

AG/RES. 2830 (XLIV-O/14)

NETWORK FOR CONSUMER SAFETY AND HEALTH AND INTER-AMERICAN RAPID
PRODUCT-SAFETY WARNING SYSTEM

(Adopted at the second plenary session, held on June 4, 2014)

THE GENERAL ASSEMBLY,

RECALLING that resolutions AG/RES. 2494 (XXXIX-O/09), AG/RES. 2549 (XL-O/10), AG/RES. 2682 (XLI-O/11), and AG/RES. 2712 (XLII-O/12), mandated the creation of the Network for Consumer Safety and Health (RCSS) in the Americas, as a first step toward implementation of the Inter-American Rapid Product-Safety Warning System (IAPSW);

CONSIDERING:

That resolution AG/RES. 2769 (XLIII-O/13), “Network for Consumer Safety and Health and Inter-American Rapid Product-Safety Warning System,” reiterated the importance of continuing to strengthen the issue at the national and hemispheric level, to which end it evolved an institutional strengthening strategy for the RCSS in the framework of the OAS, and therefore requested the General Secretariat, in consultation with the stakeholders, to present the Permanent Council with a proposed structure to guide the work of the RCSS, and instructed the General Secretariat to prepare, in conjunction with the member states, a medium- and long-term planning proposal for the activities of the RCSS;

That, as a consequence of these mandates, the governmental agencies with responsibility for consumer-good safety in the member states that are part of the RCSS held, thanks to the generous offer of the Government of Peru, a meeting of the Technical Advisory Group of the RCSS in Lima, in November 2013, at which they established an interim management committee to direct the work of the RCSS and a working group on the IAPSW to develop a strategy for implementing the System;

That the Interim Management Committee of the RCSS, composed of Peru (Chair), Brazil, Chile, United States, and Suriname, assumed responsibility for drafting a document containing a proposed structure to guide the work of the RCSS with support from the General Secretariat and Pan American Health Organization, and made progress on a first draft of a medium- and long-term plan that it will submit to the to-be-created organs of the RCSS for consideration and approval; and

That the Working Group on the IAPSW, comprising Brazil (Chair), El Salvador, Peru, Dominican Republic, and Suriname, developed an initial proposal for the design of the IAPSW that will guide the first stage of its implementation; and

CONVINCED:

That an institutionally robust RCSS governed by the member states with technical assistance from the General Secretariat will help to establish consumer-good safety as a permanent priority in the area of consumer rights and protection of fair competition, given that it is the only regional forum

for exchange and coordination of experiences, actions, techniques, and policies designed to ensure that consumer goods do not pose a risk to the health and safety of consumers; and

That the creation of the IAPSWs will help to protect consumers through rapid detection and coordinated action to prevent unsafe consumer goods entering markets in the Americas and will be conducive to a broad hemispheric dialogue for the introduction of transparent, uniform, and steadfast criteria to identify, evaluate, and appraise consumer-good risks, as well as for the multidisciplinary adoption of prompt and effective measures at the national and international level to minimize the possibility of such risks resulting in harm to persons or their property,

RESOLVES:

1. To approve the attached "Structure to Guide the Work of the Network for Consumer Safety and Health" (Annex 1) prepared at the initiative of the Interim Management Committee of the Network for Consumer Safety and Health (RCSS) with support from the General Secretariat.

2. To thank the governments that have made voluntary financial and in-kind contributions to strengthen the RCSS.

3. To congratulate the General Secretariat on the implementation of specialized programs on institutional strengthening and exchange of experiences that, through specialized training, publications, and meetings of authorities organized by the Secretariat for Legal Affairs in partnership with the Pan American Health Organization, have positioned the OAS as a pacesetter on this topic; and, in addition, to note with satisfaction the design and creation of the RCSS web page.

4. To welcome the proposal for implementation of the Inter-American Rapid Product-Safety Warning System (IAPSWs) prepared by the Working Group on the IAPSWs and to invite all member states to participate actively in the process of designing and implementing the IAPSWs at the hemispheric and national levels.

5. To request the General Secretariat to continue providing assistance to both to government agencies in designing the substantive and technological aspects of the System and to member states on consumer protection matters, particularly where product safety is concerned, and to serve as technical secretariat of the organs of the RCSS that will be established pursuant to the attached RCSS structure document.

