

Market Study Report 2022

Consumer Goods in the EU: Persisting
Safety Issues

Summary

In 2022, TIC Council conducted a market study to assess the compliance of consumer electrical products sold in the European Single Market with basic safety requirements from European product safety legislation. The aim of the project was to assess the enforcement of EU product legislation and the level of safety consumers can expect from the EU Single Market. The study also provided interesting insights into the impact that different approaches to conformity assessment can have on the results of conformity assessment and thus on the safety of consumer products.

85

out of the 120 tested products, were not in compliance with the standards.

The project purchased and tested a range of consumer electrical products that carry the CE marking but no other certification mark, those of which were readily available to any consumer in brick and mortar shops across Europe.

120 samples were taken from six different EU countries and sent to an accredited laboratory not affiliated with any TIC Council member. The tests and assessments were limited to the mandatory basic safety clauses of the applicable European Standards (EN). This possibly indicates that, the percentage of non-compliances could be underestimated if other safety requirements were taken into account.

Of the 120 products tested, 85 did not meet the standards and 28 presented dangerous non-conformities that can cause hospitalisation, permanent physical harm to the consumer, loss of property or fires.

TIC Council previously carried out market studies between 2012 and 2017, including tests of electrical consumer goods that do not bare any certification marks. The 2022 market study aimed to verify whether the consumer safety situation in the EU had improved after 10 years. The reported results showed the opposite, namely that the situation has further deteriorated.



Glossary

Conformity Assessment Body (CAB): Organisation that carry out conformity assessment activities.

CE Marking: A marking used in the European Economic Area and Turkish Market which is required for products manufactured anywhere in the world that are then marketed in the EU. It is an indicator (but not proof) that a product complies with EU regulations. By affixing the CE marking to a product, the manufacturer declares, under his sole responsibility, that the product is in conformity with the essential requirements of the applicable Union harmonisation legislation providing for the affixing of that marking, and that the relevant conformity assessment procedures have been fulfilled.¹

Conformity Assessment: The demonstration that a product (service, system, process, installation, claim, person, body, etc.) meets requirements, which may be in a regulation or a standard or another normative document.

First Party Conformity Assessment: Performed by the person or organisation that provides the object. The supplier or manufacturer demonstrates that a product or service meets the specified requirements and is usually used when there is less risk associated with non-compliance and the product.

Third Party Conformity Assessment: Performed by a person or body whose interests in the product are independent from those of first parties and whose interest in fulfilment of requirements are independent from those of second parties. It is typically used when there is a high level of risk associated with non-compliance and with the product.

European Economic Area: Member States of the European Economic Area are the EU Member States, as well as Iceland, Norway and Liechtenstein. They are not allowed to restrict the placing on the market of CE marked products unless such measures can be justified on the basis of evidence of the non-compliance of the product.² This also applies to products made in third countries which are sold in the EEA. The EEA is also called EU Single Market.

Harmonised Standards: European standards adopted on the basis of a request from the Commission for the application of Union harmonisation legislation.³

Market Surveillance: The activity carried out by authorities to ensure that products on the market conform to the applicable laws and regulations and comply with the existing EU health and safety requirements.

Notified Body (NB): A conformity assessment body, designated by an EU country - via a specific notification to the European Commission - authorised to assess the conformity of certain products before being placed on the market. Notified bodies carry out tasks related to conformity assessment procedures set out in the applicable legislation when a third party is required. They can offer their services throughout the

1. The 'Blue Guide' on the implementation of EU product rules 2022 (2022/C 247/01).

2. Ibid.

3. Ibid.

EU and in third countries related to EU legislation. The European Commission publishes a list of such notified bodies.⁴

EU Declaration of Conformity (EU DoC): A document in which the manufacturer, or their authorised representative within the European Economic Area (EEA), indicates that the product meets all the necessary requirements of the Union harmonisation legislation applicable to the specific product. The EU DoC must also contain the name and address of the manufacturer along with information about the product, such as the brand and serial number. The EU DoC must be signed by an individual working for the manufacturer or their authorised representative, and the employee's function must also be indicated. Whether a Notified Body has been involved or not, the manufacturer must draw up and sign the EU Declaration of Conformity.⁵

Safety Gate: The EU rapid alert system for dangerous non-food products. The Safety Gate system ensures that information on measures against dangerous non-food products is exchanged quickly between the national authorities responsible for product safety in the Single Market countries.

