

Best Practices in Market Surveillance, Work Package 3 Report of Workshop March 22nd in London

Note

All presentations can be accessed on the web at emars.eu.

OPENING

Opening address by *Noel Hunter*

Noel Hunter welcomed participants to the workshop. Noel stressed that the project is a very significant development in the history of Prosafe. The UK was very happy to host the workshop even though they were not a formal member of the project as such. Noel went on to say that there is pressure on national administrations for efficiency in effect to do more with less. The best practice methodology is also rapidly changing and there is an urgency to modernise. There is perhaps less specialisation a more generic approach with a greater use of IT tools and desktop analysis. Inspectors are more informed before they go out to enforce and there are different methods of intervention e.g. business self-assessment.

The challenge for the handbook will be that we need a state of the art document that reflects current and emerging practice. Otherwise it will not be used. If it is seen as being state of the art then it will be really useful. International collaboration needs to be an imperative project that offers a more efficient agenda and also wins the confidence of other stakeholders for what we are doing in the project.

The project also represents an important opportunity to demonstrate Prosafe's worth and help provide a sustainable future for the organisation. We need coordinated market surveillance to make the single market work.

Introduction to the EMARS project, Work package 3 and the idea behind the workshop by *Gunnar Wold* (PowerPoint presentation available on the web)

Gunnar presented the main aims and objectives of the EMARS project. The main deliverables of WP3 are

- Identification of joint market surveillance projects to help identify together best practices in market surveillance.
- Report on Market Surveillance "best" practice
- Formulation of a *Handbook on Best Practice Techniques in Market Surveillance*
- Identification of training needs and recommendations on how training programmes may be organized for market surveillance inspectors, including specific use of screening equipment needed.

The progress to date includes

- Secretariat for the whole project has been established by June 2006, EFTA, Brussels. Preparative work comprehensive, completed by end 2006.
- Specific WP3 questionnaire was distributed amongst all PROSAFE members. Information analyzed. Experiences to be included in the draft handbook. Draft analysis presented in Brussels end Nov. 2006
- Draft inventory of handbook developed by end January 2007.
- Identification & Coordination with two joint projects for 2007:
 - The Cord-Extension Sets Project by the LVD-ADCO

- The Cigarette-lighters Project by the GPSD Committee

He also explained the purpose of the workshop.

- Preparatory work is completed, and it is time to involve all participants in further work in order to achieve objectives and to be able to deliver as planned
- Present market surveillance plans and discuss possible cross border market surveillance activities
- Be acquainted with the draft inventory of handbook in order to give comments to the content and possibly utilize the information in relation with market surveillance activities
- Identification and discussion of basic and common training needs and best practices for market surveillance officers involved in various consumer product sectors.
- Presentation of ongoing market surveillance projects and coordination with EMARS WP 3.

Gunnar went on to outline the opportunities to participate in the future in the development of the best practices handbook. These include

2007

- Further coordination and sharing of experiences with the GPSD NETWORK and ADCO Groups, in particular, LVD-ADCO, TOY-ADCO and PPE-ADCO.
 - Through possible joint projects in 2007 and/or
 - Through cross-feedback/interaction at Member State level.
 - Comments / suggestions on the Guide to Best Practice in market surveillance

2008

- A high participation level in the Spring Workshop which will launch the first draft of the Guide.
- Active feedback within stipulated time-frame so as to finalise the Guide on time
- Participation in Final Conference in autumn 2008 – Launching of the Guide.

Remarks from the European Commission, *Robert Nuij* DG Sanco

Robert Nuij reiterated that EMARS is an important project not just in terms of the funding but also because the project could help to establish the terms for market surveillance in Europe in the future. Member states have to co-operate on market surveillance – more and more products come from outside the EU. Coordination should be the only way forward. The project means to move the issue forward and make positive contribution. The knowledge base and the rapid advice forum (RAF) could be permanent features of the market surveillance infrastructure in future. The project functions as a bit of a make or break point for what can be achieved in market surveillance. A successful project can be a pre-cursor to something more permanent in the long term. An unsuccessful or less successful project will hamper future developments. The message is that success is wanted.

Robert went on to inform the workshop that there is a new commissioner for consumer policy in place since the beginning of year. In contrast to previous commissioners her sole focus is consumer policy thereby increasing the profile of the negative issues including product safety. There will for example be a major press launch of the Rapex report for 2006.

