

Response statistics for 'New Legislative Framework for the marketing of products: proposal to align 10 product harmonisation directives to Decision 768/2008.

 Questionnaire for Final Users or User Organisations'

▶ Current search:

Query definition

All data requested

Result pages

▶ There are 33 responses matching your criteria of a total of 33 records in the current set of data.

▶ Expand all - Collapse all


Sorted answers Original order

A. Preliminary questions

Preliminary questions concerning the respondent.

A3. Your country -single choice reply- (compulsory)

	Number of requested records	Requested records (33)	% of total number records (33)
Austria	0	(0%)	(0%)
Belgium	4	(12.1%)	(12.1%)
Bulgaria	0	(0%)	(0%)
Cyprus	1	(3%)	(3%)
Czech Republic	0	(0%)	(0%)
Denmark	2	(6.1%)	(6.1%)
Estonia	0	(0%)	(0%)
Finland	0	(0%)	(0%)
France	2	(6.1%)	(6.1%)
Germany	5	(15.2%)	(15.2%)
Greece	1	(3%)	(3%)
Hungary	1	(3%)	(3%)
Ireland	0	(0%)	(0%)
Italy	1	(3%)	(3%)
Latvia	0	(0%)	(0%)
Lithuania	0	(0%)	(0%)
Luxembourg	0	(0%)	(0%)
Malta	0	(0%)	(0%)
Netherlands	1	(3%)	(3%)
Poland	0	(0%)	(0%)

Portugal	0	(0%)	(0%)
Romania	0	(0%)	(0%)
Slovakia	0	(0%)	(0%)
Slovenia	0	(0%)	(0%)
Spain	5	(15.2%)	(15.2%)
Sweden	2	(6.1%)	(6.1%)
United Kingdom	6	(18.2%)	(18.2%)
EEA country	0	(0%)	(0%)
USA	0	(0%)	(0%)
Canada	0	(0%)	(0%)
China	0	(0%)	(0%)
India	0	(0%)	(0%)
 Other (please specify)	2	(6.1%)	(6.1%)

A4. Sector for which you answer this consultation -single choice reply- (compulsory)

	Number of requested records	Requested records (33)	% of total number records (33)
Electrical and electronic products	5	(15.2%)	(15.2%)
Lifts	1	(3%)	(3%)
Pressure equipment	11	(33.3%)	(33.3%)
Measuring instruments	6	(18.2%)	(18.2%)
Civil explosives	0	(0%)	(0%)
Pyrotechnic articles	2	(6.1%)	(6.1%)
Equipment and protective systems for use in potentially explosive atmospheres	8	(24.2%)	(24.2%)

A5. Type of user in relation to the sector selected above -single choice reply- (compulsory)

	Number of requested records	Requested records (33)	% of total number records (33)
Consumer	5	(15.2%)	(15.2%)
Consumer organisation	3	(9.1%)	(9.1%)
Professional user	19	(57.6%)	(57.6%)
Professional user organisation	6	(18.2%)	(18.2%)

B. Addressing the problem of non-compliance with existing product requirements

A significant number of products on the market do not fulfil the requirements set out by the directives. Some actors simply affix the CE marking to their products although these products do not fulfil the conditions for being CE marked. Importers and distributors do not all carry out the necessary verifications to ensure that they are only supplying compliant products. Market surveillance authorities often find it difficult to trace the economic operators supplying non-compliant products, in particular when the products originate in third countries. Member States are also imposing different obligations on importers and distributors when it comes to ensuring that products meet the applicable requirements. Furthermore, the actions that national

authorities are taking vis-à vis non-compliant products (e.g. prohibitions of marketing, withdrawals, etc) sometimes differ from one Member State to another.

This problem could be addressed by aligning the legislation to the provisions in Decision 768/2008 designed to tackle this problem. For the purpose of this questionnaire these provisions are regrouped under “Action 1” and consist of the following measures:

- **Introduction of obligations for importers and distributors:** Both actors must check that products bear the CE marking, are accompanied by the required documents and carry the name of the manufacturer and the importer (if relevant). Importers must furthermore check that the manufacturer outside the EU has applied the correct conformity assessment procedure and establish a link to the manufacturer that allows him to obtain the technical documentation, when it is requested by authorities. They must carry out sample tests on products which they have supplied, when this is appropriate in the light of the risks presented by a product to the health and safety of consumers. If necessary, they must also keep a register of complaints, non-conforming products and product recalls and keep distributors informed about such monitoring (Articles R4 and R5 in Annex 1 of Decision 768/2008).
- **Additional manufacturer obligations:** In addition to the obligations that the current legislation already foresees for manufacturers they must provide instructions and safety information in the language easily understood by consumers and end-users. Furthermore they are subject to the same obligations on sample testing and product monitoring as importers (Article R3 in Annex 1 of Decision 768/2008).
- **Introduction of traceability requirements:** New obligations are introduced for all economic operators to ensure traceability of products throughout the whole distribution chain. Manufacturers and importers must put their name and address on the product or, where this is not possible, on the packaging or an accompanying document. Furthermore every economic operator must be able to inform the authorities from whom he purchased a product and to whom he supplied it. This obligation does not include sales to end-users (Article R7 in Annex 1 of Decision 768/2008).
- **Reorganisation of safeguard clause procedure (market surveillance):** The safeguard clause procedure has been reorganised and streamlined. The new procedure ensures that the relevant enforcement authorities are informed about dangerous products and that equivalent action is taken against that product in all Member States (Articles R31-33 in Annex 1 of Decision 768/2008).

