MSAs, including data from Safety Gate and ICSMS;
- information gathered through consumer surveys containing dedicated questions on recalls;
- response to recall communications, such as information posted by MSAs on websites and social media sites;
- inspection and sampling data relevant to recalled products, including seizure levels;
- information collected by consumer organisations (such as consumer injury/complaints data);
- injury and accident intelligence available from customer reviews and the monitoring of online media (including social media).

Analysis of such data by MSAs can:

- indicate whether the objectives of the recall are being met, and if not, where improvements can be made (e.g. changes to the media plan);
- provide information to guide decisions on whether to terminate, adjust, restart or expand a recall;
- support the continuous improvement and the review of the recall process in general.

Step 7: Alerting the public

Because of the nature and urgency of recalls, MSAs need to have an effective communication plan to maximise the outreach of recall information. As in the case of communications provided by economic

⁵⁵ Chapter VI, Regulation (EU) 2019/1020.

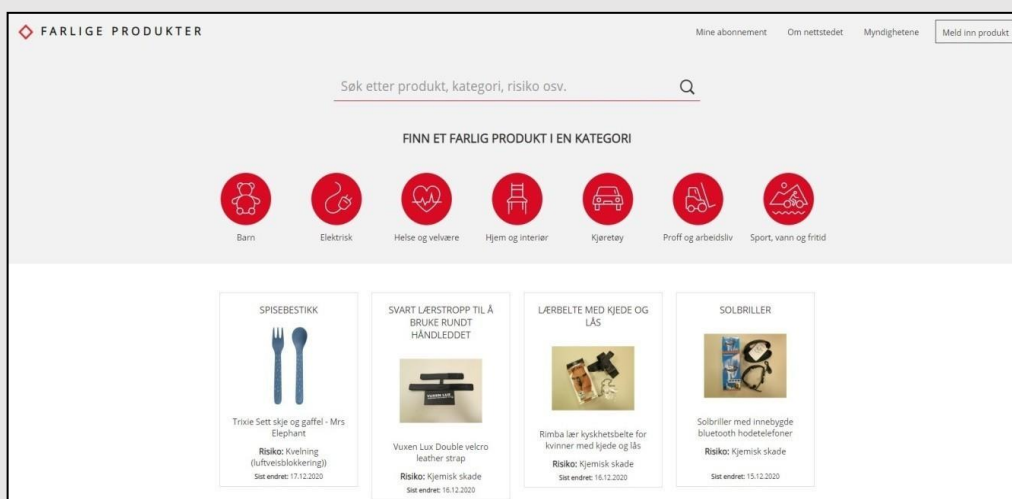
⁵⁶ Article 35 2.(b) of Regulation (EU) 2019/1020.

operators (see step 5 in the previous section), all recall information provided by the MSAs should be clear and transparent, allowing consumers to easily identify the recalled product, the risk and stake and the action they need to take.

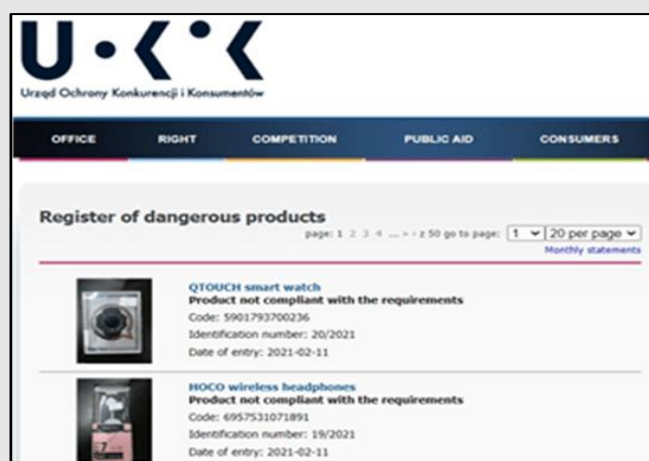
Several MSAs have set up online recall databases or portals to inform the public of product recalls.

