



ORGALIME

FairIndustry.eu

Newsletter On Market Surveillance For Better And Safer Trade In Europe

Editorial & Opinion



Legend: Adrian Harris,
Secretary General, Orgalime

Let's talk together about "enforcement"!

It's more than 20 years since European Union (EU) regulators launched the 'New Approach' to technical harmonisation. The idea behind the concept was simple - to establish a real internal European market for products, such as machinery and electrical equipment, with regulators defining a stringent set of essential health & safety requirements that products must meet, leaving standardisers to work out the details at the level of the products. For manufacturers applying these so-called harmonised standards, the conformity assessment procedures are usually very

simple – they are based on the manufacturers declaration.

It is thanks to this 'New Approach' that underpins the European internal market, that manufacturers can to a large extent profit from a very large home market using the same standards and regulations and that customers of engineering products, whether at home or in the workplace, can be comfortable in the knowledge that they are using products designed to a very high level of safety.

Of course any law is only as good as its application, and we in the engineering industry feel therefore that it is essential to ensure that, where regulation has been developed, it is properly applied and enforced. It is with this in mind that Orgalime is launching this newsletter; it is part of our contribution to establishing a common platform for informing all those interested in equal enforcement conditions of product legislation: national market surveillance officers, EU Commission services, consumer and other users of engineering products, importers, distributors and of course, manufacturers and their trade association representatives in the engineering field. We look forward to hearing from you, to sharing this platform with you and, through this, to reinforcing our industry's long-standing commitment to provide safe and otherwise compliant products to our customers in the EU.

Edition 1/2006



**When regulation is too
complex to enforce...**

In this edition:

- Orgalime issues new position paper for placing a product on the market.
- CELMA Market Surveillance Forum.
- EU Commission: Improving technical harmonisation.
- EU Parliament: Calls on Imports to be monitored more rigorously.
- RAPEX statistics January/April 2006.
- First overview of injuries in the EU.
- All about best Market Surveillance practices in the Nordic countries.
- German consumer protection index 2006: Nearly all federal regions improve.
- Market surveillance at the crossroad of the shortest route to better regulation.
- European standardisation steps in Beijing.
- Germany: New academic study on criteria for an efficient market monitoring.

Edited by Adrian Harris
Co-ordinated by Philippe Portalier
Compiled by Mark Redgrove
© Orgalime 2006 All Rights Reserved

Please send all contributions for forthcoming issues to: philippe.portalier@orgalime.org

Orgalime - The Engineering Industries Association - Bd A Reyers 80 - 1030 Brussels - Belgium +32 2 706 82 35
www.orgalime.org - secretariat@orgalime.org

What Industry Says

Jul 2006 - Orgalime issues new position for placing a product on the market

In the framework of the revision of the New Approach, Orgalime calls on the European Commission to provide a common definition on 'placing a product on the EU market' that would be used in all New Approach Directives or any other applicable legislation, such as environmental legislation, whether the product is manufactured in the EU or imported. In Orgalime's view, a product is 'placed on the EU market' only when it is:

- Finished, and therefore has left the design and manufacturing phase;
- Physically within EU, at a manufacturer's or his authorised representative's location or in the absence of these, at the importer's location;
- Made available for the first time on the Community market and ready for distribution or direct sale within the EU;
- Immediately available for delivery upon request.



For more detail follow the link: <http://www.orgalime.org/Positions/positions.asp?id=244>

Apr 2006 – CELMA Market Surveillance Forum



Legend: Mr. Dieter Schornick, CELMA/ZVEI (left) with Mr. Jacques McMillan, Head of Unit "Legal aspects linked to the Internal market" in DG Enterprise of the European Commission at the CELMA Market Surveillance Forum during the "Light & Building" fair in Frankfurt (26/04/2006).

CELMA, the European Federation of Luminaires and Ballasts Manufacturers' Associations organised a 'Market Surveillance Forum' during the Light + Building Exhibition in Frankfurt on 26 April 2006. CELMA Members' Associations from France, Germany, Italy and Spain presented tests results on lighting taken from the market by national certification institutes, such as IMQ, LCIE and VDE. Nearly all products tested presented defects, which could endanger the safety of the final users. Most of the products tested came from the Far East.