B1. Do you think that this sector is affected by non-compliance? -single choice reply- (compulsory)


	Number of requested records	Requested records (33)	% of total number records (33)
Yes	21	(63.6%)	(63.6%)
No	4	(12.1%)	(12.1%)
I don't know	8	(24.2%)	(24.2%)

B2.2. Proportion of non-compliant products for: -single choice reply- (compulsory)

These figures relate to specific product categories identified separately by each respondent under previous questions

	Number of requested records	Requested records (21)	% of total number records (33)	% of total number records (21)
Between 0 and 10%	8	(38.1%)	(24.2%)	(38.1%)
Between 11 and 20%	1	(4.8%)	(3%)	(4.8%)
Between 21 and 30%	4	(19%)	(12.1%)	(19%)
Between 31 and 50%	3	(14.3%)	(9.1%)	(14.3%)
Greater than 50%	1	(4.8%)	(3%)	(4.8%)

Unable to provide indicative estimates	4	(19%)	(12.1%)	(19%)
N/A	12	(36.4%)	(36.4%)	-

 B5.1 Damages to end users of products due to economic operators non-compliance: do you think that the problem of non-compliance affects negatively end-users in this sector? -single choice reply- (compulsory)


	Number of requested records	Requested records (21)	% of total number records (33)	% of total number records (21)
Yes, to a significant extent	7	(33.3%)	(21.2%)	(33.3%)
Yes, to a moderate extent	13	(61.9%)	(39.4%)	(61.9%)
No	1	(4.8%)	(3%)	(4.8%)
I don't know	0	(0%)	(0%)	(0%)
N/A	12	(36.4%)	(36.4%)	-

B7. Do you sell or purchase goods in more than one EU country? -single choice reply- (compulsory)


	Number of requested records	Requested records (33)	% of total number records (33)
Yes	29	(87.9%)	(87.9%)
No	4	(12.1%)	(12.1%)

B8. Are you aware of any market surveillance activities carried out in relation to products in this sector? -single choice reply- (compulsory)


	Number of requested records	Requested records (33)	% of total number records (33)
 Yes	21	(63.6%)	(63.6%)
No	12	(36.4%)	(36.4%)

 B9. Do you think that there are differences in the way market surveillance authorities (MSA) in different EU countries deal with non-compliant products in this sector (i.e. this is the case if the same case of non-compliance is likely to be treated more strictly in a country than in another)? -single choice reply- (compulsory)

	Number of requested records	Requested records (21)	% of total number records (33)	% of total number records (21)
Yes, remarkable differences	5	(23.8%)	(15.2%)	(23.8%)
Yes, some differences	8	(38.1%)	(24.2%)	(38.1%)
Not many differences	1	(4.8%)	(3%)	(4.8%)
No differences	0	(0%)	(0%)	(0%)
I don't know	7	(33.3%)	(21.2%)	(33.3%)
N/A	12	(36.4%)	(36.4%)	-

 B10. If so, please explain where the differences are (multiple choice possible) -multiple choices reply- (optional)

	Number of requested records	Requested records (21)	% of total number records (33)
MSA in different EU countries do not impose the same obligations on importers	10	(47.6%)	(30.3%)

MSA in different EU countries do not impose the same obligations on distributors	9	(42.9%)	(27.3%)
MSA in different EU countries do not impose the same obligations on manufacturers	10	(47.6%)	(30.3%)
MSA in EU countries follow act differently when they deal with products presenting a risk (i.e. when they verify if products comply with legal requirements and when they address any risk found)	2	(9.5%)	(6.1%)
The same product may be withdrawn from market or otherwise restricted in an EU country and supplied freely in another	9	(42.9%)	(27.3%)
When a safeguard clause procedure is launched, not all EU countries follow Commission opinion	6	(28.6%)	(18.2%)
 Other	2	(9.5%)	(6.1%)

B11. How do you evaluate the impact of the four elements of Action 1 recalled below on the level of compliance and safety of products for the product categories you know?

