



Best Practices in Market Surveillance, Work Package 3

BETTER TRAINING FOR SAFE CONSUMER PRODUCTS

- A Strategy Document for Training of Market Surveillance Officers

1 Introduction

According to the grant agreement No.17.020100/05/422694 and to Annex IV of Annex I one of the deliverables of EMARS Work Package 3 is a strategy for developing a “program of recruiting and training of inspectors”.

EMARS WP3 has been working on this issue since summer 2007 when a questionnaire was presented to the members of PROSAFE. The first step to training was taken at the EMARS workshop in London with the Trading Standards Institute (TSI) presentation of an existing training programme in the UK. This presentation initiated further work in WP3 and a concept for training of market surveillance officers was developed in the autumn 2007 by WP 3 with assistance by TSI. This concept was called “Market surveillance Inspector Training”.

The present document is a further development that also includes elements of a detailed training programme.

2 Background

A questionnaire related to training of market surveillance officers was launched in the summer 2007. Replies were received from 13 of the countries participating in EMARS. Assessment of the feedback obviously indicates the need for a training system. The overall result from the questionnaire is attached in annex 1.

Training systems in the product safety area are well known from the food and feed sector where it has been on the agenda for several years. Annual reports from the Commission give evidence that the programme is a success and that the extensive programme supports a lot of authorities inside EU and in third countries. The Commission emphasizes the important role that training systems have played in the preventative work of product safety in this sector.

The Commission seems to be aware of the fact that training systems also are necessary to reach the objectives of the inner market on safe consumer products in the non-food sector. Input from Member States also stresses the necessity of such systems. Therefore EMARS has taken up to develop a strategy for training of market surveillance officers.

Considering recruitment the conclusion is that this process is better managed by the individual Member States. No obvious synergies seem to arise from a hypothetical common European recruitment process, as culture, recruitment processes as well as requirements for education, practical skills and experiences appear to vary a lot across Europe. Therefore EMARS will not develop a strategy for recruitment of market surveillance officers EMARS will however present recommendations for recruitment of officers based on best practices in the EU.

The strategy will mainly deal with training of market surveillance officers for the inner market. However, to achieve a broader understanding and engagement in market surveillance issues, the intention is to make parts of the programme available for other stakeholders (businesses, consumer associations, customs, third countries etc.).

3 The situation today in EU/EEA

A number of observations can be made on the present status for training of market surveillance officers in Europe:

- Individual approach

Member States train their inspectors and officials individually.

Common cross-border training programmes hardly exist. National training programmes aiming at employees across different authorities are very seldom, if existing at all.

Member State authorities define objectives for their training individually without coordination cross-border or with other national authorities (if such objectives exist at all).

Training programmes worth looking into exists in some countries. Experience gained from The Netherlands and UK show that it is possible and efficient to establish training programmes. As examples it is worth mentioning VWA (Voedsel und Waren Auktoriteit) in the Netherlands has developed a training programme for market surveillance officers and Trading standards Institute (TSI) in the UK has developed a Product Safety qualification that also provides continual professional development training for Market Surveillance Officers.

- Large differences

The results from the questionnaire show that some Member States run formalised training programmes but most often new employees are taught market surveillance by following old colleagues in a period of a couple of months or years.

Few Member States have formalised systems to define objectives for the individual officer and to follow up the education (often referred to as “continuous professional development”).

- Exchange visits have been organised by the Commission with PROSAFE playing a significant role as “matchmaker” which has increased the impact of the initiative.
- PROSAFE has established a tradition for workshops (meetings) with exchange of information on dangerous products and issues related to the market surveillance process.
- TSI has a well-developed e-learning facility on market surveillance that has been transferred to other (closely related) areas and organizations.
- Training programmes have been developed and performed by DG Sanco in the food and feed sector during the last four years. These programmes have been a great success and experience gained is usable for other product fields.

4 The intended situation “tomorrow”

EMARS acknowledges that market surveillance call for an increasing amount of cross-border competences, as many of the issues dealt with in market surveillance have a cross-border nature. According to the questionnaire several Member States defines a need for training systems on following subjects:

- Directives and regulations
- Standards; interpretation and use.
- Sampling techniques
- Risk assessment
- Market surveillance procedures

These subjects all have a European perspective as well as a national perspective. Directives are implemented in national legislation and this is what the authority enforces. Processes for sampling and other market surveillance activities are heavily influenced by national practices, traditions and legislation even though they all fulfil the requirements of the directives. Contact with economic operators in the home territory is also heavily influenced by these factors even if the procedures have pan-European commonalities. A training system must take both perspectives into account even if it doesn't cover both of them.

