



EUROPEAN PARLIAMENT

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Committee on the Internal Market and Consumer Protection

2013/0048(COD)

12.6.2013

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council on market surveillance of products and amending Council Directives 89/686/EEC and 93/15/EEC, and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 1999/5/EC, 2000/9/EC, 2000/14/EC, 2001/95/EC, 2004/108/EC, 2006/42/EC, 2006/95/EC, 2007/23/EC, 2008/57/EC, 2009/48/EC, 2009/105/EC, 2009/142/EC, 2011/65/EU, Regulation (EU) No 305/2011, Regulation (EC) No 764/2008 and Regulation (EC) No 765/2008 of the European Parliament and of the Council
(COM(2013)0075 – C7-0043/2013 – 2013/0048(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Sirpa Pietikäinen

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on market surveillance of products and amending Council Directives 89/686/EEC and 93/15/EEC, and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 1999/5/EC, 2000/9/EC, 2000/14/EC, 2001/95/EC, 2004/108/EC, 2006/42/EC, 2006/95/EC, 2007/23/EC, 2008/57/EC, 2009/48/EC, 2009/105/EC, 2009/142/EC, 2011/65/EU, Regulation (EU) No 305/2011, Regulation (EC) No 764/2008 and Regulation (EC) No 765/2008 of the European Parliament and of the Council (COM(2013)0075 – C7-0043/2013 – 2013/0048(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0075),
 - having regard to Article 294(2) and Articles 33, 114(1) and 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0043/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 22 May 2013¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on International Trade and the Committee on Economic and Monetary Affairs (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Market surveillance activities covered by this Regulation should not be directed exclusively towards the protection of health and safety but should also be applicable to the enforcement of Union legislation which seeks to safeguard other public interests, for example, by means of regulating the accuracy of measurement, electromagnetic compatibility **and energy efficiency**.

Amendment

(2) Market surveillance activities covered by this Regulation should not be directed exclusively towards the protection of health and safety but should also be applicable to the enforcement of Union legislation which seeks to safeguard other public interests, for example, by means of regulating the accuracy of measurement, electromagnetic compatibility, **energy efficiency and applicable environmental legislation**.

Or. en

Amendment 2

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) Obliging the authorities responsible for the control of products entering the Union market to carry out checks on an adequate scale therefore contributes to a safer Union market for products. In order to increase the effectiveness of such checks, **cooperation and exchange of information between those authorities and market surveillance authorities** concerning products presenting a risk **should be enhanced**.

Amendment

(20) Obliging the authorities responsible for the control of products entering the Union market to carry out checks on an adequate scale therefore contributes to a safer Union market for products. In order to increase the effectiveness of such checks, **those authorities and market surveillance authorities should be obliged to cooperate and exchange information** concerning products presenting a risk **and products that are non-compliant**.

Or. en

Amendment 3

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) Market surveillance authorities should be given the power to destroy products, render inoperable or order their destruction by the relevant economic operator, if they deem it necessary and proportionate to ensure that such goods cannot pose any further threats.

Amendment

(21) Market surveillance authorities should be given the power to destroy products, render inoperable or order their destruction by the relevant economic operator, if they deem it necessary and proportionate to ensure that such goods cannot pose any further threats. ***The relevant economic operator should bear all the costs related to those actions, in particular the costs incurred by the market surveillance authority.***

Or. en

Amendment 4

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Given the size of the Union market for goods and as there are no internal borders, it is imperative that ***the*** market surveillance authorities of the Member States ***are willing and able*** to cooperate with each other effectively and to coordinate joint support and action. Accordingly, mechanisms for mutual assistance should be established.

Amendment

(25) Given the size of the Union market for goods and as there are no internal borders, it is imperative that ***this Regulation builds the framework for*** market surveillance authorities of the Member States to cooperate with each other effectively and to coordinate joint support and action. Accordingly, mechanisms for mutual assistance should be established, ***enforced, verified and duly financed.***

Or. en

Amendment 5

Proposal for a regulation Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) The consistent application of this Regulation should be closely monitored by the Commission, which should also, where necessary, give recommendations to Member States where it finds the powers and resources they have given to their market surveillance authorities are not sufficient to meet the requirements of this Regulation properly.

Or. en

Amendment 6

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Injuries and accidents place a high social and economic burden on societies in general and individuals. Injury and accident prevention can be enhanced primarily by improving injury surveillance. Based on the experience gained in the framework of the Joint Action on Monitoring Injuries in Europe (JAMIE) project, a genuine pan-European injuries database should urgently be established, especially given the fact that JAMIE project expires in 2014. Moreover, political commitment is necessary to ensure that the exchange of injury data among the Member States is an absolute priority.

Or. en

Amendment 7

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) A European Market Surveillance Forum composed of representatives from market surveillance authorities should be established. The Forum should provide a means of involving all stakeholders concerned, including professional organisations and consumer organisations, in order to take advantage of available information relevant for market surveillance when establishing, implementing and updating market surveillance programmes.

Amendment

(27) A European Market Surveillance Forum composed of representatives from market surveillance authorities should be established. The Forum should ***serve as a platform for structured cooperation between the authorities of the Member States and should*** provide a ***continuous and permanent*** means of involving all stakeholders concerned, including professional organisations, ***industry organisations*** and consumer organisations, in order to take advantage of available information relevant for market surveillance when establishing, implementing and updating market surveillance programmes.

Or. en

Amendment 8

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) The Commission should provide support for cooperation between market surveillance authorities and participate in the Forum. The Regulation should set out a list of tasks to be performed by the Forum. An executive secretariat should organise the Forum's meetings and provide other operational support for the accomplishment of its tasks.

