

**National market surveillance programme pursuant to Article 18(5) of  
Regulation (EC) No 765/2008**

***NATIONAL MARKET SURVEILLANCE  
PROGRAMME***

***2016 France***

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## **1. ORGANISATION AND GENERAL STRUCTURE OF MARKET SURVEILLANCE**

Market surveillance for products subject to harmonised European legislation is governed by Regulation (EC) No 765/2008 on accreditation and market monitoring<sup>1</sup>.

The purpose of such surveillance is to ensure, irrespective of product origin, compliance with the provisions of European legislation (regulations and directives) in particular in the field of consumer health and safety, thereby guaranteeing a high level of protection throughout the EU market.

It also aims to give users confidence in the products which they buy and to support business growth by creating the conditions for fair competition.

Two types of inspection are carried out as part of market monitoring:

- documentary checks, which involve verification of labels such as CE marking and, where appropriate, of legally required documents such as the declaration of conformity and technical documentation;
- checks on product characteristics. These are intended to ensure that the product meets the requirements set out in the legislation applicable to it. These checks may be based on laboratory tests and analyses.

Where these checks show that a product does not comply with the legislation applicable to it and/or that it is a health and safety hazard, it may be prohibited from being placed on the market. If it is already on the market, its withdrawal from points of sale and, possibly, its recall from consumers may be ordered. Penalties may be imposed on the economic operators concerned.

### **1.1. Inventory and responsibilities of the national market surveillance authorities**

In France, market surveillance is mainly performed by staff of the *Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes* (DGCCRF, Directorate-General for Competition, Consumer Affairs and the Combating of Fraud) and, for products from third countries for import to the European Union, by staff of the *Direction Générale des Douanes et Droits Indirects* (DGDDI, Directorate-General for Customs and Indirect Taxation). Unlike the situation in other EU Member States, French customs is a market surveillance authority in its own right: according to the applicable legislation and where provision has been made for an import ban, its staff can take product samples, have them tested in a laboratory and decide, depending on the test results, on the appropriate follow-up.

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<sup>1</sup> Except for food and feed to which specific legislation applies.

The DGCCRF and the DGDDI operate on the basis of a regional network. For laboratory checks, they use a *Service Commun des Laboratoires* (SCL, joint laboratory service) and may also use laboratories selected in particular by an invitation to tender by the *Direction Générale des Entreprises* (DGE, Directorate-General for Enterprise).

Other services contribute to market surveillance, either by performing checks directly or with the support of services on location, such as:

- the DGE for measuring instruments;
- the *Direction Générale de la Prévention des Risques* (DGPR, Directorate-General for Risk Prevention) for gas appliances, pressure equipment, chemical products, explosives and materials which can be used in explosive atmospheres;
- the *Direction des Affaires Maritimes* (DAM, Directorate for Maritime Affairs) for pleasure boats and marine equipment;
- the *Direction Générale du Travail* (DGT, Directorate-General for Labour) for machines and professional individual protective equipment;
- the *Service Technique des Remontées Mécaniques et des Transports Guidés* (STRMTG, Technical Service for Ski Lifts and Guided Transport) for cableway installations transporting people;
- the *Agence Nationale de Sécurité du Médicament et des produits de santé* (ANSM, National Agency for the Safety of Medicines and Health Products) for medical devices and cosmetics;
- the *Agence Nationale des Fréquences* (ANFR, National Frequencies Agency) for radio equipment.

The list of national market surveillance authorities together with their contact details is published on the Commission website:

[http://ec.europa.eu/growth/single-market/goods/building-blocks/market-surveillance/organisation/index\\_en.htm](http://ec.europa.eu/growth/single-market/goods/building-blocks/market-surveillance/organisation/index_en.htm)

## **1.2. Coordination and cooperation mechanisms between the national market surveillance authorities**

The DGE ensures the coordination and application of Regulation (EC) No 765/2008 on accreditation and market surveillance.

In this context, coordination meetings on market surveillance are organised (two to three times per year), allowing information and good practices to be shared. During these meetings, the DGE informs the market surveillance authorities of progress in EU-level discussions on cross-sectoral issues (cross-border cooperation, Blue Guide, ICSMS, etc.) and requests comments from these authorities with a view to consolidating the positions adopted by France.

