



EUROPEAN COMMISSION

HEALTH AND CONSUMERS DIRECTORATE-GENERAL
Consumer Affairs
Product and Service Safety

ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL
Single Market for goods
Internal Market and its International Dimension

Brussels, 8th July 2014
ENTR.C.1/SANCO.B.3/D(2014) 2478759

**MINUTES OF THE JOINT MEETING
OF THE EXPERT GROUP ON THE INTERNAL MARKET FOR PRODUCTS –
MARKET SURVEILLANCE GROUP (IMP-MSG) AND THE CONSUMER
SAFETY NETWORK (CSN)
TUESDAY 20 MAY 2014
BERLAYMONT BUILDING, ROOM SCHUMAN**

1. Welcome and opening of the meeting

The Co-Chairmen (DG ENTR and DG SANCO) welcomed the participants and the agenda (Annex 1) was adopted. The participation list is attached to the minutes of the first meeting day of each group (Internal Market for Products – Market Surveillance Group (IMP-MSG) and the Consumer Safety Network (CSN)).

2. Actions 1 – 3: ICSMS

The Commission (DG ENTR) described the three first actions of the Multi-annual action plan for the surveillance of products in the EU concerning ICSMS as well as their progress during this year.

Action 1 on the ‘portability’ of tests reports in the Union anticipates the promotion of the use of the results of tests already performed in one Member State by other Member States and the facilitation of their distribution via ICSMS. In this context, ICSMS has already in place since 28th of April a new version, more user-friendly complying with the Commission’s informatics procedures and the latest web trends. The access to ICSMS through tablets and smartphones as well as the automatic password creation through ECAS mechanism are already in place in order to facilitate its use “on the field”. Furthermore, the “dashboard” screen, allowing inspectors to efficiently monitor the latest created and/or updated product cases in ICSMS, is planned for June 2014.

Action 2 focuses on the maximisation of benefits of ICSMS for the collection, storing and exchanging of information and best practices among all the actors directly concerned. Training sessions on ICSMS in all Member States, inclusion of new sectors into the system, drafting of quality control guidance aiming to help

authorities to improve the quality of information stored in ICSMS, improvement of several features in order to increase the efficiency of ICSMS and better adapt it to the needs of market surveillance authorities, the development of directive specific product files in order to address the special points of every legislative act and the possibility to extract statistics according to different criteria already provided prove that ICSMS is continuously updated according to the needs of Member States.

Action 3 is based on the creation of synergies between GRAS-RAPEX and ICSMS mainly through a unidirectional interface by which a submission form generated through ICSMS will inject data into RAPEX. This will result in the creation of a draft notification submitted to the RAPEX National Contact Point; then the predefined RAPEX procedure for validating and distributing a notification will follow.

An indicative timetable of all presented actions has been attached.

All Member States welcomed the progress of all three actions. There has been a suggestion that since the new directives will enter in force in 2016, there is no need to implement the existing directives and ICSMS should mainly focus on the differences between the directives. However, both new and old directives are needed since there will be still products in the market based on the old directives.

Focus should be given to provide the right information and not just to provide more data or more specific information. The use of test reports input into ICSMS by other Member States has been seen as extremely important and helpful for every Member State, and the Commission encouraged this behaviour. In this context, the use of English as the main language when introducing data into ICSMS has been suggested by several Member States.

A detailed discussion with experts on this subject has been planned for early June.

3. Action 4: EU injury database

The Commission (DG SANCO) informed about the state of play of the ongoing assessment of the feasibility of the creation of a European Union injury / accident database. Other initiatives such as the Member States' driven European Research Infrastructure Consortium on Health Information System (ERIC-HIS) and the IDB-JAIME were mentioned. The implementation of Action 4 was also linked to the development of the negotiations on the proposal for a Market Surveillance Regulation, and in particular the European Parliament's amendments relating to the creation of a pan European injury database. The Commission representative informed that a questionnaire should be sent out to the Member States to perform a mapping of existing data collection systems at national level (for further details see fiche and the PowerPoint presentation).