PROGRESSES FROM WORK PACKAGE 3

Analysis of the results from the questionnaires by *Fabio Gargantini*

Fabio presented the analysis of the results of the questionnaire on market surveillance practices. He presented information relating to

- Who responded to the questionnaire
- Where to find the results online on the EMARS web-site
- Some general information that had been extracted from the results
- Information specifically related to
 - Inspectors
 - Market surveillance programs
 - Market surveillance processes

He then went on to identify some issues for discussion based on the analysis of the questionnaires. These include

- Common rules for initial training of inspectors
- Harmonise on-going training
- ISO 9001 management tool for bodies and programs
- “Tool box” (with rulers, calipers, multimeter, etc.) based on the specific directive/need.
- Guide on Risk Assessment
- Definition and training on Risk Assessment criteria
- A common approach to Risk Communication
- Use of internet for training of inspectors, MS programs, Risk Communication, exchange of info and data

Lastly he outlined the role of EMARS and encouraged participants to actively engage in the process. The discussion following Gunnar’s presentation stressed the need for a comprehensive consultation plan on the drafting of the handbook. A draft work plan has been drawn up and is to be revised in light of this discussion. It was also felt that there needed to be a clearer view of the use of the handbook once it was completed. Obviously member states had different needs depending on their own infrastructures and the resources available to them. It would be useful to help focus the drafting of the handbook and let people understand how they can use the handbook once it is completed if there was a memo on this. The secretariat undertook to start drafting such a memo and to have this consulted on within WP3.

Overview of the contents of the handbook by *Noel Toledo*

Noel started his presentation with an overview of the participation by different countries in the EMARS project and related joint actions. In effect all EEA member states and Turkey are involved in one way or another with the exception of Liechtenstein. He then went on to present the table of contents for the handbook. The table of contents is annexed to this report. Noel also outlined the agenda for the rest of the day. He identified the following success factors for the completion of the handbook.

- We need your input in this workshop
 - to further consolidate the handbook contents
 - to possibly identify missing areas that need to be inserted
 - to further fine-tune the overall structure
- Further Identification of strengths in best practice techniques amongst participating countries
- More active participation throughout the months to come . . .

- TOGETHER WE SHALL SUCCEED !!!

TRAINING SYSTEMS FOR MARKET SURVEILLANCE AUTHORITIES

Training systems in the UK by *Ron Gainsford*

Ron Gainsford from the UK Trading Standards Institute presented a brief overview of the trading standards set-up in the UK before going on to present the major training initiatives his institute carries out. Again although the UK is not a participant in the financial scheme of the project he was delighted to be able to share with the workshop the considerable efforts the UK makes in training that can feed into the discussion of best practices within WP3. There are some 3100 TSOs in the UK. The institute has an long established training framework that currently looks like this

- Trading Standards Qualification and Competency Framework
- Flexible, structured approach to learning
- Skills based
 - Portfolio of Evidence
- Knowledge
 - Examinations
 - Practical assessments
- Dissertation Project report

Ron went on to outline in detail the elements of the training and the objectives the training sought to achieve. He then went on to present the online web learning management system (Desk Companion e-learning management system) and showed a training video from the website. Lastly he showed the recruitment site that the trading standards institute operates to promote the career of a TSO www.tscareers.org.uk.

It was clear from the presentation that the UK has considerable experience in training and is making innovative use of new technologies. The discussion following Ron's informative presentation focussed on how to distil a European wide component from national training. That is to say to determine whether there was enough material of European wide relevance that could justify a European level training programme. Obviously matters of organisation, national law and procedures would not translate to the European stage. It was felt however that there are a core number of important topics that would benefit from a harmonised approach across Europe leading to more consistent market surveillance across different member states. Another issue that was raised during the discussion was how to track and coordinate imported products. This raised the question of whether customs officials were trained in the UK by TSI. Ron explained that this was not the case at present but that TSI would be very willing to take this on. Ron was also asked about the cost of the training and explained that although they had effectively deconstructed their previous training framework to make better use of IT tools the training remained affordable. There would of course obviously be economies of scale if there was to be any European level training.

