European
Commission

Regulation 339/93 on checks for conformity with the rules on product safety in the case of products imported from third countries

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Background

Implementation of Internal Market

- Free movement of goods
- Abolition of internal border controls
  - Close involvement of customs in market-monitoring operations
  - High level of health and safety

Purpose of 339/93/EEC

= Accompanying instrument with twofold purpose

- Legal basis for Customs to suspend the release of unsafe products
- Install comparable rules throughout Member States

Products covered

- **ALL products**
  - **Imported from third countries**
  - **Intended for release for free circulation**
  - **Whether or not falling under New Approach Directives**
- **Except: Existence of specific Community provisions (e.g. plant health and veterinary controls)**

Commission Decision 1993/583

- List of products specifically affected regarding missing documents or marking

- **Toys (CE marking!)**
- **Medicinal products / human use**
- **Veterinary medicinal products**
- **Foodstuffs**

Procedure

Customs authorities

- Risk to health or safety and/or
- Lack of document/marking

→ Suspension of release of products for free circulation

→ Notification of national market surveillance authority

Scenario 1

Serious and immediate risk to health or safety identified

- **Prohibition of placing on the market by MSA**
- **Endorsement on invoice + accompanying documents**

  „Dangerous product – release for free circulation not authorized“

Scenario 2

Non-compliance with applicable product safety rules

- **MSA take „appropriate action“, if necessary prohibiting the placing on the market**
- **Endorsement on invoice + accompanying documents**

  „Product not in conformity – release for free circulation not authorized“

Scenario 3

No risk to health or safety, no breach of product safety rules

→ Release for free circulation (provided all other conditions regarding the release for free circulation have been met)

Scenario 4

Customs are not notified of any action taken by MSA

- **Time limit: 3 working days from suspension of release**

→ Release for free circulation

Implementation

Member States

- Designate MSA to be notified by customs
- Inform Commission of designated MSA to be notified by customs

Implementation

MSA must be in a position to

- **Verify compliance with product safety rules**
- **Within sufficiently short period**
- **Regarding any product the release of which is suspended**

The End

Thank you for your attention!