6. To request the General Secretariat to continue encouraging the implementation at the national level of public programs and policies on consumer safety and of agreements with subregional agencies and associated countries and agencies from other regions, in order to promote the RCSS and facilitate the effective creation of the IAPSWs, while avoiding duplicate efforts.

7. To invite those member states that do not yet belong to the RCSS to join it and participate actively in the training activities, exchange of experiences, and planning of the IAPSWs; and to invite member states, permanent observers, and other donors to contribute, to the extent possible, to the Consumer Safety and Health Fund managed by the General Secretariat, in order to finance institutional strengthening activities, exchange of experiences, and the design of the IAPSWs.

8. To instruct the General Secretariat to report on the implementation of the mandates related to this resolution to the Permanent Council prior to the forty-fifth regular session of the General Assembly. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.



Organization of
American States

ANNEX



Original: Spanish

Structure to Guide the Work of the Network for Consumer Safety and Health

In resolution AG/RES. 2769 (XLIII-O/13) the General Secretariat was requested “in consultation with the stakeholders, to present the Permanent Council with a proposed structure to guide the work of the RCSS.” The following proposal is the outcome of those consultations.

1. Description of the Network for Consumer Safety and Health
 - a. The Network for Consumer Safety and Health (RCSS) is the interdisciplinary inter-American forum specialized in promoting consumer protection at the national and hemispheric levels through the exchange of information on consumer product safety and dissemination of best practices on public policy on consumer products and their regulation. The main activities of the RCSS are as follows:
 - i. Collection, classification, and publication of product-safety alerts and of other actions, such as product recalls, taken by RCSS members and by competent agencies in major markets that already have rapid alert systems for unsafe products.
 - ii. Design and management of an integrated Inter-American Rapid Product-Safety Warning System (IAPSWS), including the harmonization of consumer product safety concepts and methodologies among the region’s governmental agencies.
 - iii. Creation of synergies between the RCSS and regional and international forums that specialize in product safety.
 - iv. Establishment of a forum for promoting capacity-building, dissemination of regulatory best practices, and technical information exchange, through training for the staff of consumer-protection, health, and metrology authorities in the region.
 - b. The RCSS responds to the mandates and guidelines established by the General Assembly. It is accountable to the appropriate political bodies of the Organization of American States (OAS). as far as the intersectoral nature of the RCSS is concerned, the Pan American Health Organization (PAHO), as the specialized health agency of the inter-American system, acts in partnership with the OAS, providing technical assistance and helping to continue raising the awareness of health authorities, their health regulatory agencies, and other relevant entities (observatories and service networks) to encourage them to participate actively in the RCSS at the regional and member-state levels. In particular, PAHO will help strengthen The RCSS from the perspective of the consumption or use of unsafe products as a social determinant of health.

- c. RCSS activities will be carried out based on funds allocated to it by participants and other donors, and with the support of the OAS General Secretariat through the Technical Secretariat.
 - d. Participants in the RCSS: RCSS activities shall be open to government agencies of the OAS member states with competence in consumer protection, consumer product safety monitoring, and the impact of consumption on health and well-being. This includes but is not necessarily limited to government consumer protection agencies, government public-health agencies, health surveillance agencies, metrology institutes, standardization institutes, and customs administrations.
 - e. Partner Institutions: Governmental or nongovernmental institutions with objectives similar to and compatible with those of the RCSS may ask to participate in RCSS activities, by means of a note sent to the Management Committee through the Technical Secretariat. The admission process is described in Article 3, section A, paragraph d, of this document. Partner institutions are not entitled to vote.
2. Representation by country and vote
- a. Each member state of the OAS shall appoint a representative authority to act as its representative on the RCSS. The Technical Secretariat shall be notified of the appointment through the permanent mission of each OAS country.
 - b. Each member state shall be entitled to one vote; this right shall be exercised by the representative authority, or by the representative authority's designee, on behalf of the agencies participating in the RCSS in the respective country.
 - c. The representative authority shall also have the following responsibilities:
 - i. To articulate and coordinate the country's position with the various national participating agencies with regard to decision making within the RCSS, including coordination of a common position for voting.
 - ii. To represent the country in the organs of the RCSS and during RCSS activities and meetings. All national agencies competent in the matter may participate in each and every RCSS activity.
 - iii. To serving as a point of contact in all communications with the country, including the dispatch and receipt of information and requests and other types of cooperation activities, without prejudice to using the OAS's own channels of communication.
 - iv. To ensure that its permanent mission to the OAS is duly informed of activities carried out within the framework of the OAS.
 - v. To designate a proxy for voting purposes prior to the vote, as necessary, by means of a communication to the Management Committee and the Technical Secretariat sent through its permanent mission to the OAS.
 - d. Decisions of the Plenary and the Management Committee shall be adopted by consensus. If a consensus cannot be reached, decisions shall be adopted by a simple majority of votes of the members present, provided that a quorum for adopting decisions exists.