CROSS-BORDER SURVEILLANCE ACTIONS

Joint actions on cigarette lighters by *Torben Rahbek*

Torben presented the progress that has been made with the cigarette lighters project. The main links to WP3 are contained in the opportunity that the joint action provides for observing the best practices that are applied by member states during the project for example in relation to

- Sampling techniques, inspection techniques, screening tests, etc.
- Member States can use handbook (and knowledge base)

The experience gained with these best practices can then be collected by WP3 and can contribute to the drafting of the best practices handbook.

Some of the best practices that we expect to observe are related to

- Common, ambitious objectives
- Coordinated sampling plans
- Involvement of industry
- The coordination in itself
- Cooperation between Member States and market surveillance – customs and Commission

The project has already encountered a number of major challenges

- To find an applicant country
- Coordinated approach vs. Member States own procedures – what to coordinate
- Global products – few entry points
- Differences in legislation
- - and approach

Considerable progress however is being made to overcome these challenges and to produce a successful joint action.

LVD ADCO joint actions on Luminaires by Jan Willem Weijland and on multiple outlet extension cords by *Georg Hilpert*

Georg Hilpert and Jan-Willem Weijland presented two joint actions that were or are undertaken in the framework of the LVD-ADCO. These are the luminaires (2006) (presented by Jan-Willem Weijland and the multiple outlet extension cords (2007) by Georg Hilpert, who is presently chairman of the LVD-ADCO group.

The luminaires project was the first large scale joint project for the LVD with 15 participants. A number of criteria were established for the project these included

- Tests should be easy to perform and cheap
- Tests should concern safety relevant requirements
- All participants responsible for their own tests

14 of the 15 participants submitted results. In total, circa 225 luminaries were investigated and 160 were not in compliance with the requirements.

A number of preliminary lessons and observations have been drawn from the project.

- Working methods of authorities differ considerably – this makes it hard to:
 - Establish random sampling
 - Sample and inspect EU-importers and manufacturers
 - Establish definite time frames for sampling, inspecting and testing
- Information exchange systems to facilitate joint MS leaves much to be desired
 - In practice, hardly any use was made of the possibility to check which samples were taken by other authorities
- Variations in weighing the seriousness of specific shortcomings
- Lack of dedicated human resources for development, management and reporting is a problem

An evaluation questionnaire has now been sent out to participants.

The extension cords project features 21 participants and has recently started. Extension cords have been targeted as they are inexpensive products which are often not in compliance with

requirements and many present a fire hazard or a risk of electric shock. Different plug and socket system complicate the situation a little with respect to harmonizing test procedures. Again it was difficult to find an applicant country, but a solution was found when the Netherlands agreed to take on this task.

Georg identified a number of best practices that could be examined in greater detail.

- Sampling and inspection at EU importers and manufacturers?
- Time framing?
- Use of Common Labs for all tests?
- Round robin testing?
- Uniformity in measures taken?
- Uniform reporting?

He advanced the thesis that

- When developed, cross border market surveillance allows more and better surveillance for the same price
- Cross Border surveillance should concentrate on first EU importers and manufacturers to be efficient (everyone taking responsibility for their designated area)
- A professional body is needed to organize and manage cross border projects

Plans are already afoot for more joint actions in 2008 concerning Christmas lights and residual current devices.

Lessons from other Enforcement Collaboration and Joint Testing *Bruce J. Farquhar*

Bruce presented the results of some preliminary research he had carried out on joint testing by the consumer associations. He also indicated that he will in future examine other regulatory co-operations to try to identify best practice relevant for the EMARS project. This will include FLEP – Food Law Enforcement Practitioners, ICPEN - International Consumer Protection and Enforcement Network, European Food Safety Authority and the recently inaugurated Consumer Protection Cooperation.

The consumer associations have a long-standing co-operation in comparative testing dating back to the early seventies. Today they carry out around 150 joint tests, of which the results of around 40 are published in more than 15 countries around the world. These tests involve 3500 different models being tested in 65 different laboratories at a total cost of €3.5 million a year.

The consumer associations co-operate for two main reasons. They are able to achieve considerable costs-savings through their co-operation. Had they carried out the tests themselves they would have saved between 65-70% of the costs and avoided a conflict of analysis about the same products which could be used to against them by a manufacturer who might choose to sue them; disputing the findings of their tests. It is also acknowledged that there is a useful sharing of expertise and experience through the joint testing.

