NOTIFICATION

The following notification is being circulated in accordance with Article 10.4:

1. Party to Agreement notifying: SWEDEN

2. Agency responsible: Ministry of Finance/The Swedish Government Committee on Recall of Hazardous Products

3. Notified under Article 2.5.2 [X], 2.6.1 [], 7.3.2 [], 7.4.1 [], other:

4. Products covered (CCCN where applicable, otherwise national tariff heading):
   Consumer products

5. Title: Product Safety Act

6. Description of content: The Committee found that when hazardous products have reached the users some kind of general intervention is required. The Committee recommended that the questions on recall and cautionary information should be regulated in a new statute denominated the Product Safety Act.

   The scope of application of the Act is proposed to be consumer goods and the purpose is to prevent that products cause personal injury or property damage. The Act is proposed to cover all types of safety deficiencies. By hazardous products the Committee refers primarily to those entailing risks which either are conceived as unnecessary considering possible safety measures or which are difficult to foresee by those using the products. In order to protect consumers who have already acquired a hazardous product it is proposed to authorize the supervisory authority to issue an injunction of cautionary information or a recall injunction of the product. The hazard prerequisite for issuing a recall injunction is the same as for an injunction of cautionary information, namely a special risk of injury or damage, although recall is proposed to be ordered only in case of risk of personal injury.

   The questions of injunctions and prohibitions should be considered by an impartial forum - the Swedish Market Court. A recommendation is included in the text of the draft law that the supervisory authorities should initiate negotiations with entrepreneurs when injunctions and prohibitions are to be considered.

7. Objective and rationale: Consumer protection

8. Relevant documents: Will be published in the Swedish Code of Statutes

9. Proposed date of adoption and entry into force:
   Will be decided later (adoption), 1 July 1989 (entry into force)

10. Final date for comments: 18 April 1988

11. *Texts available from: National enquiry point [X] or address of other body:

*Proposals in Swedish, summaries in English or French

88-0263