

The New Goods Package

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The Goods Package 2008

- Regulation 764/2008 laying down procedures relating to the application of national technical rules (mutual recognition)
- Regulation 765/2008 on accreditation and market surveillance
- Decision 768/2008 on a common framework for the marketing of products



The Market Surveillance/ Product Safety Package 2013

Revision of EU Regulation 765/2008 and GPSD (2001/95/EC):

- ➔ Proposal for new Regulations on Market Surveillance (COM(2013)75) and Consumer Product Safety (COM(2013)78) + multiannual action plan for surveillance of products (COM(2013)76)
 - Stricter requirements on traceability
 - Clear divisions of responsibilities between economic operators
 - Uniform use of terminology
 - Uniform market surveillance obligations





Single Market Strategy 2015

(COM(2015)550)

- Increasing number of non-compliant products
- Lack of awareness of rules among economic operators
- Limited incentives to comply
- Fragmented market and border controls
- Underfinanced market surveillance authorities



Single Market Strategy roadmap

Revision of Regulation 764/2008 (2016)

Action plan for mutual recognition (2016-2017)

Comprehensive set of actions to further enhance efforts to keep non-compliant products from the EU market (including a possible legislative initiative)" (2016-2017)



Activities 2016-2017

- Stakeholder conference June 2016
- Public consultations July – October 2016
- Evaluation of 764/2008 and 765/2008 2016-2017
- Evaluation and impact assessment finalized by summer 2017
- Proposals expected in Autumn 2017

Stakeholder Conference



A deeper and fairer
Single Market

**Single Market for Products:
Fresh ideas to unleash the full potential**

**Albert Borschette Congress Center, Brussels
Friday 17 June 2016**

- *How could mutual recognition in the single market for products be improved?*
- *How could the number of non-compliant products in the single market be reduced?*

Results public consultation market surveillance * (1)

- 89 % consider that products within their sectors are affected by non-compliance
- 80 % of the companies confirm that non-compliance has a negative effect on sales and market shares of compliant companies
- Respondents believe that the most important reason for non-compliance is:
 - a deliberate choice to break the rules (33 %)
 - a lack of knowledge of the rules (27 %)
 - other type of inability to comply (11 %) or
 - ambiguity in the rules (10 %)



* http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8865

Results public consultation (2)

- All respondents have experience of authorities lacking financial, human and technical resources for market surveillance
- 50 % of the market surveillance authorities are in favour of levying administrative fees for the surveillance, whereas 55 % of business and 40 % of the consumers are against
- 80-85 % of the authorities, businesses and consumers believe that authorities should have more knowledge about their different sectors
- 60 % of authorities, 47 % of business and 60 % of the consumers consider that the authorities need stronger powers



Results public consultation (3)

- 70-80 % of business and the consumers believe that authorities should share capacity of testing laboratories. The corresponding figure among authorities is 50-60%.
- 75 % state that products within their sector are sold online, 10 % that this is not the case
- Broad agreement of the need for more explicit requirements on economic operators to reply to queries etc. from authorities in other member states
- A need for stronger requirements on authorities to cooperate with each other (mutual assistance).

Evaluation of 765/2008

Study performed by Tehnopolis Consulting Group Belgium
2016-2017

Desk research on national reports and programmes, studies, policies, strategies, impact assessments etc.

Surveys targeted at market surveillance authorities, customs authorities, economic operators, consumers etc.