The joint tests are coordinated by a central body International Consumer Research and Testing (ICRT). ICRT is a international consortium of consumer organisations that carry out joint research and testing. Its mission is to empower consumer organisations to do research and testing in a cost efficient manner. Its members are the principal magazine publishing consumer organisations around the world including ‘Which’ in the UK, the ‘Consumentenbond’ in the Netherlands, ‘Test Achats/Verbruikers Unie’ in Belgium, ‘Stiftung Warentest’ in Germany and ‘Consumers Union’ in the USA.

- The aims of ICRT are to increase the cost effectiveness of testing and research
- Develop common test programmes and evaluation methods
- To avoid publication of contradictory reports on the same product
- To provide a legal framework for joint testing with established rules and guidelines

It does this through

- Establishing rules for collaboration
- Coordination of the planning
- Arbitrage in case of conflict
- Run a database for exchange of information
- Establish staff contact lists
- Organise and chair meetings
- Contracts with laboratories
- Cost sharing and invoicing

The joint test are organised in the following manner

- Planning
- Choice of a supervising project officer and market research supervisor
- Project officers meeting
- Joint test programme
- Laboratory tender
- Evaluation meeting
- Data checking with manufacturers
- Publication

Organizations remain responsible for their publication and they can put the emphasis on different aspects in the publication. Although the core test programme is the same, individual organizations can have additional test criteria and their evaluation can be different. This last point is perhaps not as relevant for safety as performance but does reflect the principle that national circumstances may vary. The money for ICRT comes from a membership levy.

Finally Bruce identified the following issues for EMARS

- There have to be advantages also for enforcement agencies to collaborate on testing
 - Cost savings
 - Harmonised test programmes
 - Harmonised risk assessment and analysis
 - Pooling of expertise and experience

But there remained a number of issues to resolve. For example pro-active versus re-active testing

- How much do authorities plan ahead?
- Can they co-operate on emerging hazards and complaints?
- How would these be identified?
- Does EMARS have a role?
- Does ICSMS have a role?

Some authorities also claim they cannot use tests from abroad for legal reasons

- Are the cost savings from joint testing enough to use them as a screening test?

- Would authorities be able to only repeat tests on failures and where allowed charge the tests to industry?

Market surveillance plans for 2007 – observations by *Jan-Willem Weijland*

Jan-Willem Weijland presented the result of the survey on market surveillance plans for 2007. 16 countries responded to the survey. The plans related to 2007 the planning for 2008 not yet being completed. Approximately 200 market surveillance plans were identified concerning some 126 different product categories.

Jan-Willem drew a number of preliminary conclusions from the analysis of the data.

- European MS covers a wide variety of subjects, but activities are generally isolated to a single member state.
- Few product categories and surveillance actions run parallel in more than two or three member states
- Those that do are centrally initiated by ADCO (extension cords), Prosafe or/and the Commission (Mini bikes, lighters)
- Plans run for 2007; 2008 still unspecified
- Cross border cooperation needs long term planning; for the 2007 projects not much time is left to benefit from cooperation.

He then posed a number of questions that it would be useful to consider during the further work in this field

- Is this list useful and should it be compiled annually? (asking for projects for the next 3 years)
- Have other member states experience with specific subjects, that could be shared? Is that useful?
- Which subjects are suitable for coordination?
- Which subjects are suitable for joint action?
- Would it be useful to compile the results of all these activities annually?
- Is this fragmentation a problem or is it good?
 - E.g. ‘wide coverage of subjects’ contrary to ‘lack of focus’
- Is there a need for permanent ‘standing committee on market surveillance’ that takes initiatives for joint actions? (Prosafe?)
- Relationship with ADCOs?

A discussion period ensued on the issue of joint actions. One issue that was raised concerning the apparent lack of overlap in market surveillance plans was whether it would be instructive to look at the plans over a longer period of time, say the past five years. Perhaps the apparent lack of overlap was more a function of the lack of any meaningful coordination to date and did not really reflect substantially different priorities amongst the member states.

RISK ASSESSMENT AND RISK COMMUNICATION

Introduction to risk assessment (in the field) by *Torben Rahbek*

Torben’s presentation had as its theme “How do you decide whether a given product is dangerous during a screening test ? - or if you should investigate a complaint further?”

