

How to handle problems with regard to non-registered or „disappearing“ companies

The subtitle of this presentation could be
„The fight against illegal imports“

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Why this task ?

There are problems which have often occurred on the Slovak national market. Many companies don't fulfill their duties to inform official authorities – trade offices – about the change of the company's seat or the working place. Therefore, the database doesn't contain up-to-date data in some cases and then in surveillance both sides suffers, namely customs authorities, market surveillance bodies and in the final effect also consumers. In some cases we can't solve the problem on national market, because there is usually nobody to be held responsible.

Quite often these companies are responsible for products which are imported illegally from the third countries, don't comply with technical requirements, are dangerous and also don't respect intellectual property rights. These products are on offer in market places. It is impossible to identify anything related to these products namely their manufacturer, authorized representative or importer.

Besides some known sorts of goods, such as garments, footwear, tobacco, there are often occur also products that might endanger the health and life of a consumer. [For example problem with Electrical Christmas Lights and other electrical appliances and also problem with some kinds of toys]

At present private sector it is starting to fight against illegally imported products and call for closer cooperation of all stakeholders in market surveillance area. This process was initiated by Association of Commerce of the Slovak Republic via conducting an information campaign in media.

The resolution of the illegal importation and illegal sale issues cannot be expected in the short-term. Only through concerted and joint effort by all the public authorities involved and last but not least also citizens it is possible to gradually eliminate illegal phenomena in this area. The Slovak Trade Inspection as a control, inspection and Market Surveillance body is important part of the whole picture.

Market Surveillance cannot be omnipresent; it cannot even stand in for the competencies of the police, customs and tax authorities. It should however have a possibility of immediate response on the market and handing the case over to the competent authorities. The following day it is usually too late, there is no problem to solve and there is no person to solve the problem with, because both the goods and the accountable person tend to disappear. It is important to heighten the awareness of our consumers and inform them of the fact that they are endangered by the purchase of an illegally imported product and contribute to the decrease in public finances.

End of 2003

Proposal of systemic legislative and non-legislative measures to protect against problematic imports of goods

1. to amend the Act on State control of Internal Market by giving the control body the mandate to seize, respectively liquidate goods of unknown origin and, moreover, without acquiring documentation
2. to define "serious infringe" in special legal regulations in connection with the trade law with the possibility of suspending, respectively, revoking the trade license
3. to improve by law the labeling of products in order to enable their identification [in a standard customs declaration, the importer is obliged to cite the name of product and this name will be used until it is sold to the end consumer]
4. to amend the Act on Market Places to the effect that these places will serve no other purpose than sale of agricultural products, fruit, vegetables, flowers, fast food and crafts
5. to improve the cooperation of controlling bodies on the market
6. creation of a centralized information system for all controlling bodies

April of 2004

The Government of the Slovak republic endorsed the proposal measures concerning illegally import of tobacco and alcohol.

Despite the fact that other legislative measures concerning competency of the Slovak Trade Inspection have not been yet endorsed there is better administrative cooperation of controlling bodies on the national market.

It is important to cooperate with police and tax authorities especially during control action on market places.

Being aware of our geographical position and also the great amount of non-conforming products especially from the third countries [the unauthorized placement of the CE markings on demonstrably dangerous or non-conforming products, to a great extent, devalues their credibility as well as their significance especially in relation to the goods from third countries], The Slovak Trade Inspection has had close and steady cooperation with Customs Authorities since 2001 and is fully prepared for enforcement of Regulation 339.

November of 2004

Cooperation with Customs Authorities – prevention is better than cure

By insuring of protection of common market in front of dangerous products The Slovak Trade Inspection cooperates with Customs Authorities on base of the new Convention on cooperation. This convention is an adequate framework for permanent cooperation and coordination between our bodies on a national and regional level.

The Slovak Trade Inspection informs Customs Authorities about all cases taking into account the risk's categories of products which come to its knowledge and informs operatively about results of administration of surveillance, including list of importers, who break the law and/or who import other kind of goods as it was declared. Customs Directorship provides necessary help for qualify administration of surveillance by taking place of its experts in risk contact points and on base of demand of the STI provides data from information fund.

The customs authorities have focused on groups of products, which the STI alerted them to on the basis of the New Approach Directives and which according to results ranked among products with the highest probability of non-conformity occurrence. To make the customs supervision more qualified, the staff was trained in the field of assessing the dangerousness of particular products, which we plan to continue in the future as well.