

EMARS – 20 November 2008

Further enhancement of market surveillance

Intervention by Stephen Russell, ANEC Secretary General

Trade within the Single European Market should be built on a tripod. The first leg of the tripod is a framework of legislation which removes barriers to trade and harmonises the health and safety requirements for products placed on the market. The second leg of the tripod is a comprehensive catalogue of harmonized standards which provide the co-regulative solutions towards implementing the legislation. The third leg of the tripod is an effective system of market surveillance to ensure enforcement of the legislation.

Since the introduction of the New Approach in 1985, Europe has succeeded in achieving the first two legs of the tripod – a broad framework of European product legislation and a detailed collection of supporting harmonized European standards. But the third leg of the tripod – an effective European system of market surveillance – remains missing. And as everyone knows, no tripod can stand on only two legs.

Many consumers believe market surveillance in Europe will protect them from buying unsafe or dangerous products. But that is not true. Market surveillance means different things in different countries. In the United Kingdom for example, the government has set six priorities for market surveillance authorities. Product safety is not one of them¹.

And these differences are important as market surveillance is the responsibility of the Member States in Europe. It does not operate in a regulatory European framework. The individual Member States are responsible for resourcing and managing their own market surveillance and enforcement authorities. And that is the problem.

ANEC welcomes the EMARS Strategy Document but regrets that there does not appear to be the political will at the institutional level to do encourage more than a best practice and voluntary collaboration among the market surveillance practitioners.

¹ The six are: air quality ; alcohol licensing ; hygiene of food businesses; improving health in the workplace; fair trading and animal & public health.

We believe the very considerable efforts that the market surveillance practitioners have committed in the EMARS I - and are clearly prepared to commit in EMARS II - need to be rewarded further through establishing a European regulatory framework which can ensure surveillance activities across Europe are both coherent and adequately funded.

European standardisation could not have helped to facilitate trade in the Single Market without the support of frameworks such as those provided by the 83/189 and 98/34 Directives. Prior to the dawn of the New Approach a generation ago, fewer than 100 European Standards were published in over 20 years. Now the total is almost 20.000 standards. And most European Standards have not been written to support directives but initiated on the whole by business interests wanting to take advantage of trading in a Single Market But none of that could have happened without a regulatory framework.

The New Legislative Framework will extend the principles of the New Approach to most product areas from January 2010. Although the NLF addresses market surveillance in a European instrument for the first time, it still leaves the responsibilities to provide an effective and well-resourced surveillance system to the Member States. And as all politicians know, it is the economy, health and education that win national elections, not a commitment to improving market surveillance. In a time of global recession, when tax receipts are falling and spending on social benefits increasing, do we really believe that national finance ministers will commit individually to improving market surveillance, despite the requirements of the New Legislative Framework for them to do so?

An effective system of market surveillance across Europe needs a truly European system of market surveillance. We need to create that third leg of the tripod to ensure that the products traded across national borders are legal and safe in both theory and practice.

Thank you for listening.

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