In addition to these plenary meetings, the authorities cooperate on a bilateral basis. This could mean close cooperation, and even joint inspections, or simply informal exchanges of good practices.

### **1.3. Cooperation between the national surveillance authorities and the customs services**

As indicated in point 1.1, the French customs is a market surveillance authority in its own right: depending on the applicable legislation, customs staff may take samples from products, have them tested in a laboratory and decide, depending on the results, on the appropriate follow-up.

In order to ensure a close link between incoming products and products present on national territory, operational cooperation mechanisms have been established between French customs and the surveillance authorities. They can be used in the inspections performed by customs with the information collected on the market, and vice versa. For instance, since 2011, a cooperation protocol has existed between the customs and the DGCCRF, setting out the provisions of the previous protocol signed in 2006 and integrating regulatory and organisational changes.

### **1.4. The rapid information exchange system (RAPEX)**

The DGCCRF alert unit is responsible for managing alerts for food and non-food products and services, and preparing for crisis situations. It conducts these activities jointly with all the agencies of the competent States, and in cooperation with the Community and international alert networks, in particular RAPEX.

### **1.5. The information and communication system for market surveillance (ICSMS)**

The French authorities have since 2013 participated in a number of training meetings concerning the use of ICSMS. A number of national authorities are now using this system. In particular, the customs have been doing so since the start of 2015.

These French authorities create ICSMS files for products which have been subject to laboratory tests. This ensures precise, complete and usable data for the authorities of the other Member States.

### **1.6. General description of the market surveillance activities and the procedures concerned**

The fields of market surveillance for a given period are determined in accordance with various criteria, such as: risk analysis, any accident statistics, the existence of new legislation, complaints, information from economic operators, delegated inspection bodies or administrative authorities in other EU Member States, the results of previous control campaigns or operations to monitor equipment in use.

### **1.7. General framework for cooperation with the Member States and third countries**

Article 18 of Regulation (EC) No 765/2008 provides that the EU Member States shall periodically establish market surveillance programmes which they shall communicate to the European Commission and other Member States and make available to the public by way of electronic communication.

The French market surveillance authorities participate in the ADCO of relevance to their activities. They also cooperate on specific checks with the authorities of other Member States.

## **1.8. Evaluation of market surveillance actions and reports**

Each surveillance authority draws up a report of its activities, generally in the annual report for its entity, available on the website of that entity (normally at Directorate-General level).

In the summer of 2014, the French authorities also drafted the report and operational evaluation of their market surveillance activities, provided for in Article 18(6) of Regulation (EC) No 765/2008. This report was sent to the European Commission and published on the website of the DGE.

## **1.9. Horizontal activities planned for the period concerned**

The French authorities participate actively in the horizontal activities of the European Commission. In addition to the usual activities (IMP, IMP-MSG meetings, etc.), a number of French authorities will participate in the ICSMS training organised by the European Commission.

In the framework of the PROSAFE foundation financed by the European Commission, the DGCCRF takes part in the joint action programmes 'JA 2014' and 'JA 2015' aimed at developing good market surveillance practices and performing controls coordinated with other market surveillance authorities in Europe, which in 2016 will focus in particular on childcare items.

## **2. MARKET SURVEILLANCE IN SPECIFIC SECTORS**

With regard to the French authorities responsible for market surveillance, the contact details for each sector are available on the website of the European Commission.

In 2016, inspections will focus in particular on the following product categories:

- gas appliances;
- childcare items;
- household items;
- pyrotechnic items;
- solid fuel barbecues;
- pleasure boats;
- biocides;
- lighters;
- noise;
- deck chairs;
- cosmetics;
- medical devices (including active implantable and *in vitro* diagnostic devices);
- fertilisers;
- personal protective equipment;
- radio communication equipment and telecommunication terminals;
- pressure equipment (including transportable equipment);
- explosives for civil uses;
- measuring instruments;
- toys;
- bunk beds;
- machines;
- electrical equipment (including electromagnetic compatibility and environmental requirements);
- material which can be used in explosive atmospheres;
- pre-packaging;
- chemical products;

- construction products;
- REACH;
- ski lifts;
- textiles.