

**WORKING PARTY ON TECHNICAL  
HARMONISATION  
("Motor Vehicles" and "Motor Vehicles -  
International")  
Wednesday 09 February 2011**

**Proposal for common market surveillance provisions**

Regulation on the approval of agricultural or forestry vehicles  
Regulation for the approval and market surveillance of L-category  
vehicles (two- or three-wheel vehicles and quadricycles)



**European Commission**  
Enterprise and Industry

## Why Market Surveillance?

- Commission strategic objective for 2010 and beyond:

### ***A NEW STRATEGY FOR THE SINGLE MARKET AT THE SERVICE OF EUROPE'S ECONOMY AND SOCIETY***

- **2009: Political Guidelines of President Barroso** call for
  - a major analysis of the "missing links" in the internal market
  - a major package of **measures to re-launch the single market** in time for the 20th anniversary of the 1992 project
- **2010: Monti report on a new strategy for the single market:**
  - To maintain a dynamic and expanding single market for goods:
    - the **goods package** adopted in 2008 must be fully implemented,
    - Special attention to mutual recognition and **market surveillance**,
    - principles of the **New Legislative Framework (NLF) to be extended to other areas of product legislation**
  - COM(2010) 608 final/2: **Towards a Single Market Act**  
& COM(2010) 614: on **Integrated Industrial Policy**
    - multiannual action plan to develop a **European market surveillance**.

# Market surveillance

- Main objectives
  - **Reinforce** national market surveillance
  - Ensure a **more coherent** level of intervention and controls throughout EU
  - Ensuring **equal action** against non-compliant products in EU = ensuring **equal conditions** for economic operators
  - **Protect** fair economic operators **against unfair competition** from operators ignoring or by-passing the rules of the game
  - **Protect** safety and environment
  - Restore **confidence** in EU legislation

## Market surveillance

- New Legislative Framework (NLF)
- 2 complementary instruments:
  - **Regulation 765/2008/EC** - requirements for **accreditation** and **market surveillance** relating to the marketing of products;
  - **Decision 768/2008/EC** - a **common framework** for the **marketing of products**
- Horizontal framework for **Community harmonisation legislation** = legislation fixing conditions for the marketing of products
- **Objective:** Improve the functioning of the internal market in practice

# Market surveillance

- NLF – 2 complementary instruments

## REGULATION 765/2008/EC

- Accreditation
- Market surveillance
  - EU internal
  - imported products
- **CE** General principles [not directly relevant for automotive approval legislation]
- Financing
- Directly applicable (from 1 January 2010)

## DECISION 768/2008/EC

- common elements of product legislation (obligations of economic operators, definitions, etc)
- toolbox for future legislation or amending existing legislation
- no immediate effects for individuals or Member States if not included in sector specific legislation
- relevant tools incorporated in proposal for type-approval Regulations

## Market surveillance

- How does Regulation 765/2008 affect sectoral legislation?
  - Member States and Commission services must apply Regulation 765/2008 **in addition to sectoral legislation** (from 1/1/2010)
  - **Applies to all sectoral legislation** fixing conditions for the **placing on the market of products** (i.e. including type-approval legislation)
  - **Additional obligations** for national authorities when implementing sector specific legislation
  - Consequences for cooperation with Commission, administration of **safeguard clauses and recall procedures**

## Market surveillance

- New obligations arising from Regulation 765/2008/EC
- MS have to inform other MS and Commission on **competent authorities and market surveillance programmes** (general or sectoral)
- **!! MS have to take measures** against **non compliant products** (Article 16.2 and 20)
- **!! MS have to inform** Commission and other MS on **measures** taken **against non-compliant products** (Art 22 and 23)
- **!! Cooperation:** MS to **participate in European co-operation** activities (Art 24.1) and provide **mutual assistance** (Art 24.2)

## Market surveillance

- Regulation 765/2008/EC: obligations on restrictive measures

- Non-compliant product found



- Take action



- Inform Commission and other MS



- serious cases: RAPEX
- other cases: Art 23

- Safeguard clause?

- withdrawal, recall, prohibition of marketing or other restrictive measure

RApid information EXchange for **serious cases** of non-compliance  
(= products presenting a serious risk)

## Market surveillance

- Decision 768/2008/EC: relevant tools for L-category legislation (1)
- **Definitions** (placing on the market, market surveillance,..)
- **Traceability of products** placed on the market
- **Respective responsibilities of economic operators** in the supply chain (manufacturers, importers, distributors)

## Market surveillance

- Decision 768/2008/EC: relevant tools for L-category legislation (2)
- Responsibilities of and co-operation between national authorities involved in enforcement of the legislation (type-approval, market surveillance, and border control)
- Criteria for the designation, monitoring and quality of technical services
- Safeguard procedures and recall of vehicles
- Procedures for ensuring conformity of production

## Market surveillance

- Provide sectoral contribution to strategic objective for the **re-launch of the single market**.
- **Address** major **concerns** reported by European L-category vehicle manufacturing industry regarding **non-compliant products** placed on the EU market (originating from Far East).
- **Respond to EU Member States request** in Technical Committee for Motor Vehicles **to complement type approval with market surveillance**.
- Market surveillance provisions proposed in L-category vehicle type-approval Regulation, urged by Member States and stakeholders as high-priority to be included in proposal.

## Market surveillance

- **NEW PROPOSAL:**

- **introduce market surveillance provisions also into proposal for approval of agricultural and forestry vehicles and harmonise for both:**

- Chapter II: general obligations
- Chapter XII: Sale, registration and entry into service
- Chapter XIII: safeguard clauses
- Chapter XVII: designation and notification of technical services
- Use of appropriate, common terminology e.g. replace “sale” and “entry-into-service” with “placing on the market” or “making available on the market”

- Complement with proposal in 2011 to include market surveillance in type approval legislation for motor vehicles of categories M, N & O.

## More information ?

[http://ec.europa.eu/enterprise/policies/single-market-goods/documents/blue-guide/index\\_en.htm](http://ec.europa.eu/enterprise/policies/single-market-goods/documents/blue-guide/index_en.htm)

[http://ec.europa.eu/consumers/safety/rapex/market\\_surveillance\\_en.htm](http://ec.europa.eu/consumers/safety/rapex/market_surveillance_en.htm)

# THANK YOU FOR YOUR ATTENTION !

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