3. Structure

The organs of the RCSS are the Plenary, the Management Committee, and the Technical Secretariat.

A) Plenary

- a. The Plenary is the supreme authority of the RCSS. Participation in the meetings of the Plenary shall be open to all competent national agencies.
- b. The Plenary shall hold an annual regular meeting to discuss and approve the principal lines of action of the RCSS for the following year. In the event of matters that require urgent consideration and have reasonable relevance to the RCSS program of action, the Management Committee may convene special meetings of the Plenary and call for electronic voting by its members on specific topics that so warrant.
- c. The quorum for meetings of the Plenary and for the adoption of decisions shall be one third of the representative authorities of the member states.
- d. The functions of the Plenary include, but are not limited to, the following:
 - i. To consider and adopt the annual plan of action of the RCSS and progress reports of the Management Committee and the Technical Secretariat, as well as everything related to the design, implementation, and sustainability of the IAPSWs.
 - ii. To receive reports on resource allocation and establish priorities regarding expenditures and financial resource management.
 - iii. To design strategies to ensure the financial sustainability of the RCSS and the IAPSWs and agree on any requests for financial support transmitted to the member states and other potential donors for those purposes.
 - iv. To approve the venue for the annual regular meeting of the Plenary and elect officers, as set forth in this document.
 - v. To adopt action guidelines and operating regulations of the IAPSWs drawn up by the Technical Secretariat in accordance with the guidelines set by the RCSS participants.
 - vi. To establish working groups to carry out specific tasks on topics of common interest. Experts from member states or other organizations with recognized experience in the area of consumer product safety and/or consumer health protection may participate in the working groups.
 - vii. To consider requests from organizations for admission as RCSS partner institutions. Said requests shall be adopted by consensus or, in the absence thereof, by a majority of the countries present. If deemed necessary, the Plenary may adopt a rule to govern the admission of partner institutions and their participation in the RCSS.
- e. The organization of the annual regular meeting shall be the responsibility of the country hosting it, with support from the outgoing Chair and the Technical Secretariat.

- f. The Plenary and other RCSS bodies shall endeavor to hold virtual meetings whenever possible, as a cost-reducing measure.

B) Management Committee

- a. The Management Committee is the body elected to exercise permanent leadership over the RCSS. The Management Committee shall be open to participation by all member states and shall consist of a chair, two vice chairs, and two member delegates, and it shall be endeavored to reflect and respect the principle of equitable geographic representation.
- b. The Management Committee shall at all times ensure that its decisions and activities are consistent with the policies of the Permanent Council.
- c. The quorum for meetings and for the adoption of decisions of the Management Committee and the working groups shall be a majority of the representative authorities of the member states of which they are comprised. Once the working groups or special committees have been established and opened to all RCSS participants, the Management Committee or the working group, as appropriate, may establish the quorum required for meetings and the adoption of decisions.
- d. The functions of the Management Committee are the following:
 - i. To ensure effective implementation of the RCSS Work Plan.
 - ii. To represent the RCSS in the coordination of actions, establishment of partnerships, and generation of synergies with other organizations, forums, or regions that work on the matter.
 - iii. To provide guidance to the Technical Secretariat in the performance of its functions and monitor the progress of initiatives undertaken by the RCSS and its work plan.
 - iv. To carry out fundraising activities to ensure the sustainability of the RCSS and the IAPSWWS.
 - v. To coordinate necessary measures for the design, implementation, effective operations, and sustainability of the IAPSWWS.
 - vi. To promote the appointment of coordinators of working group and monitor their activities.
 - vii. To facilitate the consideration of relevant initiatives for approval by the Plenary on such topics as procedures and changes in procedures, new activities, and periodic reports.
 - viii. At the end of the Chair's term, the Chair shall submit to the Plenary at its regular meeting a progress report on the topics that were considered during said term and on other pending matters.
- e. The member states shall submit their candidacies for Chair at the annual regular meeting of the Plenary. The candidacies shall be for the period that begins with the opening of the following regular meeting of the Plenary. The election shall be held after the submission of candidacies. In the event there are various candidates for the same position, the decision shall be taken by a majority of the votes of member states present at the meeting.