A training system must be able to cope with training of new market surveillance officials as well as the continuous development of experienced officers.

Furthermore it is advisable that a training system can document the education of the individuals (continuous professional development). Some Member States have noted an increasing demand for being able to document the competences of their market surveillance staff e.g. in court cases.

5 Objectives

The main objectives for a training programme are to enhance and enforce consumer's safety. Through well-planned market surveillance programme focus will be set on product safety according to the objectives of the General Product Safety Directive. This programme will also cover other product safety directives such as the Low Voltage Directive, Toys Directive and Personal Protective Equipment Directive.

In addition to above mentioned objectives, training programmes facilitates other objectives such as free movement of goods, equal conditions for all economical operators (“the level playing field”) and proportionality and impartiality towards business operators.

These objectives can be broken down to more operational objectives that the training system contributes to:

- Better skills and standardised qualifications for the risk management process in market surveillance activities.
- Better skills and up to date competences for the practical approach to market surveillance activities
- Higher uniformity in market surveillance across Europe
- Continual professional development of market surveillance officers
- Improved relations with stakeholders through involvement of them
- Increased consumer confidence for products on the market
- Increased confidence in enforcement bodies.

6 Target groups

The training system is foreseen to have a number of target groups:

- Officials in market surveillance authorities in EU Member States and EEA countries are the primary target group.
- Customs authorities cooperate closely with market surveillance bodies in several Member States. They constitute an important target group in the training programme as participation will increase the understanding of the importance of market surveillance at the border.
- Consumer associations should be allowed to follow parts of the training system in order to better understand the methodology and practical approaches in market surveillance. Participation may help them develop further their own policies and strategies for protection of consumers to increase the synergy from the cooperation with the authorities. Involvement should also increase consumer associations’ awareness of their support to the enforcement bodies in revealing of dangerous products.
- For economical operators parts of a training programme will be very beneficial because they could learn how market surveillance bodies work. This will also mean that they have better opportunities to target safety procedures in their own quality management system to the requirements of the EU legislation. This should in turn increase the share of safe products on the market.
- Market surveillance authorities in third countries benefit in two ways from participation. The European Commission among others funds several training and twinning programmes in countries at the border of EU to help them install an operational and efficient national market surveillance system. The training programme appears to fit excellently in this context. Participation in the

training programme will furthermore teach officers in foreign export control bodies and national market surveillance bodies about the European requirements which in turn should decrease the share of non-compliant products imported to the EU from those countries. The training programme will add to both these activities.

It can be seen that not only managers and officers in enforcement bodies in the Member States will benefit from the training system.

7 Methodology–six pillars of training

The training programme will build on several pillars:

1. Web based learning
2. Participation in national market surveillance projects
3. Courses and workshops nationally and EU -based
4. Exchange of officers within EU
5. Joint cross border projects within EU
6. Train the trainer for the use in training field officers nationally

7.1 Web based learning

A web-learning facility based on existing systems including desk companion service system – one that delivers:

- Blended and flexible training that caters for flexible working patterns provided by classroom training, e learning and distance learning using workbooks.
- A training programme that blends classroom training with practical training for staff who can undertake operational work during the training programme;
- A flexible training programme that reduces the amount of time spent in fulltime training;
- User accounts with varying levels of access for potential business/consumer access to learning material;
- 24 hour access 7 days per week.

The practical approach to e-learning is to build a desk companion to complement existing material held in available databases. One example is the WebEx database. This base will be assessed and information gained will assist in building the training programmes suitable for e-learning. Other databases such as ICSMS, RAPEX and CIRCA are monitoring tools and will not be affected but a desk companion will be able to train market surveillance officers on the use of these monitoring tools thereby producing a consistent approach of their usage throughout the Member States.

The desk companion also provides an assessment tool whereby a student can be assessed on the information learned. An accredited certificate can then be produced for the student to prove their training and continual professional development.

The training produced by the desk companion will also be based on the EMARS book that is being prepared. The main contents of the book will be used where appropriate to head up the individual training modules to target the main topics.

