

Market surveillance for products in the EU

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Check if the products comply with all applicable safety requirements

After the products have been placed on the market by the economic operator

Market surveillance for products in the EU

Why do we need market surveillance?

- **Protect consumers and users**
- **Eliminate unfair competition**



Market surveillance for products in the EU

Regulation (EC) No 765/2008

- **Scope**
- **Obligations for MS**
- **Market surveillance measures**
- **Controls of products entering the EU**

Proposal for a new market surveillance regulation

The Multi-annual plan for market surveillance

Regulation (EC) No 765/2008

Scope

Products covered by Union harmonisation legislation (defined as legislation harmonising the conditions for the marketing of products) e.g. toys, lifts, machinery, etc.

Food, living plants and animals, products of human origin, etc., are excluded

Lex specialis principle

Regulation (EC) No 765/2008

Obligations for Member States

Organisational obligations:

- *Provide the necessary infrastructures, resources and powers to perform market surveillance*
- *Establish market surveillance programmes and communicate them to the Commission*
- *Establish complaint procedures and monitoring of accidents*

Regulation (EC) No 765/2008

Obligations for Member States

Information obligations:

- *Inform the Commission on responsible authorities and their specific area of competences*
- *Inform the public on responsible authorities and contact possibilities*

http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/market-surveillance/index_en.htm

Regulation (EC) No 765/2008

Obligations for Member States

Surveillance obligations:

- *Perform appropriate checks : documentary/physical and laboratory checks*
- *Request documentation and enter premises*
- *Cooperate with economic operators to eliminate risks*
- *If necessary, destroy/render products inoperable when they pose a serious risk*

Regulation (EC) No 765/2008

Obligations for Member States

Cooperation obligations:

- *Exchange of information*
- *Mutual assistance*
- *Participation in administrative cooperation*
- *Possibility to develop cooperation with third countries*

Regulation (EC) No 765/2008

Market surveillance measures

***Obligation to act** against products liable to compromise health and safety or which otherwise do not conform to EU harmonisation legislation via measures restricting the availability of these products on the market:*

- **Prohibitions, restrictions, withdraws, recalls**

Regulation (EC) No 765/2008

Market surveillance measures

*Measures have to be based on the **proportionality principle** and state the exact grounds on which they are based*

Economic operators have to be informed of measures taken and remedies available

Economic operators have to be heard except if urgency

Regulation (EC) No 765/2008

Market surveillance measures

Obligation to inform Member States and the Commission on measures taken against non complaint products

- Measures against products posing a serious risk on health and safety are notified via RAPEX (Rapid Alert system)

<http://ec.europa.eu/consumers/safety/rapex/alerts/main/index.cfm?event=main.listNotifications&CFID=98559330&CFTOKEN=36761907&jsessionid=0900154b27466cce48ed75177013774d5933>

Regulation (EC) No 765/2008

Controls of products entering the EU

Customs authorities must:

- ***have the necessary resources and powers to performs checks on imported products***
- ***suspend the release for free circulation of products presenting a serious risk or products not properly marked/missing documentation***
- ***inform market surveillance authorities about prohibition measures and suspension of free circulation***

Proposal for a new market surveillance regulation

Part of a package adopted in February 2013 :

- *Communication on More Product Safety and Better Market Surveillance in the Single Market of Products*
- *Proposal for a Regulation on Consumer Product Safety*
- ***Proposal for a Regulation on Market Surveillance***
- ***Multi-annual action plan for market surveillance 2013-2015***
- *Report on the Implementation of Regulation (EC) No 765/2008*

Proposal for a new market surveillance regulation

Aims at further enhancing the effectiveness of the current legal framework by merging all rules on market surveillance spread in different pieces of legislation in one single regulation

Multi-annual plan for market surveillance

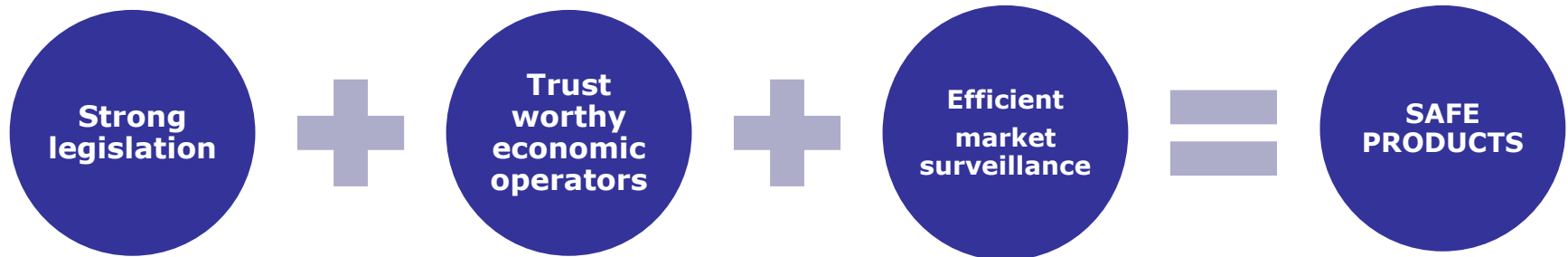
*A tool to address market surveillance issues from a **non legislative** point of view*

***20 actions** to increase the efficiency of market surveillance*

Multi-annual plan for market surveillance

- EU general risk assesment methodology*
- Joint enforcement activies*
- Support for Administrative cooperation groups*
- Improve market surveillance for products sold Online*
- ...*

Conclusion



More information:

http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/market-surveillance/index_en.htm

Thank you for your attention!