



# CASP2021

Coordinated Activities  
on the Safety of Products

Dangerous  
counterfeit  
products



Final  
Report

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## List of abbreviations

ABBREVIATION	DESCRIPTION
CASP	Coordinated Activities on the Safety of Products
EEA	European Economic Area
EISMEA	European Innovation Council and SMEs Executive Agency
EN	European Standard
EU	European Union
EUIPO	European Union Intellectual Property Office
IPEP	IP Enforcement Portal
IPR	Intellectual property right(s)
MSA	Market surveillance authority
KoM	Kick-off meeting
OLAF	European Anti-Fraud Office
PPER	Personal Protective Equipment Regulation
PSA	Product-specific activity
RAG	Risk Assessment Guidelines
RAPEX Guidelines	Decision (EU) 2019/417

# Executive summary

## Objectives of the activity

The Coordinated Activities on the Safety of Products (CASP) projects enable all the market surveillance authorities (MSAs) from European Union (EU)/European Economic Area (EEA) countries to cooperate in reinforcing the safety of products placed on the European Single Market. The objectives of this activity on the one hand were to facilitate horizontal discussions on challenges associated with suspected dangerous counterfeit products (identification, specific risks, channels, main types, etc.). On the other hand, the activity aimed at sampling and testing a selection of confirmed counterfeit products posing potential safety issues. The selection of the product category to be tested was agreed upon at the beginning of the activity by taking into account various concerns of the participants. One of the aims was to sample counterfeit helmets for bicyclists and for users of skateboards or roller skates in order to be able to compare the test results with the results from the activity focusing on authentic helmets for biking, skateboarding and roller skating (CASP 2021 – PSA5) that was being conducted at the same time.

## Product scope

Counterfeit helmets for bicyclists and for users of skateboards or roller skates.

## Test criteria.

EN 1078:2012 + A1:2021 (shock absorbing capacity, strength, effectiveness, lateral/rotational tests of helmets for bicyclists and for users of skateboards or roller skates).

## Results

- Number of counterfeit helmets for cycling, skateboarding and roller skating tested: **5**<sup>1</sup>.
- All the samples (100%) did not meet at least one of the testing requirements.
- Despite the small sample size, the high failure rate raises concerns about counterfeit helmets posing serious health and safety risks to users.
- The technical expert and the MSAs concluded that counterfeit helmets pose a real risk to consumer safety in high risk traffic situations.

## Key recommendations

### For consumers

Do not buy counterfeit products as they are likely to be low quality, and may present safety risks.

### For economic operators (EOs)

Unsafe counterfeit products are a threat to legitimate businesses. As a responsible business you should take the time needed to confirm that the products you supply are not counterfeit and meet the relevant European safety requirements.

### For European and national authorities.

Invest in ways to better identify and remove dangerous counterfeit products from the European market and follow up with the platforms responsible for their distribution. Also, establish effective cooperation opportunities with other authorities involved in protecting intellectual property rights (IPR) and consumer safety to conduct joint operations and maintain a close relationship with rights holders. Finally, develop and share intelligence and build the capacity needed to aggregate, analyse and report the data available from various public sources.

## Conclusions

MSAs and customs authorities **lack the resources and knowledge** needed to identify counterfeit products. Therefore, close **collaboration with rights holders** is extremely important for the identification process regarding counterfeit goods.

While studies show that the majority of counterfeit products enter the EU market through container shipments, this activity showed that counterfeit helmets ordered on large international online platforms also enter the EU via individual parcels.

Mystery shopping<sup>2</sup> is an essential element in sampling counterfeit products.

The counterfeit helmets tested pose a **serious risk** due to the helmets breaking into pieces, and due to straps as well as restraint system buckles breaking<sup>3</sup>.

<sup>1</sup> Due to challenges faced by the MSAs during the sampling process, only a few samples could be collected for testing. These challenges are explained in section 2.2.1.

<sup>2</sup> Mystery shopping in market research is a commonly used method which refers to the use of (anonymous) resources to evaluate various services and transactions. In a market surveillance context, online mystery shopping allows MSAs to pose as consumers, purchase a product from an online operator and investigate it for compliance and safety.

<sup>3</sup> Despite these sample-specific observations it shall be considered that the activity was not able to gather enough samples to make statistically relevant observations on whether counterfeit helmets are, in general, more dangerous than authentic helmets.

