



Office for Product
Safety & Standards

Product safety and noncompliance notification guidance for authorities: Northern Ireland

Additional Guidance: For clarity for market surveillance and enforcement authorities enforcing in Northern Ireland ('NI') under the Regulation on Market Surveillance and Compliance of Products 2019/1020 ('MSC').

To meet the provisions set out in the MSC Article 34.4 please see the relevant legal provision and the corresponding Product Safety Database (PSD) field for authorities to populate.

Legislative provision:	PSD field:
Article 34.4 <i>Market surveillance authorities shall enter into the information and communication system in relation to products made available on the market for which an in-depth check of compliance has been carried out, without prejudice to Article 12 of Directive 2001/95/EC and Article 20 of this Regulation, and where applicable, in relation to products entering the Union market for which the process for the release for free circulation has been suspended in accordance with Article 26 of this Regulation, in their territory, the following information concerning:</i>	
(a) measures according to Article 16(5) taken by that market surveillance authority;	“Corrective action” (step 5 in the case creation)
(b) reports of testing carried out by them;	“Description of harm” (step 2 in the case creation)

<p>(c) corrective action taken by economic operators concerned;</p>	<p>“Corrective action” (step 5 in the case creation)</p>
<p>(d) readily available reports on injuries caused by the product in question;</p>	<p>This can be captured in the free text section under “What specific issues make the product unsafe of non-compliant?” (step 2 in the case creation). You can also add supporting documents where applicable.</p>
<p>(e) any objection raised by a Member State in accordance with the applicable safeguard procedure in the Union harmonisation legislation applicable to the product and any subsequent follow-up;</p>	<p>This can be noted on the PSD notification in the form of a comment (after the notification is submitted).</p>
<p>(f) where available, failures by Authorised Representatives to comply with Article 5(2);</p>	<p>Additional clarity (provided by OPSS). If an Authorised Representative (AR) hasn’t met its mandate to meet Article 4 requirements, for example, in line with the below compliance duties (as seen in Article 4.3)</p> <p>Compliance Duties:</p> <ul style="list-style-type: none"> • Provide Market Surveillance Authorities (MSAs) with necessary information and documentation in a language easy to understand by the MSA to demonstrate the safety of a product, when requested to do so by the MSA. • Inform the manufacturer it represents of relevant products being dangerous, where it considers or has reason to believe so. • Inform national authorities of actions taken to eliminate risks posed by products if the manufacturer has not already provided that information. • Cooperate with national authorities on any action taken to effectively eliminate the risks posed by relevant products. <p>or anything else in the mandate that the manufacturer has mandated them with for their compliance duties then (in line with the MSC Article 34.f), this information should be recorded.</p>

	<p>This can be noted on the PSD notification in the <i>form of a comment</i> (after the notification is submitted).</p> <p>For this specific requirement you must also inform OPSS through the UK Product Safety Contact Point ukproductsafetycp@businessandtrade.gov.uk.</p>
<p>(g) where available, failures by manufacturers to comply with Article 5(1).</p>	<p>Additional clarity (provided by OPSS).</p> <p>If a manufacturer has failed to properly mandate the AR to perform the tasks listed in compliance duties (shown in the section above as relevant to Article 4.3), then (in line with Article 34.g) authorities must capture this information.</p> <p>This can be noted on the PSD notification in the form of a comment (after the notification is submitted).</p> <p>For this specific requirement you must also inform OPSS through the UK Product Safety Contact Point ukproductsafetycp@businessandtrade.gov.uk.</p>

To meet the provisions set out in MSC Article 20 please see the relevant legal provision and the corresponding link to the PSD guidance to aid authorities' understanding regarding the information that needs to be inserted into the PSD.

Legislative provision: Article 20 <i>Products Presenting a Serious Risk</i> .	PSD Guidance:
<p>1. Where a market surveillance authority takes or intends to take a measure pursuant to Article 19 and considers that the reasons which prompted the measure or the effects of the measure go beyond the territory of its Member State, it shall immediately notify the Commission of that measure in accordance with paragraph 4 of this Article. The market surveillance authority shall also inform the Commission without delay of the modification or withdrawal of any such measure.</p>	<p><i>Please see instruction in 3.6 in Product safety and noncompliance notification guidance.</i></p> <p>Other useful sources to provide guidance for how to report onto the PSD include:</p> <p>How to use the Product Safety Database.</p>
<p>2. If a product presenting a serious risk has been made available on the market, market surveillance authorities shall immediately notify the Commission of any voluntary measures taken and communicated to the market surveillance authority by an economic operator.</p>	
<p>3. The information provided in accordance with paragraphs 1 and 2 shall include all available details, in particular the data necessary for the identification of the product, the origin and the supply chain of the product, the risk related to the product, the nature and the duration of the national measure taken and any voluntary measures taken by economic operators.</p>	