



Directorate-General for Health & Consumers

Market surveillance developments in the EU Challenges for the Future

Robert Nuij



Overview

- Stocktaking
- Focus on toys
- Findings & Recommendations
- LVD examples
- Future challenges

Stocktaking

- 2007 Summer of Recalls
 - 22 million toys containing lead and small magnets
 - But also toothpaste, pet food, tyres
- Loss of consumer confidence in global supply chains
- Review of product safety framework in EU (stocktaking)



Key findings

- Existing framework is fit for purpose
- Implementation and enforcement needs to be improved
- New Legislative Framework for goods and revision of toy safety Directive will introduce further improvements

Special focus on toys

- Evaluation of business safety measures in the toy supply chain
- Objectives:
 - Obtain a comprehensive overview of the toy supply chain;
 - Identify established practices and activities undertaken by different economic operators to ensure toy safety throughout the supply chain;
 - Identify gaps and weaknesses in the existing system for ensuring toy safety; and
 - Recommend concrete actions to improve the current situation.



Methodology

- Independent expert group with representatives from industry, retail, consumers, Member States and test laboratories
- Research and fact-finding mission in Europe and China (2 weeks)
- Over 30 organisations interviewed and visited

Key findings

- Product safety cannot be guaranteed by final product testing only but needs to be embedded in the entire development and production process
- A strong quality and safety culture are necessary to ensure continuous attention to product safety

EVALUATING BUSINESS SAFETY MEASURES

IN THE
TOY SUPPLY CHAIN

FINAL REPORT



Key findings (continued)

- Smaller actors across the chain (both in the EU and China) find it most difficult to ensure safety
- China has made significant efforts to strengthen export controls
- Member State enforcement is not always able to keep up (also towards notified bodies)

Key findings (continued)

- Traceability, recall management and understanding of applicable legislation and standards is sometimes weak
- Conclusions are also broadly applicable to other product sectors such as electrical equipment, child care articles, clothing and furniture



Main MS recommendations

- Improve compliance assistance for smaller economic operators
- Better target enforcement, especially towards smaller actors
- Improve assignment and monitoring of notified bodies for example by undertaking regular audits

Main MS recommendations (continued)

- Improve cooperation between customs and market surveillance authorities
- Improve training and knowledge of surveillance officers
- Develop national or EU-wide 'centres of excellence' to pool expertise

Examples from the LVD area

■ Luminaires

- 226 Samples (targeted)
- Administrative shortcomings:
 - Without CE marking: 26
 - No Technical File 171; – No DoC 127;
- Technical shortcomings:
 - F1 – 29%; F2 – 43%; F3 – 74%

Examples from the LVD area

■ Cord Extension Sets

- 209 samples (random)
- Administrative shortcomings:
 - 80% fail administrative requirement (DoC, technical file, CE marking)
- Technical shortcomings:
 - F1 - 25.5%; F2 - 37.0%; F3 - 23.0%

Implications

- There are still many non-compliant and unsafe products on the EU market
- Better enforcement/market surveillance is seen by many (e.g. industry, EP, consumer NGOs) as a key solution



Market surveillance challenges

- Consumer products increasingly come from 3rd countries, implying a shift from post market-entry to point-of-entry checks (e.g. main ports)
- Product safety cannot only be guaranteed by final product testing, implying a shift from product to process control (i.e. often in 3rd countries)

Market surveillance challenges

- Smaller economic operators seem to struggle most, implying a shift towards compliance assistance (for the willing) and stricter enforcement (for the unwilling)
- Political priorities and resources at MS level seem to lag behind these increasing complexities, implying a bigger gap between expectations and reality

And the future?

- Is a national focus for market surveillance sustainable in the long term?
- Are there elements that could be operated more effectively at EU level?
- Is there scope for a European Product Safety Agency?

■ Thank you for your attention

■ Any questions?

■ Any ideas?

- Disclaimer: Views expressed are those of the author and cannot be regarded in any way as representing the official position of the European Commission