# 1. Overview of the activity

## 1.1 Introduction of the hybrid activity

This hybrid activity is a pilot project in CASP, with two main objectives:

- 1) to facilitate horizontal discussions on challenges associated with confirmed dangerous counterfeit products (identification, specific risks, sales channels, etc.);
- 2) to sample and test a selection of confirmed counterfeit products posing potential safety issues.

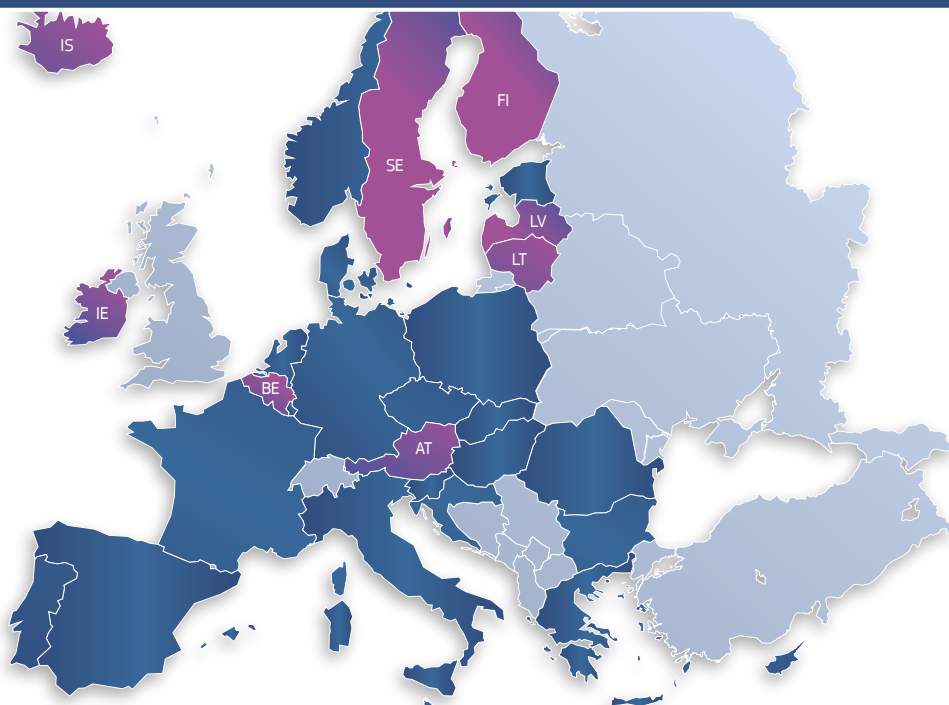
It focused on both the identification of product-specific risks, and on exchange of knowledge and experience to create a better understanding on the risks posed by counterfeit products. Moreover, the project also aimed at developing guidelines on the optimum process for a joint action on unsafe counterfeit products for future joint European actions on counterfeit goods. The hybrid activity focused on the links between the counterfeit nature of products and the safety risks they pose.

## 1.2 Participating MSAs

Authorities responsible for the enforcement of product safety rules, as well as customs authorities, were invited to join this activity. MSAs and customs authorities from seven different EU

Member States and one EEA country participated in this pilot project on dangerous counterfeit products.

COUNTRY	MSA
Austria	Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Unit III/A/2 - product safety
	Federal Ministry of Finance, Unit III/11 - Customs Authority
Belgium	Federal Public Service Economy, Directorate-General for Economic Inspection- Anti-counterfeit unit
	Federal Public Service Finance – Customs Authority
Finland	Finnish Safety and Chemicals Agency
Iceland	The Housing and Construction Authority
	Iceland Revenue and Customs – Skatturinn
Ireland	Competition and Consumer Protection Commission
Latvia	Consumer Rights Protection Centre
	State Revenue Service of Latvia – Customs Board
Lithuania	State Consumer Rights Protection Authority
	Customs of the Republic of Lithuania
Sweden	Swedish National Electrical Safety Board



# 1.3 Product scope and testing criteria

## 1.3.1 Product scope

At the start of the activity, a product category was selected and the scope of the products to be sampled was defined. It was decided to sample counterfeit helmets for bicyclists and for users of skateboards or roller skates in order to be able to compare the test results with the results from the activity

focusing on authentic helmets for biking, skateboarding and roller skating (CASP 2021 – PSA5) that was being conducted at the same time.