- f. The Chair and the two vice chairs shall exercise their functions from the start of the corresponding annual regular meeting until the start of the following year's annual regular meeting.
- g. The Management Committee shall have two vice chairs. The position of first Vice Chair shall be held by the member state that served as Chair in the previous term. The position of second Vice Chair shall be held by the member state elected to serve as Chair for the following term. The vice chairs shall support the Chair in his or her functions and shall replace the Chair in the event that he or she is unable to exercise his or her functions, as determined by the Management Committee itself. The remaining members of the Management Committee shall be elected at the regular meeting of the Plenary and shall remain in office from the time of their election until the next annual regular meeting of the Plenary.
- h. The functions of the Chair are the following:
 - i. To preside over and moderate the meetings of the Plenary; establish orders of business; open and close meetings; direct discussions; offer the floor to delegations in the order in which they request it; put matters to the vote and announce the results; rule on points of order; and ensure compliance with the provisions of this document.
 - ii. To convene meetings of the Management Committee.
 - iii. To act as representative of the RCSS and the Management Committee and seek the prior consensus of their members for carrying out the tasks of the Management Committee.
 - iv. To perform such functions as the Plenary or the Management Committee may assign to it.
- i. The Management Committee shall meet as often as necessary, as considered appropriate and agreed to by its members.
- j. Only member states that have appointed a representative authority in accordance with the procedures set forth in Article 2 may submit candidacies for the positions of chair, vice chair, or member of the Management Committee of the RCSS.

C) Technical Secretariat

- a. The functions of Technical Secretariat shall be exercised by the General Secretariat of the OAS (GS/OAS), which shall act in partnership with PAHO. The GS/OAS shall appoint OAS personnel to perform the tasks incumbent on the Technical Secretariat of the RCSS, and PAHO shall do likewise.
- b. The Technical Secretariat shall remain in constant contact and act under the supervision of the Management Committee, in keeping with the priorities established in the work plan approved by the Plenary.

4. Meetings

- A) Order of business and distribution of meeting documents*

- a. To facilitate meetings of the Plenary, the Chair of the Management Committee, in collaboration with the Technical Secretariat, shall:
 - i. Transmit the meeting schedule to all member states.
 - ii. Prepare the preliminary order of business for each meeting and submit it to the other members of the Management Committee for consideration at least 60 days in advance. The members of the Management Committee shall have 10 days to present their observations to the Chair, who, on the basis thereof, shall prepare the draft order of business for the meeting.
 - iii. Distribute the final draft order of business and the corresponding technical documents for the meeting to all members of the RCSS at least 30 days prior to the meeting.
 - iv. Provide all member states with the final draft order of business two weeks prior to the meeting.
 - v. Distribute all RCSS proposals or drafts enjoying consensus to all member states at least one week prior to the meeting in which they will be discussed.

B) Transmittal of the notice of convocation and procedural matters

- a. On behalf of the Chair, the Technical Secretariat shall transmit the notice of convocation to the Management Committee and the Plenary, as appropriate. The notice of convocation may be sent by electronic mail or by any other written means.
- b. For meetings of the Plenary, the Technical Secretariat shall transmit a copy of the notice of convocation to the permanent missions of the member states for their information.
- c. Subject to prior notification by the Chair, the Management Committee may hold teleconference or videoconference meetings. These meetings must meet the requirements for a quorum and other relevant formalities described in the present document. In the event that a virtual vote is held, it may only take place with the representative authorities present.
- d. Decisions adopted during virtual meetings shall have the same validity as those adopted at in-person meetings.
- e. Procedural matters not covered in the present document shall be resolved in accordance with the Rules of Procedure of the Permanent Council.

5. Other Provisions

- a. The contents of the present document on structure and the rules of procedure established herein shall be interpreted so as not to conflict with the provisions of the OAS Charter or the regulations, practices, or procedures of the OAS.
- b. The Chair for the first term and the following term shall be elected at the first meeting of the Plenary, as will the other two members of the Management Committee. The country that occupied the interim Chair prior to the first meeting of the Plenary shall remain as first Vice Chair.