

Market surveillance programme 2014-2017 for the sectors covered by Germany's Product Safety Act [Produktsicherheitsgesetz (ProdSG)]

This document outlines the market surveillance programme 2014-2017 for the sectors covered by Germany's Product Safety Act (ProdSG) and by the regulations based on that Act. It serves to implement Article 18(5) of Regulation (EC) No 765/2008 in the sectors referred to in that Article.

Scope of the market surveillance programme

The programme concerns market surveillance in the sectors covered by the Product Safety Act (ProdSG). This Act transposes the General Product Safety Directive and a further 11 'New Approach' directives into German law as well as Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors. The horizontal rules laid down in the Act, in particular the provisions concerning the responsibilities and obligations of the market surveillance authorities, thus apply to all products covered by the following Directives:

- General product safety (2001/95/EC),
- Aerosol dispensers (75/324/EEC),
- Simple pressure vessels (2009/105/EC),
- Personal protective equipment (89/686/EEC),
- Appliances burning gaseous fuels (2009/142/EC),
- Equipment and protective systems intended for use in potentially explosive atmospheres (94/9/EC),
- Recreational craft (94/25/EC),
- Lifts (95/16/EC),
- Pressure equipment (97/23/EC),
- Machinery (2006/42/EC),
- Low voltage (2006/95/EC),
- Toys (2009/48/EC),
- Noise emission in the environment by equipment for use outdoors (2000/14/EC).

Priorities for active market surveillance from 2014 to 2017

In order to focus the active market surveillance measures adopted in the *Länder* every year on certain areas, priorities are to be identified based on risk. The following action areas have therefore been identified, together with objectives and proposals for possible measures:

1. Optimisation of information for target groups

GROUND

The information currently available for a wide variety of target groups is not transparent. Some of it overlaps, and there are shortcomings in places.

OBJECTIVE

Improve transparency and, where necessary, consolidate the information already available. Systematic elimination of shortcomings. Make information clearer and more accessible for target groups.

Possible measures

Develop new means of providing information, linking the internet sites set up by the *Länder*. Strengthen the involvement of target groups (e.g. consumers, manufacturers) in drawing up information. Make information available via the product safety website of the Federal Institute for Occupational Safety and Health (BAuA) (<http://www.produktsicherheitsportal.de/>).

2. Consistent application of the RAPEX guidelines

FOUNDATIONS

The RAPEX guidelines are general principles applicable to market surveillance in Europe. Consistency in the application of these guidelines in Germany should be improved, where necessary.

OBJECTIVE

A consistent approach to market surveillance through the adoption of a transparent product evaluation process.

Possible measures

Transfer of knowledge, workshops, regular exchange of experiences (also across borders) on matters concerning the RAPEX guidelines.

3. Cooperation with customs authorities

FOUNDATIONS

Cooperation with customs authorities could be improved further.

OBJECTIVE

Encourage the ongoing exchange of information between parties; establish a system for providing customs authorities with targeted information about risk-relevant products/product categories; optimise processes for the development and implementation of risk profiles.

Possible measures

The implementation of market surveillance measures at various local levels, supplementing the yearly market surveillance measures of the *Länder* if necessary.

4. Electronic sales channels

FOUNDATIONS

Internet selling is becoming increasingly important. Market surveillance is essential for preventing distortions of competition with respect to traditional outlets.

OBJECTIVE

Improve the scope for market-surveillance action; ensure products displayed and supplied are legally compliant.

Possible measures

The implementation of market surveillance measures for products sold over the internet, giving priority not to the number of checks but to obtaining information on product flows and sellers and processing such information.

5. Involvement in standardisation

FOUNDATIONS

Decision taken at the 51st meeting of the LASI [*Länderausschuss für Arbeitsschutz und Sicherheitstechnik –Länder* Committee for Occupational Health and Safety and Safety Technology):

In the opinion of the LASI, influence should be exerted in appropriate ways, e.g. through the Commission for Occupational Health and Safety and Standardisation [*Kommission Arbeitsschutz und Normung* (KAN)] and through ad hoc cooperation in selected standardisation bodies.

OBJECTIVE

Amendment of standards in light of findings obtained from market surveillance.

Possible measures

Interdisciplinary activity,

involvement in the development or alteration of standards as required, time-limited participation in standardisation bodies, drawing up of technical specifications (e.g. for plug adapters).

6. Risk of accidents caused by electrical current

FOUNDATIONS

According to information from the Federal Institute for Occupational Safety and Health (BAuA) (assessment of accident reports/press releases) there is a significant accident rate in this area.

OBJECTIVE

Increase the level of protection.

Possible measures

Review the information available at the BAuA, establish test criteria, increase market surveillance for product groups which are considered hazardous, identify any need for action as regards standards.

7. Market surveillance and occupational safety

FOUNDATIONS

A number of products that are manufactured solely for occupational or private use cannot be monitored on the commercial market. These products are made to order and are assembled on site, delivered directly to their place of use or, in the case of in-house production, used for the first time on site (e.g. machines, lifts, industrial facilities). Cooperation with the authorities/individuals responsible for occupational safety is essential in this area.

OBJECTIVE

Cooperation between the authorities/individuals responsible for market surveillance and those responsible for occupational health and safety on the basis of the 'strategy for enhancing cooperation between those working in the fields of market surveillance and operational safety' [*Konzept zur Vertiefung der*

Zusammenarbeit zwischen den Akteuren im Bereich der Marktüberwachung und der Betriebssicherheit].

Possible measures

Regular communication on the basis of the 'strategy for enhancing cooperation between those working in the fields of market surveillance and operational safety', identification of sites where new products are to be used, collaborative site inspections.

8. Safety of children's products

FOUNDATIONS

The safety of products for children is a matter of high societal importance. Assessments published in the ICSMS show that a large number of products have safety defects.

OBJECTIVE

Identify critical product groups; increase market surveillance within the identified product groups, improve the information available to parents, identify any need for action with regard to standards.

Possible measures

Assessment of RAPEX and ICSMS warnings and of comparable information sources (e.g. accident data, reports in the written media, communication from the BAuA).

9. Mass-market products

FOUNDATIONS

According to the assessments published in the ICSMS, some of these products have serious safety defects.

OBJECTIVE

Prevent the supply of any products on the market from the identified product groups that have been classified as hazardous, with particular consideration to the sustainability of the actions taken.

Possible measures

Market surveillance measures relating to product groups, focus on assessment/reporting:
number of unsafe products, number of products tested for Germany and for third countries, development of measures to promote a sustainable improvement in imported products where necessary.

10. Market surveillance at trade fairs

FOUNDATIONS

A large number of products from a variety of economic operators, including operators from third countries, are displayed at trade fairs and exhibitions. This provides market surveillance authorities with the possibility, through targeted inspections, of exerting an effective and efficient regulatory impact on the market during the early stages. In addition, inter-regional fairs and exhibitions provide an

opportunity for transferring knowledge across branches with regard to new developments, technologies and product innovation. This knowledge is helpful when assessing product safety.

OBJECTIVE

Conduct compliance assessments of exhibited products and encourage any necessary corrective action before the products are made available on the market.

Possible measures

Undertake product-related market surveillance measures, in particular at major inter-regional trade fairs.