Item: <http://www.celma.org/pages/CELMA%20Market%20Surveillance%20Forum%20L+B%202006.asp>

What the Institutions Say

Jul 2006 – EU Commission: Improving technical harmonisation

In a public consultation, the European Commission consulted interest groups on the future of the New Approach to technical harmonisation. A questionnaire deals in particular with the aspects of conformity assessment, accreditation, CE-marking and market surveillance. See the questionnaire and the consultation paper on Europa Web pages: http://ec.europa.eu/enterprise/newapproach/review_en.htm



Jul 2006 – EU Parliament: Calls on imports to be monitored more rigorously



Joan CALABUIG RULL
Socialist Group in the European Parliament
Member
Spain
Partido Socialista Obrero Español
Born on 24 May 1960, Valencia

EU Parliament gives support on plans by the Commission to strengthen the EU's manufacturing industry. The report drafted by Joan CALABUIG RULL (PSE, ES) for the Industry Committee urges the Commission to "focus on the area of market surveillance and the fight against unfair competition and counterfeiting". MEPs also say the Commission should "monitor and record the extent to which imported products comply with European environmental and consumer health

protection legislation and affect the competitiveness of European products". See Report: <http://www.europarl.europa.eu/omk/sipade3?PUBREF=-//EP//NONSGML+REPORT+A6-2006-0206+0+DOC+WORD+V0//EN&L=EN&LEVEL=4&NAV=S&LSTDOC=Y>

Jul 2006 – RAPEX statistics January/April 2006

In the framework of the General Product Safety Directive 2001/95

(GPSD), the Commission has validated **291** RAPEX notifications under Article 12 (serious risk) out of **338** over 4 months (1st January -30th April 2006). The number of cases compared to the same period in 2005 (221 notifications), continue to grow fast (+32%). 48 % of all notifications originate from 3 "active" Member States only: Germany (58), Hungary



(52) and UK (30). Before toys (19%) **“Electric appliances”**, and within that category “domestic electrical products” mostly, **amounts to 25% of all notifications**.

Hardly surprising then that “Electric shock” is the most frequently notified risk! **Almost half of the serious risk products notified during this period originated from China** (128 cases, 44%). Unfortunately, too many notifications (21%) are from unknown origin, which unsatisfactorily underlines that there is a real need to make an appropriate follow-up with manufacturers.

Item: http://ec.europa.eu/consumers/reports/report_rapex_jan-apr_06_en.pdf

Jul 2006 First overview of injuries in the EU



DG SANCO published the 1st edition of “Injuries in the European Union”, a study conducted by Rupert Kisser, Head of Division Home, Leisure and Sports of the Austrian Road Safety Board (KfV) and Chairman of the European Association for Injury Prevention and Safety Promotion (EuroSafe).

This report highlights the development and dissemination of health information and knowledge. It is the first attempted “comprehensive view” on injuries throughout the EU-25. As put forward by Mr. Kisser, the study “shall facilitate a public health approach to injury prevention, comprising all the traditional sectors of safety promotion as well as consumer protection”. It certainly provides an indicator to help market surveillance authorities to focus on the most serious sources of injuries that involve manufactured products.

Read more: http://ec.europa.eu/health/ph_determinants/environment/IPP/documents/InjuriesEU_sum_en.pdf

Around Europe.....

Jul 2006 - Market surveillance at the crossroad of the shortest route to better regulation

Orgalime Swedish member, Teknikföretagen, has issued a didactic booklet which explains clearly how difficult and costly it is for manufacturing companies to adapt production processes, product design, testing, certification procedures and documentation to separate

regulatory requirements on different markets. Better regulations, regardless of whether they concern health, safety, environment or other areas, are therefore crucial for the competitiveness of engineering companies. This is hardly a new insight, but the brochure stresses that if the EU Internal Market rules brought significant harmonisation benefits, recent years have seen a swing in the opposite direction, causing great concern for the future. Among suggested solutions, Teknikföretagen insists on the need to improve market surveillance by requiring Member States authorities to comply with certain essential requirements and by better EU cooperation, cross-border information exchanges and benchmarks of efficiency levels.