National authorities send alerts to the Safety Gate every day. Each alert contains information on the kind of product detected as dangerous, a description of the risk detected, and the measures taken by the economic operator or ordered by the authority. Every alert is followed up by the other authorities, which take their own measures if they find the same product in their own national markets.

Other countries must follow up this information and if they find the same product on their own markets, they have to share this information on Safety Gate as well.

TIC (Testing, Inspection and Certification): TIC represents the **Testing, Inspection and Certification** sector. The independent TIC sector provides conformity assessment services (i.e., testing, validation, declaration of conformity, etc.), either for regulatory reasons or good practice, in order to protect people and the environment. Some of the key testing and certification services include quality and safety controls through conformity assessments, such as supply chain certifications, industrial site inspections, product testing, management system auditing and certification, periodic car inspections, pre-shipment inspection, consignment-based conformity assessments and many more. More information about the key activities and the global value of the TIC sector for consumers, businesses and stakeholders are available via our report [here](#).

4. The 'Blue Guide' on the implementation of EU product rules 2022 (2022/C 247/01).

5. Ibid.



Background

It is undeniable that the EU Single Market for products has been a success. It makes it easier for consumers and economic operators to access the markets of European countries without having to comply with additional national requirements relating to the health and safety of products. EU health and safety legislation, first known as the New Approach and later as the New Legislative Framework, has played a key role in this success.

In the course of this process, the legislative framework has evolved from a system where conformity assessment is largely carried out by third parties to a first-party conformity assessment where, for most products, assessment by the manufacturer is sufficient.

This system was not necessarily accompanied by sufficient investment in market surveillance that would prevent dangerous products from entering the market – or at least remove them in large scale. In 2017, the European Commission reported that ‘there are still too many unsafe and non-compliant products sold on the EU market: as many as 32% of toys, 58% of electronics, 47% of construction products or 40% of personal protective equipment inspected do not meet the requirements for safety or consumer information foreseen in EU legislation.’⁶

The present market study tends to confirm this statement, as higher levels of non-compliance and increased safety risks were observed and confirmed in the internal market compared to TIC Council’s 2017 market study.

Market Studies

Methodology

The 2022 study aims to assess whether consumer electrical products subject to an EU Declaration of Conformity without third party conformity assessment and sold on the EU Single Market comply with mandatory legal requirements and are therefore safe for European consumers.

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



Electronic Battery Chargers



Hairdryers



Hair Curlers and Straighteners



Irons



Household Fans/Ventilators



Toasters/Grills



Lamps (fixed or portable, not LED)



Household Space Heaters

Samples were randomly selected from the shelves of retailers in seven EU countries and contained a mixture of well-known brands and no-name brands. All selected products

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

were subject to EU Declaration of Conformity without any indication that they had been subject to a third party conformity assessment. This means that the manufacturer or supplier of this product has carried out the required conformity assessment itself and confirmed that the product complies with the applicable requirements.

A series of safety tests were then carried out in a laboratory independent from any TIC Council affiliation against established harmonised European standards. The safety tests were based on mandatory safety clauses, including heating, abnormal operation, double insulation and warnings. They excluded additional clauses of the harmonised standards that did not focus on safety issues. It is therefore likely that the percentage of non-compliances found is in fact underestimated.

Following the laboratory tests, products were listed in one of four categories based on the corresponding risk:

PASS	SLIGHT FAILURE	MEDIUM FAILURE	DANGEROUS FAILURE
All safety tests were conducted with satisfactory results	Minor safety failures were detected, such as marking labels and safety instruction faults	Medium risk faults were detected, such as mechanical faults	Critical safety failures were detected, with a high risk of fire/permanent injury (e.g., access to movable live parts)

Previous Market Studies

Concerned about the vulnerability of the EU internal market and the safety of European citizens, the predecessor organisations of the TIC Council, IFIA (International Federation of Inspection Agencies) and CEOC (International Confederation of Inspection and Certification Organisations), actively advocated for the strengthening of the legal framework based on the EU Declaration of Conformity without third party conformity assessment.