Amendment

(28) The Commission should provide support for cooperation between market surveillance authorities and participate in the Forum. The Regulation should set out a list of tasks to be performed by the Forum. An executive secretariat should organise the Forum's meetings and provide other operational support for the accomplishment of its tasks. ***To streamline the practices of market surveillance within the Union, and to make market surveillance more effective, the Commission should consider proposing, when this Regulation is next***

reviewed, that the Forum is given the power to set binding recommendations as to the quality and practices of market surveillance.

Or. en

Amendment 9

Proposal for a regulation Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) In view of the conflict between the increased number of products in circulation within the internal market on the one hand, and the constraints on public resources that limit the possibility to drastically increase public market surveillance on an adequate scale on the other, the Commission should explore complementary, new and innovative, market-based solutions for more effective market surveillance on a larger scale, such as third party auditing of quality control systems and products. The Commission should include the results of those deliberations into the general evaluation report drawn up in accordance with Article 33 of this Regulation.

Or. en

Amendment 10

Proposal for a regulation Recital 33

Text proposed by the Commission

Amendment

(33) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that they are

(33) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that they are

implemented. Those penalties must be effective, proportionate and dissuasive.

implemented. Those penalties must be effective, proportionate and dissuasive *and include administrative penalties that are harmonised Union-wide. Member States should ensure that the revenues collected from those administrative penalties are allocated for market surveillance activities.*

Or. en

Justification

Deterrent penalties, including heavy fines, for economic operators who deliberately introduce dangerous or non-compliant products into the single market should be introduced EU-wide. The Member States should consider market surveillance activities as a priority, and following from this, earmark sufficient resources for those activities.

Amendment 11

Proposal for a regulation Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) In order to enhance the deterrence of the penalties, the Commission should make them public. In addition, economic operators who are repeatedly found to have breached this Regulation should be placed on a public, Union-wide blacklist.

Or. en

Amendment 12

Proposal for a regulation Recital 34

Text proposed by the Commission

Amendment

(34) Market surveillance should be financed at least in part by fees charged to economic operators where they are required by market surveillance authorities

(34) Market surveillance should be financed at least in part by fees charged to economic operators where they are required by market surveillance authorities

to take corrective action or where those authorities are obliged to take action themselves.

to take corrective action or where those authorities are obliged to take action themselves. ***Member States should ensure that the revenues collected from fees charged in accordance with this Regulation are allocated to market surveillance activities.***

Or. en

Justification

The Member States should consider market surveillance activities as a priority, and following from this, earmark sufficient resources for those activities.

Amendment 13

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards uniform conditions for the carrying out of checks by reference to particular product categories or sectors, including the scale of checks to be carried out and the adequacy of samples to be checked. Implementing powers should also be conferred as regards the modalities for the provision of information to market surveillance authorities by economic operators, as regards establishing uniform conditions for determining cases in which such information need not be provided. Implementing powers should also be conferred as regards the modalities and procedures for the exchange of information through RAPEX and as regards the adoption of temporary or permanent marketing restrictions on products presenting a serious risk, where appropriate, specifying the necessary control measures to be taken by the Member States for their effective

Amendment

(38) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards uniform conditions for the carrying out of checks by reference to particular product categories or sectors, including the scale of checks to be carried out and the adequacy of samples to be checked. Implementing powers should also be conferred as regards the modalities for the provision of information to market surveillance authorities by economic operators, as regards establishing uniform conditions for determining cases in which such information need not be provided. Implementing powers should also be conferred as regards the modalities and procedures for the exchange of information through RAPEX and as regards the adoption of temporary or permanent marketing restrictions on products presenting a serious risk, where appropriate, specifying the necessary control measures to be taken by the Member States for their effective

implementation where other Union legislation does not provide a specific procedure to address the risks in question. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by *the* Member States of the Commission's exercise of its implementing powers.

implementation where other Union legislation does not provide a specific procedure to address the risks in question. ***In addition, implementing powers should be conferred to the Commission as regards general risk assessment methodology and, where appropriate, guidelines for the application of that general methodology to specific categories of products.*** Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of its implementing powers.

Or. en

Amendment 14

Proposal for a regulation Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) This Regulation should comply with the precautionary principle in order to ensure a high level of human health, consumer and environment protection.

Or. en

Justification

A specific reference to the precautionary principle should be added to emphasise its key importance within this regulation.

Amendment 15

Proposal for a regulation Article 3 – point 1

Text proposed by the Commission

(1) ‘product’ means a **product obtained** through a manufacturing process;

Amendment

(1) ‘product’ means a **substance, preparation or good produced** through a manufacturing process **other than food, feed, products of human origin and products of plants and animals relating directly to their future reproduction**;

Or. en

Justification

Clarifying the term "product".

Amendment 16

**Proposal for a regulation
Article 3 – point 5**

Text proposed by the Commission

(5) ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;

Amendment

(5) ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks **with regard to the latter's obligations under the relevant Union legislation**;

Or. en

Amendment 17

**Proposal for a regulation
Article 3 – point 13**

Text proposed by the Commission

(13) ‘product presenting a risk’ means a product **having** the potential to affect adversely health and safety of persons in general, health and safety in the workplace, consumer protection, the environment and public security as well as other public

Amendment

(13) ‘product presenting a risk’ means a product **which**:

interests to a degree which goes beyond that considered reasonable and acceptable under the normal or reasonably foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements;

(a) fails to comply with applicable Union legislation, or

(b) has the potential to affect adversely health and safety of persons in general, health and safety in the workplace, consumer protection, the environment and public security as well as other public interests to a degree which goes beyond that considered reasonable and acceptable under the normal or reasonably foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements;

Or. en

Justification

When it comes to the scope of the Regulation, this amendment clarifies that the requirements under this Regulation should not be limited to product safety only, but needs to be enlarged to include all other technical areas where the surveillance authorities are called upon to act.