In-depth interviews



Evaluation criteria

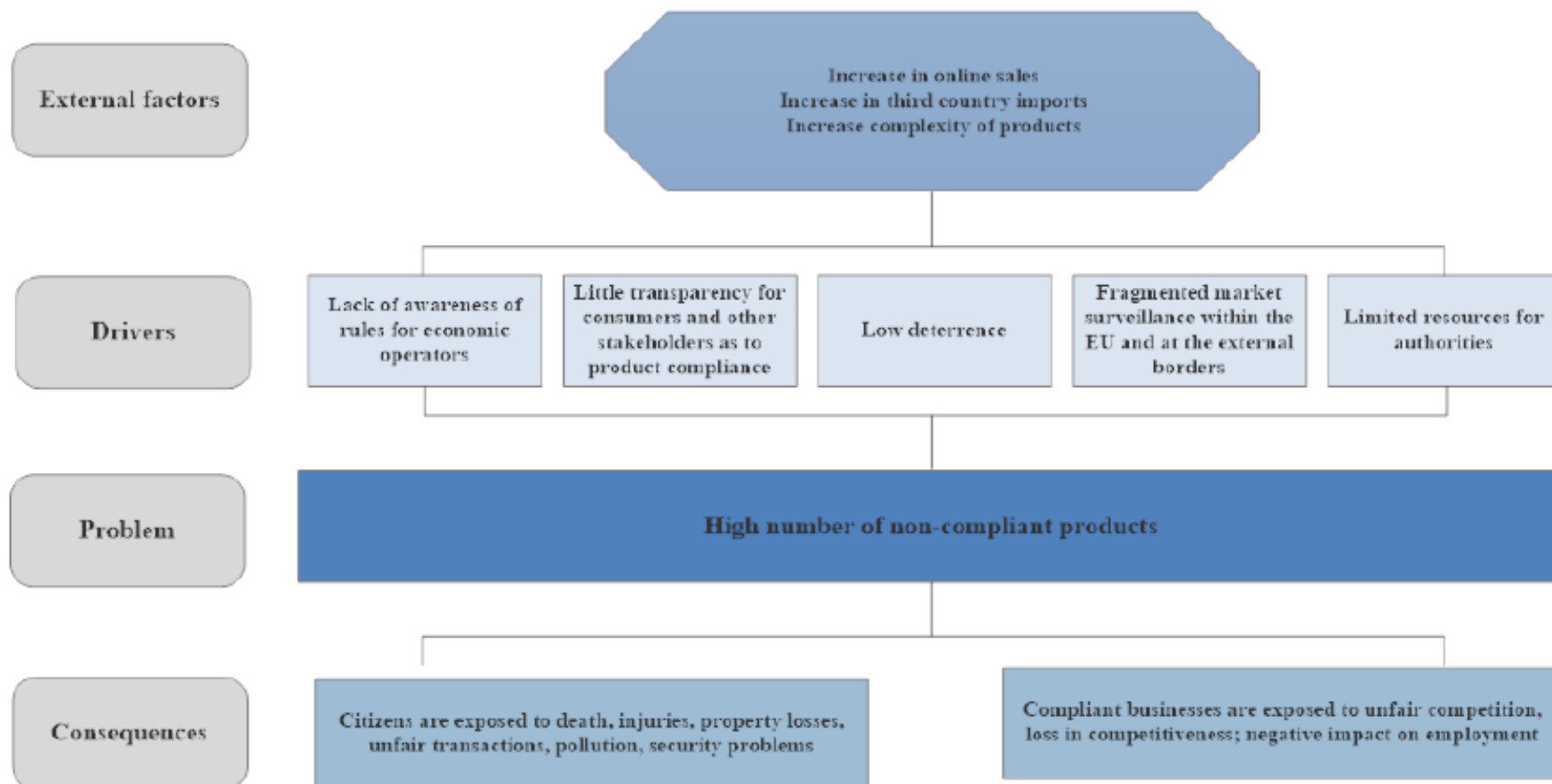
- **Effectiveness** (to what extent have the objectives of the provisions been achieved?)
- **Efficiency** (cost-benefit analysis of each provision, proportionality aspects)
- **Coherence** (are provisions coherent within 765/2008 and in relation to other provisions in particularity GPSD and sectoral legislation?)
- **Relevance** (do provisions meet current needs, e.g. on-line trade, increasing imports, issues on scope?)
- **EU added value** (in relation to what could be achieved on national level)

Evaluation results

- Difficult to evaluate/quantify non-compliance, mainly due to lack of solid info from Member States
- No provision has been applied identically in 2 MS
- Cooperation between authorities has somewhat improved but still large room for further improvement
- Some unclarities in relation to e-trade, import and scope
- Relations to GPSD and sectoral legislation difficult
- Need for continued regulation on EU-level



Problem tree:



Main goals of the initiative (1)

- 1) More efficient cross-border cooperation procedures:
 - more effective mutual assistance between member states
 - portability of test results
 - extended enforceability of MS restrictive measures/
presumption of non-compliance
 - improved cooperation with customs

