



Brussels, 21 March 2013
IMP-MSG N004 EN

**SUMMARY AND FOLLOW-UP ACTIONS
TO THE IMP-MSG MEETING HELD ON 15 MARCH 2013**

The main objectives of the above meeting were twofold i.e. to inform on (a) the Products Safety and Market Surveillance Package¹ and (b) the first draft of Risk Assessment Methodology. The discussions which took place could be summarised as follows. Follow-up actions are included wherever necessary.

1. PRODUCT SAFETY AND MARKET SURVEILLANCE PACKAGE

1.1. Proposal for a Market Surveillance Regulation

The proposal was well accepted in general. The main concerns expressed were on the use of terms and definitions, as well as the application of concept of risk, which has to be combined with additional requirements.

Other issues discussed were the further financing of ADCO groups, especially for travel costs, in order to encourage the attendance of more Member States and extending the scope of ICSMS to all risks.

1.2. Proposal for a General Product Safety Regulation

- *Activities of accreditation bodies that are not accreditation (SOGS N658)*

In general, the Commission Working Paper on activities of accreditation bodies that are not accreditation was considered a good basis. It was suggested to still clarify the situation and avoid any doubts. The Working Paper should also be completed by hypothetical cases/best practices that could help to comply with the Regulation 765/2008 provisions.

Follow-up: (a) The Working Paper SOGS N658 will be revisited to take account of the Member States' suggestions. (b) The Commission will elaborate a questionnaire and a comparative document on the resources of the National Accreditation Bodies. (c) Member States will report during the next meeting on the activities performed or planned in the accreditation area.

¹ See: http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/market-surveillance/index_en.htm

- *Legal personality requirements to obtain accreditation (SOGS N661 rev1)*

The main issue under this item was to know if an "individual" could be considered an organisation and consequently be accredited and be a Notified Body. A participant was in favour of such a proposal instead of another one who considered this more difficult. European co-operation for Accreditation (EA) suggested a pragmatic approach that in those countries where natural persons are automatically also considered as organisations, they would be regarded as an organisation and the assessment whether the requirements of the standards are fulfilled would be pursued.

Follow-up: The European co-operation for Accreditation will report to the Commission on this matter. The Commission will modify the Working Paper SOGS N661 to take account of the overall proposals.

- *Witnessing for new scopes of accreditation (SOGS N659 rev 1)*

The Group was not in favour to allow to a body to be accredited for a transitional period. It was suggested that where a Notified Body has not carry on activities during a certain period of time e.g. 1 year, than the accreditation should be withdrawn.

Follow-up: The Working Paper SOGS N659 is adopted with the suggested amendments to reflect the above situation.

The Group has no comments on the Working Papers SOGS N662 rev. 1 on the publication of annual accounts of accreditation bodies and SOGS N663 rev. 1 on the use of Notified Bodies number for activities not required by EU legislation.

2. MARKET SURVEILLANCE

2.1. Report on the development of the "Safety and Market Surveillance Package" (Agenda point 4.2.)

Market Surveillance Regulation

Preliminary drafts of a new Market Surveillance Regulation and a revised General Product Safety Directive (GPSD) were distributed to the Group members. The Chair asked to inform on the elements missed or parts to be deleted. The Group raised the main following points:

- Cover all products including those not covered by the Union harmonisation legislation;
- Cover all risks including the protection of consumer and of the environment;
- Do not create difficulties in particular for small Member States;
- Create synergies between RAPEX and ICSMS as exchange of information systems;
- Have clear obligations on all relevant parties i.e. Member States and the economic operators;
- Reinforce and clarify the controls at external borders by customs since controls have to be performed on all products entering by Member States in the Union.
- Establish a coordination body/forum at the European level

A representative informed on the inquiry done in some Member States (via a few ADCOs groups) to check the feasibility to create a reference laboratory system in the Union. Some participants informed on difficulties that could run since laboratories are often privates.

The revision of the General Product Safety Directive (GPSD)

The Group was in favour of a comprehensive and clear text regulated the placing on the market of non-harmonised products. It was suggested to use the essential requirements in the mandates to the standardisation bodies as a reference to check the safety aspects of a product.

Follow-up: Participants were invited to forward their comments on the package including on the reference laboratory system as soon as possible and not later by the end of October.

2.2. Draft Communication on a "multi-annual market surveillance action plan" (SOGS-MSG N038)

The Chair underlined the main objectives of the communication on a multi-annual market surveillance action plan i.e. to fix priorities and to recover funds.

Experts intervening into the debate suggested to clarify some actions in particular those relating to ICSMS and the synergies of this tool with RAPEX as well as to improve the customs controls and the related cooperation.

Follow-up: Participants were invited to send their comments/suggestions by the end of October 2012.

2.3. Draft report on the implementation of Regulation 765/2008 (Articles 36 and 40) - Update - (SOGS-MSG N036 final)

The Commission informed that the report should be read in conjunction with the Impact Assessment (IA). The report focuses more on ICSMS and on the accreditation. A delegate suggested being more positive since a lot of activities have been performed to enforce the EU market surveillance framework.

Follow-up: Participants were invited to send their contribution to the report by the end of October 2012.

3. ALIGNMENT PACKAGE

State of the discussion at Council and European Parliament levels for the alignment of 9 technical harmonisation directives with Decision 768/2008/EC

The Commission delivered a brief update on the state of play of the Package of 9 directives in the New Legislative Framework (NLF) Alignment exercise.

Blue Guide (BG)

The Blue Guide was created before 40 years and has to be revised. The first draft was sent to the members.

Follow-up: Participants were invited to send their written comments to the draft by the mid April 2013. After consulting the representatives of industry (before the summer break) the Commission will prepare the second draft, which will be sent by the mid of August. A joint meeting between the Internal Market for Products – Market Surveillance

Group (IMP-MSG) and representatives of industry will be organised eventually in September.

4. INTERNATIONAL ISSUES – PROGRESS REPORTS

4.1. European Union - Russia Regulatory Dialogue

The Commission reported on the state of play of the current regulatory dialogue with Russia. The horizontal aspects will cover the use of voluntary standards, the conformity assessment and accreditation as well as market surveillance. Concerning market surveillance Russia envisages protecting consumption and industry instead of consumers/users. Russia will follow the New Legislative Framework provisions in general in particular for accreditation. The main challenging issues are: the heavy requirements for third parties, lack of a market surveillance system as well as of a conformity assessment system, the use of standards.

The Commission reported also on the preliminary developments for cooperation dialogues with Armenia, Moldova and Georgia to promote trade with these countries and sign agreements or Agreements on Conformity Assessment and Acceptance of Industrial Products (ACAAs).

4.2. European Union – United States Regulatory Cooperation

The Commission reported on the negotiations to conclude a comprehensive agreement with United States including also "services". DG TRADE, responsible for the file, is preparing an Impact Assessment to check notably the consequences of such agreement. There are still opened issues on specific areas.

4.3. 6th Triennial Review of the World Trade Organization (WTO) Technical Barriers to Trade (TBT) Agreement

The Agreement concluded in 1995 by the World Trade Organization shall be updated and negotiations have been opened. Development countries have asked for guidance to better follow the developments. The main areas concerned are: better regulation, conformity assessment and standardisation.

5. AOB

- A delegate asked to check the links eventually existing between the Regulation 765/2008 and Regulation 1214/2011 on the transport of euros in the European Union.
- The Chair reported on the new organisation of the Commission Working Groups managing the horizontal issues relating to the technical harmonisation of the legislation including market surveillance. The "SOGS" Working Groups will be replaced by "IMP - Expert Groups on the Internal Market for Products" Working Groups.