Amendment 18

Proposal for a regulation Article 3 – point 13 a (new)

Text proposed by the Commission

Amendment

(13a) 'product presenting an emerging risk' means a product which presents a newly developing risk or a known risk in new or unfamiliar conditions, which potentially has a significant impact, but cannot yet be fully understood or quantified.

Or. en

Amendment 19

Proposal for a regulation Article 3 – point 18

Text proposed by the Commission

(18) ‘Union harmonisation legislation’ means Union legislation harmonising the conditions for the marketing of products;

Amendment

(18) ‘Union harmonisation legislation’ means Union legislation harmonising the conditions for the marketing of products ***by laying down the characteristics required of a product such as levels of quality, performance, safety or dimensions, including the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures;***

Or. en

Justification

Clarification of the term setting out that legislation concerning placing on the market of goods should be covered

Amendment 20

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Market surveillance shall be organised and carried out in accordance with this Regulation with a view to ensuring that products presenting a risk are not made available on the Union market and, where such products have been made available, effective measures are taken to remove the risk presented by the product.

Amendment

2. Market surveillance shall be organised and carried out in accordance with this Regulation with a view to ensuring that products presenting a risk, ***including products that are not compliant with the applicable Union legislation*** are not made available on the Union market and, where such products have been made available, effective measures are taken to remove the risk presented by the product ***and to put an end to its non-compliance.***

Amendment 21**Proposal for a regulation****Article 4 – paragraph 3***Text proposed by the Commission*

3. ***The implementation of*** market surveillance activities and external border controls ***shall be monitored by the Member States which shall report on these activities and controls*** to the Commission every year. The information reported shall include statistics regarding the number of controls carried out and shall be communicated to all Member States. ***Member States may*** make a summary of the ***results accessible*** to the public.

Amendment

3. ***Member States shall report on the*** market surveillance activities and external border controls to the Commission every year. The information reported shall include statistics regarding the number ***and outcomes*** of controls carried out and shall be communicated to all Member States. ***The Commission shall*** make a summary of the ***information reported to it available*** to the public ***electronically and, where appropriate, by other means.***

Or. en

Justification

Member States should report on their activities to the Commission. In addition, relevant information on the performance of different Member States should be made publicly available.

Amendment 22**Proposal for a regulation****Article 4 – paragraph 4***Text proposed by the Commission*

4. ***The results of the monitoring and assessment of market surveillance activities carried out pursuant to paragraph 3 shall be made available to the public, electronically and, where appropriate, by other means.***

*Amendment****deleted***

Or. en

Justification

The publication of the results is included in paragraph 3.

Amendment 23

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. **Market surveillance authorities** shall *be given* the powers and *entrusted* with the resources and means necessary for the proper performance of their tasks.

Amendment

2. **Each Member State** shall **grant market surveillance authorities** the powers and **entrust them** with the resources and means necessary for the proper performance of their tasks **and report to the Commission thereon. The Commission shall evaluate whether those powers and resources are sufficient for the proper performance of that Member State's market surveillance obligations under this Regulation, and shall make the outcomes of its evaluations available to the public electronically and, where appropriate, by other means.**

Or. en

Justification

In order to ensure harmonised application of this Regulation throughout EU, the Commission should be given the task to closely monitor its implementation.

Amendment 24

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. **Each Member State shall establish appropriate mechanisms to ensure that the market surveillance authorities that it has established or designated** exchange information, cooperate and coordinate their activities both among themselves and with the authorities in charge of controls of products at the external borders of the

Amendment

3. Market surveillance authorities **shall** exchange information, cooperate and coordinate their activities both among themselves and with the authorities in charge of controls of products at the external borders of the Union.

Union.

Or. en

Amendment 25

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. Each Member State shall inform the Commission about its market surveillance authorities and their areas of competence, providing the necessary contact details, **and** the Commission shall **transmit this information** to the **other Member States and publish a list of market surveillance authorities**.

Amendment

4. Each Member State shall inform the Commission about its market surveillance authorities and their areas of competence, providing the necessary contact details. The Commission shall **make the list available** to the **public electronically and, where appropriate, by other means**.

Or. en

Amendment 26

Proposal for a regulation Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Market surveillance authorities shall perform appropriate checks on the characteristics of products on an adequate scale and with adequate frequency, by means of a documentary check and, where necessary, a physical and laboratory check on the basis of an adequate sample. They shall record these checks in the information and communication system for market surveillance referred to in Article 21.

Amendment

Market surveillance authorities shall perform appropriate checks on the characteristics of products, **irrespective of the distribution channels and selling techniques**, on an adequate scale and with adequate frequency, by means of a documentary check and, where necessary, a physical and laboratory check on the basis of an adequate sample. They shall record these checks in the information and communication system for market surveillance referred to in Article 21.

Or. en

Justification

Amendment seeks to clarify that checks are to be performed also on products sold online.

Amendment 27

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where appropriate, market surveillance authorities shall alert users in their territories ***within an adequate timeframe*** of products that those authorities have identified as presenting a risk.

Amendment

Market surveillance authorities shall ***without delay*** alert users in their territories of products that those authorities have identified as presenting a risk.

Or. en

Justification

The market surveillance authorities should not be allowed any delays for informing consumers of products presenting a risk.

Amendment 28

Proposal for a regulation

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Market surveillance authorities shall act taking due account of the seriousness of the risk and of the precautionary principle.

Or. en

Justification

A specific reference to the precautionary principle should be made.

Amendment 29

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. Where it is necessary and justified for carrying out their duties, market surveillance authorities may enter the premises of economic operators and take any necessary samples of products.

Amendment

4. Where it is necessary and justified for carrying out their duties, market surveillance authorities may enter the premises of economic operators, ***carry out appropriate documentary checks, make copies of relevant documents*** and take any necessary samples of products.

Or. en

Justification

Granting additional powers to market surveillance authorities will ensure thorough performance of their duties.