Norwegian recall database (Directorate for Civil Protection and Emergency)⁵⁷

The Norwegian recalls portal has a very user-friendly search function (with prominent pictures of recalled products) as well as the option to subscribe to a newsletter and to share recall alerts via social media.



Polish recall database (Office of Competition and Consumer Protection)⁵⁸



⁵⁷ <https://farligeprodukter.no/>

⁵⁸

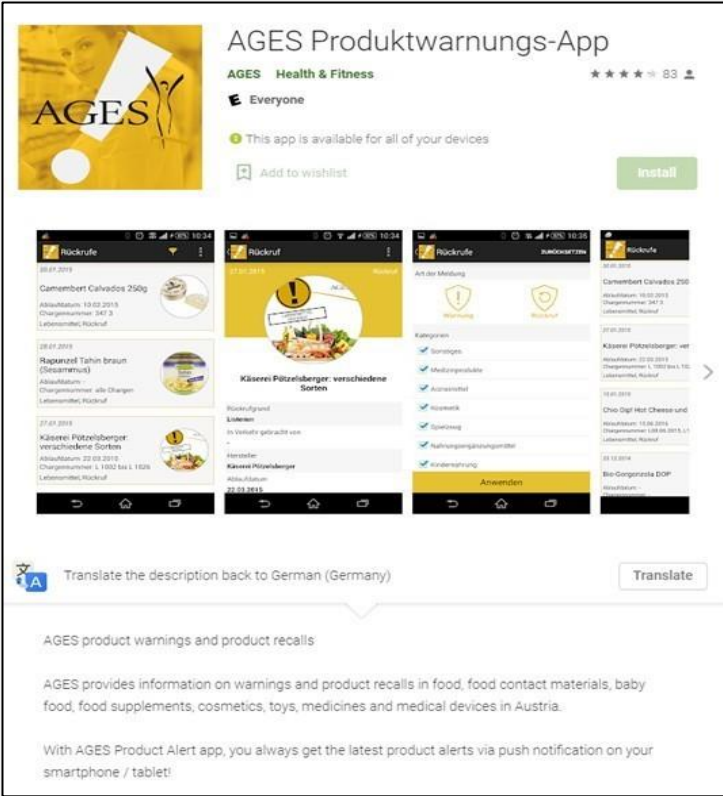
http://publikacje.uokik.gov.pl/hermes3_pub/Rejestr.ashx?Typ=ProduktNiebezpieczny&DataWpisuOd=&DataWpisuDo=&NumerIdentyfikacyjny=&NazwaProduktu=&KodWyrobu=&Sort=&x=35&y=13


Some MSAs have also developed dedicated mobile apps with recall announcements.

Example of a Recall App

A recall app from Austria covering a range of products

AGES Produktwarnungs-App




[Translate the description back to German \(Germany\)](#)
[Translate](#)

AGES product warnings and product recalls

AGES provides information on warnings and product recalls in food, food contact materials, baby food, food supplements, cosmetics, toys, medicines and medical devices in Austria.

With AGES Product Alert app, you always get the latest product alerts via push notification on your smartphone / tablet!

There is also an increased effort among MSAs to engage in spreading recall information through social media to maximise outreach.