B11.1 Impact of the following elements of Action 1 on the level of non-compliance

Obligations for importers/distributors -single choice reply- (optional)

	Number of requested records	Requested records (33)	% of total number records (33)	% of total number records (32)
No, or no significant improvement	2	(6.1%)	(6.1%)	(6.2%)
Moderate improvement	11	(33.3%)	(33.3%)	(34.4%)
Significant improvement	15	(45.5%)	(45.5%)	(46.9%)
Unable to evaluate impact	4	(12.1%)	(12.1%)	(12.5%)
N/A	1	(3%)	(3%)	-

Traceability obligations -single choice reply- (optional)

	Number of requested records	Requested records (33)	% of total number records (33)	% of total number records (32)
No, or no significant improvement	3	(9.1%)	(9.1%)	(9.4%)
Moderate improvement	16	(48.5%)	(48.5%)	(50%)
Significant improvement	10	(30.3%)	(30.3%)	(31.2%)
Unable to evaluate impact	3	(9.1%)	(9.1%)	(9.4%)
N/A	1	(3%)	(3%)	-

Post marketing obligations on manufacturers -single choice reply- (optional)

	Number of requested records	Requested records (33)	% of total number records (33)	% of total number records (32)
No, or no significant improvement	3	(9.1%)	(9.1%)	(9.4%)
Moderate improvement	9	(27.3%)	(27.3%)	(28.1%)
Significant improvement	15	(45.5%)	(45.5%)	(46.9%)
Unable to evaluate impact	5	(15.2%)	(15.2%)	(15.6%)
N/A	1	(3%)	(3%)	-

Common safeguard (market surveillance) procedures to deal with products presenting a risk across the EU -single choice reply- (optional)

	Number of requested records	Requested records (33)	% of total number records (33)	% of total number records (32)
No, or no significant improvement	2	(6.1%)	(6.1%)	(6.2%)
Moderate improvement	10	(30.3%)	(30.3%)	(31.2%)
Significant improvement	16	(48.5%)	(48.5%)	(50%)
Unable to evaluate impact	4	(12.1%)	(12.1%)	(12.5%)
N/A	1	(3%)	(3%)	-

B11.2 Impact of the following elements of Action 1 on health and safety conditions for consumers and workers dealing with products in this sector [this question does not apply to the measuring instruments sector]

Obligations for importers/distributors -single choice reply- (optional)

	Number of requested records	Requested records (33)	% of total number records (33)	% of total number records (29)
No, or no significant improvement	6	(18.2%)	(18.2%)	(20.7%)
Moderate improvement	12	(36.4%)	(36.4%)	(41.4%)
Significant improvement	9	(27.3%)	(27.3%)	(31%)
Unable to evaluate impact	2	(6.1%)	(6.1%)	(6.9%)
N/A	4	(12.1%)	(12.1%)	-

Traceability obligations -single choice reply- (optional)

	Number of requested records	Requested records (33)	% of total number records (33)	% of total number records (29)
No, or no significant improvement	6	(18.2%)	(18.2%)	(20.7%)
Moderate improvement	14	(42.4%)	(42.4%)	(48.3%)
Significant improvement	7	(21.2%)	(21.2%)	(24.1%)
Unable to evaluate impact	2	(6.1%)	(6.1%)	(6.9%)
N/A	4	(12.1%)	(12.1%)	-

Post marketing obligations on manufacturers -single choice reply- (optional)

	Number of requested records	Requested records (33)	% of total number records (33)	% of total number records (29)
No, or no significant improvement	4	(12.1%)	(12.1%)	(13.8%)
Moderate improvement	12	(36.4%)	(36.4%)	(41.4%)
Significant improvement	11	(33.3%)	(33.3%)	(37.9%)
Unable to evaluate impact	2	(6.1%)	(6.1%)	(6.9%)
N/A	4	(12.1%)	(12.1%)	-

Common safeguard (market surveillance) procedures to deal with products presenting a risk across the EU -single choice reply- (optional)

	Number of requested records	Requested records (33)	% of total number records (33)	% of total number records (29)
No, or no significant improvement	5	(15.2%)	(15.2%)	(17.2%)

Moderate improvement	9	(27.3%)	(27.3%)	(31%)
Significant improvement	13	(39.4%)	(39.4%)	(44.8%)
Unable to evaluate impact	2	(6.1%)	(6.1%)	(6.9%)
N/A	4	(12.1%)	(12.1%)	-

B15. How would you evaluate the following options in terms of their effectiveness to address the problem of non compliance in this sector?

Obligations on economic operators and market surveillance procedures will be included in legal texts (e.g. EU directives) and will be binding on economic operators and market surveillance authorities -single choice reply- (optional)

	Number of requested records	Requested records (33)	% of total number records (33)	% of total number records (31)
Very effective	9	(27.3%)	(27.3%)	(29%)
Quite effective	15	(45.5%)	(45.5%)	(48.4%)
Quite ineffective	4	(12.1%)	(12.1%)	(12.9%)
Not effective at all	2	(6.1%)	(6.1%)	(6.5%)
I don't know	1	(3%)	(3%)	(3.2%)
N/A	2	(6.1%)	(6.1%)	-

Obligations on economic operators and market surveillance procedures will be included in informal guidance text (e.g. the Blue Guide on the implementation of New Approach Directives) and will become non-binding reference for economic operators and market surveillance authorities -single choice reply- (optional)

	Number of requested records	Requested records (33)	% of total number records (33)	% of total number records (30)
Very effective	2	(6.1%)	(6.1%)	(6.7%)
Quite effective	3	(9.1%)	(9.1%)	(10%)
Quite ineffective	16	(48.5%)	(48.5%)	(53.3%)
Not effective at all	6	(18.2%)	(18.2%)	(20%)
I don't know	3	(9.1%)	(9.1%)	(10%)
N/A	3	(9.1%)	(9.1%)	-