Read more at: http://www.teknikforetagen.se/upload/Pdf/The_shortest_route.pdf



norden Jul - 2006 - All about best Market Surveillance practices in the Nordic countries

The Nordic Council of Ministers, which groups Denmark, Iceland, Finland, Norway and Sweden, has issued a Guide on Market Surveillance and Safety of Consumer Products which neatly gathers the best practices in these countries. Market surveillance is meant as “not only for [consumers] protection and that of other users, but also to protect the interests of economic operators from unfair competition.” This 80-pages brochure describes clearly and comprehensively the basic principles on which the systems for market surveillance activities and safety aspects of non-food consumer products in the Nordic countries, and at the same time the EU, are based. Aimed at informing authorities in the Northwest region of Russia, it is recommended reading for all involved in the market surveillance of engineering products within the EU. Read more here: <http://www.norden.org/pub/sk/showpub.asp?pubnr=2006:511>

Jun 2006 - German consumer protection index 2006: Nearly all federal regions improve

The consumer protection index was created in 2004 as an instrument to make consumer protection visible and comparable across all sixteen regions (*Länder*) of the Federal Republic of Germany.

Three out of the sixteen have substantially improved consumer protection over the past two years. At the same time, distance between strong and weak *Länder* increases ever more: market surveillance authorities for food or product security are faced with growing differences from *Land* to *Land* in control density and equipment. These are the core results of the German consumer protection index 2006 (*Verbraucherschutzindex 2006*), that has been published by the Federal consumer association "Verbraucherzentrale". For the first time this 2-yearly benchmarking report examines the efficiency of market surveillance authorities besides those of calibration and food investigation authorities.

Press release of 13.06.2006 in German: "Technische Harmonisierung verbessern".

Item: <http://www.vzbv.de/go/presse/734/index.html>

Jun 2006 - European standardisation steps in Beijing

Compliance to European legislation starts where most of imported European engineering products are manufactured. As harmonized standards provide a presumption of conformity to EU safety legislation, it is important to promote European standardisation to Chinese manufacturers. The three European Standardisation Organisations - CEN, CENELEC and ETSI, the European Commission and EFTA have announced the appointment of Mr Klaus Ziegler as "Seconded European Standardisation Expert in China", to be based in Beijing starting 1 July 2006 for a three year period.

Mr. Ziegler will promote the European Standardisation System (ESS) and the increasing co-operation between China and Europe in this field. He will explore the standardisation, technical and regulatory landscape in China in order to identify new needs and to foster co-operation between Chinese industry and its European counterparts.



Legend: Mr. Klaus Ziegler (right) with Mr. Zhongmin Zu, Deputy Administrator of the Standardisation Administration of China (SAC) at the last CEN-CENELEC General Assembly in Thessaloniki (08/06/2006).

In the Press...



21/06/2006- Les Echos: Bruxelles et Washington font front commun contre la contrefaçon

Les Etats-Unis et l'Union européenne ont lancé hier leur premier programme conjoint pour lutter contre le piratage de la propriété intellectuelle. La Russie et la Chine sont les premières visées.

08/06/2006 - Les Echos: A Pékin, Peter Mandelson tente de défendre la propriété intellectuelle

Le commissaire européen au Commerce, Peter Mandelson, a parrainé, hier à Pékin, la signature d'un énième accord encourageant les patrons des grandes surfaces de produits de contrefaçon à mieux contrôler leurs vendeurs.

Links & Resources.....

May 2006 – Germany: New academic study on criteria for an efficient market monitoring

The report presents the results of a study on equipment and product security that was carried out by the Federal Institute for occupational safety and occupational medicine (Germany). In the context of this study, a system was developed and used in order to determine efficiently the market size of various product groups. Additionally, a model for the determination of priorities for an active market monitoring was developed and introduced. Next to it the most recent results of market monitoring activities of Germany's regional counties (*Länder*) were evaluated.

Item: http://www.institut-aser.de/pdf_files/literatur/tue586.pdf (in German)