Amendment 30

Proposal for a regulation

Article 6 – paragraph 5 – point a

Text proposed by the Commission

(a) provide consumers and other interested parties with the opportunity to submit complaints on issues relating to product safety, market surveillance activities and risks arising in connection with products and follow up those complaints ***as appropriate***;

Amendment

(a) provide consumers and other interested parties with the opportunity to submit complaints on issues relating to product safety, market surveillance activities and risks arising in connection with products and follow up those complaints ***within a reasonable time frame***;

Or. en

Amendment 31

Proposal for a regulation

Article 6 – paragraph 5 – point b

Text proposed by the Commission

(b) verify that corrective action has been taken;

Amendment

(b) verify that corrective action has been taken ***in a timely manner***;

Amendment 32

Proposal for a regulation

Article 6 – paragraph 5 – point c

Text proposed by the Commission

(c) follow and keep up to date with developments in scientific and technical knowledge concerning the safety of products.

Amendment

(c) follow and keep up to date with developments in scientific and technical knowledge concerning the safety of products ***and compliance of products with applicable Union legislation.***

Or. en

Justification

Given the scope of the Regulation, this requirement should not be limited to product safety only, but needs to be enlarged to include all other technical areas where the market surveillance authorities are called upon to act.

Amendment 33

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. Each Member State shall draw up sector-specific programmes and shall review these programmes, and update them if necessary, every year. These programmes shall cover all sectors in which authorities conduct market surveillance activities.

Amendment

2. Each Member State shall draw up sector-specific programmes ***with the input of key stakeholders concerned, including professional organisations, industry organisations and consumer organisations,*** and shall review these programmes, and update them if necessary, every year. These programmes shall cover all sectors in which authorities conduct market surveillance activities.

Or. en

Amendment 34

Proposal for a regulation

Article 7 – paragraph 3 - subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall evaluate the general and sector-specific programmes and, if appropriate, make recommendations to the Member States based on that evaluation. The Commission shall make the outcomes of its evaluations and, if applicable, its recommendations to Member States available to the public electronically and, where appropriate, by other means.

Or. en

Justification

In order to ensure harmonised application of this Regulation throughout EU, the Commission should be given the task to closely monitor its implementation and give, where appropriate, recommendations to the Member States.

Amendment 35

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. ***On*** request, economic operators and, where applicable, conformity assessment bodies, ***shall*** make available to market surveillance authorities any documentation and information that those authorities require for the purpose of carrying out their activities, ***in a language which can be easily understood by them.***

1. ***Further to a reasoned*** request, economic operators ***shall, according to their respective role in the supply chain*** and, where applicable, ***including*** conformity assessment bodies, make available to market surveillance authorities any documentation and information that those authorities require for the purpose of carrying out their activities.

Or. en

Justification

The obligations of different economic operators should be more clearly defined, according to their respective roles in the supply chain.

Amendment 36

Proposal for a regulation

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Manufacturers established outside the Union shall appoint an authorised representative established within the Union for the purposes of market surveillance.

Or. en

Amendment 37

Proposal for a regulation

Article 8 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Manufacturers and importers shall indicate on the product their name, registered trade name or registered trade mark and the address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the product. The address shall indicate a single point at which the manufacturer or the importer can be contacted.

Or. en

Amendment 38

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where, in the course of carrying out the checks referred to in Article 6(1) or as a result of information received, market surveillance authorities have sufficient reason to believe that a product that is placed or made available on the market or is used in the course of the provision of a service may present a risk, they **shall** carry out a risk assessment in relation to that product taking account of the considerations and criteria set out in Article 13.

Amendment

Where, in the course of carrying out the checks referred to in Article 6(1) or as a result of information received, market surveillance authorities have sufficient reason to believe that a product that is placed or made available on the market or is used in the course of the provision of a service may present a risk, **including non-compliance with the applicable Union legislation**, they carry out a risk assessment in relation to that product taking account of the considerations and criteria set out in Article 13.

Or. en

Justification

Given the scope of the Regulation, it should be made clear that this requirement is not limited to product safety only, but includes all other technical areas where the surveillance authorities are called upon to act.

Amendment 39

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Market surveillance authorities may destroy or otherwise render inoperable a product presenting a risk where they deem it necessary and proportionate. **They may require the relevant economic operator to bear the cost of such action.**

Amendment

Market surveillance authorities may destroy or otherwise render inoperable a product presenting a risk where they deem it necessary and proportionate. **The cost of such action shall be wholly or partly borne by the relevant economic operator.**

Or. en

Justification

The practice of charging fees should be aligned in the Regulation to ensure harmonised application accross the EU. An obligation instead of the optional measure would contribute to the incentives for action by market surveillance authorities, and can also be considered as a deterrent for relevant economic operators.

Amendment 40

Proposal for a regulation Article 10 – paragraph 3

Text proposed by the Commission

3. Prior to taking any measure under paragraph 1 in relation to an economic operator who has failed to take the necessary corrective action, market surveillance authorities shall allow him at least 10 days within which to be heard.

Amendment

3. Prior to taking any measure under paragraph 1 in relation to an economic operator who has failed to take the necessary corrective action, market surveillance authorities shall allow him at least 10 **calendar** days within which to be heard.

Or. en

Justification

Clarification to ensure legal certainty.

Amendment 41

Proposal for a regulation Article 10 – paragraph 8

Text proposed by the Commission

8. Market surveillance authorities **may** charge fees on economic operators which wholly or partly cover the costs of their activities, including testing carried out for the risk assessment, where they take measures in accordance with paragraphs 1 or 4.

Amendment

8. Market surveillance authorities **shall** charge fees on **the relevant** economic operators which wholly or partly cover the costs of their activities, including testing carried out for the risk assessment, where they take measures in accordance with paragraphs 1 or 4.

