Proposal for the development of a Market Surveillance procedure

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Ivan Hendriks
Market Surveillance expert
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2. Case of unsafe toaster in EU

(Refer to EC website – LVD for information)
2. Case of unsafe toaster in EU

COMMISSION OPINION

- within the framework of Council Directive 73/23/EEC (now 2006/95/EC) relating to electrical equipment designed for use within certain voltage limits, safety of toasters (decision 2002/C 300/04)
- refers to the application of Article 5 (use of harmonized standards that provided for presumption of compliance with LVD) of that Directive.
- Harmonised standards EN 60335-1 and EN 60335-2-9 were published in the Official Journal of the European Communities.
- **Safeguard clause procedure Article 9 with regard to EN 60335-2-9 had to be applied**
2. Case of unsafe toaster in EU

- This standard, in its current version, does not adequately address **functional safety** in terms of protection against electromagnetic disturbances and normally occurring **voltage transients** from the main electricity supply. Electrical appliances which are electronically controlled (e.g. with an electronic timer) and in compliance with the requirements of the above mentioned standard **might not comply** with the requirements of the LVD with regard to **foreseeable external influences** on electrical equipment. This may require a **risk analysis** and **assessments**.
2. Case of unsafe toaster in EU

Conclusions of the previous slides

• This unsafe toaster may still be on the market and is not detected,
• There may be a need to simulate the default using a test set-up to make some authorities aware of the danger,
3. Market surveillance trends in EU

Scope of Market Surveillance (currently)

1. Free trade of products on single market in EU
2. EU member states are responsible (subsidiarity principle, see art. 95 of the Treaty) for market surveillance actions
3. Market surveillance trends in EU

Aims of Market Surveillance in EU

Refer to [1]

Checking and ensuring

1. That the products are in conformity with the essential requirements and are safe
2. That CE marking and EC conformity declarations are correct
3. That the conformity assessment procedures have been correctly applied and if necessary to bring the equipment in line with the ERs.
4. The general market surveillance procedure

Overview of phases

Phase I
Preparation

Phase II
Actions

Phase III
contact with stakeholders

Supported by:

* management
* Quality ISO/IEC 17020
* PR, communications and visibility actions
4. The general market surveillance procedure

An overall flowchart, to be used for products, is provided but to be further developed for different kind of equipment

Integrates:
- The MS actions either national or European (incl. border controls)
- Conformity assessment methods
- Coordination at EU level
4. The general market surveillance procedure

Preparation phase

MS actions phase

Contact with stakeholders phase
4. The general market surveillance procedure

The preparation phase

- Start
  - Kind of MS action
    - Reactive (complaint)
    - Pro-active MS actions
  - Market information on the product
  - Risk Assessment on product

- Define:
  - directives, harmonized standards, ERs
  - Responsible Competent Authorities
4. The general market surveillance procedure

The MS actions and contact with stakeholders phase

[Diagram showing steps of the market surveillance procedure]
5. Cost of MS actions

- Analysis of costs to be provided per sector directive
- Example of cost of MS actions for a toaster (next slide)
- For some cost factors the data of MSAs of other EU countries were used
5. Cost of MS actions

<table>
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<th>Market Surveillance Action costs</th>
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5. Cost of MS actions

- Due to large number of household equipment on the national market, costs of MS actions can be high..
- MSA needs to make choices!
- Co-operation with peer authorities in EU countries is a necessity
6. Preliminary conclusions

- Establish priorities (New Approach directives) because cost of MSTQ infrastructure are enormous,
- Focus on high volumes products and those of greatest concern on safety!
- Proposal: to develop MS procedures first for products of which legislation is harmonized (NAD’s),
- Develop in parallel outputs for standardization (harmonized standards, wgs), accreditation (ISO/IEC 17025) and laboratories (their scope to be in line with scope of chosen NAD’s)
7. Reference documents

Relevant web sites

• The ’Blue Guide’

• ”The revision of the New Approach” EC DG Enterprise
  http://ec.europa.eu/enterprise/newapproach/review_en.thm
  • CERTIF 2006-4 29/6/2006