To support this call to action, IFIA and CEOC conducted a series of market studies between 2012 and 2017, acquiring sample products subject to first party and third party conformity assessment from EU and North American markets and retesting them in independent accredited laboratories to verify compliance with the applicable safety standards.⁷

The results clearly indicated that products which were neither inspected nor tested by independent TIC bodies (95% coming from the EU market) presented a higher level of non-compliance. **Over 70% of the products tested showed non-conformities, and 17% showed dangerous non-conformity, i.e., faults likely to cause bodily damage to consumers, fires, or property loss.**

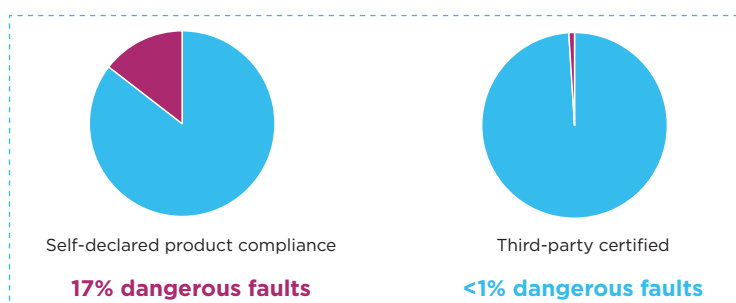


Figure 1 shows that of all products tested, 17% of the self-declared products showed dangerous faults, compared to less than 1% dangerous faults for products that were third-party certified.

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

2022 Market Study

TIC Council's 2022 market study only used products that had undergone a first-party conformity assessment. The new study aimed to assess whether the compliance rate of products in the EU Single Market has improved. However, the results reported a further and alarming deterioration.

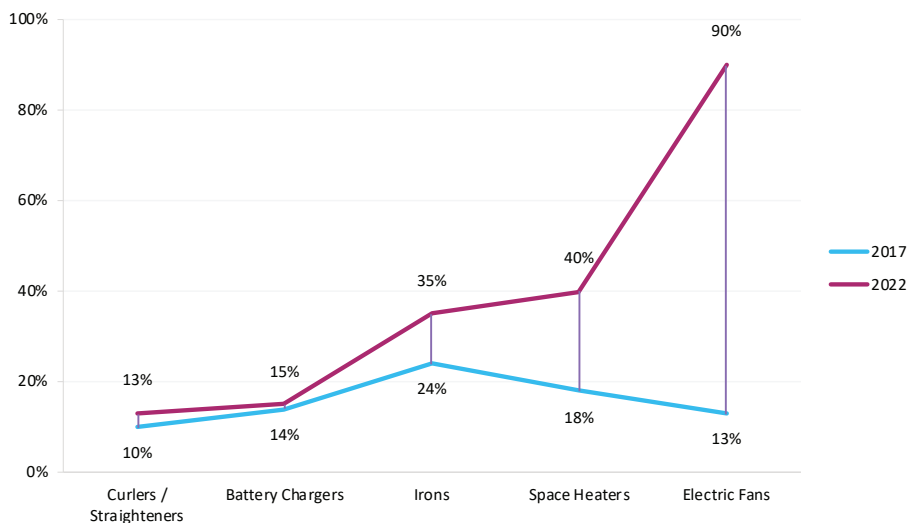
120 samples were sourced from six different EU countries, including Denmark, France, Germany, Poland, Spain and Sweden. The samples were sent to an accredited laboratory not associated with TIC Council members nor affiliated to its members.

Of the 120 products tested, 85 were not compliant with the standards, and 28 presented dangerous non-complying results with safety requirements.

The updated data show that the rate of non-compliance of tested products with applicable standards has increased significantly. In fact, the 2022 results show a 15% increase in the total number of non-conformities and an 11% increase in dangerous non-conformities, from 17% to 28%. This highlights the weakness of the system: since the CE labelling is based only on the conformity assessment by a first party, it opens the door for rogue manufacturers to flood the market with dangerous, non-compliant goods. Such a potential risk is not acceptable in any market.

Combined with the results of TIC Council's previous market studies, the 2022 market study may indicate that third party conformity assessment brings a higher level of conformity to the market than first party conformity assessment. It therefore appears that the involvement of independent conformity assessment bodies and notified bodies is an element for the EU to improve consumer safety and protect a level playing field for reputable and compliant economic operators.

Figure 2 illustrates comparative data of dangerous non-conformities found in selected product categories.



