



Charter 2016

Preamble

- (I) PROSAFE started in 1991 as an informal body, established by market surveillance officers from various European countries.
- (II) Originally PROSAFE was the acronym of the “PROduct SAfety Forum of Europe”. Nowadays “PROSAFE” can be regarded as a brand name.
- (III) The primary focus of PROSAFE was to promote informal discussions between the various market surveillance officers in order to share and learn from each other’s experiences and to further develop best practices and contribute to the enhancement of market surveillance activities within the European Economic Area (EEA).
- (IV) In 2002, a legal not-for-profit body PROSAFE was created, as a foundation under the Dutch law.
- (V) As from 2005, PROSAFE has started to develop and coordinate EU (co)financed Joint Actions between various market surveillance organisations within the EEA.
- (VI) In 2009, a merger took place of the formal and informal structures of PROSAFE. On 13 October 2009, the first Charter was unanimously ratified.
- (VII) From 2005 to 2015, PROSAFE has:
 - Built up a professional *Office*, acting as front office for Members, Market Surveillance Authorities, the European Commission and stakeholders;
 - Undertaken more than 30 Joint Market Surveillance Actions, including method development activities, internal benchmarking and training issues;
 - Built up relations with OECD, ICPSC (International Consumer Product Safety Caucus) and ICPHSO (International Consumer Product Health and Safety Organisation).
 - Built up relations with business representatives at European level;
 - Expanded its activities to different areas than consumer product safety.
- (VIII) It is felt to be desirable to update the Charter of 2009 with the lessons learned after 2009.
- (IX) Also developments in the European area of market surveillance have changed the position of PROSAFE.
- (X) The second version of the Charter is intended to provide a proactive translation into new definitions for the Mission Statement, the Corporate objectives, the Membership and the Board Members.

1. MISSION STATEMENT

To enhance cooperation between market surveillance authorities and their officers in order to improve safety and compliance of products and product related services.

2. OBJECTIVES

The primary objective of PROSAFE is to contribute to the safety of users of products and product related services, and to compliance with the EU legislation.

The secondary objective is to ensure that PROSAFE is recognised as the organisation of choice to support effective market surveillance in general, by promoting informal discussion, cross border cooperation between Market Surveillance Authorities and their officers, and e.g. by designing, promoting and coordinating Joint Market Surveillance Actions.

3. MEMBERSHIP

- 3.1 The Membership of PROSAFE is available for individuals if they are engaged as market surveillance official employed by a Market Surveillance Authority from within the EEA.
- 3.2 Individuals interested to join PROSAFE can apply by sending an official email to the PROSAFE Office, with CV, a brief motivation and a description of their current position. The Board will evaluate the application and the Chair will present it to the General Assembly at their following meeting.
The new applicants from the EEA will be assumed to be full members of PROSAFE unless there is a formal objection from the General Assembly.
- 3.3 Individuals from outside the EEA may apply for Associate Membership in accordance with the procedure identified within article 3.2.
- 3.4 There shall be no limit to the number of members or associate members from each country that may join PROSAFE.
- 3.5 Only full members of PROSAFE shall have voting rights. However, only one vote will be available per EEA Member State.
- 3.6 The membership or associate membership ends legally when the employment contract of the official with the Market Surveillance Authority is terminated.
- 3.7 All members and associate members shall strive to abide to this Charter, including any other aims and objectives subsequently endorsed by the General Assembly.
- 3.8 The European Commission and the EFTA Secretariat have a standing invitation to all General Assembly meetings.

4. THE STRUCTURE OF THE ORGANISATION

4.1 *The General Assembly of PROSAFE*

- 4.1.1 PROSAFE Members will be part of the General Assembly of PROSAFE to which also Associate Members will be invited.
- 4.1.2 The General Assembly shall appoint a Board to oversee and manage the performance of the organisation.
- 4.1.3 The General Assembly is responsible to approve, disapprove or amend all proposals as recommended by the Board.

- 4.1.4 The General Assembly is also responsible for adopting the Board's Annual Financial Report and the Annual Activity Report.
- 4.1.5 The General Assembly will meet in principle twice a year to discuss issues in line with the objectives as per Article 2, such meetings being scheduled by the Board and organised by the PROSAFE Office.

Electoral process

- 4.1.6 All PROSAFE Members shall be eligible to apply for any position.
- 4.1.7 The application for Membership to the Board, consisting of a CV and a cover letter with motivation, has to be sent to the PROSAFE Secretary at least 3 weeks before the election.
- 4.1.8 Any PROSAFE member who is proposed and seconded by at least four other members is eligible to stand for election as Chairman or Vice-Chairman.
- 4.1.9 The General Assembly will elect a Chairman by a simple majority vote, who will automatically also be the Chair of the Board.
- 4.1.10 The Secretary will support the Chairman in the election process of Board Members.
- 4.1.11 The General Assembly shall also elect a future Chairman, who will form part of the Board as Vice-Chairman for two years.
- 4.1.12 When the Vice-Chairman becomes Chair, a new future Chairman shall be elected.
- 4.1.13 The General Assembly shall elect no more than five voting members to the Board, including the positions already identified within Article 4.1.10 and 4.1.12, also taking into consideration the need for a balanced representation of all Member States and working areas.
- 4.1.14 Members of the Board shall be elected one time for 4 years.

4.2 The BOARD of PROSAFE

- 4.2.1 The Board will be accountable and report back to the General Assembly during the General Assembly meetings.
- 4.2.2 The Board appoints one of the Members as Treasurer.
- 4.2.3 The Board will assume legal responsibility for the organisation.
- 4.2.4 The Board will develop a Strategic and Financial plan, to be approved by the General Assembly.
- 4.2.5 The Board will request the PROSAFE Office to develop a Communication Plan to ensure that effective communication takes place with all members, associate members, stakeholders and other external relations of PROSAFE.
- 4.2.6 The Board will be responsible to oversee the planning, financial control, governance and employment responsibilities of the organisation.
- 4.2.7 All Board meetings shall be chaired by the Chairman, or, whenever unavailable, by the Vice-Chairman.
- 4.2.8 The Board shall need a quorum of at least 3 voting members in all, in order to be able to take decisions and have them validated.
- 4.2.9 Members of the Board shall be indemnified against personal loss or risk arising from proper discharge of their duties.
- 4.2.10 The Board can assign Advisory Members for no longer than a year each. The Advisory Members will not be registered at the Chamber of Commerce and will not have voting powers.
- 4.2.11 The Board may, on behalf of PROSAFE, accept any donations or financial contributions from any organisation as long as this donation or financial contribution will not compromise the ethical integrity of PROSAFE. Through such acceptance, PROSAFE will not create any conflict of interest or give rise to any special treatment to that particular organisation. The Board will report such donations or financial contributions by the following General Assembly.

4.2.12 The Board has the right to decide in all other matters not foreseen in this Charter.

4.3 The PROSAFE Office

4.3.1 The Board is mandated to establish a PROSAFE Office to support and execute all activities of the organisation.

4.3.2 The Office will be run by an Executive Director who will be appointed by the Board and who will also be the Secretary of the Board, without voting rights.

4.3.3 The Office may only be completely dissolved by a recommendation of the Board to the General Assembly who in turn needs to confirm the decision of the Board.

The specific roles each part of the organisation can be laid down in Terms of Reference, that needs approval of the General Assembly.

A diagrammatic structure plan is contained in Appendix I of this Charter.