Table 1 - Product scope

### HELMETS FOR BICYCLISTS AND FOR USERS OF SKATEBOARDS OR ROLLER SKATES

Helmets for bicyclists and users of skateboards or roller skates are designed to offer protection to the user's head on impact with the ground after a fall. These helmets feature: a shell, liners (softer pads on the inside), and a retention strap fitted along the lower jaw area.



## 1.3.2 Testing criteria

The testing of the sampled counterfeits was performed according to the same criteria that had been chosen for testing authentic helmets in PSA5, in the same laboratory that had been selected to test the samples collected for PSA5. The testing plan was prepared with the help of a technical expert who selected the most relevant clauses from the applicable standards (based on the characteristics of the products in scope and the main risks indicated by the MSAs during the kick-off meeting and initial survey).

The counterfeit helmets for bicyclists and for users of skateboards or roller skates were tested against **EN 1078:2012 + A1:2021** (shock absorbing capacity, strength, effectiveness, lateral/rotational tests). The same testing criteria were used for helmets for both PSA5 and the hybrid activity to ensure that the test results could be compared accurately.



## 2. Sampling and testing

### 2.1 Sampling process

#### 2.1.1 Challenges

The MSAs decided to use customs and large international online platforms as channels for sampling products within the scope of this activity. Only in participating countries where both, MSA and customs joined the activity a sampling of helmets at import was theoretically possible through risk analysis of customs. However, the MSAs faced several challenges during the sampling process.

- 1. Seasonality.** Northern European customs authorities were not able to identify any incoming consignments during the sampling period and pointed out that this might have been related to the seasonality of the products.
- 2. Identifying counterfeit products.** MSAs mentioned that they lacked the necessary resources and knowledge to be able to check if a product is counterfeit (for sampling

purposes). For the purpose of this activity, this knowledge was acquired directly from rights holders who provided links to counterfeit versions of their products for sampling purposes. Additionally, a training session on how to identify counterfeit helmets was organised in collaboration with EUIPO and the rights holders.

- 3. Mystery shopping.** Online sampling was challenging for MSAs because only some of the participating authorities had the necessary tools to perform mystery shopping.
- 4. Delivery process.** Some MSAs were not able to purchase samples because the online marketplaces did not deliver to all participating Member States. Additionally, the delivery process was not very transparent and estimated delivery times were not reliable.

#### 2.1.2 Overview of samples

Despite the challenges described above, the MSAs sampled five types of helmets.

COUNTRY	MSA	HELMETS	
		Sampled	Tested in the lab
Austria	Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Unit III/A/2 - product safety	2	2
Belgium	Federal Public Service Economy, Directorate-General for Economic Inspection- Anti-counterfeit unit	/	/
Finland	Finnish Safety and Chemicals Agency	/	/
Iceland	The Housing and Construction Authority	/	/
Ireland	Competition and Consumer Protection Commission	/	/
Latvia	Consumer Rights Protection Centre	3	3
Lithuania	State Consumer Rights Protection Authority	/	/
Sweden	Swedish National Electrical Safety Board	/	/
<b>Total</b>		<b>5</b>	<b>5</b>

The sampling process took place between July and December 2021. During the first 4 months, the Member States focused on sampling counterfeit helmets via their national customs authorities. As sampling counterfeit helmets through customs

was not successful (due to the challenges described above), the original timeframe of the sampling process was extended and MSAs started to order helmets from large international online

## 2.2 Testing process

In an independent laboratory, all samples were tested against EN 1078:2012 + A1:2021. The results were presented to the MSAs during the laboratory meeting on 3 February 2022.

Figure 1 - Timeline of the sampling and testing process



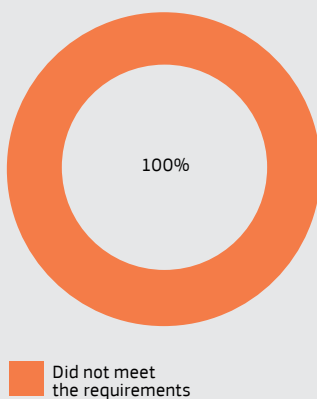
## 3. Test results

### 3.1 Overview of the test results and main findings

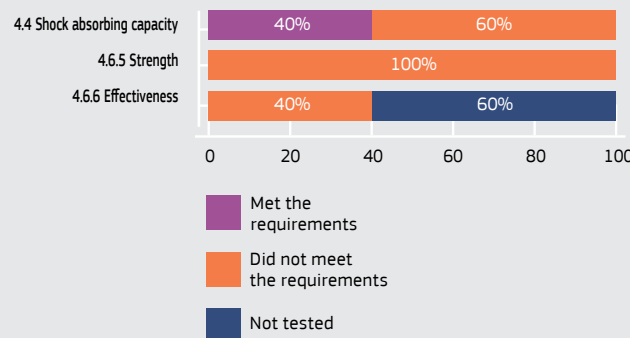
#### 3.1.1 Overall test results

None of the samples met at least one of the testing requirements<sup>4</sup>.

