



**E·MAR·S**

**Enhancing Market Surveillance  
through Best Practice**

*A PROSAFE Project*

Supported by the European Commission,  
DG-SANCO, Consumer Affairs Directorate 

## Newsletter

**Issue 6 – February/March 2008**

### A word from the Project Leader

The project is now entering its final year. Having built up some momentum in the second half of 2006 the project has gone from strength to strength during 2007. Very considerable progress has been made in the past twelve months with all the deliverables. The profile of the project continues to be raised in particular buoyed by the success of the series of events that have been held throughout the year. Other initiatives being undertaken within the framework of the communications strategy such as the website and the newsletter have also been warmly received. The work programme is on track and many tasks are in fact in advance of the original planning. There still continues to be a rationalisation of the work programme based on the experience we are having with the implementation of the deliverables. This has not resulted in any major deviation from the aims and objectives of the project and only minor deviations in the work plan. It is now foreseen that the vast majority of the deliverables will be completed before the autumn. The annual report can be accessed at our website [www.emars.eu](http://www.emars.eu).

Lastly, I would like to reiterate that the impressive progress within the project that we are able to report on in this edition of the newsletter is due in no small part to the enormous contributions we are receiving from national participants. I would accordingly like to thank all of you who have participated in the project in 2007 and we look forward to your further support and input during 2008.

Best wishes

Dirk Meijer, PROSAFE Chairman

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### Late Breaking News

#### Internal Market Goods Package

The European Commission and the European Council have reached a political agreement on a compromise text for the Internal Market Goods Package discussed elsewhere in this edition of the newsletter. The European Parliament has also voted through its own report on the original proposals. All parties will now have to discuss common texts acceptable to all parties.

#### Commission publishes draft revision of the Toy Directive

The European Commission has also just published a draft text for a revised Toy Directive. More information to follow in the next edition of the newsletter.

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<http://www.emars.eu>

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## Knowledge Base

There are now more than 300 documents in the Knowledge Base on WebEx. Peer review has begun and all the documents have been made available to the participants in the project. The availability of documents contained in the Knowledge Base has also had practical application within the work on Risk Assessment and most recently in the joint action on playground equipment. A Dutch/Belgian manual has been translated by EMARS and will form the basis of a joint action being coordinated by our Polish colleagues. Information has also now started to flow into the Knowledge Base from the other work packages, for example, from the Rapid Advice Forum. Considerable work has also been done reflecting on how to integrate the information contained in the Knowledge Base with other external sources of information. A concept of a portal or desktop companion is emerging. This would be a single point of entry not only to the information contained in the Knowledge Base but also to other information generated through the project such as the results of external sources of information maintained by other organisations such as the European Commission and ICSMS and to information concerning ongoing market surveillance activities such as joint actions

### Summary of deliverables produced in 2007

Memo on how to correct information in the Knowledge Base  
Report of meeting with ICSMS  
Questionnaire on ICSMS  
Minutes from Teleconference February 8<sup>th</sup>  
Overview of documents in Database as of 13<sup>th</sup> April  
Overview of peer reviewers and their competences  
Notes from discussions in Munich  
Summary of responses on ICSMS Questionnaire  
Questionnaire on Quality Control  
First draft summary report on best practices Quality Control  
First draft procedure for acquiring documents from WP2, WP3 and WP4

### Outlook for 2008

The following activities are foreseen for 2008: A second call for documents more focussed on reports from market surveillance activities will be made.

A number of cases have gone through the Rapid Advice Forum. The cases will be summarised in documents that will go into the Knowledge Base. Risk assessment cases from WP4 will be summarised and introduced in the Knowledge Base.

Efforts will be made to involve key experts from the ADCO groups in the peer review.

The peer review will continue with the rest of the collected documents. Based on the input from the peer reviewers and the availability and quality of the machine translation all or most of the collected non-English documents will be translated. The English documents will be introduced in the WebEx database together with the 100-word summary.

Access to the Knowledge Base will be developed and implemented on the EMARS website. Public documents will be accessible from the EMARS Web-site. Documents restricted to market surveillance officials will be accessible through WebEx. Further work will be carried out on the portal concept integrating the Knowledge Base with a means to provide access to other dynamic sources of information.