He presented some ideas around different directives and the GPSD itself. Some questions he raised were

- What tools are needed in the Member States?

- When do you do such risk assessment in the field?
- What is particularly difficult?

Introduction to risk communication (follow-up activities) by *Fabio Gargantini*

Fabio presented an outline of different elements of the risk communication process. He also discussed the relationship between non-conformities and risk communication. He discussed the different tools available to authorities e.g. Rapex, direct mail, newspapers and media, notices in shops etc. Questions he raised for discussion related to

- How to decide which is the better procedure to be followed ?
- Is there a unique procedure valid for all products/sectors?
- Or should we apply different methods?
- Which are the authorities to be involved?
- Which stakeholder needs to be reached?
- Which is the best communication tool?
- Only one tool or one for each target group?
- Or the communication tools have to be mixed?
- When to foresee an awareness campaign?

There was a good discussion after this session. Some of it centered on the terminology used risk assessment versus risk management for example. It was clear that there needs to be a harmonised vocabulary concerning these issues. There was some discussion around the need for tools to grade non-compliance to help decide what action was proportionate to the risk presented. A suggestion was made to examine the risk assessment work in the food safety field. The view was also expressed that there needed to be an on-going systematic exchange of information for example, of decisions taken by advisory committees and that this information had to be communicated to business and consumers.

CONCLUSION

There was obviously an enormous amount of useful material presented during the workshop and that resulted from the often lively discussion during the day. Although one of the principle aims of the day was to educate participants about the developments in the project to date, and we are only starting the consultation process on the drafting of the best practice handbook, there was already a lot of positive contributions during the workshop. The issues raised will now be examined further during the coming months. Participants were given until 13th of April to comment on the draft table of contents of the handbook. A comprehensive work plan is under consideration and will be finalised in the spring. There will be specific outreach to stakeholders and participants in the project will be encouraged to contribute actively over the summer. The next event will probably be a two-day workshop in the autumn when the draft handbook can be presented. It is then foreseen to have another workshop in the spring of 2008 to further finalise the handbook before it is formally presented together with the other deliverables of the project in the autumn of 2008.

CLOSING OF WORKSHOP

In bringing the meeting to a close Noel Hunter said he was very encouraged by the day's proceedings. There was a positive reaction to the progress made in the project. He emphasised consultation as one important element for the success of the project. It would be vital in his opinion to engage the key players, who through their buy-in will support the project. He also emphasised the need for a generic approach in the drafting of the handbook to ensure the widest possible application of its contents and its relevance to the largest number of countries possible. This does not mean that it has to be wishy-washy or too bland but rather that it

should strive for an appropriate level of detail that is widely applicable. It was also important to be politically wise about the future not over-ambitious but allowing for the widest possible buy-in and hence support for the results of the project and the actions proposed for the future. More detailed information can lie behind the handbook and it is best not to address controversial issues too forthrightly. The project has to generate respect for our efforts hence the considerable importance that is attached to consultation. He also found the collaborative model of the consumer organisations very interesting. The 65-70% savings generated through the collaboration could be a killer fact that could help promote such a model. Lastly, he also identified the need to see other member states such as France and Spain more actively engaged in the project. Noel then brought the meeting to a close thanking the speakers, all the participants, the Commission for their support and TSI and the City of London for the splendid meeting facilities.

Annex agenda of the meeting

Best Practices in Market Surveillance, Work Package 3 Workshop March 22nd in London*

Agenda

8:30 REGISTRATION AND COFFEE

9:00 OPENING

Opening address by *Noel Hunter*

Introduction to the EMARS project, Work package 3 and the idea behind the workshop by *Gunnar Wold*

Remarks from the European Commission, *Robert Nuij* DG Sanco

9:30 PROGRESSES FROM WORK PACKAGE 3

Analysis of the results from the questionnaires by *Fabio Gargantini*

Overview of the contents of the handbook by *Noel Toledo*

Request for input from workshop by *Noel Toledo*

10:30 COFFEE BREAK

10:45 TRAINING SYSTEMS FOR MARKET SURVEILLANCE AUTHORITIES

Training systems in the UK by *Ron Gainsford*

Discussion

(experience from other Member States, comments and input to handbook)

