



THE 10 KEY ACTIONS FOR AN EFFECTIVE MARKET SURVEILLANCE

The European **machinery industry is a major engine for competitiveness**, innovation, growth and jobs in the European Union. In a global economy, increasing international competition requires proper enforcement of Internal Market legislation. **Market surveillance plays a crucial role** to maintain fair competition, keep Europe as a strategic manufacturing location and ultimately ensure the effectiveness of the rules that protect health and safety of workers and the environment.

Although the EU has equipped itself with a legislative framework aimed at enhancing market surveillance in Europe, capital goods manufactured by the machinery industry have suffered from a certain lack of focus in the enforcement process. The industry is committed to playing an **active role** and has taken numerous **initiatives** to provide competent authorities with **technical assistance**. It is however by working hand in hand that Member States, European Institutions and industry can ensure compliance of machinery placed on the European market.

These ten actions set out the key elements of an effective market surveillance that can safeguard the competitiveness of the European machinery industry, the hundreds of thousands jobs it provides, and the safety of users.

1. Allocation of sufficient resources (both financial and staff) to market surveillance authorities so they can actively control compliance of machinery entering the European market.
2. The setting up of a common Commission- Member States co-operation platform under Regulation 765/2008/EC, with an industry advisory forum for preparing Europe wide targeted campaigns focusing on certain products or product categories with a view to achieving maximum effectiveness with limited resources. The decision on the areas to be selected would be made after consultation with stakeholders, including the industry affected by non-compliant products
3. A better coordination of market surveillance and harmonisation of enforcement practices (e.g. a common approach to risk assessment) with colleagues in other EU Member States: it is of the utmost importance to enhance mutual confidence, avoid double checks and maximise the use of human resources for multiple and intelligent market surveillance activities.
4. The establishment of close relations between market surveillance and custom authorities: all customs officials should receive training to help them identify potentially non-compliant products (e.g. by making use of the manufacturer's declaration of conformity, as requested for all harmonised products under the NLF).
5. The implementation of actions as early as possible in the supply chain: the earlier the products are checked in the supply chain, the less damage they cause on the market if they are not compliant. This should apply first of all to imported goods.

6. Setting up an agreement between the EU Member States to meet a set of essential requirements for efficient Europe wide market surveillance. This requires deterrent sanctions against rogue traders (e.g. fines, destruction of non compliant goods at the responsible market operator's expenses). Sanctions should be considered also against conformity assessment bodies (e.g. economic or related to accreditation), if necessary.
7. The Commission to finance , e.g. within the framework of the European Structural funds, assistance to Member States whose geographic or economic conditions place them in a weaker position to fight against illegal trade and unlawful imports from abroad. This is especially true for countries with maritime ports, where 90% of the goods imported into the EU transit every day.
8. Cooperation with colleagues outside the European Union: close cooperation between all authorities involved in customs controls and market surveillance from the main EU trade partners, and in particular EU neighbours, is necessary to ensure that most imported machines are compliant.
9. Internal coordination at national level across the various authorities involved in the enforcement of different legal requirements (health and safety, environment, energy efficiency...) because machinery often has to comply with various types of regulatory requirements.
10. Increased awareness among market operators about the working methods and actions through a European awareness campaign (including awareness about the obligations related to the affixing of the CE marking and about sanctions in case of non-compliance), Economic players should be encouraged to inform authorities about non-compliance cases.

