# The EU Market Surveillance Framework

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#### **EU Market Surveillance Framework**

- General Product Safety Directive
  - **§ Consumer products**
  - § Health and safety of consumers
- 2010: New Legislative Framework
  - § all products covered by EU legislation
  - § all types of risks (health & safety, environment...)



### **New Legislative Framework - Background**

Differences in the enforcement of EU product directives



Non conforming products on the market



Lack of trust into CE marking

**Unequal treatment** 



Distortion of competition



### NLF - 2 complementary legal texts

### **REGULATION 765/2008**

- § Accreditation
- § Market Surveillance
  - Inside EU
  - External borders
- § **C**EGeneral principles
- § Financing

Applicable 1 Jan 2010

#### **DECISION 768/2008**

- § Definitions
- S Obligations for economic operators
- § Conformity Assessment & CE marking
- § Notified bodies
- § Safeguard mechanisms

**Basis for future legislation** 



### NLF Regulation 765/2008

### Strengthens market surveillance by

- Common minimum requirements for national market surveillance authorities and their activities
- Enhancing cooperation and information exchange amongst market surveillance authorities of MS
- Reinforcing controls of imported goods



### NLF Regulation - Key elements (1)

### Requirements for market surveillance authorities

- Clear obligation to carry out checks and to withdraw non-compliant products
- Clear obligation to carry out checks at external borders before release to free circulation
- National market surveillance programmes



### NLF Regulation - Key elements (2)

## Cooperation and information exchange

- RAPEX system extended to non-consumer products and other risk categories
- Comprehensive database (ICSMS)
- Obligation to cooperate and to provide mutual assistance
- + new safeguard mechanism (Decision)



## NLF Decision – Key elements for market surveillance (1)

### Obligations for economic operators

- Obligations for importers and distributors
  - § perform certain checks
  - § cooperate with authorities
  - § need to ensure link to manufacturer
- Improved traceability
  - § Identification of product and its manufacturer
  - § Identification of distribution chain



### NLF Decision – Key elements (2)

### New market surveillance & safeguard mechanism

- Objective: Ensure coherent EU wide action against non-compliant products
- Information exchange on all steps taken by market surveillance authority
- Object or act all MS must take relevant action unless they object to the measure



### Progress in the implementation

- Specific expert group (SOGS-MSG)
- Market Surveillance Programmes
- Information Exchange tools (RAPEX and ICSMS)
- Cooperation with customs
- Alignment of existing legislation to NLF Decision
- Multiannual Action Plan



### Thank you for your attention!