### Rapid Advice Forum

The Rapid Advice Forum is now fully operational and has dealt with 31 cases to date. Alongside the formal RAF procedure an informal procedure has been developed where e-mails are sent directly by the person making the request to a previously defined address list. This suits instances such as joint actions where there is a group of people who are well known to each other and who are working on a specific issue such as has been the case with the lighters project. The EMARS project can add value in these more informal instances by capturing the information generated by these queries in the Knowledge Base and making it available to a wider group and ensuring the experience gained is not lost over time. A number of ADCOs have shown interest in the informal procedure even to the point of adopting it for themselves and integrating the queries and responses with the EMARS Knowledge Base. The results of queries according to the formal procedure are of course fed into the Knowledge Base and EMARS also provides added value by maintaining lists of experts for different directives and different subjects. These lists can be used by the EMARS secretariat to assign formal queries to an appropriate group

of experts. Experts have been nominated to the RAF not only from countries formally participating in the EMARS project but also from countries outside the financial scheme. The PROSAFE meetings continue to provide a valuable forum for discussing dangerous products. Around 20 countries have been represented at the two PROSAFE meetings held this year in Munich and Istanbul.

#### **RAF Queries in 2007**

The RAF received 31 queries during its first year of operation. On average each of these queries received 3.8 responses. The response time on average is 3.3 days that compares very well with the deadlines stated in the procedures of 5 days for urgent cases and 10 for normal requests. The average time by which all responses to a specific query had been received was 8.8 days. Only one question has so far gone unanswered.

#### **Summary of deliverables produced in 2007**

PROSAFE meetings (Munich and Istanbul)  
Revised Overview of RAF Experts  
Documentation for PROSAFE meetings (WebEx)  
Minutes of spring PROSAFE meetings (WebEx)  
RAF Procedure to introduce requests  
RAF Case form  
RAF Case reply form  
Overview of RAF Cases  
Meetings with the GPSD Committee, the Toys ADCO, the PPE-ADCO, the LVD-ADCO and the ATEX ADCO.

#### **Outlook for 2008**

The use of the RAF as an advice forum for specific joint action projects (such as lighters) will be further encouraged. At the beginning of 2008 an evaluation group will be established. This group will be charged with examining the experience gained in the first full year of the operation of the RAF (evaluation of the results and procedures and a study of the burden imposed on the participating experts).

#### **Best Practices**

The focus of the work on best practices is of course the proposed handbook on best practices. The structure and content of the deliverable have been presented, discussed and refined at two separate workshop events

during 2007. Around 20 countries were represented at both the events. External stakeholders also participated for the first time in the second event in the autumn. The draft table of contents was finalised and responsibility for drafting the different chapters assigned to different authors. A consultation plan for the handbook has been drawn up and the first public draft for consultation is due at the beginning of 2008. EMARS is collaborating in a number of joint actions to test some of the best practices that may be included in the handbook. Work has also been undertaken with respect to developing a training strategy and on collating market surveillance plans. The UK despite not being a formal partner in the project is taking the lead in this initiative. The UK has very many years of experience of training and is making full use of new technologies in implementing its own training programmes. A draft strategy is expected at the beginning of 2008. There has been an excellent response to the request for market surveillance plans for both 2007 and for 2008. Some 20 countries have responded to the EMARS questionnaire. The results of the questionnaire point to a hive of activity at the national level with over 260 market surveillance actions planned across Europe during 2008. At the same time within the project we have been trying to examine ways to promote more joint actions and coordinated activities. A presentation of the rationale behind some of the thinking on the future direction coordinated action could take was presented to the special meeting of the GPSD in October. The PROSAFE meetings increasingly provide a venue for discussing cooperation amongst market surveillances authorities on joint actions. To facilitate the discussion further, a standing agenda point on market surveillance, joint actions and coordinated activities has been established.

#### **Joint projects**

WP3 intends to test the best practices it identifies in a series of joint projects. WP3 does not have the resources to carry out these projects in its entirety, rather it has funding to help kick-start some projects and provide the necessary resource to introduce the best practices in the projects and evaluate their effectiveness in practice. During 2006 progress has been made in forging links with three joint projects, one on lighters, one on luminaires and one on extension cords. The lighter project is aimed at ensuring the efficient application of the recent Commission regulation on lighters. EMARS has been able to play a key role in

kick-starting the project and in producing the first deliverables under the project. The luminares project and the extension cords project is being coordinated by the LVD-ADCO. EMARS has established contacts early in the process of developing the proposal for these projects.

