

RAPID ADVISE FORUM PROCEDURE

1 Introduction

1.1 Aim

Market Surveillance Authorities find themselves often in a situation in which they have to decide if a certain product conforms to the general safety requirement of a certain directive (e.g. GPSD, LVD, Toys...) and/or if a product is covered by these directives. If no standards, national legislation, recommendations or safety codes exist for this product, or if these documents do not take into consideration all safety aspects of this product, this decision will need to take into consideration the state and art of technology and/or the reasonable consumer expectations concerning safety.

In these cases it will be necessary to make a judgement call based on experience and the results of a risk analysis.

To assure a correct and non-biased result, it would be very useful if the individual market surveillance officers could get a rapid and informal first assessment and feed-back from fellow officers (from other member-states)

This assessment and feedback given by individual market surveillance officers would be based on their personal experience and expertise. Their opinion would not necessarily reflect the opinion of their member-state and will in any case never be regarded as a binding opinion of a member-state.

The member state receiving the assessment is in no way obliged to take this assessment and feedback in consideration.

It will however insure that practical use is made of the experience of MS officers in the union and that similar conclusions will be reached in similar cases.

1.2 Participants

All participants are market surveillance officers in the field of consumer and/or product safety.

For each participant the following information must be available:

- name
- organisation
- area of expertise (GPSD, LVD, PPE, Toys, ...)
- e-mail address
- phone number (fixed and/or mobile)

If possible each participating country should indicate a number of MS officers, each covering specific directives.

2. PROCEDURE

2.1. Requests for advise

2.1.1 General

Any market surveillance officer (or official of the European Commission) can introduce a request for rapid advice on a specific or general issue.

The request must be sent, by e-mail, to the secretariat of the RAF:

rapid.advice.forum@emars.eu

(jan.deconinck@freya.fed.be)

The following information must be included in the request (if possible):

- an introduction stating the nature of the request and the kind of advise requested
- a description of the product (EAN, serial number, ...)
- a picture of the product
- all necessary documentation including user manuals, test reports, ...
- an indication of the relevant directive or regulation
- an indication of the relevant standards

Brand names and information concerning the producer or distributor are not absolutely necessary. More specifically they can be omitted for reasons of confidentiality.

The requested urgency must be indicated. The request will be treated as 'normal' if no urgency is specified.

2.1.2 Language

The request must be written in the English language.

In principle all underlying information relevant to the case must be in English (e.g. test reports, user manuals).

If this is not the case, a short summary should be added, containing all necessary information in English.

If such a summary cannot be provided, a request can be made to the Secretariat to provide an English translation of the document(s). This request will not automatically be granted but will be evaluated taking into account the relevance of the case and the available funding.

Translation will in any case introduce a significant delay.

2.2 Evaluation of the request

The request will be evaluated by the Secretariat.

The case will be checked for completeness and relevance. Every case will get a consecutive number.

The secretariat will contact the person who introduced the request if the request is deemed incomplete, unclear or outside the scope of the RAForum.

If the request is deemed complete and within the scope of the RAForum, the secretariat will forward the case (by e-mail) to a number of experts, depending on the subject matter, the relevant directive and the availability of the experts.

A deadline for receiving the advices will be indicated based on the urgency of the request:
normal: after 10 working days;
urgent: after 5 working days;
very urgent : after 48 hours.

2.3 Expert Advice

Each expert will, upon receiving the case, inform the Secretariat as soon as possible (within 48hours) if he is not able to accept the case or if he cannot deliver his advice within the indicated time frame.

If no response is given, it will be assumed that the expert will be evaluating the case..

It is expected from the expert that he will give his personal and independent opinion of the case. He should not at this stage confer with his colleagues.

He can however contact the person who introduced the request to get more (detailed) information if necessary.¹

The expert can use any method he prefers to make the risk assessment.

The preferred risk analysis method is the standard RAPEX RA².

If another risk analysis method than the preferred risk analysis method is used, the expert should indicate and explain briefly the method used.

The advice is then sent back to the secretariat (in e-mail form) using the standard case reply form.³

2.4 Formulating the advice

The Secretariat will automatically forward the advices given.

When all advices for a specific case have been received by the Secretariat:

- it will collate all advices and
- if usefull and depending on the situation and the kind of advise requested, it will create a common advice (including any minority points of view if deemed necessary).

¹ The contact details (including email) of the person who introduced the request can be found on the RAF Case form.

² The preferred risk analysis method will be adapted based on the results of WP4.

³ The most recent version of the case reply form can be found on the emars-website

This collated advice (and common advice) will be sent to the original requester and all involved experts and published on the internal part of the Emars - website.

2.5 Dissemination

The information and individual advice gathered through this procedure will NOT be made public. It can however be published on a closed part of the EMARS website, not open to the general public, but only available to market surveillance officers.

No information will be published if confidentiality has been requested.

3 Additional

3.1 Choice of experts

Each national administration can nominate their competent experts for the RAForum.

The secretariat will keep a list of nominated experts, their contact details and their field of expertise.

3.2 Contribution to the EMARS Project

The time used to evaluate the cases and formulate an advice for the RAForum is considered to contribute towards the working days the participating countries need to provide to the project.

This time should be noted on the individual time sheets of the experts concerned.