CASP 2020

Coordinated Activities on the Safety of Products
Recall effectiveness

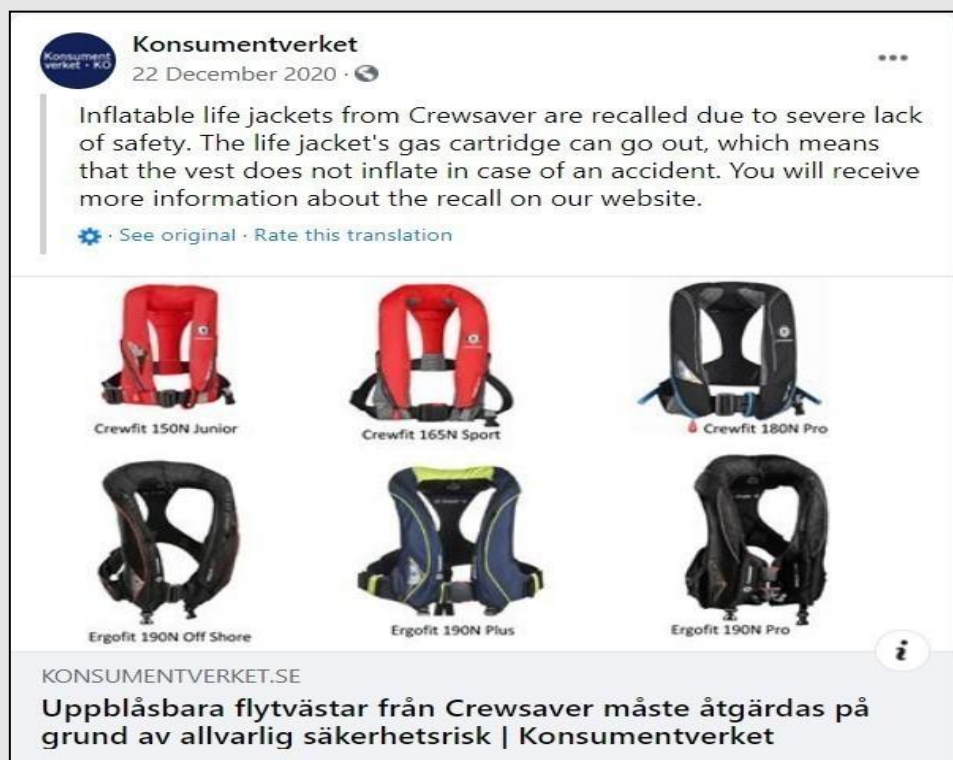


European
Commission

Irish product recalls by The Competition and Consumer Protection Commission using Twitter⁵⁹



Swedish Consumer Agency (Konsumentverket) Facebook page⁶⁰



⁵⁹ <https://twitter.com/CCPCIreland/status/1352649993585352705>

⁶⁰ https://www.facebook.com/pg/konsumentverket/posts/?ref=page_internal

Step 8: Penalty procedure

In case the economic operator fails to take the appropriate corrective action, the MSAs need to consider whether to impose a penalty. This can be guided by prosecution policies when they are in place, and there is an increasing range of sanctions that can be applied. The GPSD and other market surveillance regulations require penalties to be proportionate to the seriousness of the offence and to act as an effective deterrent against abuse.

Step 9: Review and closure

At the conclusion of the case, it is advantageous to review the actions taken so that working practices and procedures can be assessed, updated (including the ICSMS entry, if applicable) and continually improved.

Step 10: Recordkeeping

In addition to the ICSMS and Safety Gate, MSAs will most likely have their own databases with records of product safety inspections, sampling, investigations, etc.

Together with other product safety data that may be available nationally, such as accident statistics, the records of recall actions can provide the necessary intelligence for enforcement planning and developing national market surveillance strategies⁶¹.

Supporting economic operators

Recall effectiveness can be enhanced when MSAs adopt a proactive approach to supporting businesses in their efforts to detect and recall dangerous products.

One of the most common types of initiative taken by national authorities is to provide guidelines on how to perform a recall. An overview and links to these guidelines can be found in Appendix 4.2.

In addition, in accordance with the Single Digital Gateway Regulation (EU) 2018/1724, economic operators have easy access to comprehensive information on EU product rules, including product safety requirements through the Your Europe portal⁶².

An example to help with drawing up a recall notice by the Finnish Safety and Chemicals Agency⁶³

TAKAISINVETO
Tutti Oy:n renkaallinen huvitutti
Eränumero 1234/07 – 5678/08

Vihreässä Tutti Oy:n huvitutissa on havaittu turvallisuuspuute. Tuttien imuosa saattaa valmistusvirheen vuoksi irrota käytössä ja aiheuttaa tukehtumisvaaran.

Palautusmenettely koskee tutteja, jotka on ostettu vuosien 2007 ja 2008 aikana ja joiden eränumero on välillä 1234/07 – 5678/08. Eränumero on painettu tutin renkaaseen.