The fees shall be calculated on the basis of the actual costs of each market surveillance activity, and shall be applied to the economic operators subject to such market surveillance activities. Such fee shall not exceed the actual costs of the market surveillance activity performed and may partly or entirely reflect the time taken by the staff of the market surveillance authorities to perform the

Justification

The practice of charging fees should be aligned in the Regulation to ensure harmonised application accross the EU. An obligation instead of the optional measure would contribute to the incentives for action by market surveillance authorities, and can also be considered as a deterrent for relevant economic operators.

Amendment 42

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. Within 60 days of communication by the Commission to the Member States, pursuant to Article 20(4), of measures taken pursuant to paragraphs 1 or 4 of Article 10 by the original notifying Member State, a Member State may object to those measures where they relate to a product subject to Union harmonisation legislation. The Member State shall state its reasons for objecting, indicate any difference in its assessment of the risk presented by the product and mention any special circumstances and any additional information relating to the product in question.

Amendment

1. Within 60 **calendar** days of communication by the Commission to the Member States, pursuant to Article 20(4), of measures taken pursuant to paragraphs 1 or 4 of Article 10 by the original notifying Member State, a Member State may object to those measures where they relate to a product subject to Union harmonisation legislation. The Member State shall state its reasons for objecting, indicate any difference in its assessment of the risk presented by the product and mention any special circumstances and any additional information relating to the product in question.

Justification

Clarification to ensure legal certainty.

Amendment 43

Proposal for a regulation
Article 13 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission may, by means of implementing acts, lay down a general risk assessment methodology and, where appropriate, guidelines for the application of this general methodology to specific categories of products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

Or. en

Justification

To ensure harmonised application of this Regulation, the Commission should be empowered to set out the framework for general risk assessment methodology.

Amendment 44

Proposal for a regulation

Article 13 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) any requirements laid down in or pursuant to Union harmonisation legislation that apply to the product and relate to the potential risk under consideration, taking full account of test reports or certificates attesting conformity and issued by a conformity assessment body;

(a) any requirements laid down in or pursuant to Union harmonisation legislation that apply to the product and relate to the potential risk under consideration, taking full account of test, ***inspection and calibration*** reports or certificates attesting conformity and issued by a conformity assessment body ***accredited in accordance with Regulation (EC) No 765/2008***;

Or. en

Amendment 45

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. Compliance with the criteria referred to in points (a), (b) and (c) of paragraph 2 shall raise a presumption that the product adequately safeguards the public interests to which those criteria relate. However, this shall not prevent market surveillance authorities from taking action under this Regulation where there is new evidence that, despite such conformity or compliance, the product presents a risk.

Amendment

3. Compliance with the criteria referred to in points (a), (b) and (c) of paragraph 2 shall raise a presumption that the product adequately safeguards the public interests to which those criteria relate. However, this shall not prevent market surveillance authorities from taking action under this Regulation where there is new evidence that, despite such conformity or compliance, the product presents a risk. ***In that case, the market surveillance authority shall demonstrate that the product presents a risk.***

Or. en

Amendment 46

**Proposal for a regulation
Article 15 – paragraph 1**

Text proposed by the Commission

1. A product the release of which has been suspended by the authorities in charge of external border controls pursuant to Article 14 shall be released if, within three working days of the suspension of release, those authorities have not been requested by the market surveillance authorities to continue the suspension or they have been informed by the market surveillance authorities that the product does not present a risk, and provided that all the other requirements and formalities pertaining to such release have been fulfilled.

Amendment

1. A product the release of which has been suspended by the authorities in charge of external border controls pursuant to Article 14 shall be released if, within three working days of the ***notification of*** suspension of release, those authorities have not been requested by the market surveillance authorities to continue the suspension or they have been informed by the market surveillance authorities that the product does not present a risk, and provided that all the other requirements and formalities pertaining to such release have been fulfilled.

Or. en

Justification

Article 14(4) of the proposed Regulation provides that the authorities in charge of external

border controls shall immediately notify the market surveillance authorities of any suspension. It is therefore appropriate that the three working day period referred to in Article 15(1) would commence from the notification of suspension.

Amendment 47

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

3. Compliance with the requirements of any Union harmonisation legislation that apply to the product upon its release which relate to the potential risk under consideration, taking full account of test reports or certificates attesting conformity and issued by a conformity assessment body, shall raise a presumption on the part of market surveillance authorities that the product does not present a risk. However, this shall not prevent those authorities from instructing the authorities in charge of external border controls not to release the product where there is evidence that, despite such compliance, the product does in fact present a risk.

Amendment

3. Compliance with the requirements of any Union harmonisation legislation that apply to the product upon its release which relate to the potential risk under consideration, taking full account of test, ***inspection and calibration*** reports or certificates attesting conformity and issued by a conformity assessment body ***accredited in accordance with Regulation (EC) No 765/2008***, shall raise a presumption on the part of market surveillance authorities that the product does not present a risk. However, this shall not prevent those authorities from instructing the authorities in charge of external border controls not to release the product where there is evidence that, despite such compliance, the product does in fact present a risk.

Or. en

Amendment 48

Proposal for a regulation Article 16 – paragraph 6

Text proposed by the Commission

6. Market surveillance authorities ***may*** charge fees which wholly or partly cover the costs of their activities, including testing carried out for the risk assessment, where they take measures in accordance

Amendment

6. Market surveillance authorities ***shall*** charge fees ***on the person declaring the product for free circulation*** which wholly or partly cover the costs of their activities, including testing carried out for the risk

with paragraph 1.

assessment, where they take measures in accordance with paragraph 1.

The fees shall be calculated on the basis of the actual costs of each market surveillance activity, and applied to the person declaring the product for free circulation subject to such market surveillance activities. Such fee shall not exceed the actual costs of the market surveillance activity performed and may partly or entirely reflect the time taken by the staff of the market surveillance authorities to perform the market surveillance controls.