Several Member States expressed their general support for an EU wide injury database, while others pointed to the need for a very thorough cost/benefit analysis which should clearly define the benefits that could be achieved and not only costs, to ensure added value and delivery of meaningful information. The Commission's approach to first gather information regarding what exists at national level and EU level before launching a full-fledged feasibility study was welcomed. This exercise

should also look at alternative ways of data gathering. One participant pointed to the multi-stakeholder call for an EU injury database and noted that progress on this action was relatively slow; some timeline for next steps should be set.

An ADCO Chairman proposed the field of pyrotechnics as a pilot project on injury data collection and offered support. However, some ADCO Chairpersons suggested that such data collection should not rather be the responsibility of economic operators. Some Member States had data collection systems and stopped running them due to high costs and not sufficiently clear benefits. In order to reduce cost, a Member State proposed considering the option of running the data collection for a limited period of time (possibly one or two years), and using such data for future action, noting that there is no need to have long-lasting collection.

4. Action 5: EU general risk assessment methodology

The Commission (DG ENTR) presented the EU general risk assessment methodology, which aims at assisting market surveillance authorities when they assess the compliance of products that are subject to Union harmonisation legislation. The main principles and an indicative process of the risk assessment has been then depicted and the actions to be taken following the risk assessment according to the market surveillance provisions of the Union harmonisation legislation and the Regulation (EC) No 765/2008. Finally, a draft table covering the risks under sectoral specific directives and not covered by the current RAPEX guidelines has been described to the attendees.

In general, most Member States welcomed the paper and the work already done by the Commission, although further work is needed at ADCO level. Member states asked to clarify the purpose of the methodology and notably that this is to have proportionate action and sanctions and to know when serious risk RAPEX notifications are needed. On the other hand, this is not meant to suggest that inspectors can choose not to apply legislation if the risk presented by a product is less than serious.

Some ADCO Chairpersons reported that it is interesting but difficult to quantify some risks as well as to use same wording to cover non-safety related directives. Most participants mentioned that the “probability” is one of the most important steps in assessment of the risk, but as it is a very sensitive and subjective element of the whole process, the level of the risk could very much depend on the appropriate estimation of the probability. The use of examples in this context may be useful, i.e. implementing authorities can rely on others' experiences. ADCOs will discuss this item in their individual meetings in order to adapt the methodology to the needs of specific sectors.

On the issue of estimating probabilities, a pilot project would be also very useful. This would allow comparing results obtained in different Member States when assessing the risk of the same product. Some Member States volunteered for the project.

5. Action 6: Key performance benchmarks for market surveillance

The Commission (DG SANCO) informed about the state of play regarding the enforcement indicator's questionnaire which should be sent soon for information collection regarding enforcement activities in the field of consumer product safety in the years 2012 and 2013. The delay was due to the lack of feedback from Member States as to the draft questionnaire presented already at the last meeting and to the change of the IT systems for online consultations. Member States were invited to provide feedback on the questionnaire by 30 June 2014.

Some Member States requested clear justification for data collection by the Commission. For Member States, collection of data signifies a huge administrative burden. If the Commission collects data, it should commit to evaluate the information and share the results with Member States.

It should be considered whether the exercise could be combined or at least harmonised with the information gathering regarding market surveillance programmes. Furthermore, Member States outlined that data collection by DG ENTR and DG SANCO should be fully aligned and merged in order to avoid duplication and overall reduce the questionnaires.

As to enforcement activities, some Member States expressed their preference for ICSMS as data collection tool. Some ADCO Chairpersons suggested that collection of information related to enforcement activities would only make sense if done sector- or directive specifically. Finally, some Member States were against data collection concerning budgets, while others considered this information a useful indicator.

6. Action 8: The preparation of an executive secretariat for the future market surveillance forum

The Commission (DG ENTR) informed about the state of play regarding Action 8. Pending the adoption of the Market Surveillance Regulation proposal, the Commission is studying the role which the future Executive Secretariat may play, its specific tasks and the financing mechanism. The Commission hopes for a positive result in the Council, so that the selection process for the organisation that would assume the role of the Executive Secretariat could be prepared and launched as soon as possible.

