

## National market surveillance programme 2014

### 1. What is market surveillance?

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

The purpose of surveillance is to ensure that products, whatever their origin, comply with the provisions of European regulations and directives, especially from the point of view of the health and safety of consumers, so as to guarantee them a high level of protection throughout the EU market.

The aim is also to give users confidence in the products they buy and to support the growth of businesses by establishing conditions which ensure fair competition.

### 2. How does surveillance take place?

The checks carried out as part of market surveillance are of two types:

- documentary checks to verify the presence of markings such as the CE marking and, where applicable, the documents required by regulations, such as the declaration of conformity and technical documentation;
- checks on product characteristics, with the aim of ensuring that the product fulfils the requirements laid down in the legislation applicable to it. These checks may be based on laboratory tests and analyses.

Where these checks suggest that a product does not comply with the regulations applicable to it, and that it is a health or safety hazard, it may be banned from being placed on the market. If it is already on the market, its withdrawal from sales outlets and perhaps also its recall from consumers may be ordered. Penalties may be imposed on the economic operators involved.

### 3. Several administrative bodies are in charge of market surveillance

In France, market surveillance is mainly performed by officials of the *Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes* (DGCCRF<sup>2</sup>) and, for products imported from countries outside the European Union, the *Direction Générale des Douanes et Droits Indirects* (DGDDI<sup>3</sup>). Unlike in other EU Member States, the French Customs Service is a surveillance authority for the entire market; its officials may collect samples of products, have them tested by a laboratory and, depending on the test results, decide on any action to be taken.

The DGCCRF and DGDDI have a territorial network at their disposal. For laboratory tests they can use the *Service Commun des Laboratoires* (SCL<sup>4</sup>) and can also call upon

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<sup>1</sup> With the exception of foodstuffs and petfoods, to which specific legislation applies.

<sup>2</sup> Directorate-General for Competition, Consumer Affairs and Fraud Repression.

<sup>3</sup> Directorate-General for Customs and Indirect Taxation.

<sup>4</sup> Joint Laboratory Service.

laboratories selected for example following a call for tenders issued by the *Direction Générale de la Compétitivité, de l'Industrie et des Services* (DGCIS<sup>5</sup>).

Other services also contribute to market surveillance, either by carrying out checks themselves or with the help of services on the ground. They include the:

- DGCIS, for measuring instruments;
- *Direction Générale de la Prévention des Risques* (DGPR<sup>6</sup>) for gas appliances, pressure equipment, chemical products, explosives and materials for use in potentially explosive atmospheres;
- *Direction des Affaires Maritimes* (DAM<sup>7</sup>) for recreational craft and marine equipment;
- *Direction Générale du Travail* (DGT<sup>8</sup>) for machinery and equipment, and personal protective equipment;
- *Service Technique des Remontées Mécaniques et des Transports Guidés* (STRMTG<sup>9</sup>) for cableway installations used to transport persons;
- *Agence Nationale de Sécurité du Médicament et des produits de santé* (ANSM<sup>10</sup>) for medical devices and cosmetics;
- *Agence Nationale des Fréquences* (ANFR<sup>11</sup>) for radio equipment.

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

#### **4. Every EU Member State must establish a surveillance programme**

Article 18 of Regulation (EC) No 765/2008 requires Member States to establish market surveillance programmes periodically, communicate them to the European Commission and the other Member States, and make them available to the public by way of electronic communication.

#### **5. The programme adopted for 2014 in France**

The market surveillance subjects for a given period are selected on the basis of various criteria, including risk analysis, existence of new regulations, complaints, information from economic operators, delegated inspection bodies or administrative bodies in other EU Member States, results of previous inspection campaigns or surveillance operations covering equipment in service.

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<sup>5</sup> Directorate-General for Competitiveness, Industry and Services.

<sup>6</sup> Directorate-General for Risk Prevention.

<sup>7</sup> Directorate for Maritime Affairs.

<sup>8</sup> Directorate-General for Labour.

<sup>9</sup> Technical Service for Ski Lifts and Guided Transport Systems.

<sup>10</sup> National Agency for the Safety of Medicines and Health Products.

<sup>11</sup> National Frequencies Agency.

In 2014, checks will focus on the following product categories:

- gas appliances;
- childcare articles;
- pyrotechnic articles;
- recreational craft;
- biocides;
- cosmetics;
- medical devices (including active implantable devices and in vitro diagnostic equipment);
- fertilisers;
- personal protective equipment;
- radio communication equipment and telecommunications terminals;
- pressure equipment;
- explosives for civilian use;
- measuring instruments;
- toys;
- machines;
- electrical equipment;
- materials for use in potentially explosive atmospheres;
- pre-packing materials;
- chemical products;
- construction products;
- plant protection products;
- cableway installations;
- textiles.

## **6. Contact point**

For any further information required, please contact the “Free movement of products” office at the DGCIS:

Website: <http://www.dgcis.gouv.fr/>

E-mail: [libre-circulation.dgcis@finances.gouv.fr](mailto:libre-circulation.dgcis@finances.gouv.fr)