11:45 CROSS-BORDER SURVEILLANCE ACTIONS

Joint actions on cigarette lighters by *Torben Rahbek*

Joint action on cord extension sets by *Jan-Willem Weijland*

Market surveillance plans for 2007 – observations by *Jan-Willem Weijland*

Lessons from other Enforcement Collaboration and Joint Testing *Bruce J. Farquhar*

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- 12:30 LUNCH**
(A sandwich lunch will be served on the premises.)
- 13:30 CROSS-BORDER SURVEILLANCE ACTIONS (continued)**
Discussion
(experience from cross-border surveillance actions, problems, benefits, observations and reflections from current projects, comments and input to handbook)
- 14:00 RISK ASSESSMENT AND RISK COMMUNICATION**
Introduction to risk assessment (in the field) by *Torben Rahbek*
Introduction to risk communication (follow-up activities) by *Fabio Gargantini*
- 14:45 COFFEE BREAK**
- 15:00 RISK ASSESSMENT AND RISK COMMUNICATION (continued)**
Discussion
(practices in Member States, screening risk assessment, risk assessment “at the desk top, follow-up, general information to the public, comments and input to handbook)
- 15:45 CONCLUSION**
Discussion on possible joint projects in 2007 by *Gunnar Wold*
Conclusions from the day, reflection on the draft handbook index and further actions by *Gunnar Wold*
- 16:15 CLOSING OF WORKSHOP**

HANDBOOK ON BEST PRACTICE TECHNIQUES IN MARKET SURVEILLANCE

DRAFT TABLE OF CONTENTS*

Forward

PART A : INTRODUCTION

1. AIM AND SCOPE OF THE HANDBOOK
2. THE EC LEGISLATIVE BASES FOR MARKET SURVEILLANCE
 - 2.1. The Free movement of goods, the Cassis De Dijon Principle
 - 2.2. The Structure of Product Directives, the Old Approach, the Global & New Approach and the module decisions, Notified Bodies
 - 2.3. The Principles of CE Marking
 - 2.4. Definition of Market Surveillance & linkage to voluntary standards (*explaining as well the importance of risk management, risk assessment and risk communication*).
 - 2.5. Market surveillance as covered by the New Approach revision: modifications, enhancements, consequences
3. THE POLICY BEHIND MARKET SURVEILLANCE – Importance Of Product Safety Within The Single Market.

PART B : RISK MANAGEMENT

4. THE ORGANISATIONAL STRUCTURE
 - 4.1. **Identification of basic infrastructure required**
 - 4.1.1. Legislative infrastructure
 - 4.1.2. Analysis of how market surveillance is done in other Member States
 - 4.1.3. Identifying the key-players
 - 4.1.4. Adopting a national market surveillance structure
 - 4.1.5. Effective information systems
 - 4.1.6. Importance of standard operating procedures
 - 4.1.7. Linkage with Customs
 - 4.2. **Identification of basic financial resources**
 - 4.2.1. Analysis of requirements needed
 - 4.2.2. Basic Testing capabilities
 - 4.2.3. Additional Basic Infrastructural needs
 - 4.3. **Identification of basic human resources**
 - 4.3.1. Human resources and competences needed
 - 4.3.2. Basic Educational Requirements for market surveillance inspectors
 - 4.3.3. Training Requirements for market surveillance inspectors
 - 4.3.4. On-going training and importance of cross-sharing of information/expertise

* as presented at the workshop. Subsequent revised versions will be available on Webex and www.emars.eu

4.4. Importance of Coordination, Review and Assessment

- 4.4.1. Coordination and effective linkage with all key-players
- 4.4.2. Importance of periodic reviewing and assessment

5. MARKET SURVEILLANCE ACTIVITIES - THE PLANNING STAGE

5.1. Background for market surveillance plans / programmes (including identification of hazardous products or group of hazardous products) by means of:

- 5.1.1. Accident reports
- 5.1.2. Reports from consumers or media
- 5.1.3. Reports from manufacturers, importers or retailers.
- 5.1.4. RAPEX notifications or other information systems
- 5.1.5. Basic Risk Identification

5.2. Identification of financial resources required for a specific project

- 5.2.1. Basic financial requirements for a project and how to minimise costs
- 5.2.2. Financial considerations on sampling and testing
- 5.2.3. Additional financial considerations