7. Action 9: Joint enforcement activities

The Commission (DG SANCO) presented the Joint Actions 2013 and the suggestions for the Joint Actions 2014.

Some Member States and ADCO Chairpersons criticised the burdensome procedures and requirements imposed by CHAFEA (especially the documented evidence to be provided for hour by hour participation of officials).

The Commission (DG ENTR) presented its support to joint enforcement actions. A call for proposal has been launched in 2013, which allowed the co-financing of a project in the area of measuring instruments (utility meters). The project aims at improving the coordination of practical enforcement activities, implementing existing guidance documents and promoting exchange of information. A new call for proposals will be launched soon, providing for an amount of EUR 800 000 for joint enforcement activities in the area of products covered by Union harmonisation legislation.

8. Action 10: Exchange of officials

The Commission (DG SANCO) portrayed the exchange of officials (ExO) programme and the latest changes in the procedure. The CHAFEA will send out the invitation to expression for interest soon. The ExO programme is also open to officials responsible for consumer products in the harmonised sectors.

9. Action 11: More support for ADCOs

The Commission (DG ENTR) presented action 11 of the Multi-annual action plan for the surveillance of products in the EU, on the support to the functioning of ADCOs. Feedback was provided on the functioning of the existing contract. Participants were informed that the Commission intends, through a new contract that would enter into force on 1st January 2015, to reimburse all participants (one per country) and not only the Chairpersons.

Furthermore, the ADCOs Chairpersons expressed the need to have an extension of the role of the administrative secretariat to a technical one providing professional assistance for the meeting. The commission is currently considering this option; in the meanwhile, as from January 2015, ADCO chairs can appoint an assistant to provide technical assistance; this assistant will be entitled to refund of travel expenses. Member States and ADCO Chairpersons thanked the Commission for all the work done on this issue. They noted that participation in ADCOs is impossible unless it is reimbursed. In this context, the reimbursement of all participants will increase participation in ADCOs.

10. Action 12: Products sold on-line

The Commission (DG ENTR) informed about the state of play of this action, in particular the meeting of the Consumer Safety Network (CSN) subgroup on online sales.

An ADCO Chairman suggested that authorities should inform consumers about websites through which non-compliant or unsafe products are offered. Nevertheless, this should not create any new barriers, since e-commerce allows things to move freely across borders. The next meeting of the CSN subgroup will take place on 19 September 2014 (subject to final confirmation).

11. Action 13: The involvement of European organisations representing consumers, SME and other business

The Commission (DG ENTR) informed the participants on the aim of the Multi-annual plan for market surveillance at a continuous dialogue with stakeholders for safer and compliant products for Europe. Pending the adoption of the Market Surveillance Regulation proposal, it would be helpful for market surveillance to involve them more closely in identifying problems, listing categories of products that need closer attention and finding effective solutions. Thus, the Commission asked for the opinion of the participants on opening the IMP-MSG Group to European organisations representing consumers, SME and other businesses. The IMP-MSG group agreed that the group should remain a platform for exchange among market surveillance authorities only and that stakeholders can be invited on a case by case basis only, in relation to specific issues. It was noted that those societal stakeholders already participate in the Consumer Safety Network (CSN).

12. Action 14: Improve product traceability

The Commission (DG SANCO) presented the outcome of the expert group on product traceability, notably the final report produced by GS1 and the follow-up given to it, e.g. the fact sheet with key recommendations presented during the RAPEX media event in March 2014. The Commission representative pointed to further follow-up actions to be prepared in cooperation with authorities, businesses and consumer associations and invited members of the expert group to participate.

An ADCO Chairman reported about the challenges for large distributors (wholesalers) for electrical products in its Member State to comply with the “one up, one down” traceability requirements. They were surprised by the new legal requirement and will face problems as to its implementation. More information is needed regarding enhanced traceability requirements. A proposal has been made to work with industry in order to improve traceability.

13. Action 17: Implementation of import controls guidelines in the Member States

The Commission (DG ENTR) informed the participants on the progress concerning Action 17, i.e. the support for implementation of the Guidelines in the Member States. 23 visits took place since 2012, while visits to Bulgaria and Turkey have already been planned for 2014. A final report is issued after each visit. Reports of these visits are available on the CIRCABC interest group "Import controls on product safety" managed by DG TAXUD.

