

Customs Control in the area of Product Safety

This document was last updated April 2017

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1. INTRODUCTION & LEGISLATION

[Regulation \(EC\) No 765/2008](#) provides for controls by both customs authorities and market surveillance authorities in the area of Product Safety.

This legislation provides that unsafe products are prohibited to be placed on the market and sets out responsibilities for MS Customs administrations in respect of the detection of unsafe products at the time of importation and before goods are released for free circulation. Responsibilities for Customs authorities have been provided for in Articles 27 - 29 of this Regulation.

2. INFORMATION SHEETS & CHECKLISTS

Customs staff at points of importation may in the course of their duties come across consignments of goods which are declared for release for free circulation in the European Union but which appear to be unsafe or non-conforming (e.g. goods bearing no visible CE marking or with a CE marking falsely affixed). In such cases, the procedures outlined at Section 3 below should be followed.

To assist in the identification of unsafe or non-conforming consignments the European Commission will regularly produce Product Safety Information Sheets and Checklists in respect of various products. The Information Sheets will provide general product safety information on various types of specified products and the characteristics often displayed by unsafe products.

Checklists will set out various characteristics in respect of unsafe products and completion by Customs of a Checklist may assist in deciding whether or not to contact the relevant Market Surveillance Authority.

Customs staff should use these Information Sheets and Checklists to assist in the identification of unsafe products. Information Sheets and Checklists are available on Rev Net as follows

***RevNet can help you with your work in /Customs
Product Safety Information Sheets and Checklists***

3. ACTION BY CUSTOMS

3.1 Cooperation with Market Surveillance Authorities

Where Customs have a suspicion regarding the safety standard of a product the consignment in question should be detained and the relevant Market Surveillance Authority should be contacted. A list of MSA (Market Surveillance Authority) contacts is attached at [ANNEX I](#). The Annex 1 list contains most of the goods where safety concerns are likely to arise but where the particular product

is not included in the Annex I list, Customs Division (Risk, Prohibitions and Restrictions Unit) can be contacted to determine which MSA applies.

Within three working days of the date of notification, the MSA is required to inform Customs whether or not an investigation is taking place and the likely duration of that investigation. The MSA is required to keep Customs updated on the status of the investigation and, on its completion, are required to instruct Customs regarding the clearance of the consignment in question.

If the investigation by the MSA shows that the product in question presents a risk to health, safety or the environment or is in breach of legislative requirements, the MSA will take measures to prohibit the product from being placed on the market. They will liaise with Customs regarding the actions to be taken. Measures taken in this regard may include:

- instruction to Customs by the MSA to release the product in question after non-conformance has been corrected;
- redirecting of product by MSA for other uses i.e. MSA may reject the product for its intended use and re-direct it for other uses for which it meets safety standards;
- rejection of product by MSA with an instruction that the goods are to be re-exported or returned to the country of export at the exporter's expense;
- destruction of the product by MSA, under Customs supervision.

If seizure of the goods is required, this must be carried out by the MSA. However, Customs, on request by the MSA, should assist to the extent that it is possible and as may be necessary to:

- examine products which have been detained;
- assist MSA by supplying, on request, details of the names and addresses of the importer/agent for a specific consignment of interest to them; and
- facilitate the detention by the MSA of consignments that it has examined and which have been found to be a risk to consumers.

Where, after three working days, Customs have received no response from the relevant MSA, the goods should be released for free circulation, provided that all other customs requirements and formalities have been met.

If the product in question is found by the MSA to be safety compliant, the MSA is required to inform Customs of this and the consignment in question should be released for free circulation provided that all other customs requirements and formalities have been met.

3.2 Recording of Statistics

Instances of intervention by customs and/or referrals of suspect consignments to MSAs should be recorded by staff.

For this purpose staff have been provided with an excel sheet which should be completed and returned to rcpr@revenue.ie on a quarterly basis. Risk, Prohibitions and Restrictions Unit will collate and forward this data to the EU Commission.