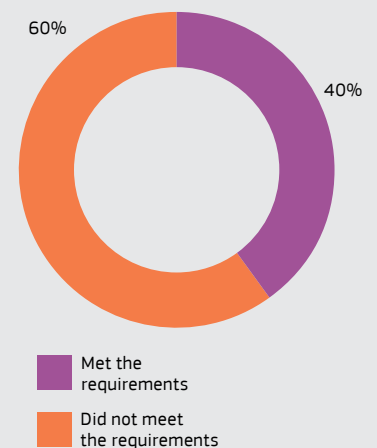
Test results for counterfeit adult cycling helmets (N=5)



Counterfeit adult cycling helmets – Results per clause EN 1078:2012+A1:2021 (N=5)



Counterfeit adult cycling helmets: Lateral/rotational tests (N=5)



#### 3.1.2 Test results per clause

- **Shock absorbing capacity.** When tested against clause 4.4, three out of five samples failed<sup>5</sup>.
- **Strength.** All five samples failed the tests against clause 4.6.5.
- **Effectiveness.** Two helmets failed the tests against clause 4.6.6. The other three could not be tested because certain elements of the helmet, such as the chinstrap buckle, had broken during a previous test, and there were not enough samples to perform all the tests.

#### 3.1.3 Rotational tests

Three of the helmets did not meet the testing requirements in the lateral/rotational tests.

## 3.2 Conclusions on the test results

Notwithstanding the small sample size, the test results show a 100% failure rate. Every counterfeit helmet failed significant safety provisions in EN 1078:2012 + A1:2021 – often against more than one safety performance clause.

The technical expert and the MSAs concluded that the sampled counterfeit helmets pose a real risk to consumers' safety in high risk traffic situations.

<sup>4</sup> For comparison, the test results of 39 authentic adult cycling helmets can be found in the CASP2021 PSAS report.

<sup>5</sup> A mapping of the values at which the various counterfeit and authentic helmets (sampled in the framework of PSAS) tested failed the test for shock-absorbing capacity was made. The analysis showed that the three counterfeit helmets that failed the test for shock-absorbing capacity failed further outside of the standard's threshold than the authentic helmets that did not meet the requirements. Considering the fact that counterfeit products are not subject to the same conformity attestation processes that are used by legitimate importers, a greater sample size would have probably resulted in a greater variability of the test results than for authentic products. The comparison of the failure points of non-compliant products (as per the standard) shows that, despite both authentic and counterfeit products qualifying as a test failure, most of the counterfeit products offer a significant lower shock absorption protection than the authentic helmets that were slightly outside the standard interval for optimal protection. However, given the small number of data points available, more counterfeit samples would need to be tested in the future to confirm and generalize this observation.



## 4. Risk assessment and measures

### 4.1 Risk assessment results

Regardless of being counterfeited or not, according to the Personal Protective Equipment Regulation (PPER)<sup>6</sup>, a personal protective equipment shall meet the essential health and safety requirements set out in Annex II of the Regulation. When assessing whether a product poses a risk, the approach must be based on the common and reproducible risk assessment principles laid down in the provisions of Decision (EU) 2019/417<sup>7</sup> (the RAPEX Guidelines). For the development of the risk assessment, MSAs used the Risk Assessment Guidelines (RAG) tool<sup>8</sup> managed by the EC.

During the laboratory meeting, a complete risk assessment was performed on 3 of the 5 counterfeit samples that failed the testing criteria. After reviewing the test reports and holding a group discussion, the participating MSAs unanimously established that all these non-compliant counterfeit samples pose a serious risk to consumers' health and safety and should be removed from the market.

### 4.2 Corrective measures taken on samples that did not meet the requirements

The measure adopted for all of the three samples that were identified as posing a serious risk to consumers was the removal of the product listing by the online marketplace where the product was purchased.

