Product Safety and Market Surveillance Package

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Product Safety and Market Surveillance Package

Complexity, overlaps and gaps due to:

- market surveillance rules spread in different pieces of legislation
- Different product evaluation procedures depending on the category of product
- different obligations for economic operators

Need for clearer rules to guarantee effectiveness: "Package" adopted on 13 February 2013
Product Safety and Market Surveillance Package

- Proposal for a Regulation on Consumer Product Safety (CPSR)
- Proposal for a Regulation on Market Surveillance (MSR)
- Multi-annual action plan for market surveillance 2013-2015
Proposal for a Consumer Product Safety Regulation (CPSR)
CPSR Proposal

- Repeals the General product safety directive 2001/95/EC
CPSR proposal

• General safety requirement for all consumers products, except pharmaceuticals, food & feed, animal, plants

• Country of origin

• Obligations for economic operators aligned with Decision (EC) 768/2008*

• Standards setting procedures aligned with Regulation 1025/2012 on European Standardisation*

* only for non harmonised consumer products
Proposal for a Regulation on Market Surveillance of Products (MRS)
MSR Proposal

- **Single framework for market surveillance**
  - Mergers market surveillance rules of Reg. 765/2008, GPSD, many sector-specific legislation --- *Simplification*
MSR Proposal

• Protects of all public interests (health, environment, etc.,)

• Applies to all products covered by Union harmonisation legislation and to non harmonised consumer products

• certain categories of products are totally or partially excluded (e.g. food, medical devices,...)

• Lex specialis rule: specific provisions with the same objective continue to apply
MSR proposal

Market surveillance obligation

- Carry out market surveillance
- Prevent the making available/remove products presenting a risk
- Report annually on activities carried out and results achieved
MSR Proposal

**Market surveillance authorities (MSA)**

- Establish/designate MSA and inform COM
- Provide MSA with necessary resources and powers
- Enable cooperation between MSA and Customs
MSR proposal

Procedural flow for market surveillance:

- **Control of products within the EU**
  
  Checks, risk assessment, voluntary/MSA measures, Union assessment

- **Control of products entering the EU**
  
  Checks at the border, suspension of release for free circulation, decision by MSA, refusal/authorisation to release
MRS Proposal

- **RAPEX**
  - *rapid information between Member States on products presenting a risk*
  - *triggers objection procedure and possibility of Union assessment of MSA measures/refusal to release (for Union harmonisation legislation only)*
MSR proposal

- **Information and Communication System for Market Surveillance (ICSMS)**
  - managed by the Commission
  - storage of information related to market surveillance:
    - Results of checks/test reports
    - More general information
  - mutual recognition of test reports
  - accessible to customs authorities
MRS Proposal

- Mutual assistance
- European Market Surveillance Forum (EMSF)
  - each Member State represented
  - exchange of information & expertise & best practices, coordination of market surveillance, training, exchange of officials ...
  - ADCOs = subgroups of EMSF
  - supported by an Executive Secretariat
MULTIANNUAL ACTION PLAN FOR MARKET SURVEILLANCE OF PRODUCTS 2013-2015 (MAPS)
20 actions and objectives aiming at making market surveillance for product more efficient and at increasing product safety
MAPS 2013-2015

- Facilitate the portability of tests reports in the Union
- Maximise the benefits of ICSMS
- Create synergies between RAPEX and ICSMS
- Assess the cost-benefit of an EU accidents/injuries database
- EU general risk assessment methodology
MAPS 2013-2015

- Develop key performance benchmarks for market surveillance
- Examine the feasibility of safety and compliance controls for high tech and innovative products
- Prepare the creation of an executive secretariat for the EU market surveillance Forum
- Joint enforcement activities
- Exchange of officials
MAPS 2013-2015

- More support for Administrative cooperation groups
- Active involvement of stakeholders

Improve product traceability

- Products sold on-line
- Compliance schemes operated by MSA
- Proffesional non harmonised products-inquiry on safety issues
MAPS 2013-2015

- support for the implementation of guidelines for import controls
- improve the efficiency of border safety
- mapping the differences in dealing with safety and compliance controls for products entering the Union
- develop a common risk approach to customs product safety and compliance controls
MAPS 2013-2015

EU general risk assessment methodology

- To cover all products and all risks subject to Regulation 765/2008 and the MSR proposal
- Apply to manufactured products already placed on the market and serves market surveillance purposes: assess the risks presented by a product available on the market
- Complementary to the RAPEX guidelines
MAPS 2013-2015

Joint enforcement actions

- Call for proposals to implement joint enforcement actions
- Actions to start in January 2014
- Involve at least 5 MS performing coordinated market surveillance activities
- Aim to share knowledge and develop best practices and harmonised approaches
- New call for proposals in 2014
MAPS 2013-2015

More support for ADCOs

• Financial support for the administrative functioning: organisation of meetings, travel costs...
MAPS 2013-2015

Products sold on line

- Current market surveillance activities are incidental fragmented and uncoordinated
- Need for a coordinated approach
- Collection of best practices among MS-study to be launched in 2014
- Expert working group to develop guidelines
More information:


THANK YOU FOR YOUR ATTENTION!

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