4. CONTACTS FOR COMPETENT AUTHORITIES

Contact details for MSAs and areas of responsibility of key personnel involved in Market Surveillance are available in [ANNEX I](#).

5. RISK INFORMATION FORM

The Risk Information Form (RIF), which is part of the Customs Risk Management System (CRMS) should be used by staff to inform other EU Customs authorities of any irregularities which have come to light in respect of the import or export of goods in contravention of product safety legislation. For further information staff should contact:

Nuala O'Callaghan 01-6744317

Mark Hynes 01-6774327

Email: Customsriskunitgroup@revenue.ie

6. ENQUIRIES CONCERNING THIS MANUAL

Any enquiries should be directed to the Prohibitions and Restrictions Unit, at rcpr@revenue.ie or 01-6744329

ANNEX 1

PRODUCT AND CONTACT LIST

PRODUCT GROUP	AUTHORITY DESIGNATED TO CARRY OUT SAFETY AND CONFORMITY CONTROLS
Household Lamps, Portable Luminaires, Christmas lighting	Competition and Consumer Protection Commission (CCPC) Helen Kieran Tel: 01 4025570 Email: helenkieran@ccpc.ie or tomconnick@ccpc.ie
Lighters	Competition and Consumer Protection Commission (CCPC) Helen Kieran Tel: 01 4025570 Email: helenkieran@ccpc.ie or tomconnick@ccpc.ie
Oil lamps for indoor use	Competition and Consumer Protection Commission (CCPC) Helen Kieran Tel: 01 4025570 Email: helenkieran@ccpc.ie or tomconnick@ccpc.ie
Sunglasses	Competition and Consumer Protection Commission (CCPC) Helen Kieran Tel: 01 4025570 Email: helenkieran@ccpc.ie or tomconnick@ccpc.ie
Toys	Competition and Consumer Protection Commission (CCPC) Helen Kieran Tel: 01 4025570 Email: helenkieran@ccpc.ie or tomconnick@ccpc.ie
Adaptors	Competition and Consumer Protection Commission (CCPC) Helen Kieran Tel: 01 4025570 Email: helenkieran@ccpc.ie or tomconnick@ccpc.ie
Dimethylfuma-rate in leather products / shoes	Competition and Consumer Protection Commission (CCPC) Helen Kieran Tel: 01 4025570 Email: helenkieran@ccpc.ie or tomconnick@ccpc.ie

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PRODUCT GROUP	AUTHORITY DESIGNATED TO CARRY OUT SAFETY AND CONFORMITY CONTROLS
Radio- and telecommunications terminal equipment	<p>Commission for Communications Regulation (COMREG)</p> <p>Michael Callan Tel: 01 8049600 Email: michael.callan@comreg.ie or ivan.kiely@comreg.ie</p>
Jammer	<p>Commission for Communications Regulation (COMREG)</p> <p>Michael Callan Tel: 01 8049600 Email: michael.callan@comreg.ie or ivan.kiely@comreg.ie</p>
LED Tubes	<p>Commission for Communications Regulation (COMREG)</p> <p>Michael Callan Tel: 01 8049600 Email: michael.callan@comreg.ie or ivan.kiely@comreg.ie</p>
Medical devices	<p>Health Products Regulatory authority</p> <p>Cathal Brennan Tel: 01 6764971/ Email: cathal.brennan@hpra.ie</p>
Recreational crafts	<p>Department of Transport, Tourism & Sport</p> <p>Michael Morrissey Tel: 01 6707444 Email: michaelmorrissey@transport.ie or michaelklyne@transport.ie or joandoyle@transport.ie</p>
Car Parts	<p>Road Safety Authority</p> <p>John Kilroy Tel: 096 25038 / 087 6418933 Email johnkilroy@rsa.ie or vehiclestandards@rsa.ie</p>