#### **Lighters project – Deliverables during 2007**

Input to documents developed under Torben Rahbek's contract with DG SANCO.  
Application for a joint action on lighters.  
EMARS has contributed to certain strategic documents prior to the project.  
Input to contract on a joint action on lighters.  
WP3 coordination through participation in meetings.

#### **Summary of key deliverables in 2007**

Table of contents of handbook  
Presentations from workshop  
Work plan for drafting best practice handbook  
Final report on Market Surveillance Best Practice  
Report on market surveillance plans for 2007.  
Presentation on handbook and WP3 to ICPHSO/ICPSC in February  
Memo PROSAFE Working Group: Close cooperation between (neighbouring) member states  
Application lighters project May 2007  
Start up meeting lighters project in September 2007  
Meeting with TSI (UK) on training for market surveillance officers in July that initiated work on a strategy document  
Proposal for a strategy delivered in September 2007  
Note on joint actions related to toys  
Start up meeting Playground equipment project mid-October 2007 (Poland)  
Workshop in Brussels end October 2007  
Questionnaire on market surveillance plans 2008  
Overview of annual plans 2008  
Dissemination of chapters 4, 5, 6 and 7 to participants; asking for comments on structure and principles (mid-November) Version xxx  
Presentation of parts of the Book and discussion on market surveillance plans in PROSAFE/ICPSC meeting in Istanbul end. Version xxy November 2007.

#### **Outlook for 2008**

WP3 has elaborated a detailed timetable concerning the preparation and final delivery of

the Book. It will form the basis for WP3's work in 2008. This foresees the launch of a major consultation on the draft book at the beginning of 2008 with a deadline of April the 1st. During the period for consultation, that will run over February and March, some actions will be done by WP3 members on the finishing of the Book and they will consist in the simplification of the text, the addition of line diagrams, decision trees, pictures, charts, harmonisation of the text, etc... in order to have a Book that is easily readable and reader-friendly. A second consultation would be held at the beginning of May with the intention to have the text finalised by the end of June.

A revised strategy including a training programme will be presented early 2008. In this revised version WP3 will take into account comments from the Commission. WP3 will also look into the existing training programme in the food sector in order to take advantage of experiences and lessons learned. Initially it is anticipated that a training programme should consist of an e-learning part, workshops and exchange of officers in relation to practical market surveillance projects.

A meeting on market surveillance plans is planned for February. The aim of the workshop should be to come to an integral list of possible joint actions for 2008. A report from this work will be presented mid 2008 with recommendations for future work on this issue.

#### **Risk Assessment**

A first draft has been developed for what will now be a risk assessment component of the overall best practice handbook. This was presented at a workshop held in December in conjunction with the IRAG workshop presenting the European Commission's revised risk assessment guidelines that are now out for consultation. The work within EMARS has been coordinated all along with IRAG and there have now been some nine test cases carried out within EMARS evaluating the draft revised Rapex guidelines. The group in EMARS has also been directly responsible for contributing new reporting methods and defining the injury scenario approach adopted in the revised risk assessment guidelines.

EMARS held a half-day workshop on risk assessment on 11th December. Thirty-three experts from fourteen countries were in attendance. The workshop focussed on the draft chapter on risk assessment that has been

prepared within WP4 for the best practice Book and marked the kick-off of the consultation process on the draft chapter. The purpose was to discuss if the approach presented in the book really is to be considered as the best practice in risk assessment. The participants were presented with an overview of the chapter and asked for comments. Several participants pointed to the need for a number of model risk assessments that can be easily accessed and used by Member State authorities in their daily work for assessing the risk in real cases. Furthermore the participants provided the work package members with several ideas for products that could be assessed in 2008. WP4 will take both these issues on board in their further work when the team meets again in March to consider comments and to work on further test cases.