Furthermore, when a serious risk is identified, MSAs are legally obliged to inform the European Commission and the other EU Member States of measures to prohibit or restrict the PPE being made available on their national market, to withdraw the

PPE from that market or to recall it. The RAPEX Guidelines also recommend submitting notifications on measures taken against products posing a less than serious risk.

Following the actions triggered by the joint testing campaign, as of 1 April 2022, 1 product was subject to Safety Gate notifications.



<sup>6</sup> EUR-Lex - 32016R0425 - EN - EUR-Lex (europa.eu)

<sup>7</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019D0417&from=EN>

<sup>8</sup> <https://ec.europa.eu/rag/#/screen/home>

# 5. Conclusions and recommendations

## 5.1 Conclusions

A number of conclusions on counterfeit products can be drawn from the activity and the test results.

IDENTIFICATION OF COUNTERFEIT GOODS	SAMPLING	SPECIFIC RISKS
<p>Within the scope of the project and its time frame, MSAs lack the resources and knowledge to be able to identify counterfeit helmets.</p> <p>Close collaboration with the product's rightsholders is crucial when identifying counterfeit goods. In general MSAs need swift and reliable responses from the rightholders to identify if the sample is counterfeit or not.</p>	<p>While studies show that the majority of counterfeit products enter the EU market through container shipments, the counterfeit helmets ordered on large international online platforms in the framework of this activity entered the EU via small individual parcels (i.e. direct import by consumer).</p> <p>Many MSAs faced difficulties in sampling counterfeit products as they lack the tools needed for mystery shopping (anonymous credit cards, fake social media accounts that can be used to access social media market places).</p> <p>Legal competences of MSAs and customs leave space for improving cooperation in the area of unsafe counterfeits, it should be carefully taken into account when planning sampling</p> <p>Sampling within a testing activity, jointly with customs, would ideally be embedded in a formally launched Joint Customs Operation, so that customs risk analysis will be better targeted and larger customs participation could be ensured.</p>	<p>Counterfeit helmets are more likely to break into pieces due to their insufficient shock absorbing capacity or inadequate design/manufacturing.</p> <p>Counterfeit helmets are more likely to fail the strength and effectiveness tests due to broken restraint system buckles and chinstraps.</p> <p>The failures result in serious injury risks for consumers.</p> <p>There is no quality control for counterfeited products, hence no-one will take responsibility in case of accidents</p>

## 5.2 Recommendations for stakeholders

The following recommendations are based on the outcomes of the testing process and the horizontal component of the hybrid activity.

### For consumers

Do not buy counterfeit products because they are highly likely to be of low quality and consequently may pose a safety risk.

Don't mislead yourself – safety and quality come at a price.

### For EOs

As a responsible business you should take the time needed to confirm that the products you supply are not counterfeit, and meet the relevant European safety requirements.

### For European and national authorities

- In the framework of the Product Safety Pledge, follow up with large international platforms that have committed to respect product safety rules.
- Establish effective cooperation opportunities with the other authorities involved in protecting IPR and consumer safety to conduct joint operations.
- Maintain a close relationship with rights holders in order to quickly determine if suspicious products are authentic or counterfeit.
- Develop and share intelligence and build the capacity to aggregate, analyse and report on the data available from various public sources.
- Additional guidelines are needed for MSAs on how to react when a suspected counterfeit product is identified. A new guidance document on how to react when a suspected counterfeit product is identified, focussing on cooperating with other authorities and rights holders would be very useful for MSAs.
- Market surveillance, due to the EU Internal Market without borders, goes beyond national boundaries. Therefore, EU-wide cooperation in this area needs to be enhanced.

- As third country web shops raise questions on competence of national authorities, MSAs participating in the sampling process of potentially dangerous counterfeit products need to be competent all the way from sampling to notifying in Safety Gate.
- Use the IP Enforcement Portal (IPEP) of the EUIPO to communicate with rights holders. The IPEP also provides intelligence (pictures and descriptions) on how to distinguish counterfeits from genuine products.
- Regarding Joint Operations, market surveillance authorities should seek cooperation with the European Anti-Fraud Office (OLAF) and Europol, the two EU bodies that regularly conduct EU-wide operations against counterfeits and substandard products jointly with national customs and police services.
- Undetected counterfeits are a risk for consumers, MSAs need to be able to identify counterfeits. It's the competence of MSA to take unsafe counterfeits off the market. Training MSA to identify counterfeits, for the purpose of detecting unsafe products, is therefore essential.