Or. en

Justification

The practice of charging fees should be aligned in the Regulation to ensure harmonised application accross the EU.

Amendment 49

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. Within 60 days of communication by the Commission to the Member States, pursuant to Article 20(4), of any refusal to release a product for free circulation by the original notifying Member State, a Member State may object to that refusal where it relates to a product subject to Union harmonisation legislation. The Member State shall state its reasons for objecting, indicate any difference in its assessment of the risk presented by the product and mention any special circumstances and any additional information relating to the product in question.

Amendment

1. Within 60 ***calendar*** days of communication by the Commission to the Member States, pursuant to Article 20(4), of any refusal to release a product for free circulation by the original notifying Member State, a Member State may object to that refusal where it relates to a product subject to Union harmonisation legislation. The Member State shall state its reasons for objecting, indicate any difference in its assessment of the risk presented by the product and mention any special circumstances and any additional information relating to the product in question.

Or. en

Justification

Clarification to ensure legal certainty.

Amendment 50

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The first subparagraph shall not apply where the RAPEX contact point has reason to believe that the effects of the risk presented by a product do not go beyond the territory of its Member State.

deleted

Or. en

Justification

As the products move freely within the Single Market, this derogation should be deleted as unnecessary.

Amendment 51

Proposal for a regulation

Article 21 – paragraph 1 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the identification of risks and their characteristics;

Or. en

Amendment 52

Proposal for a regulation

Article 21 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

ICSMS *may* also be made available, where necessary or appropriate, for use by

ICSMS *shall* also be made available, where necessary or appropriate, for use by

the authorities in charge of controls at the external borders.

the authorities in charge of controls at the external borders.

Or. en

Justification

Improvement of sharing of information will encourage and strengthen cooperation with authorities in charge of controls at the external border.

Amendment 53

**Proposal for a regulation
Article 21 – paragraph 3**

Text proposed by the Commission

3. Market surveillance authorities shall recognise the validity and make use of test reports prepared by or for their counterparts in other Member States and entered into ICSMS.

Amendment

3. Market surveillance authorities shall recognise the validity and make use of test, ***inspection or calibration*** reports prepared by or for their counterparts in other Member States and entered into ICSMS.

Or. en

Amendment 54

**Proposal for a regulation
Article 22 – paragraph 1**

Text proposed by the Commission

The Commission and Member States may exchange confidential information, including information exchanged through RAPEX, with regulatory authorities of third countries or international organisations with which the Commission and the Member State or group of Member States have concluded bilateral or multilateral confidentiality arrangements based on reciprocity.

Amendment

The Commission and Member States may exchange confidential information, including information exchanged through RAPEX, with regulatory authorities of ***applicant countries***, third countries or international organisations with which the Commission and the Member State or group of Member States have concluded bilateral or multilateral confidentiality arrangements based on reciprocity.

Or. en

Justification

To align with Article 19(4).

Amendment 55

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. There shall be efficient cooperation and exchange of information among the market surveillance authorities of the Member States, among the different authorities within *each* Member *State* and between market surveillance authorities and the Commission and the relevant Union agencies regarding market surveillance programmes and all issues relating to products presenting a risk.

Amendment

1. There shall be efficient cooperation and exchange of information among the market surveillance authorities of the Member States, among the different authorities within *and among the* Member *States* and between market surveillance authorities and the Commission and the relevant Union agencies regarding market surveillance programmes and all issues relating to products presenting a risk.

Or. en

Justification

Cooperation and exchange of information among various relevant authorities should be guaranteed not only within one single Member State but also among all the Member States, as this would contribute to enhanced cooperation and coordination among the relevant authorities.

Amendment 56

Proposal for a regulation
Article 25 – paragraph 5

Text proposed by the Commission

5. The EMSF may invite experts and other third parties to attend meetings or provide written contributions.

Amendment

5. The EMSF may invite experts and other third parties to attend meetings or provide written contributions *on a regular and continuous basis*.

Or. en

Justification

Greater cooperation with the stakeholders fills a key gap of technical expertise, especially with complex technologies, experienced by Market Surveillance Authorities.

Amendment 57

Proposal for a regulation

Article 25 – paragraph 6

Text proposed by the Commission

6. The EMSF may establish standing or temporary sub-groups which shall include the administrative cooperation groups for market surveillance set up for the implementation of Union harmonisation legislation. Organisations representing the interests of industry, small and medium-sized enterprises, consumers, laboratories and conformity assessment bodies at Union level **may** be invited to participate in such sub-groups as observers.

Amendment

6. The EMSF may establish standing or temporary sub-groups which shall include the administrative cooperation groups for market surveillance set up for the implementation of Union harmonisation legislation. Organisations representing the interests of industry, small and medium-sized enterprises, consumers, laboratories and conformity assessment bodies at Union level **shall** be invited to participate in such sub-groups as observers **on a regular and continuous basis**.

Or. en

Amendment 58

Proposal for a regulation

Article 27 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) to organise specific and regular market surveillance actions on products that are distributed on-line;

Or. en

Amendment 59

Proposal for a regulation

Article 28 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) be accredited pursuant to the provisions of Regulation (EC) No 765/2008.

Or. en

Justification

The suggested EU reference laboratories should be accredited pursuant to Regulation (EC) 765/2008, to ensure they are placed on an equal footing with other accredited conformity assessment bodies.

