



Product Safety and Market Surveillance Package

UNECE WP 20 November 2013

Andreea Pantazi



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

- *Communication on More Product Safety and Better Market Surveillance in the Single Market of Products*
- ***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***
- *Report on the Implementation of Regulation (EC) No 765/2008*



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)



MAPS 2013-2015

***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*
- Asses 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

- Professional 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 : asses 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:

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

THANK YOU FOR YOUR ATTENTION!

Florina-andreea.pantazi@ec.europa.eu