5.3. Identification of human resources required for the project

- 5.3.1. Particular human resources and competences needed
- 5.3.2. Particular educational requirements for market surveillance inspectors

5.4. Preparations for monitoring the performance of the implementation phase

- 5.4.1. Preparation of market surveillance inspections - overview over “clients “ to be inspected.
- 5.4.2. Preparation of presentation to clients
- 5.4.3. Information if wanted (by direct mail, web-site etc).
- 5.4.4. Preparation of product specifications
- 5.4.5. Preparation of check lists-DOC, visual observations and product description
- 5.4.6. Reference list to standards
- 5.4.7. Procedures for testing on spot; CE-mark, squeezing, cutting, small parts, electrical shock, strings etc.
- 5.4.8. Procedures for reporting possible findings to clients and further investigations, reactions and follow up.
- 5.4.9. Procedures for sampling and further testing including:.

5.5. Project plan setup

- 5.5.1. Project description including mandate, scope and objectives. Definition of Standards to be applied for the checks/tests
- 5.5.2. Description of main project principles (conformity check, check on the spot, test labs etc.)
- 5.5.3. Project organisation: Description of responsibilities and tasks for involved personnel within the project plan.
- 5.5.4. Identification of any Cross border alliances.
- 5.5.5. Analysis of stakeholders
- 5.5.6. Define the extent of the project with respect to number of retailers, importers or manufacturers.
- 5.5.7. Clarify test laboratories including preparation of contract & the importance of accreditation.
- 5.5.8. Linkage with Risk Assessment: *Identifying basic RA techniques to be adopted*
- 5.5.9. Clarify cooperation with customs.
- 5.5.10. Description of relevant standards and reference to actual paragraphs.
- 5.5.11. Overall time frame with definite milestones for major events.
- 5.5.12. Information strategy (pre-warning stakeholders etc).

5.5.13. Project plan approval and confirmation of project time-frame.

6. MARKET SURVEILLANCE ACTIVITIES - THE IMPLEMENTATION STAGE

6.1. Implementing the project plan: On-site Market Surveillance Inspections & Sampling

6.1.1. Documentary Checks

6.1.2. Preliminary Physical Checks including the “toolbox”, instructions and tools required for checking.

6.1.2.1. Instructions and warnings

6.1.2.2. Product markings

6.1.3. Requirements for sampling.

6.1.4. Registration of samples.

6.1.5. Conclusions for follow-up towards producers and importers.

6.2. Testing in laboratories

6.2.1. Requirements for sampling

6.2.2. Registration of samples

6.2.3. Packaging and labelling

6.2.4. Agreements and pre-warnings with laboratories

6.2.5. Follow up during testing (QA)

6.2.6. Assess test reports (QA)

6.2.7. Conclusions for further investigations.

6.2.8. Conclusions for follow up towards producers and importers.

6.3. Gathering information according to the project plan

6.3.1. Investigations found during market surveillance inspections

6.3.2. Sampling

6.3.3. Testing

6.4. Linkage with Risk Assessment

6.4.1. Importance of risk assessment during the implementation stage

7. MARKET SURVEILLANCE ACTIVITIES - THE ANALYSIS (REVIEW) STAGE: (RESULTS & FOLLOW-UP, INCLUDING ACTION NEEDED)

7.1. Linkage with Risk Assessment

7.1.1. Importance of risk assessment during the analysis stage

7.2. Contact with importers and producers; test result and product information, voluntarily recall, pre-warning of sales ban, final reactions. (Use of Recall Guide)

7.3. Determination of action to be taken; sales ban, withdrawal, recall, legal action

7.4. Enforcement & Legal aspects; reference to regulations and standards

7.5. Follow-up within the market after final reactions

7.6. Additional Considerations

7.6.1. Consider need of Safeguard Clause notification.

7.6.2. Consider RAPEX Notifications

7.6.3. Consider destruction of the product if risk extremely high

7.7. Gathering information for reporting purposes according to the project plan

8. MARKET SURVEILLANCE ACTIVITIES - THE REPORTING STAGE.

8.1. Final project report for internal use including analyzing project over all results (possible effects). Assess further measures to be taken.

8.2. Importance of proper records

8.3. Assess experience gained in the project.

8.4. Final report for publishing.

PART C: RISK ASSESSMENT

(Will be finalised in conjunction and with assistance from WP4.)