Amendment 60

Proposal for a regulation

Article 28 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) contributing to the resolution of disputes between the authorities of Member States, economic operators and conformity assessment bodies;

(b) settling any disputes arising out of a divergent risk assessment among the market surveillance authorities of ***different*** Member States, ***the*** economic operators and ***the*** conformity assessment bodies;

Or. en

Amendment 61

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

Amendment

The Member States shall lay down the rules ***on*** penalties applicable to infringements of the provisions of this Regulation that impose obligations on economic operators and to infringements of provisions of any Union harmonisation legislation on products covered by this Regulation that impose obligations on

The Member States shall lay down the rules ***establishing appropriate*** penalties applicable to infringements of the provisions of this Regulation that impose obligations on economic operators and to infringements of provisions of any Union harmonisation legislation on products covered by this Regulation that impose

economic operators where that legislation does not provide for penalties, and shall take all measures necessary to ensure that they are implemented. ***The penalties provided for must be effective, proportionate and dissuasive.*** Member States shall notify those provisions to the Commission by *[insert date - 3 months prior to the date of application of this Regulation]* and shall notify it without delay of any subsequent amendment affecting them.

obligations on economic operators where that legislation does not provide for penalties, and shall take all measures necessary to ensure that they are implemented. Member States shall notify those provisions to the Commission by ... * and shall notify it without delay of any subsequent amendment affecting them.

**** OJ: please insert the date: three months prior to the date of application of this Regulation.***

Or. en

Amendment 62

Proposal for a regulation

Article 31 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The penalties provided for shall be effective, proportionate and dissuasive, and shall include, inter alia, administrative penalties for the relevant economic operator of at least 10 % of its total annual turnover in the preceding financial year;

Or. en

Justification

Deterrent penalties, including heavy fines, for economic operators who deliberately introduce dangerous or non-compliant products into the single market should be introduced EU-wide.

Amendment 63

Proposal for a regulation Article 31 – paragraph 2

Text proposed by the Commission

The penalties referred to in the **first** subparagraph shall have regard to the size of the undertakings and in particular to the situation of small and medium-sized enterprises. The penalties **may be increased if** the relevant economic operator has previously committed a similar infringement **and** may include criminal sanctions for serious infringements.

Amendment

The penalties referred to in the **second** subparagraph shall have regard to the **gravity and to the duration of the infringement as well as to the** size of the undertakings and in particular to the situation of small and medium-sized enterprises. **In addition,** the penalties **shall have regard to whether** the relevant economic operator has previously committed a similar infringement. **The penalties** may include criminal sanctions for serious infringements.

Or. en

Amendment 64

Proposal for a regulation Article 31 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

The Member States shall inform the Commission of the penalties imposed under this Regulation and the Commission shall make that information available to the public electronically and, where appropriate, by other means, without undue delay. Where publication would cause disproportionate damage to the parties involved, the penalties shall be published on an anonymous basis.

The Commission shall collect, update and publish a blacklist of economic operators who are repeatedly found to breach this Regulation.

Or. en

Justification

Publication of the penalties will add to their deterrent effect. In addition, a public, EU-wide blacklist should be drawn up of operators who repeatedly breach this Regulation.

Amendment 65

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

No later than [five] years after the date of application, the Commission shall assess the application of this Regulation and transmit an evaluation report to the European Parliament and the Council. That report shall assess if this Regulation achieved its objectives, in particular with regard to ensuring more effective and efficient enforcement of product safety rules and Union harmonisation legislation, improving cooperation between market surveillance authorities, strengthening the controls of products entering the Union and better protecting the health and safety of persons in general, health and safety in the workplace, consumer protection, the environment, public security and other public interests, taking into account its impact on business and in particular on small and medium-sized enterprises.

Amendment

No later than [five] years after the date of application, the Commission shall assess the application of this Regulation and transmit an evaluation report to the European Parliament and the Council. That report shall assess if this Regulation achieved its objectives, in particular with regard to ensuring more effective and efficient enforcement of product safety rules and Union harmonisation legislation, improving cooperation between market surveillance authorities, strengthening the controls of products entering the Union and better protecting the health and safety of persons in general, health and safety in the workplace, consumer protection, the environment, ***energy efficiency***, public security and other public interests, taking into account its impact on business and in particular on small and medium-sized enterprises. ***In addition, that report shall explore new and innovative, market-based solutions that could effectively complement the market surveillance actions carried out by the market surveillance authorities, and shall include, but not be limited to, exploring the potential of compulsory third party auditing schemes.***

Or. en

EXPLANATORY STATEMENT

Introduction

Free movement of goods is one of the four pillars of EU single market. This pillar and the proper functioning of the single market rests ultimately on consumer trust: European consumers must have the confidence that - irrespective where the product is manufactured and in which Member State they may buy it - the products they are using are both safe and compliant. Efficient and high-quality market surveillance should act as the ultimate guarantor for this. It should ensure products do not present a risk to health or safety of consumers nor persons in the workplace, but also guarantee that the products are compliant with the applicable Union legislation, such as the rules detailing energy efficiency, levels of noise or emission limits.

It is becoming ever clearer, however, that Member States' market surveillance is falling short of meeting the challenge posed by growing imports to the EU and increased number of products circulating within the single market. According to the Commission, only around 0.3% of all goods imported to or placed on the market in the EU are checked by the authorities. At the same time, the market surveillance authorities are expected to answer to new emerging challenges, such as growing e-commerce.

The situation has been aggravated by a complex legal structure, something that was also highlighted by the European Parliament in its Resolution of 8 March 2011 on the revision of the General Product Safety Directive and market surveillance¹: The Resolution stated that *"current legislative framework for market surveillance does not provide enough coherence and should therefore be reviewed and further coordinated"*. Currently, there is a lack of consistency of EU product safety requirements for harmonised products on the one hand and non-harmonised products on the other, as well as between consumer products and products intended for professional use. Another source of ambiguity stems from the lack of specific benchmarks for non-harmonised consumer products, and from the complexity caused by different layers of EU product safety rules.

Following this, the European Parliament proposed in its above-mentioned Resolution that the Commission should establish a common European framework for market surveillance that would concern all products circulating within the internal market, including the ones imported to the EU. The proposal at hand follows from this request. The proposal is part of a larger product safety package, which in addition to market surveillance, includes a proposal for General Product Safety Regulation as well as a Communication setting out a multi-annual plan for market surveillance.

