



# IMCO COMMITTEE EVALUATION OF MARKET SURVEILLANCE IN THE MEMBER STATES



# OBJECTIVES OF THE STUDY

An overview of the situation in the EU concerning the steps taken in the MS to strengthen their market surveillance means and authorities

- Measures taken by MS for the effective functioning and strengthening of market surveillance authorities
- The status on setting up a market surveillance programme (Art. 18, 5)
- Products presenting a serious risk and the measures taken to detect them
- Establishment of control systems in MS

# STARTING POINT: THE GOODS PACKAGE AND REGULATION 765/2008/EC

- The Goods Package has the objective of providing a common framework for improving the existing surveillance infrastructures
- Regulation 765/2008/EC is part of the Goods Package and introduces the provisions for accreditation and market surveillance.
  - Will enter in to force in January 2010, but MS are expected already now to take steps to strengthen their market surveillance activities

# SELECTION OF CASE STUDIES

The case studies were selected using the following parameters:

- Small vs. large MS
- New vs. old MS
- Centralised vs. decentralised approach to market surveillance
- Level of cooperation between MS
- Special need for market surveillance (e.g. home to large ports)
- Budgetary and administrative issues

Selected case study countries:

Germany, Sweden, The Netherlands, Italy, Portugal, Bulgaria,  
Latvia

# MAIN FINDINGS

## Measures taken by MS for the effective functioning and strengthening of market surveillance authorities

- The majority of the MS have not allocated more human nor financial resources to market surveillance
  - Reasons: Budget reductions due to financial crisis, a market surveillance system already complying with Regulation 765/2008/EC
- Some MS believe that resources set aside for market surveillance are adequate
  - Sweden - coordinating the market surveillance activities effectively among the MSA through market surveillance council
  - Baltic cooperation for market surveillance – helping new MS adapt to requirements

# MAIN FINDINGS CONT'D

## The status on setting up a market surveillance programme (Art. 18, 5)

- 18 MS initiated set-up of a market surveillance programme, based on legal structures (national, regional or sectoral set-up)
  - Some national coordination advisable to MS selecting a regional or sectoral approach - to ensure common national footing on market surveillance
- 9 MS not yet initiated set-up of market surveillance programmes.
  - Reasons: no experience in drawing up programme, limited resources available
  - Waiting for Commission specifications on structure of the programme, type of information to be included, etc.

# MAIN FINDINGS CONT'D

## Products presenting a serious risk and measures taken to detect them

- RAPEX: increase in the last five years, RASFF: decrease
- Increase partly explained by
  - Increased focus on detecting toy products
  - Better coordination, avoiding double-checking of same product
  - Allowing MSAs to check for more products altogether
- Total number of detected products may have increased, but growth slowing down over the years
- Decrease due to fewer notifications for specific products
- EU lacks solid system to store and compare data on dangerous products - Combination of RAPEX, RASFF and DG SANCO's Consumer Market Scoreboard best option as of now

# MAIN FINDINGS CONT'D

## Establishment of control systems in MS

- Systems for cooperation on a national level (Germany, Sweden) helped the MSAs share knowledge about which products are checked when and where
- Cooperation across borders (Baltic Sea Cooperation) beneficial in order to share knowledge on market surveillance between MS and as a way of controlling more products



# MAIN FINDINGS CONT'D

## Establishment of control systems in MS

- Risk assessment strategy (Netherlands) used as a way of handling large amounts of goods coming to the market and to focus their effort as much as possible. MS suffering from budgetary problems can possibly benefit from this
- Reactive control depends on consumers and retailers notifying the MSA of problematic goods – problematic in MS with low consumer confidence (Italy, Bulgaria)

# GOOD PRACTISES

- Risk assessment strategy (Netherlands)
- Market surveillance council (Sweden)
- Cooperation across borders (e.g. Baltic Cooperation Programme)
- Combination of a risk assessment strategy, national coordination and cross-border cooperation: ideal solution – combining focused effort with avoiding duplication work and learning from other MS

