Outline

• Enforcement initiative

• Notice on products sold online
Enforcement initiative

• Part of the so-called 'Goods Package'
  • Proposal on reinforcing the principle of Mutual Recognition
  • Proposal on better enforcement to fight non-compliant products
• Aim: everybody plays by the rules
• Timeline: adoption of the proposal by the commission by the end of the year, followed by adoption in the Council and European Parliament
Enforcement initiative

Necessary to reduce the number of non-compliant products on the EU market by:

• **Facilitating compliance** = compliance assistance and facilitating demonstration of conformity

• **Detecting and taking action against non-compliant products** = more deterrent enforcement of applicable rules, actions vis-à-vis products imported from countries outside the EU and actions across national borders aimed at ensuring that non-compliant products do not circulate within Single Market
Online Sale in the EU

(*): EE, LV and SE data for 2012 is not comparable to 2016 due to a change in the survey methodology.
Online Sale in the EU
Commission Notice on market surveillance of products sold online

• C/2017/5200, OJ C 250, 1.8.2017, p. 1–19:
  

• Why:
  • assist Member State authorities in the enforcement of EU legislation
  • contribute to the protection of the health and safety of consumers or other end–users within the EU
  • ensure a level playing field for economic operators
  • increase trust in online markets and contribute to e-commerce development
Commission Notice on market surveillance of products sold online

• Structure:
  • Applicable legal framework
  • Practical aspects of market surveillance
  • Raising awareness
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- Applicable legal framework

• General Product Safety Directive
• Regulation 765/2008
• Sectoral harmonized EU legislation
  = how to apply them in the context of online sale
Commission Notice on market surveillance of products sold online
- *Applicable legal framework*

• “Placing on the market” in e-commerce – economic operator(s) established in the EU or established outside the EU but targeting EU consumers – **case by case** analysis taking into account:
  - International nature of activity
  - use of a language and currency
  - domain name
  - geographical area
Commission Notice on market surveillance of products sold online - *Applicable legal framework*

• **Fulfilment service providers** - responsible economic operator as defined by EU product legislation?
  • manufacturers; authorized representative
  • importers
  • distributors
Commission Notice on market surveillance of products sold online
- Applicable legal framework

• Other actors:
  • Postal service only
  • Online intermediary service provider
  • Declarant under the union Customs Code
Commission Notice on market surveillance of products sold online - *Practical aspects*

- General principles:
  - Proportionality
  - Due account to precautionary principle
  - Target most relevant actor in the supply chain – those PLACING ON THE MARKET the product
  - Cooperation between market surveillance authorities
Commission Notice on market surveillance of products sold online - *Practical aspects*

- Strategy and planning
- Organisation
- Specific features and needs:
  - Lack of access to physical products - Products in another Member State or outside the EU;
  - Difficulties identifying the responsible person;
  - Personal data protection considerations;
  - Evidence gathering.
Commission Notice on market surveillance of products sold online - *Practical aspects*

- Corrective actions – depending on location of the responsible person:
  - In the authority’s jurisdiction;
  - In another EU Member State;
  - Outside the EU

- Specific to products sold online: “notice and action” – online intermediary service providers
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- **Raising awareness of consumers and business**
  
  • **For consumers:** develop communication toolkits – encourage them to check whether the required information is there; cross-check the information from online seller with information provided by the manufacturer, check on RAPEX whether the product has been subject to restrictive measures etc.
  
  • **For business:** access to basic information on applicable requirements, and how to comply with them, cooperation with online platforms, reach out to businesses operating abroad, online courses etc.
Thank you!