Tutin käyttö tulee lopettaa välittömästi ja se on poistettava lasten saatavilta. Pyydämme tutin hankkineita kuluttajia palauttamaan sen ostopaikkaan. Tuotteen hinta hyvitetään asiakkaalle. Tuotetta palautettaessa asiakkaan ei tarvitse esittää ostokuittia hyvityksen saadakseen.

Tuotteet ovat olleet myynnissä seuraavissa liikkeissä / ketjuissa:

Liike 1
 Liike 2...

Lisätietoja: Tutti Oy, puh.012-345 6789
www.tutti-oy.fi



TUOTTEEN TAKAISINVETO
Putipuhdas pyykinpesukone
malli: puhdas001 (EAN 6412345678901)

Pesukone on ollut myynnissä 1.9.2012–22.10.2013
 Tyypä: aqua 123
 Valmistaja: Putipuhdas Oy
 Takaisinveto ei koske muita tyyppejä.

Pesukoneessa olevassa piirikortissa on viallinen komponentti, joka voi aiheuttaa tulipalon vaaran.

Pesukoneen käyttö tulee lopettaa välittömästi! Ottakaa yhteys puhelinpalveluumme koneen korjaamiseksi puh. (029) 1234 5000.

Lisätiedot: Putipuhdas Oy
 puh. (029) 1234 4000



⁶¹ Under Article 13 of Regulation (EU) 2019/1020, MSAs are obliged to communicate to the Commission as well as other Member States their national market surveillance strategies which must be drawn up at least every four years (a summary of which needs to be published).

⁶² <https://europa.eu/youreurope/>

⁶³ <https://tukes.fi/en/products-and-services/dangerous-products/content-and-format-of-a-recall-notice>

Some MSAs, such as the ones in Malta and Iceland, send a weekly overview of Safety Gate notifications to economic operators in their country.

As regards the support to businesses in individual recall cases, this can take various forms, such as:

- Sharing data, e.g. Consumer complaints recall statistics, including any accident and injury data.
- Sharing expertise (e.g. enforcement expertise) to ensure that corrective actions provide the necessary level of protection.
- Creating a direct line of communication with companies by providing a single point of contact for recalls and other corrective actions.
- Reviewing the need for update in a risk assessment by the economic operator in light of new information.
- Reviewing proposed communication strategy and remedies for consumers;
- Providing channels of communication for recall messages, including the publication of recall notices on MSAs' websites and social media.
- Providing support in monitoring the effectiveness of recall actions, including advice on when actions can come to an end.

Whilst it is the responsibility of the economic operator to plan and undertake recalls, the support received from MSAs can drive up the effectiveness of these measures. However, the level of assistance available, especially regarding individual cases, will depend on human and financial resources as well as MSAs' priorities.

4. Appendices

4.1 List of national MSAs

- Authorities responsible for products falling under the General Product Safety Directive:
https://ec.europa.eu/safety/consumers/consumers_safety_gate/menu/documents/Business_Gateway_contacts.pdf
- Authorities responsible for products subject to EU harmonisation legislation:
<https://ec.europa.eu/docsroom/documents/45526>

In case it is not clear which market surveillance authority is competent in a particular case, national Product Contact Points under Regulation 2019/515 on the mutual recognition of goods can provide advice: https://ec.europa.eu/growth/single-market/goods/free-movement-sectors/mutual-recognition/contacts-list_en