The principal language used for this tool will be English, however, with time and specific requests it will be translated into other languages required.

The fulfilment of the web based learning programme is to be considered as a minimum requirement for the next coming events; workshops and exchange of experts and joint cross border market surveillance projects.

7.2 Participation in national market surveillance projects

There are considerable market surveillance experiences in all Member States. It is very important to benefit from this experience and use experienced officers in the training of newly recruited inspectors. By using the method of practical training along with theoretical education significant knowledge will be transferred to newly recruited people within a relatively short period of time.

7.3 Seminars, courses and workshops

Reference is made to the ongoing training programmes in the food and feed sector. It is reason to believe that this system will be able to support training in the non-food sector with experience and advice in the planning and performing process.

The EMARS Core Group, with assistance from experienced consultants, is able to provide and support a set of seminars/courses/workshops at various venues in the Member States in line with the “Better Training for Safer Food” programme. These training workshops will deliver the generic principles and topics found within the Book. However, depending on each state, certain specifics will be covered. This will require the input and delivery of individual Member State specialists.

Workshops may be arranged at two levels. The highest level will be on generic principles of market surveillance and cover best practices in all product safety fields. The second level will deal with specific issues on different product safety directives.

The workshops will be designed in line with the web-learning facility. The web learning facility can be used during the presentations to deliver scenario or practical training as examples for assessment purposes or for pre-course material.

7.4 Exchange of officers

DG SANCO launched the idea of cross-border exchange of experts in 2007. In the invitation there were possibilities for economical funding from the Commission. Several Member States took advantage of this

and practical arrangements were made. Experiences from this programme should be utilized in future work with strategy for exchange of experts.

Exchange of experts is expected to be an important factor in the development of best practices in EU and will also be the part of training that merges the theoretical and practical training obtained from e-learning and workshops. Officers taking part in a scheme like this should report afterwards on best practice initiatives that can then be included in the workshop programme and can be made available via the web-learning facility. In this way the training presented will constantly be updated and refined to build on the competence and ongoing training for market surveillance officers.

Exchange of experts should primarily be connected with joint projects. The beneficial effects will be valuable due to the fact that the initial market surveillance is linked to the same area of interest with respect to product safety.

Throughout this activity PROSAFE may act as a 'matchmaker' between various market surveillance organisations and assist in practical arrangements such as applications. PROSAFE will also ensure that this exchange visit programme will be synergised with the rest of the training strategy.

7.5 Joint projects

Experiences from different joint projects tell that participation in such projects in itself increases the competence and knowledge of the participants. By focussing on procedures and other written documents on best practice in market surveillance a uniform European market surveillance methodology will gradually evolve. Recommendations from EMARS should be utilised in all aspects of planning, performing, analysing and reporting to optimise the use of resources in enforcement activities. This way, joint projects will contribute to competence building with the participants and to the continuous development of the training programme.

8. Levels of training

The food sector mainly performs training at two levels. The first is the training of market surveillance officers in the field. This training deals mainly with taking samples etc and I believe that the basic need of education some technical background, to know standards and to know how to take samples and test them.

The second level, which requires more competence and skills, deals with audits at producers and importers.

As far as I understand the organizing of market surveillance differs from country to country and we will have to take into account the needs for differentiating the training. From the discussion in Tallinn (not concluded) several countries do need training on different levels I believe we identified 4 levels:

- * Level 1: Market surveillance in the field (checking on spot etc)
- * Level 2: Market surveillance project participants
- * Level 3: Audits with producers and importers
- * Level 4: Management training (i.e the management of the market surveillance function within the organisation)

In further work we will have to look into requirements (education and experience) for inspectors related to different levels/tasks (if possible), and try to define what kind of inspectors we need to train on an EU-level. I would propose to concentrate Eu training on level 2, 3 and 4.

In the further work with training programmes we will have to discuss the responsibilities of EMARS II related to this issue.

9. Market surveillance certificates

This issue has to be discussed further in the Training WP. Due to the fact that business will engage in the legal framework of market surveillance, I believe that questions might be asked about competences and legal background for any decisions taken by the enforcement bodies.

To be elaborated by EMARS II.

In the UK, the TSI offer a Continual Professional Development Scheme that audits training delivery and provides certificates as proof of this professional development for market surveillance officers. Therefore this delivers competencies for officers to achieve and proof thereof.