#### **Summary of key deliverables in 2007**

Draft table of contents  
Draft introduction to risk assessment chapter in the handbook  
Report of candles test case  
Report of folding chair test case  
Report of luggage strap test case  
Report for socket protectors test case  
Report for magnetic toys test case  
Report for pyrotechnical fire extinguisher ball test case  
Procedures  
Progress report, first quarter 2007  
WP4 Handbook v0.5  
WP4 Handbook v0.6  
WP4 Handbook v0.8  
Progress report WP4 2007 Q3  
WP4 Handbook v1\_0  
WP4 Handbook v1\_1  
WP4 Handbook v1\_3  
Invitation and agenda for workshop 12 December  
Note from workshop 12 December

The EMARS workshop was held on the day after a Commission workshop held by WG IRAG (the Working Group on Improvement of Risk Assessment Guidelines). EMARS has coordinated its activities with this Commission initiative and has made substantial contribution; for example dealing with reporting and scenario-based analysis that has been adopted by IRAG. A period of formal consultation on the IRAG work was launched at their workshop. More information from the Commission website at [http://ec.europa.eu/consumers/safety/news/index\\_en.htm](http://ec.europa.eu/consumers/safety/news/index_en.htm)

#### **Outlook for 2008**

WP4 will continue to analyse test cases and to produce the contents of the handbook in cooperation with WP3. A common workshop will be held in which the complete draft handbook including the risk assessment chapter will be presented to a larger audience.

#### **Strategy document**

Work on the Strategy document has begun in advance of the schedule laid down in the work programme. Presentations of the first thoughts about the orientation of the strategy have been made to the EMARS workshop and to the PROSAFE meeting in the autumn. A draft strategy will be produced at the beginning of 2008 and then consulted on in a variety of fora before hopefully being formally adopted at a workshop in Paris on the 11<sup>th</sup> of July.

#### **Coordination of the project**

The management team meet in person or by teleconference most weeks to oversee the project. The agendas of the meetings and decision lists are shared with the core group to ensure complete transparency of the management of the project. This also helps to ensure the flow of information between work packages. We have seen a number of initiatives between the different work packages this year. These include the flow of information into the Knowledge Base and information contained in the Knowledge Base being used by the work packages and in external initiatives. The decision has also been taken to coordinate the deliverables from WP4 and WP3 and combine them into one document. The secretariat has also conducted a major strategic review of the work programme to help more objectively assess the progress that the project has made. This exercise will be repeated again early in 2008 and mid-way through the year.

#### **Summary of key deliverables in 2007**

Memo on national contributions  
Memo on joint testing and regulatory cooperation  
Presentation and first outline of strategy document  
Memo on structure and content of workshops and final conference  
Strategic Review of the work programme  
Presentations to and start work with relevant ADCOs, ICPSC

The secretariat has also been using an online survey tool to formally evaluate the workshop and PROSAFE meeting held in the autumn in order to help plan future events. The secretariat continues to seek to ensure that national contributions to the project are adequately recorded. In addition the secretariat continues to be successful in encouraging active participation from countries not included in the financial scheme. Countries outside the financial scheme have taken on some very responsible tasks including taking the lead on the development of the training strategy and organising EMARS workshops.

### **Outlook for 2008**

The secretariat will continue to contribute to the execution of the project and to coordinate the activities of the different work packages and the contributions of the participating countries. The secretariat will continue to attempt to reach out to more countries outside the financial scheme to encourage them to participate actively in the project. The secretariat will prepare the strategy document (including proposal for implementation) and facilitate the discussion on the content of this document. The secretariat will also support the preparation, management and follow up of the PROSAFE meetings, spring workshop and the final conference. The continuation of housing the secretariat at the end of project will be discussed with EFTA in order to have these facilities available at least until the end of 2009 in the framework of the lighters project. An inventory of the final results of the project is to be drafted.

### **Dissemination**

The various initiatives foreseen under the communications strategy have been implemented. The website has expanded to reflect the activities being undertaken within the project. There are pages providing information on the different deliverables, providing news from the project and further information about events held within the framework of the project. The website is ranked in the top three in Google for a search on "emars" and has received over 14,000 page requests (over 74,000 "hits"). There have now been five issues of the newsletter with almost 3,000 downloads from the EMARS website. The annual report and other useful documentation can also be downloaded from the website. The Who's who is also available on the website and many country profiles have been downloaded between 200 and 300 times.

