



# Market Surveillance Developments in the EU

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# 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

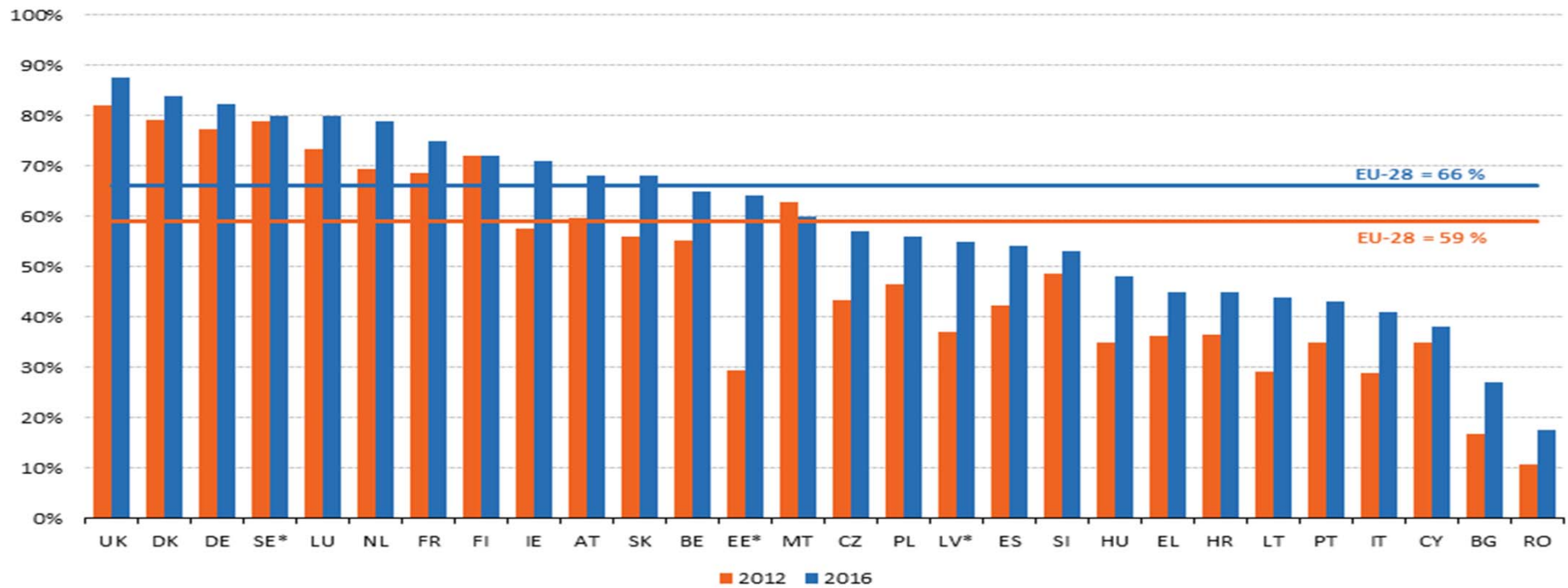


# Enforcement initiative

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

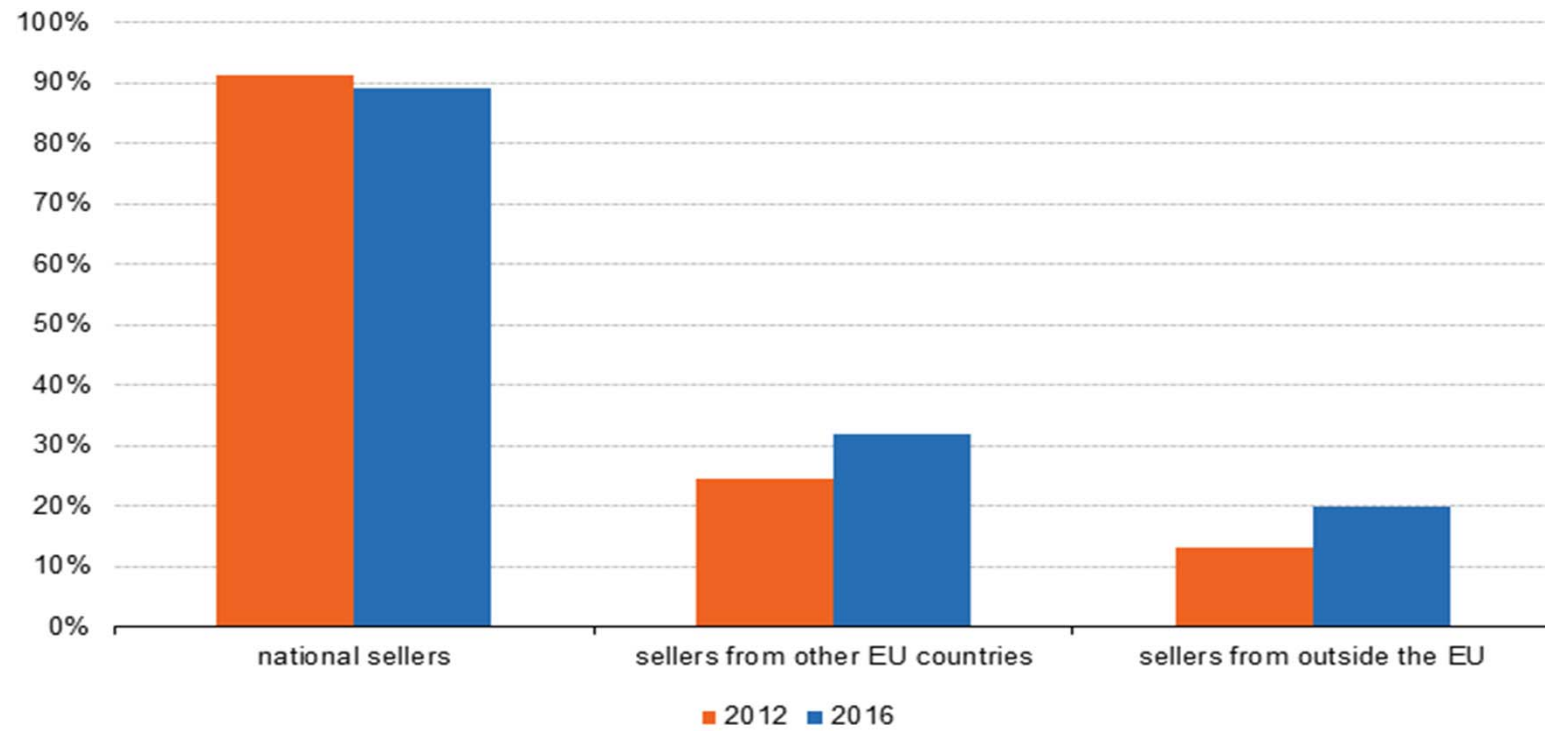
- **Facilitating compliance** = compliance assistance and facilitating demonstration of conformity
- **Detecting and taking action against non-compliant products** = more deterrent enforcement of applicable rules, actions vis-à-vis products imported from countries outside the EU and actions across national 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:
- <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C .2017.250.01.0001.01.ENG>
- 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





# Commission Notice on market surveillance of products sold online - *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



# Commission Notice on market surveillance of products sold online

## *- 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!

*Internal market,  
Industry,  
Entrepreneurship  
and SMEs*