

St. Kitts and Nevis Product Safety Standards Regulation

Introduction

This regulation aims to ensure that all consumer goods, including electronics, toys, and household items, imported into St. Kitts and Nevis are safe for use. It is based on the principles of the EU General Product Safety Regulation (GPSR) and adapted to the local context to protect consumers and promote fair trade practices.

Background

The safety of consumer products is crucial for protecting public health and ensuring consumer confidence. The EU's General Product Safety Regulation provides a comprehensive framework for product safety, which this regulation seeks to emulate and adapt to the specific needs of St. Kitts and Nevis as a net importer.

1 Scope

This regulation applies to all non-food consumer products imported into St. Kitts and Nevis, including but not limited to electronics, toys, and household items. It covers all import channels, including physical and online marketplaces.

2 Terms and Definitions

2.1

consumer product

any item intended for personal use by consumers, excluding food and pharmaceuticals

2.2

documented proof

official documentation from the exporting country verifying that the product meets all health and safety requirements

2.3

importer

any entity involved in bringing goods into St. Kitts and Nevis for sale

2.4

recall

the process of removing unsafe products from the market and notifying consumers

2.5

St. Kitts and Nevis Bureau of Standards

also known as the 'Bureau', is responsible for enforcing product safety regulations

3 General Requirements

3.1 Safety Obligations for Importers

3.1.1 Importers should ensure that:

- a) products comply with the health and safety regulations of the exporting country before placing them on the market in St. Kitts and Nevis, and
- b) provide documented proof from the exporting country that the products meet all health and safety requirements.

3.1.2 If proof of safety cannot be determined or products are not compliant with this regulation:

- a) they should not be imported into the market of St. Kitts and Nevis, and
- b) they may be disposed of and destroyed at the importer's expense or returned to the exporting country at the importer's expense.

54 **3.2 Product Information and Labeling**

55 **3.2.1** Safety instructions and warnings should be provided in the English language.

56 **3.2.2** Product information and labeling shall be in accordance with the SRO No. 35 of Bureau of
57 Standards (Labelling of Goods) Regulations.

58 **3.3 Market Surveillance and Enforcement**

59 **3.3.1** The Bureau shall conduct regular inspections and testing of products to ensure compliance.

60 **3.3.2** Importers shall cooperate with the Market Surveillance Authority and provide the necessary
61 documentation and access to facilities.

62 **3.4 Product Recalls**

63 **3.4.1** Importers shall have procedures in place for the recall of unsafe products.

64 **3.4.2** Consumers shall be informed promptly about recalls and provided with instructions on how
65 to return or dispose of the product safely.

66 **3.5 Reporting Obligations**

67 **3.5.1** Importers shall report any incidents involving their products to the Market Surveillance
68 Authority.

69 **3.5.2** The Market Surveillance Authority shall maintain a public database of reported incidents
70 and recalls.

71 **4 Additional Provisions**

72 **4.1 New Technologies**

73 **4.1.1** Products incorporating new technologies shall undergo additional safety assessments to
74 address potential risks.

75 **4.1.2** Importers shall stay informed about technological advancements and update safety
76 measures accordingly.

77 **4.2 Consumer Rights**

78 **4.2.1** Consumers have the right to safe products and to be informed about potential risks.

79 **4.2.2** Importers shall provide remedies, such as refunds or replacements, for unsafe products.

80 **4.3 Penalties and Fines**

81 **4.3.1** Non-Compliance Penalties: Importers found to be in violation of this regulation shall be
82 subject to fines ranging from \$5,000 to \$50,000, depending on the severity of the violation.

83 **4.3.2** Repeated Offenses: For repeated offenses, fines shall be doubled, and the importer may face
84 suspension of import licenses.

85 **4.3.3** Product Disposal Costs: If products are found to be non-compliant and require disposal or
86 return to the exporting country, all associated costs shall be borne by the importer.

87 **4.3.4** Criminal Penalties: In cases of severe negligence or intentional violation, importers may face
88 criminal charges, including imprisonment for up to two years.

89 **4.3.5** Public Disclosure: The Market Surveillance Authority shall publicly disclose the names of
90 importers who violate these regulations, along with details of the violations and penalties
91 imposed.
92

DRAFT