



Business views on Safety and Surveillance package

Paul Coebergh van den Braak
Chairman, BUSINESSEUROPE WG on Free
Movement of Goods

Also

Philips - IP&S

Package benefits to be preserved

- Pursuit for safe and compliant products
- **Simpler**, clearer and more consistent legal **framework** on product safety and market surveillance
- Should lead to
 - lower compliance cost
 - better enforcement, giving a level playing field and fewer non-compliant products



MSR scope and definitions

- Good to cover not only safety but product compliance aspects for all public interests
- Necessary to distinguish
 - Safety risk from other non-conformity issues
calling everything “risk” will cause confusion
 - Various degrees of safety risk
magnitude, likelihood
 - Material from formal non-compliance
less severe measures for paperwork-only issues



What is a risky product?

- Now: multiple interpretations
- Example: lighter model – Greece ↔ NL
- Good measures to improve:
 - Risk assessment – first check compliance with harmonized requirements and standards
 - Cross-border co-op, EU level assessments review
 - Business input in EU MS-Forum will help
- **But** option for action upon a risk despite presumed conformity = legal uncertainty
 - **Proportionality** and burden of proof!
 - **Effective appeal procedures essential**



Towards a stronger surveillance system

- Lack of financial resources: need for
 - Political will (MS's)
 - Good organization, facilities, competent officers
 - Authorities must know and apply the law
 - Good: more horizontal co-op and border controls
 - Shared labs: clarify role; subject to accreditation
 - Border controls: no unnecessary hold up
- Fees and penalties: **caution**
 - Target rogue traders, not bona fide players
 - **No incentives for unjustified controls or actions!**
 - Penalties: proportionate, dissuasive, focus on real, harmful non-compliance



Concerns

- We hear suggestions to introduce more **third party certification**
 - **Should not become broadly mandatory** for products
 - **Costly but will not contribute** to more compliance:
 - Will be forged, burden lands on the good players
 - Creates more unlevel playing field
 - No replacement for surveillance and enforcement
- Commissions implementing powers
 - Anchor transparency and stakeholder consultation in the legal text