Also in the UK, TSI offer a specific business award called the Fair Trading Award given to business personnel and their company for completing the training and successfully passing the assessments for this award. This award could be developed for the EMARS training programme.

10. Contents of the training programme

In the training programme we need to describe:

- the background for the training;
- the basic educational requirements;
- an introduction to the training programme itself; nationally and on an EU level

10.1 National training in Member States

It is envisaged that Member States train market surveillance officers in national regulations and conditions. It is further recommended to prepare this training so that it prepares for including the aspect of cross-border training in the EU.

National training might cover:

- National regulations and relations to EU legislation
- Project planning and performance
- Procedures on market surveillance, the practical, national application of the Book.
- The national organization of market surveillance
- Continuous exchange of experience between officers through market surveillance projects

The national training programme will, in addition to practical issues regarding market surveillance, also deal with EU related issues. After the training, the participants should:

- be able to read and understand directives;

- be familiar with EU's legislative structure;
- be familiar with the transposing and application of directives into national legislation;
- be familiar with practical aspects and content of market surveillance activities
- be familiar with principles concerning information and cooperation with stakeholders

10.2 EU training

The training programme should provide a general introduction to:

- product data bases (RAPEX, ICSMS, EMARS data bases, etc.);
- the EMARS book
- standardisation processes
- risk assessment methodology

The training programme could furthermore offer specific in-depth training on:

- the EMARS book on best practices (planning, performing, reporting and analysing market surveillance);
- specific issues in different directives, product risk assessment and testing;
- risk assessment;
- use and interpretation of standards;
- development and use of forms (e.g. checklists);
- information and communication;
- RAPEX

Seminars/courses/workshops in the training programme should be based on case studies:

- Practical examples, exchange of experience from existing projects (possibly joint actions)
 - o Project plan setup;
 - o Performance (information, visits, product sampling);
 - o How to deal with test laboratories;
 - o Technical report;
 - o Communication with business;
 - o Communication with media;
- Case studies from setting up a new (hypothetical) project
 - o Planning;
 - o Drafting a project plan;
- Presentation of results

It is furthermore necessary to elaborate more on the details in the national training programme and the EU programme in order to avoid overlap and to adjust the programmes to the needs of the member states. It is recommended to develop these programmes so that the national training will be a sort of basic training level one and hence the EU training will be level 2

The training programmes above would facilitate the knowledge required for market surveillance officers. As we are moving down the road toward an officer showing and proving their skills and competencies in

specific areas, it would be valuable for the training to also include some assessment of these skills and competencies by the production of a portfolio of evidence or workbook approach.

11. Financial overview

Even though this is at a very early stage it would be possible give some indications about the costs and time lines for the first steps in the development of the training program:

- e-learning facility

This is the most difficult part to estimate, but it is possible to indicate which elements contribute to the costs if we focus on developing a module that assist a participant in preparing for a workshop and a module that will serve as a quiz after a workshop:

- Developing the theoretical contents for one module for preparation and one quiz module, 10 – 50,000 € depending upon the level of “sophistication”.
- Plus cost for programming or setting up the e-learning facility.
- Plus licence payments to TSI (if any).
- Plus costs for hosting the software (if any).

- Workshops

It shouldn't be terribly expensive to develop courses and run e.g. 2 – 5 courses per year in English in Brussels. It would require some central capacity in PROSAFE though not to depend upon voluntary contributions from Member State officials.

Based on the prices from the EMARS project costs can be estimated to be in the magnitude of:

- Developing course, 10 – 20,000 € per workshop day
- Execution, 2 – 4,000 € per workshop day (to pay trainers' fee and travel and subsistence expenses)
- Plus cost to the conference venue
- Plus reimbursement of participants travel and subsistence expenses (if any)
- Minus participants' own payments (if any)

- Exchange visits

At present PROSAFE's contribution is related to “matchmaking”. Further to this it might be necessary to do some follow-up that people actually producing their mission reports. And it is necessary to operate a knowledge base to place such reports.

All these functions could be seen as core functions of PROSAFE, which means that they could be handled as long as PROSAFE has got a secretariat with some core capacity.

The drawing up of a “form” for a mission report would not take up many resources and should also be handled within the frames of PROSAFE.