# 1. What is CASP?

The Coordinated Activities on the Safety of Products (CASP) enable Market Surveillance Authorities (MSAs) from EU/EEA countries to cooperate and to reinforce the safety of products placed on the Single Market.

**Product-specific activities (PSAs)** test different types of products that may pose a risk to consumers. The products are selected and collected by the MSAs involved and are examined using a commonly agreed testing plan.

**Horizontal activities (HAs)** provide a forum for MSAs to exchange ideas and best practices. Under the guidance of a technical expert, they develop common approaches, procedures and practical tools for market surveillance.

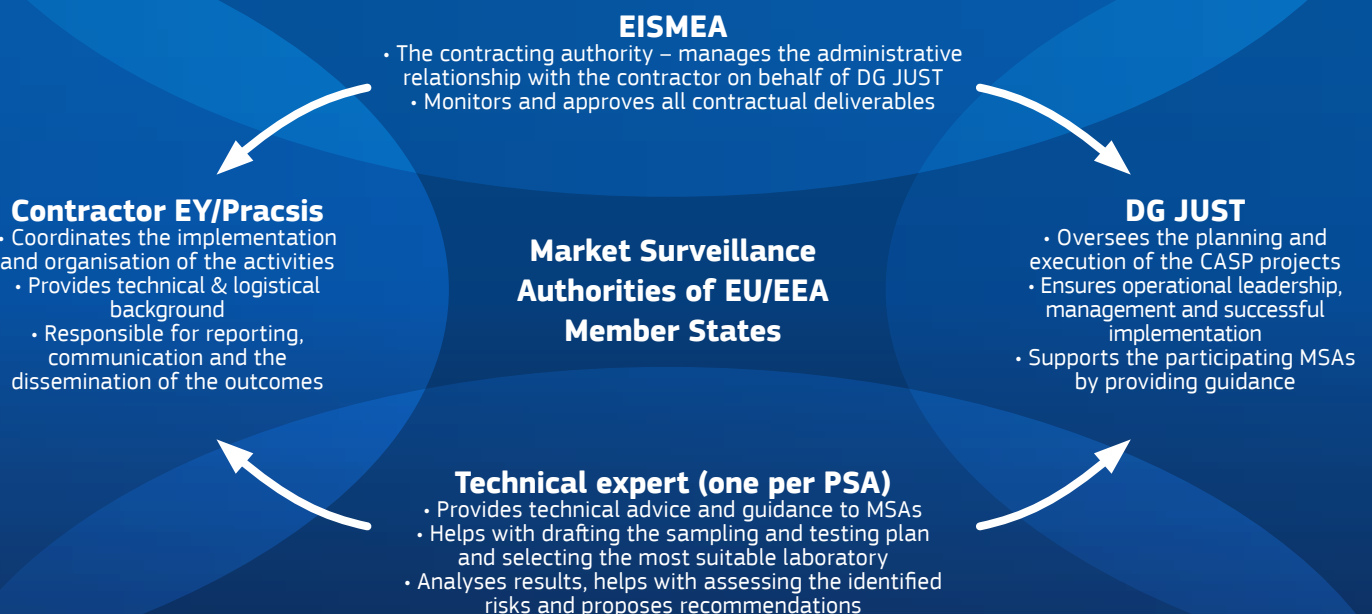
**Hybrid activities** facilitate horizontal discussions and conduct testing campaigns. The results are used to develop common approaches and methodologies.

**CASP 2021 includes five PSAs, three HAs and one hybrid activity. They were pre-selected by the participating MSAs through a consultation organised by DG JUST.**