In conclusion, the data comparison of the two studies shows that the overall safety status of the EU Single Market has not improved over time and that the current regulatory framework does not prevent the circulation of dangerous products in the European Single Market.

These shortcomings are endangering consumers and putting compliant businesses at a competitive disadvantage. TIC Council is concerned about the high level of safety risks that the current regulatory framework cannot prevent. While it is questionable whether the current product safety framework is fit for purpose, the fact remains that these products:

1. Are available on the EU Single Market's brick and mortar shops today;
2. Present a 23% possibility of hurting someone severely or causing fires in European households and workplaces;⁸
3. Erode market share from those ethical manufacturers/importers who spend money and time to ensure proper compliance with standards and regulations.

Table 1

Comparative table, 2022 percentages vs 2012-2017

	TOTAL NON-CONFORMITIES		CRITICAL NON-CONFORMITIES	
	2017*	2022	2017*	2022
BATTERY CHARGERS	80%	60%	14%	15%
LUMINAIRES	68%	35%	12%	0%
HAIR DRYERS	76%	40%	0%	0%
CURLERS / STRAIGHTENERS	80%	87%	10%	13%
SPACE HEATERS	64%	80%	18%	40%
TOASTER, GRILLS	80%	80%	25%	0%
ELECTRIC FANS	82%	85%	13%	90%
IRONS	70%	90%	24%	35%

● No change 2017-2022
 ● Negative change since 2017
 ● Improvement since 2017
 *Cumulative 2012-2017

8. This refers to the sample of 120 products tested.



Recommendations

The results of the market study reveal systemic failures that ultimately put consumers at risk. Failure to comply with legal health and safety requirements for products could have serious consequences, such as possible physical or material harm, and create an uneven playing field for honest industry and market operators.

Technology and regulations have become more complex as the concept of “product” has evolved, including more devices and specific compliance issues. As a result, some market operators do not have the necessary technical expertise and in-house laboratories to properly assess compliance with all directives and standards applicable to their products. The situation might become even more complex with the addition of cybersecurity and AI requirements in the near future. This evolution will bring along new risks, including those for individual privacy and the safety of personal data. In addition, regulators and consumers expect products to meet sustainability requirements and comply with requirements related to social compliance, environmental performance, energy efficiency, durability or recyclability. It is, therefore, important that the regulatory framework for conformity assessment is quickly adapted to overcome today’s mistakes and to take into account the changing nature of products.

In this context, the European Commission should use the European Notified Body structure, an existing element of the original legislative that has been used and leveraged for over 30 years, for the product categories that carry the most risks.

TIC Council recommends that electrical consumer products which have been amply demonstrated as exceedingly dangerous and that continue to escape effective control by market surveillance authorities should no longer be allowed to use first-party conformity assessment but, instead, be governed by the Notified Body model, requiring third party conformity assessment.

In addition, a mindset change will only be achieved if all market operators collaborate and leverage their already existing data to help legislators identify such dangerous product categories.

This survey sheds light on the value added by third party conformity assessment in providing higher confidence levels in compliance with safety standards and regulations and the vital role it plays in consumer product safety.

Independent third party TIC organisations have the potential to evaluate and validate/reject products coming onto the market as they can provide the expertise, impartiality, and technical know-how to carry out evaluations, audits and inspections.

As such, authorities, manufacturers, distributors and consumers can be confident that a product, process or system can meet the necessary requirements for the EU market. As a trade facilitator, the TIC sector is an essential part of the safety value chain in Europe and globally, on which regulators should rely.⁹

9. You may read more about the contribution of the TIC sector to product compliance, trade and sustainability in our [2018 Study on the Value of TIC](#).

Moreover, TIC Council urges policymakers to take concrete actions to drastically reduce the number of dangerous electrical products in the EU Single Market. In this context, the TIC industry is ready to play its role as reliable partner in reducing the number of non-compliant products by preventing them from entering the market. By ensuring that a product entering the market complies with the essential regulatory requirements and flagging and blocking the marketing of non-compliant items, independent conformity assessment bodies could further safeguard European consumers' safety.



Editor's Note About TIC Council

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

TIC Council Secretariat
Rue du Commerce 20-22
B-1000 Brussels, Belgium
secretariat@tic-council.org
www.tic-council.org

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