



EUROLAB Briefing

Safer products and a level playing field in the internal market

Dear EUROLAB Members,

Please find below a special EUROLAB Briefing on the new package of legislative and non-legislative measures to improve consumer product safety and to strengthen market surveillance of products in the EU.

The package, adopted by the European Commission on 13 February 2013, will be discussed in the European Parliament and in the Council. It is expected that the new legislation will come into effect in 2015.

Background

Within the EU's single market, goods move freely and consumers and businesses can buy and sell products in the 27 EU Member States and the 3 EFTA/European Economic Area countries with a total population of more than 490 million. EU product safety rules and the market surveillance of national authorities that underpins them are the basis for a safe single market.

Directive 87/357/EEC on food-imitating products and Directive 2001/95/EC on general product safety shall be replaced by a new state-of-the-art Consumer Product Safety Regulation. The rules governing market surveillance that are spread over several pieces of legislation shall be merged into one legal instrument applicable to all (non-food) products.

The new rules will contribute both to strengthening consumer protection and to creating a level playing field for businesses. [Unsafe products should not reach consumers or other users and their improved identification and traceability will be a key improvement that will help to take them quickly out of the market.](#) Once adopted by the European Parliament and by the Council the new rules will be enforced by the national market surveillance authorities in the Member States which will benefit from strengthened cooperation and enhanced tools to carry out controls.

The two legislative proposals are complemented by a multi-annual plan for market surveillance setting out 20 concrete actions to be undertaken from now to 2015 to improve market surveillance under the current regulatory framework and until the new rules come into effect.



European Commission Vice-President Antonio Tajani, Commissioner for Industry and Entrepreneurship, said: "If we want to reap the full economic benefit of the single market, we need a set of high quality rules on the safety of products and an effective, well-coordinated, Union-wide implementation system to back it up. **Better coordination of product safety checks, especially at the EU external borders, will eliminate unfair competition from dishonest or criminal rogue operators**".



Tonio Borg, European Commissioner for Health and Consumer Policy added: "**Consumers expect that the products on the European market are safe.** Businesses expect to operate under fair trading conditions. Authorities need the right tools to operate in an efficient and effective way. The package of proposals that the Commission adopted today aims at meeting these expectations. We are convinced that consumers, businesses and national authorities will greatly benefit

from clear and consistent rules across the Single Market, more effective market surveillance and improved traceability of products."

Improved product safety and market surveillance

At the moment, Union rules on market surveillance and consumer product safety are fragmented and scattered over several different pieces of legislation, thus creating gaps and overlaps. The legislative proposals that the Commission adopted today will enable better coherence of the rules regulating consumer products identification and traceability and improved coordination of the way authorities check products and enforce product safety rules across the European Union.

The key changes of today's package are:

1. Alignment of the general obligations of economic operators to ensure the safety of all consumer products with clearer responsibilities for manufacturers, importers and distributors.
2. More effective tools to enforce safety and other product-related requirements and to take action against dangerous and non-compliant product across all sectors through a single set of coherent rules for market surveillance.
3. Improved traceability of consumer products throughout the supply chain – enabling a swift and effective response to safety problems (e.g. recalls). To do that manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product. For products manufactured in the Union, the indication shall refer to the Union or to a particular Member State. The indication of origin supplements the basic traceability requirements concerning the name and address of the manufacturer. Such information can facilitate the task of market surveillance authorities in tracing the product back to the actual place of manufacture and enable contacts with the authorities of the countries of origin in the framework of bilateral or multilateral cooperation on consumer product safety for appropriate follow up actions
4. Creation of a more cooperative system of market surveillance across the EU.
5. Streamlined procedures for the notification of dangerous products, and synergies between the existing Rapid Alert Information System (RAPEX) and the Information and Communication System for Market Surveillance (ICSMS).

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