14. Action 18: Improve the efficiency of border safety and compliance controls

The Commission (DG ENTR) informed the participants on the progress concerning Action 18 to improve the efficiency of border safety and compliance controls. Two regular Expert Working Groups took place in 2013 and the next meeting is scheduled for 23 June 2014. Details of the meetings and their reports are available on the CIRCABC interest group "Import controls on product safety" managed by DG TAXUD.

15. Action 19: Mapping the differences in dealing with safety and compliance controls for products entering the Union

The Commission (DG ENTR) reported that, concerning Action 19 of the multi-annual plan relevant to the mapping of differences in dealing with safety and compliance controls for products entering the Union, a call of interest has been launched for participation of Member States in a subgroup to start the exercise. Further discussion on the planning of the activity is expected during the Expert Working Group on 23 June 2014.

16. Action 20: Development of a common risk approach to customs product safety and compliance controls

The Commission (DG ENTR) presented the progress concerning Action 20 of the multi-annual plan. A subgroup for development of a common risk management strategy for controls by customs of product safety and compliance of imported goods has been created at the beginning of 2013. Three meetings of this Subgroup took place in 2013 (March, June, December) and one in 2014 (March). The final document is being finalised and will be presented to the Expert Working Group for endorsement on 23 June, 2014.

17. AOB

In general, Member States welcomed the progress made on the Multi-annual plan, the cooperative approach of its implementation, the joint meeting format, the good preparation and the cooperation between the different Commission services.

In particular, several Member States highlighted the importance of the:

- Good progress in the development of ICSMS;
- Enhanced support of ADCOs;
- Joint enforcement actions;
- Risk assessment methodology;
- High relevance of the work of the online sales expert group; and
- Need for closer cooperation between Customers and Market surveillance authorities.

Critical remarks concerned mainly the data collection by the Commission for which Member States requested an explanation which would justify the administrative burden related to the collection of data.

Annex 1: Agenda



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16 May 2014

**JOINT MEETING OF THE CONSUMER SAFETY NETWORK AND THE EXPERT GROUP ON
THE INTERNAL MARKET FOR PRODUCTS – MARKET SURVEILLANCE GROUP (IMP –
MSG)**

TUESDAY 20 MAY 2014

9:30 – 18:00

BERLAYMONT BUILDING – SCHUMAN MEETING ROOM

RUE DE LA LOI 200– 1000 BRUSSELS

DRAFT AGENDA	
1. Welcome and opening of the meeting	
1.1. Adoption of the agenda	
1.2. Adoption of the last meeting's minutes	
2. Multi-annual plan for Market Surveillance	Actions 1- 3 ICSMS
3. Multi-annual plan for Market Surveillance	Action 4 EU injury database
4. Multi-annual plan for Market Surveillance	Action 5 EU general risk assessment methodology
5. Multi-annual plan for Market Surveillance	Action 6 Key performance benchmarks for market surveillance
6. Multi-annual plan for Market Surveillance	Action 8 The preparation of an executive secretariat for the future market surveillance Forum
7. Multi-annual plan for Market Surveillance	Action 9 Joint enforcement activities
8. Multi-annual plan for Market Surveillance	Action 10 Exchange of officials
9. Multi-annual plan for Market Surveillance	Action 11 More support for ADCOs

10. Multi-annual plan for Market Surveillance Action 12 Products sold on-line
11. Multi-annual plan for Market Surveillance Action 13 The involvement of European organisations representing consumers, SME and other business
12. Multi-annual plan for Market Surveillance Action 14 Improve product traceability
13. Multi-annual plan for Market Surveillance Action 17 Implementation of import controls guidelines in the Member States
14. Multi-annual plan for Market Surveillance Action 18 Improve the efficiency of border safety and compliance controls
15. Multi-annual plan for Market Surveillance Action 19 Mapping the differences in dealing with safety and compliance controls for products entering the Union
16. Multi-annual plan for Market Surveillance Action 20 Development of a common risk approach to customs product safety and compliance controls
17. AOB