Overall, your Rapporteur is very supportive of the Commission proposal and the aims it seeks to attain. However, there exist a number of issues where the Rapporteur wishes to strengthen the proposal, and also to highlight some of its key elements.

¹ 2010/2085(INI)

Ensuring safety but also level playing field amongst market operators

Your Rapporteur welcomes the fact that market surveillance as established in this Regulation should safeguard health and safety but also, more generally, enforcement of Union legislation which seeks to uphold other public interests, such as the environment or energy efficiency. Honest market players put considerable effort and devote a significant amount of resources into ensuring they are compliant with various Union safety, environment and other requirements; the role of market surveillance is to ensure that players who do not abide by the rules do not gain advantageous position on the market vis-à-vis compliant operators. It is the job of market surveillance authorities to make sure unsafe or otherwise harmful products as well as non-compliant products are identified and kept or taken off the market. This is in the interest of consumers as well as trustworthy manufacturers, importers and distributors.

Your Rapporteur in her various amendments, wishes to clarify that market surveillance captures all of the different aspects described in this Regulation.

As one of the biggest challenges is the limited resources the Member States can grant to market surveillance, especially vis-à-vis the growing volumes of trade, your Rapporteur suggests the Commission should, as part of looking for long term solutions, explore new, innovative market-based solutions that would complement the market surveillance actions currently solely undertaken by the authorities. Your Rapporteur highlights third party auditing of economic operators' quality control systems as well as of the end products as one of these possible solutions. The Commission should include these deliberations into the evaluation report it is to write in accordance with Article 33.

Closer, stronger, better functioning cooperation between Member States' surveillance authorities

Currently, one of the problems stems from the weak coordination, cooperation and information exchange among the product safety market surveillance authorities of different Member States. The Commission proposal seeks to rectify this through provisions aiming at enhancing information- and work-sharing as well as mutual assistance among the authorities of different Member States as well as with competent authorities of third countries.

The exchange of information rests mainly on two pillars: the already well established rapid alert system for products presenting a risk (RAPEX), and the *Information and Communication System for Market Surveillance* (ICSMS) for exchanging information of a more general nature. The exchange through ICSMS enables the market surveillance authorities to benefit from each other's experience and work, and save the scarce resources as they e.g. do not have to repeat the tests and assessments that have already been done in some other Member State. Your Rapporteur finds these proposals deserving full support, and proposes only to clarify some of the wording of the relevant articles.

One of the key provisions for better cooperation and information exchange is the establishment of *European Market Surveillance Forum*. The Forum should serve as a platform for cooperation not only between the authorities but also between the authorities and the economic operators as well as other stakeholders such as consumer groups. Your Rapporteur wishes to highlight the importance of continued, structured cooperation under the

auspices of this to-be established Forum, and would wish to strengthen its role further in the future by proposing that it should be considered that the Forum is given - when the Regulation is next reviewed - the power to give binding recommendations when the Forum agrees these are needed to further improve and strengthen the practices of market surveillance in Member States and especially at the EU external borders.

In addition, the role of different stakeholders in the Forum should be strengthened and their regular participation ensured. Different stakeholders can add valuable insights as they possess a lot of market information, and contribute to defining specific problem areas and potential solutions.

Deterrent penalties

In its 2011 Resolution, the Parliament also stressed the importance of deterrent penalties, including heavy fines, for economic operators who deliberately introduce dangerous or non-compliant products into the single market.

Fair and level playing field must be ensured for the economic operators; the ones who play by the rules should not be penalised by the system's inability to punish the ones that deliberately do not. In addition, the system is always only as strong as its weakest link, and the regime would benefit from more harmonisation in this area.

Thus, in order to make sure that legislation has a truly deterrent effect across the EU, your Rapporteur proposes to introduce EU-wide, harmonised administrative penalties. To add to the deterrent effect sought with the penalties, the penalties imposed under the Regulation should also be made public. In addition to this your Rapporteur proposes establishing a public blacklist of operators who repeatedly breach this Regulation.

ANNEX - LIST OF SUBMISSIONS BY STAKEHOLDERS

Disclaimer

The following list of stakeholders is collected on the basis of meetings, mails and position papers since having been appointed the Rapporteur until the deadline for this draft report in June 2013.

It must be noted that this list is non-exhaustive, as it is difficult to list all the implicit contributions and advocacy work that have inspired the report. It must also be noted that this draft Report marks only the beginning stage for the work in the Parliament, with discussions and legislative work continuing until the final adoption of this legislation. Stakeholders give their input at later stages as well; hence, the listing here can only be seen as incomplete.

However, the ambition of this lobby footprint is for the Rapporteur to show in an open manner where the inspiration for this draft report originates.

List of stakeholders

- ANEC
 - BEUC
 - BUSINESSEUROPE
 - Caterpillar
 - CECE (Committee for European Construction Equipment)
 - CECIMO (European Association of the Machine Tool Industries)
 - Confederation of Finnish Industries
 - Cosmetics Europe
 - DG SANCO
 - DG ENTR
 - DigitalEurope
 - EPEE (European Partnership for Energy and the Environment)
 - Eurocommerce
 - European Federation of lighter manufacturers
 - European Tyre & Rubber Manufacturers' Association
 - Finnish Ministry for Employment and Economy (TEM)
 - Incoming Lithuanian presidency of the Council of the European Union of autumn 2013
 - Irish presidency of the Council of the European Union of spring 2013
 - LEGO, Nordic toys and TIE (Toy Industries Europe)
 - Orgalime
 - VDMA (German Engineering Federation)
-
- In addition, the IMCO committee organised a hearing on the market surveillance and product safety package on the 29th of May 2013. For the list of speakers and further information, please see the Committee's webpage.