Outreach to both regulatory authorities for example the ADCOs, ICSMS, the ICPSC and the GPSD regulatory committees and for the first time to the Baltic Sea Cooperation has occurred. Outreach to other interested stakeholders has also continued throughout the year culminating in external non-governmental stakeholders participating for the first time in EMARS at the autumn Workshop. Stakeholders representing consumers and business expressed their strong support for the aims and objectives of the EMARS project. Information about EMARS has featured in third party publications and the European Commission referred to EMARS in the report of their stocktaking exercise on Toy Safety. The profile of the project has thus been effectively maintained and coordination with third parties ensured to the greatest extent possible.

### **Summary of deliverables produced in 2007**

Review of Communications Plan  
Spring and Autumn Workshop  
Second to fifth editions of the newsletter  
Who's who  
Additional website content  
Presentations to external stakeholders

### **Outlook for 2008**

The secretariat will complete the review of the communications strategy and continue to implement the strategy. A number of further presentations are planned to ADCOs and other regulatory committees. The secretariat will follow up the different meetings planned with external stakeholders. A further four editions of the newsletter are planned in 2008. The secretariat will pursue those countries that have not yet contributed their national profiles to the Who's who.

### **Forthcoming meetings**

#### **March**

4<sup>th</sup> PROSAFE Chairman's Group, Riga

#### **May**

21st – 22nd PROSAFE Spring Meeting, Tallinn, Estonia

22nd – 23rd EMARS Spring Workshop, Tallinn, Estonia

#### **July**

11<sup>th</sup> EMARS Strategy Workshop, Paris

#### **November**

20<sup>th</sup> EMARS Final Conference

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## A word from the PROSAFE Chairman

The impact of the project will not only be measured in the satisfactory completion of the deliverables but also as to whether EMARS delivers a step change in the climate for cooperation amongst the national authorities. We can already point to a number of manifestations of such an improved culture both within the development of the deliverables and outside the immediate scope of the project. The calls for market surveillance plans have for example met with a tremendous response with over 20 countries responding and identifying over 250 market surveillance programmes in 2007 and over 260 in 2008. PROSAFE has also been able to coordinate 15 member states in a novel approach to a joint action which sees PROSAFE acting on behalf of the member states and being the contracting party with the European Commission. This pioneering approach perhaps provides a glimpse of what the future holds. PROSAFE also presented some of the thinking behind the future promotion of joint actions and coordinated activities at the special meeting of the GPSD committee in October. Lastly, PROSAFE has also been able to play an important role in garnering a huge response to the Commission's request for exchange of officials. Some 19 exchanges will now take place during 2008.

Best Wishes

Jan Deconinck

## Internal Market Package

The European Commission launched a major review of the New Approach back in 2005. Following the extensive consultation exercise, a package of proposals was published at the beginning of this year. The Internal Market Package for Goods seeks to boost the intra-community trade in industrial goods whilst promoting controls to ensure only safe goods circulate in the Internal Market.

The testing, certification and inspection bodies who are involved in product checking will be subject to more stringent controls in the form of accreditation, to ensure that there is a level playing field both for manufacturers and for the bodies themselves. New rules are also proposed to enhance confidence and trust in the CE marking

The Commission proposes two complementary measures, a Regulation and a Decision. The

Regulation introduces strengthened rules on market surveillance to protect citizens from unsafe products, including imports into the Community coming from outside the Union. The objective is also to enhance confidence in conformity assessments of products by strengthening the role of accreditation for conformity assessment bodies.

The Decision sets out a common legal framework for industrial products, which will work as a toolbox for future sectoral legislation, to create coherent, simple common definitions and procedures for the marketing of industrial products. It also clarifies the role and meaning of the CE marking and gives the marking the protection it deserves.

Some issues which will be subject to inter-institutional discussions include the scope (consumer products are excluded from the scope of the proposed regulation), the proposed decision to provide for a single accreditation body, and market surveillance especially in relation to the General Product Safety Directive 2001/95/EC.

Different committees within the European Parliament are preparing their opinions at present. The European Council has also been examining the proposals in a working group. At present there is a move towards including the GPSD and other existing sectoral Directives in the new framework for market surveillance that will be established by the proposals.

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