4.2 Overview of national guidance documents for product recalls

EU/EEA countries	
Austria	https://www.sozialministerium.at/Themen/Konsumentenschutz/Produktsicherheit/Gefahrliche-Produkte-und-Rueckrufe.html
Belgium	https://economie.fgov.be/fr/themes/qualite-securite/securite-des-produits-et/rappel-dun-produit-ou-autre
Denmark	https://www.sik.dk/erhverv/produkter/vejledninger/generelle-vejledninger-om-produkter/tilbagetraekning-og-tilbagekaldelse-produkter
Finland	https://tukes.fi/en/products-and-services/dangerous-products
France	A guide on product recalls is under development
Germany	https://www.baua.de/DE/Themen/Anwendungssichere-Chemikalien-und-Produkte/Produktsicherheit/Rueckrufmanagement/Handlungsempfehlungen.html https://www.baua.de/DE/Themen/Anwendungssichere-Chemikalien-und-Produkte/Produktsicherheit/Rueckrufmanagement/Rueckrufmanagement_node.html
Norway	https://www.dsb.no/lover/produkter-og-forbrukertjenester/veiledning-til-forskrift/veileder-om-meldeplikt-ved-farlige-produkter/
Slovenia	https://www.gov.si/teme/varnost-potrosniskih-proizvodov-in-sistem-rapex/
Sweden	https://www.konsumentverket.se/for-foretag/produktsakerhet/salt-farlig-vara/
Non-EU/EEA countries	
Australia	https://www.productsafety.gov.au/publication/consumer-product-safety-recall-guidelines
Canada	https://www.canada.ca/en/health-canada/services/consumer-product-safety/legislation-guidelines/acts-regulations/canada-consumer-product-safety-act/industry/guide-mandatory-reporting-section-14.html
New Zealand	https://productsafety.tradingstandards.govt.nz/for-business/product-recalls/guidelines-for-product-recalls/
UK	https://shop.bsigroup.com/forms/PASs/PAS7100-download/
USA	https://www.cpsc.gov/s3fs-public/pdfs/blk_pdf_8002.pdf

4.3 Overview of recall databases and portals of recalled products

EU/EEA countries	
Austria	https://www.ages.at/produktwarnungen/
Bulgaria	https://kzp.bg/opasni-stoki-v-bulgaria?f_category=0&f_year=2020&f_search= (mandatory recalls) https://kzp.bg/novini/dekatlon-balgariya-eood-predpriema-dobrovolni-merki-vav-vrazka-s-ustanovena-opasnost-pri-izpolzvane-na-detski-shorti-za-bord-500kid-olaian (voluntary recalls)
Denmark	https://www.sik.dk/farlige-produkter
Estonia	https://www.ttja.ee/et/tarbijale/ohutus
Finland	https://marek.tukes.fi https://recall.trafi.fi/#vclass=&mark=&model= (motor vehicles)
France	https://www.economie.gouv.fr/dgccrf/securite/avis-rappels-produits
Germany	https://www.baua.de/DE/Themen/Anwendungssichere-Chemikalien-und-Produkte/Produktsicherheit/Produktinformation/Datenbank/Produktsicherheit_form.html?nn=8684884&meldev.GROUP=1&prodkat.GROUP=1
Hungary	https://fogyasztovedelem.kormany.hu/#/veszelyes_termekek
Iceland	https://www.neytendastofa.is/neytendur/solubonn-innkollun-voru/
Ireland	https://www.ccpc.ie/consumers/product-safety/product-recalls/
Latvia	https://www.ptac.gov.lv/lv/jaunumi?category%5B103%5D=103
Luxembourg	https://portail-qualite.public.lu/fr/alertes.html
Malta	https://mccaa.org.mt/Section/Content?contentId=4407
The Netherlands	https://terugroepregister.rdw.nl/Pages/Terugroepregister.aspx (motor vehicles)
Norway	https://farligeprodukter.no/
Poland	http://publikacje.uokik.gov.pl/hermes3_pub/
Romania	https://anpc.ro/categorie/44/retrageri-voluntare-de-produse
Slovenia	https://www.gov.si/zbirke/seznami/nevarni-proizvodi/
Sweden	https://www.konsumentverket.se/aktuellt/aterkallelser-av-varor/ https://www.elsakerhetsverket.se/privatpersoner/dina-elprodukter/forsaljningsforbud/ (electrical products)
Non-EU/EEA countries	
Australia	https://www.productsafety.gov.au/recalls
Canada	https://healthycanadians.gc.ca/recall-alert-rappel-avis/index-eng.php (the database is also available through a mobile app ⁶⁴)

⁶⁴ <https://www.canada.ca/en/services/health/stay-connected/recalls-safety-alerts-mobile-application.html>