PART D: RISK COMMUNICATION

9. FOLLOW-UP OF RISKS IDENTIFIED

9.1. Basic infrastructural needs for effective communication of risks identified

9.1.1. Importance of a rapid alert notification system (national & cross-border links)

9.1.2. Effective linkage with Media

9.2. Follow-up procedures on how to inform/update importers, producers and retailers

9.3. Follow-up procedures on how and when to inform the public (*importance of effective rapid communication in case of dangerous products*)

9.4. Special follow-up procedures on high risks: (recall / withdrawal procedures).

9.5. How to inform PRODUCERS and IMPORTERS of notification obligations

9.6. How to inform CONSUMERS and MEDIA of dangerous products and instructions on how to behave to avoid dangerous situations

10. ADDITIONAL PRACTICAL WAYS OF EXCHANGING INFORMATION ON RISK / PRODUCT KNOW HOW

10.1. Utilising existing cross-border information systems

10.2. Publishing of outline project outcome to consumers and stakeholders

10.3. Publishing outline results and conclusions agreed upon

11. EDUCATION AND AWARENESS CAMPAIGNS

11.1. Effective Awareness Campaigns

10.1.1. At Member State level

10.1.2. At European level

11.2. Educating Businesses and Consumers

11.2.1. Education to Businesses

11.2.2. Education to Consumers

PART E: CROSS-BORDER MARKET SURVEILLANCE ACTIVITIES

12. THE MAIN EUROPEAN ORGANISATIONS INVOLVED IN MARKET SURVEILLANCE

12.1. DG-SANCO & THE GPSD & NETWORK GROUP

12.2. DG-ENTERPRISE & THE VARIOUS ADCO GROUPS

12.3. ECOSA

12.4. PROSAFE

13. CROSS-BORDER INFORMATION SYSTEMS

13.1. CIRCA

13.2. RAPEX

13.3. Safeguard Clause Notifications

13.4. ICSMS

- 13.5. PROSAFE - EMARS WP1 - GENERIC INFORMATION**
- 13.6. PROSAFE - EMARS WP2 - RAPID ADVISE FORUM**
- 13.7. PROSAFE – EMARS WP3 - CROSS-BORDER SURVEILLANCE PLANS**

14. OTHER INTERNATIONAL ORGANISATIONS ON MARKET SURVEILLANCE

14.1. ICPHSO

15. ADVANTAGES OF JOINT MARKET SURVEILLANCE PLANS AND THE IMPORTANCE OF JOINT PROJECTS

16. MARKET SURVEILLANCE AND CUSTOMS CONTROLS

PART F: CONCLUSION

17. CONCLUDING REMARKS

ANNEXES

ANNEX 1: The Cigarette-lighters Project

ANNEX 2: THE LVD-ADCO Project

ANNEX 3: Generic Inspection Checklist

ANNEX 4: The tool box (the basic checking and testing equipment to be used by market surveillance inspectors)

EMARS WP3 WORKSHOP, LONDON 22ND MARCH 2007

FINAL ATTENDEE LIST

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Mr Hardy Balle - Danish Safety Technology Authority, **Denmark**

Mrs Danute Banyte - State Non Food Products Inspectorate, **Lithuania**

Ms Simona Bieliauskaite - State Non Food Products Inspectorate, **Lithuania**

Mr Timur Dikbayir - Standardization in Foreign Trade **Turkey**

Ms Alison Edwards – Lacors, **United Kingdom**

Mr. David Ellerington - Newcastle city Council, **United Kingdom**

Mr Mustafa Erdogan - Turkish Ministry of Industry and Trade, **Turkey**

Mr Bruce Farquhar - EMARS Project

Ms Joanna Franskowska - Office of Competition and Consumer Protection, **Poland**

Mr Ron Gainsford - Chief Executive of the Trading Standards Institute, **United Kingdom**

Mr Fabio Gargantini - EMARS Project

Ms Andrejka Grlič - Market Inspectorate, **Slovenia**

Ms Christine Heemskerk - TSI Lead Officer Consumer & Product Safety, **United Kingdom**

Mr Georg Hilbert III - Bundesministerium, **Germany**

Mr. Matthias Honnacker - Bundesanstalt für Arbeitsschutz und Arbeitsmedizin, **Germany**

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