

Brief Description of Activity

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Legislative base

Market surveillance activity in Republic of Moldova is performed by central and local authorities according to the legislation, which includes the following legislative and normative acts:

- Law #422-XVI “On Basic Product Safety” (issued on December 22, 2006), which sets basic legal framework for safety of food at the markets of Republic of Moldova
- Law #105-XV “On Consumer Rights Protection” (issued on March 13, 2006), which sets legal framework for state protection of consumers
- Law #420-XVI “On Technical Regulation” (issued on December 22, 2006).

According to the Law “On Basic Product Safety” any product is safe if it poses no threat under normal or reasonably predictable conditions of use (including the term of use and, depending on the circumstances, putting into operation, installation and maintenance). To be considered safe, the risk compatible with product use has to be minimal and viewed as acceptable. It also has to be associated with high level of health protection and safety of people, taking into account:

- a) product properties, in particular ingredients, package, and, if applicable, the conditions of putting into operation, installation and maintenance;
- b) influence on other products, if there are reasonable grounds to foresee that it will be used jointly with (an)other product(s);
- c) the design of the product, its labeling, any warnings and instructions on its use and destruction, as well as other marks or information about the product concerned;
- d) consumer categories who are exposed to risk when using the product (in particular, children and elderly people).

The same Law defines a serious risk as any significant risk (including risks whose consequences do not become apparent straight away) requiring the intervention of public authorities. Moreover, for economic agents to have an unambiguous understanding of this Law, guidance regarding the application of this law has been issued. This guidance brings examples of risk degree assessment for certain goods.

The institutional structure of market surveillance sphere

The central authority coordinating market surveillance activity is the Ministry of Economy. The enactment #31 of the government (issued on January 23, 2001) “On Confirming Regulated Spheres, Regulating Bodies and Market Surveillance Bodies”, determines market surveillance bodies for markets in all the spheres, for example,

- Main State Inspection of Market Surveillance, Metrology and Consumer Rights Protection (within the jurisdiction of Ministry of Economy and Trade),
- State Inspection of Construction (within the jurisdiction of Ministry of Construction and Development of Territories),
- State Inspection of Energy (within the jurisdiction of Ministry of Economy).

How risk assessment and management methods are applied or can be applied

Taking into account that, according to Guide ISO/IEC 51 (point 3.2), risk is an aggregate relation of possible negative consequences of product use and the frequency of such consequences taking place, the following two principles must be the base for risk assessment:

1. The theoretical possibility for the risk to occur, criteria for various kinds of products:
 - products for children,
 - products for special consumer categories,
 - products used in certain conditions and hence require these conditions to be created and maintained,
 - chemical products,
 - products posing a risk if used jointly with other products.

Data needed for determining the level of theoretical possibility can be found in technical regulations concerning the product in question.
2. Determining the frequency of occurrence of consequences arising from the usage of the product. The following are used for this purpose:
 - results of last years' checks that discover hazardous products,
 - statistical data on injuries suffered as the result of product used,
 - the presence of information on "Opasnaya produktsiya" and RAPEX networks.

According to the acting rules, the following methods are used to plan checks. The monitoring body plans to check economic agents based merely on the information received in the framework of its monitoring activity or requests of the economic agents themselves. The choice of economic agents subject to checks is determined based, in the descending order, on the criterion of supposed harm this agent may cause by not complying with the rules of legislative and normative acts. Thus, the economic agents with the highest value of presumable risk level are subject to checks in the first place. The numeric value of presumable risk criterion for any sphere of economic activity is determined according to the formula

$$V_i = P_i * N_i,$$

(i is the number of sphere of activity of the economic agent, e.g., $i=1$ for environmental discipline, $i=2$ for provision of good and service quality, etc.,
 V_i is the numeric value of the criterion of presumable harm in the case of incompliance in the sphere i ,

P_i is the probability (risk) of the economic agent not complying with the terms of the present legislative and normative acts referring to the sphere i of its activity. This probability is determined according to the data provided by the monitoring body based on the result of monitoring of the sphere i of the economic agent, as well its activity and the information obtained from checking similar economic agents in current and previous years. For example, the previous checks state that in 90% of the cases noncompliance with the legislation was registered. Then, we assign $P_i=0.9$. N_i will be the value of harm supposed to be brought by this noncompliance (in leus¹). The value of the presumable harm is the same for all the economic agents with similar properties (degree of danger for the environment and human health, number of employees, producing capacities, etc.). It is determined for all based on previous checks or by calculation.

How risk assessment and management methods are applied (or can be applied) in the framework of EASC communication system for hazardous products

According to the point 2.10 of PMG² 32-2006, if a national market surveillance authority discovers a product posing threat to human life, health or heredity, property or environment, or the fact of delivery of such products to another CIS member country, this information has to be placed to the “Opasnaya produktsiya” telecommunication system for prompt measures to be taken in CIS member countries. The information is placed by authorized coordinators assigned in CIS member states. The system is run but, since all the CIS member states have neither the definition of hazardous products in their legislation, nor enough experience by inspectors in market surveillance activities, this system is not as useful as RAPEX in EU countries.

How to assess a risk related to a certain product

The assessment of level of risk poses by certain product (for the purpose of determining the measures that need to be taken by market surveillance bodies) is described in the guidance on introduction of the Law “On Basic Product Safety”. However, for now there is no methodology of classifying hazardous products according to their risk degree,

How to define the probability that the consequences of the hazard might affect neighboring countries

We have no experience in this sphere.

¹ The national currency of Moldova, ISO 4217 code MDL.

² PMG (“Правило межгосударственной стандартизации/Pravilo mezhgosudarstvennoy standartizatsii” – “The rule of interstate standardization” is an EASC standardization document.