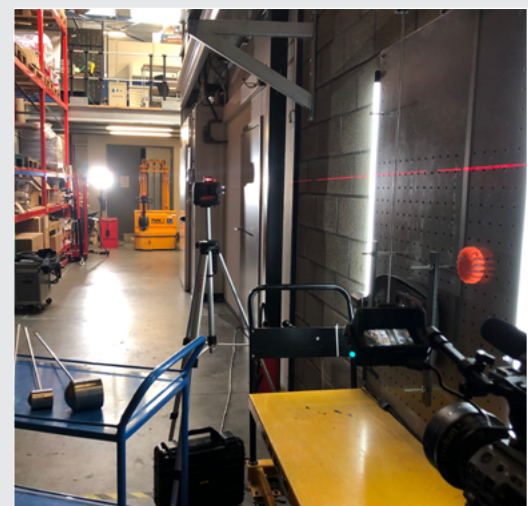
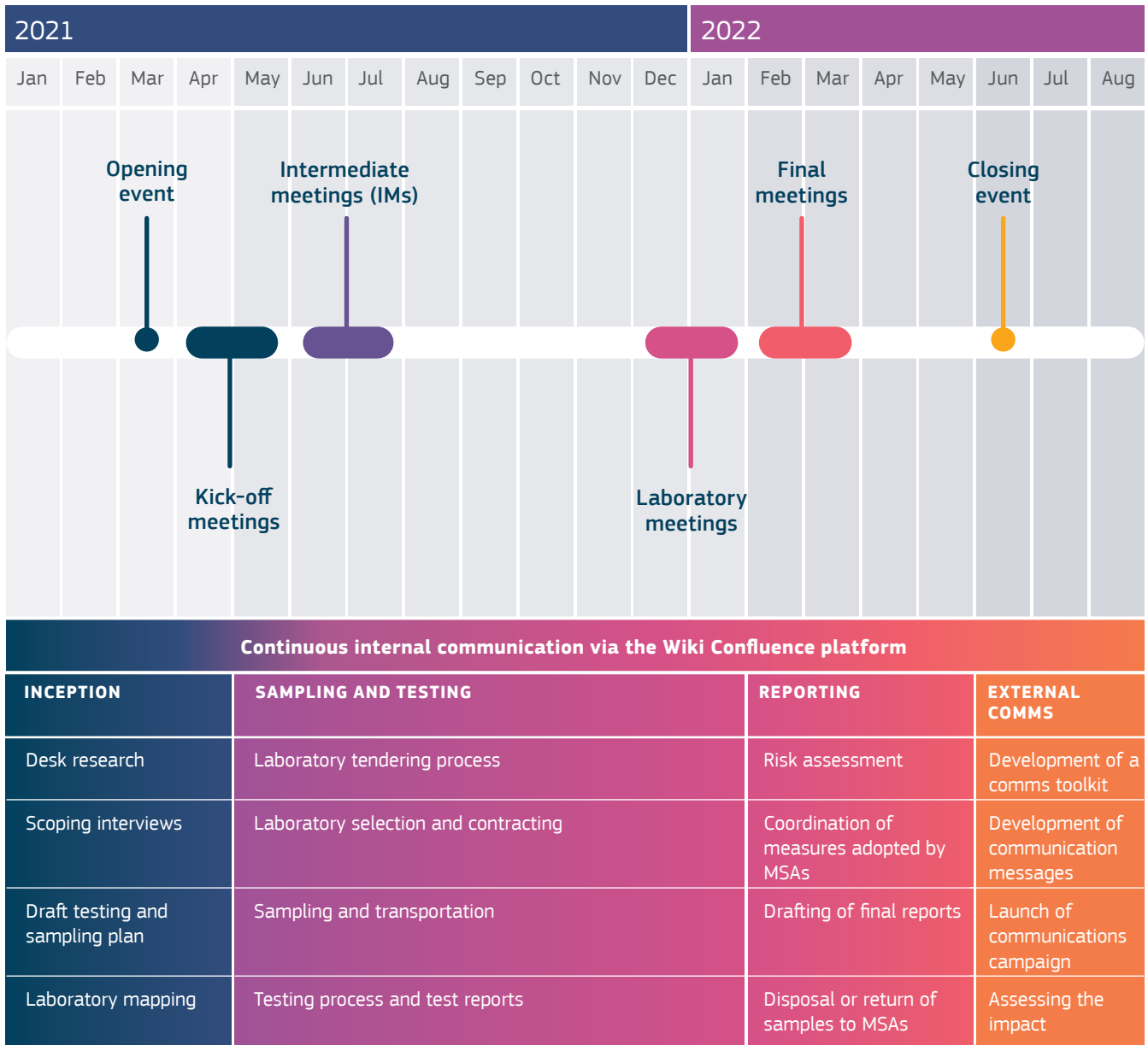
## Product-specific activities (PSAs)



## Roles and responsibilities



# 2. PSA work plan



# 3. PSA Tools & processes



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