New Zealand	https://www.recalls.govt.nz/
UK	https://www.tradingstandards.uk/consumers/product-recalls-and-safety-notice https://www.gov.uk/check-vehicle-recall (only for motor vehicles)
USA	https://www.cpsc.gov/Recalls (the database is also available through a mobile app ⁶⁵)

4.4 Interesting links / further reading

- General product safety legislation: https://ec.europa.eu/info/business-economy-euro/product-safety-and-requirements/product-safety/product-safety-rules_en
- General Product Safety Directive (2001/95/EC): <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001L0095>
- Market Surveillance Regulation (EU) 2019/1020: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R1020>
- Specific products, standards and risks: https://ec.europa.eu/info/business-economy-euro/product-safety-and-requirements/product-safety/standards-and-risks-specific-products_en
- Safety Gate / RAPEX: <https://ec.europa.eu/safety-gate-alerts/screen/webReport>
- Commission Implementing Decision (EU) 2019/417 laying down guidelines for the management of RAPEX: <https://eur-lex.europa.eu/eli/dec/2019/417/oj>
- EU Risk assessment Guidelines online tool: <https://ec.europa.eu/rag/#/screen/home>
- Product Safety Business Alert Gateway User Manual: <https://webgate.ec.europa.eu/gpsd/public/resources/User%20Manual%20for%20Economic%20Operators.pdf>
- Regulation No 765/2008 on the requirements for accreditation and market surveillance relating to the marketing of products: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:218:0030:0047:EN:PDF>
- Guidance on the relationship between Directive 2001/95/EC and the Mutual Recognition Regulation: <https://ec.europa.eu/docsroom/documents/5807>
- The GDPR and rules for the protection of personal data: https://ec.europa.eu/info/law/law-topic/data-protection_en
- Directive on electronic commerce (2000/31/EC): <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32000L0031>
- OECD Global Recall Portal: <https://globalrecalls.oecd.org/#/>
- OECD Policy guidance on recalls - [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP/CPS\(2019\)4/FINAL&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP/CPS(2019)4/FINAL&docLanguage=En)
- ISO 10393:2013 Consumer product recall – Guidelines for suppliers: <https://www.iso.org/standard/45968.html>

⁶⁵ <https://www.cpsc.gov/data>

4.5 Economic operator checklist for recalls

Planning a recall	
Is there a written recall strategy in place?	
Has a recall event been simulated?	
Has a corrective action team with relevant expertise been appointed?	
Is there robust product safety monitoring system in place to identify potential problems?	
Is there robust product traceability strategy in place allowing for accurate identification of products and actors in the supply chain?	
Is there robust consumer traceability strategy in place facilitating direct consumer contact (e.g. product registration scheme, use of other sources of customer data for safety purposes)?	
Have all legal obligations (in particular to notify the relevant MSA and carry out a risk assessment and management) been prepared for?	
Has communication strategy (with template documents, mapping of communication channels etc.) been prepared?	
Have possible remedies for consumers and ways to retrieve the recalled products been identified and planned for?	
Is there a contingency plan in place to deal with (rework/recycle/destroy) retrieved products?	
Performing a recall	
Has action been initiated without delay following the discovery of a dangerous product?	
Has a risk assessment been performed using EU guidelines to determine the level of risk?	
Has the corrective action team performed sound risk management and decided on which kind of corrective actions to take?	
Has the national MSA been informed of the product risk and the planned corrective action(s)?	
If a corrective action involves a cross-border recall, is the approach consistent?	
Have others in the supply chain and relevant other actors (such as online marketplaces) been informed?	
Has the recall been effectively communicated to consumers, using a variety of communication channels (including direct contact, if feasible) and recommended template for a recall notice?	
Is the procedure to return the product simple and cost-free for consumers?	
Are speedy and attractive remedies provided to consumers?	
Are retrieved products dealt with (repaired, recycled or destroyed) in a transparent and efficient way to ensure that they can no longer pose any harm?	
Is the recall process being monitored and reviewed? Does it need adjusting/expanding or can the case be closed?	

4.6 Product safety recall templates

The editable versions of the template in multiple formats are attached to this document.