



European Commission

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CROATIA - TURKEY

MARKET SURVEILLANCE

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Unit C1 - Legal aspects linked to internal market

WHAT is Market Surveillance

- not :
verifications by a Notified Body involved in conformity assessment procedures
- merely:
control activities by national public authorities of products already placed on the market

WHY Market Surveillance (1)

Market surveillance should ensure:

- Equally high level of protection of citizens
- the counterbalance of controls carried out prior to placing on the market
- that unfair competition to stakeholders both inside and outside the EU is avoided
- trust and transparency between Member States

WHY Market Surveillance (2)

GOAL :

A uniformly high level of enforcement of internal market legislation

Market Surveillance - obligations (1)

- ⇒ **Few explicit requirements in Directives**
- ⇒ **Implicit requirements in Treaties**
(Article 10)

Market Surveillance - obligations (2)

MS shall organise and operate market surveillance as a public authority activity

MS shall ensure that only products in conformity with the EU legislation may be available on their market

Market Surveillance - obligations (3)

Control obligations for Member States	Sectoral Directives & GPS-Directive
Post-market obligations for producers, distributors & economic operators	GPS-Directive
Sectoral AdCo Groups – Networks, Rapid intervention, Safeguards	Sectoral Directives & GPS-Directive

Market surveillance should be organised at two levels :

- definition of the essential elements to be met by the national market surveillance system
- co-operation at national and EU levels

Market Surveillance system (2)

⇒ **Essential elements for an efficient market surveillance system :**

- appointment of national authorities competent for monitoring conformity of the relevant product
- delegate the necessary powers and resources
- determine the necessary procedures (e.g. monitor accidents, register and follow-up compliants, etc.)
- define the necessary measures (e.g. carry out cheks, take samples for inspections and tests, etc.)
- adopt rules concerning sanctions applicable to infringments
- etc...

Market Surveillance system (3)

⇒ TO REINFORCE CO-OPERATION

- ☑ *develop a consistent administrative cooperation:*
 - *general activities*
 - *exchange of information*
 - *sharing of resources*

- ☑ *develop more efficient external border controls*

Development of more effective and efficient cross-border co-operation

this could imply :

- *exchange of information on (potentially) non-compliant products*
- *enforcement actions to be taken*
- *controls at national level and across national boundaries*
- *creation of Networks*
- *e-facilities.....*

In conclusion

1. Market surveillance is an essential tool to ensure
 - High level of health, safety, environmental and consumer protection
 - a level playing field for manufacturers
2. Therefore, the national system shall :
 - ensure that only products in conformity with the relevant Community legislation may be placed on the market
 - provide for appropriate cooperation at both national and EU levels

Market Surveillance & Co-operation

THANK YOU FOR YOUR ATTENTION

FURTHER INFORMATION AT

http://europa.eu.int/comm/enterprise/newapproach/market_surveillance.htm