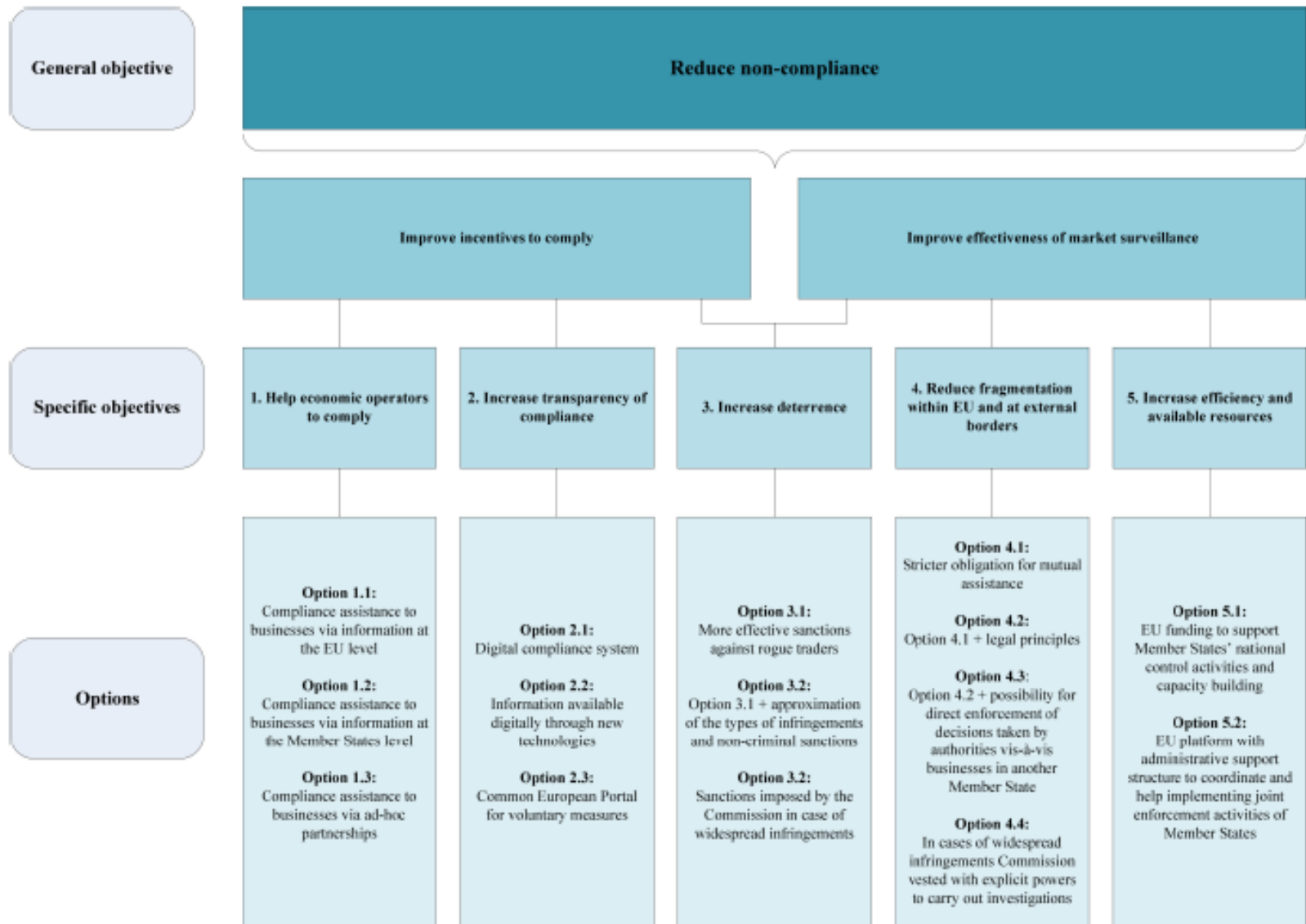
- 2) More efficient use of resources
 - network support structure to assist MS to coordinate
 - more joint actions
 - more funding, especially for testing
 - peer reviews/auditing of market surveillance performance

Main goals of the initiative (2)

- 3) More deterrent enforcement tools
 - common powers for market surveillance authorities
 - responsible person in EU
 - more use of cost-recovery, publication of restrictive measures, remedies, sanctions

- 4) More compliance information for businesses and easier access to information
 - extension of Product Contact Points
 - private-public partnerships
 - one-stop-shop and collaborative enforcement schemes
 - provision of compliance information via digital means

Policy objectives and options to achieve them



Thank you for your attention!

