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RÉPUBLIQUE FRANÇAISE

National market surveillance programme for 2015

1. What is market surveillance?

Market surveillance for products subject to harmonised European legislation is subject to European Regulation (EC) No 765/2008 on accreditation and market surveillance[I].

The aim of this surveillance is to ensure, irrespective of the origin of the products, compliance with the provisions of EU legislation (Regulations and Directives), in particular as regards the health and safety of consumers and thereby to guarantee them a high level of protection throughout the EU market.

It also aims to give users confidence in the products which they purchase and to support the growth of businesses by establishing fair competition conditions.

2. How is surveillance carried out?

Two types of inspections are performed as part of market surveillance:

- documentary checks which involve checking the presence of marking, such as CE marking and, where appropriate, the documents required by legislation such as the declaration of conformity and technical documentation;
- checks of product characteristics. They aim to ensure that the product meets the requirements set out in the legislation applicable to it. These inspections can draw on the performance of laboratory tests and analyses.

When these checks show that a product does not comply with the legislation applicable to it and that it is dangerous to health and safety, its placing on the market may be prohibited. If it is already on the market, its withdrawal from points of sale and, possibly, a recall from consumers, may be organised. Disciplinary action may be taken against the economic operators concerned.

3. A number of administrative authorities are responsible for market surveillance

In France, market surveillance is mainly carried out by the 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 Fraud Repression) and, for products imported to the European Union from third countries, 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, the French customs are a market surveillance authority in their own right: their staff can take samples from products, have them tested in a laboratory and decide, depending on the test results, on which follow-up to take.

The DGCCRF and the DGDDI draw on a territorial network. For laboratory checks, they call on a *Service Commun des Laboratoires* (SCL, Joint Laboratory Service) and can use laboratories selected in particular by an invitation to tender from the Directorate-General for Enterprise (DGE).

Other services contribute to market surveillance, either by performing checks directly or with the support of on-site services. These are:

- the DGE for measuring instruments;
- the *Direction Générale de la Prévention des Risques* (DGPR, Directorate-General for Risk Prevention) for gas appliances, pressure vessels, chemical products, explosives and materials which can be used in explosive atmospheres;
- the *Direction des Affaires Maritimes* (DAM, Directorate for Maritime Affairs) for recreational vessels and marine equipment;

[I] Except for food and feed, to which specific legislation applies.

- the *Direction Générale du Travail* (DGT, Directorate-General for Labour) for machinery and personal protective equipment;
- the *Service Technique des Remontées Mécaniques et des Transports Guidés* (STRMTG, Technical Service for ski lifts and guided transport) for cable installations transporting persons;
- the *Agence Nationale de Sécurité du Médicament et des produits de santé* (ANSM, National Agency for the safety of medicinal and health products) for medical devices and cosmetics;
- the *Agence Nationale des Fréquences* (ANFR, National Frequencies Agency) for radio equipment.

The DGE coordinates the enforcement of Regulation (EC) No 765/2008 on accreditation and market surveillance.

4. Each EU Member State must establish a surveillance programme

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

5. The programme adopted in France for 2015

The fields of market surveillance for a given period are determined according to various criteria such as: risk analysis, the existence of new legislation, complaints, information from economic operators, delegated control bodies or administrations from other EU Member States, the results of previous control campaigns or of surveillance operations of the equipment in service.

In 2015, the controls will focus in particular on the following product categories:
- gas appliances;
- childcare articles;
- pyrotechnic articles;
- recreational craft;
- biocides;
- noise;
- cosmetics;
- medical devices (including implantable devices and in vitro diagnostic devices);
- fertilisers;
- personal protective equipment;
- radio communication and telecommunication terminal equipment;
- pressure equipment (transportable equipment included);
- explosives for civil uses;
- measuring instruments;
- toys;
- machines;
- electrical equipment (including electromagnetic compatibility and environmental requirements);
- material for use in explosive atmospheres;
- prepackaged products;
- chemical products;
- construction products;
- ski lifts;
- textile;
- bicycles.

6. Contact point

For further information, please contact the *Bureau de la réglementation des produits* (Product Regulation Bureau) of the DGE:
Website: http://www.dge.gouv.fr/
E-mail: reglementation-produits .dge@finances. gouv.fr