

Newsletter

Issue 3 – May 2007

A word from the Prosafe Chairman

This edition we feature a report from our recent workshop in London. The workshop marked the start of the drafting of the best practice handbook but more importantly perhaps also the start of the broader consultation on the content of the handbook. The workshop heard that for the handbook to be accepted it needs to contain the state of the art and there has to be broad consultation during the drafting process. I can only concur with these comments.

To ensure we have the state of the art best practice contained in the handbook requires us to consult as widely as possible and to test the application of the best practices in the real world. I am glad to report then that the workshop was attended by some forty-one participants from nineteen different countries.

Progress is being made on drafting a comprehensive consultation plan for the drafting of the handbook. Once completed, we will report on the plan in the newsletter so you can reserve the dates for the workshops and other events. In the meantime any comments or proposals for best practice for the handbook can be sent to handbook@emars.eu.

You will also be able to read in this edition of EMARS's involvement in three different joint actions. These joint actions will give us invaluable experience with the best practices we identify for potential inclusion in the handbook.

We are also announcing in this edition the launch of the rapid advice forum. This is a very important component of the EMARS project. The procedures for submitting a query to the forum are described below and I would encourage national authorities to make use of this exciting new initiative.

The secretariat continues to develop the project's web-site at www.emars.eu. From 1st December 2006 through to the end of May 2007 we have had 2,701 PDF documents

downloaded; 210 word documents; 556 PowerPoint files and had 5,007 page requests in the same period. On the Google search engine we appear as the third domain listed (fifth result overall listed).

As we approach the half-way point in the project our recent workshop, the launch of the RAF and the growth of the content and visibility of the web-site demonstrate the progress that is now being made in the project. We look forward however to the continued efforts and contributions from participants. The next six months will be critical to the success of the project.

Best wishes

Dirk Meijer, Prosafe Chairman



A section of the audience in London

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WP3 Workshop

EMARS held its first workshop in the course of the project in London on March 22nd. The theme of the workshop was the development of the best practice handbook. The programme of the workshop was designed to bring participants up to date with information about the progress that has been made up until now within the work packages dealing with the workshop, primarily WP3 but also WP4 who are drafting the risk assessment module. The workshop also showcased a number of presentations of best practice and initiated a discussion of several issues that will be addressed in the final handbook.



Wallbrook Wharf City of London

Opening

The workshop was opened by Noel Hunter who welcomed the participants to the UK. The UK was very happy to host the workshop even though they were not a formal member of the project as such. Noel reflected on the pressures facing national administrations requiring them to do more with less. The challenge for the handbook will be that we need a state of the art document that reflects current and emerging practice. Noel also stressed that the project is a very significant development in the history of Prosafe. The project represents an important opportunity to demonstrate Prosafe's worth and help provide a sustainable future for the organisation. He concluded by stating that we need coordinated market surveillance to make the single market work.

Introduction to Project

Gunnar Wold presented the main aims and objectives of the EMARS project. The main deliverables of WP3 include the identification of joint market surveillance projects, a report on market surveillance best practice, the

identification of training needs and the drafting of a handbook on Best Practice Techniques in market Surveillance. All of these issues were addressed during the workshop. Gunnar went on to outline the considerable progress that has been made to date with the questionnaire on national market surveillance practices that has been sent out, the drafting of a table of contents for the handbook and the preparatory work that had been carried out on two joint actions for 2007.

Remarks from the European Commission

Robert Nuij reiterated that EMARS is an important project, not just in terms of the funding but also because the project could help to establish the terms for market surveillance in Europe in the future. Member states have to co-operate on market surveillance – more and more products come from outside the EU. Coordination should be the only way forward. The project means to move the issue forward and make a positive contribution. The knowledge base and the rapid advice forum (RAF) could be permanent features of the market surveillance infrastructure in future. The project is a bit of a make or break point for what can be achieved in market surveillance. A successful project can be a pre-cursor to something more permanent in the long term. An unsuccessful or less successful project will hamper future developments. The message is that success is wanted.

Robert went on to inform the workshop that there is a new commissioner for consumer policy in place since the beginning of year. In contrast to previous commissioners, her sole focus is consumer policy thereby increasing the profile of consumer issues including product safety. There will for example be a major press launch of the Rapex report for 2006.

Progress in WP3

Analysis of the results of the questionnaire

The questionnaire was sent out at the end of June 2006 and after some reminders completed questionnaires were received by November 15th 2006, from all the following countries participating in the PROSAFE project: Austria, Belgium, Denmark, Estonia, Finland, Germany, Greece, Hungary, Latvia, Lithuania, Malta, Norway, Romania, Slovakia, and the Netherlands. In addition Spain and Switzerland although not formally participating countries also completed the questionnaire. Further documents have been supplied by some of the responding members. They deal

with: annual reports, list of codes for the evaluation of defects, MS policies, guidelines for sampling, guides for consumers, etc.

The following analysis carried out on the questionnaires resulted in collecting some very interesting information on:

- Joint MS programs carried out with other countries.
- Directives covered by the answering body.
- Educational requirements and basic and on-going training systems for inspectors dedicated to MS activities
- Present situation with respect to systems for planning, performing and reporting on market surveillance activities.
- Assessing the risk of products during the normal routine investigations and use of EN-standards.
- Tools and instruments used during the routine inspections and criteria applied for picking up samples.
- Existence of Reports published on MS activities and of any brochures/guides aimed at the consumer on Directives, safety issues, product liability, etc.
- Present situation with respect to follow up on dangerous products reported in the Rapex system, by media, by consumers or other sources.
- Present use of Rapex risk assessment or equivalent system.
- Present situation with respect to the application of Notification guidelines.
- Access and use of test laboratories (notified bodies) and requirements for their approval.
- Systems used for the information for interested parties (manufacturers, importers, distributors, retailers, etc.) on the results of tests on selected samples.
- Systems used for the information of the consumers on the results of the MS activities.
- Short overview of market surveillance projects carried out at national basis lasting two years.
- Experiences regarding test facilities and expertise.
- Present cooperation with national customs authority.

All these information has been synthesized in the **Report on Market Surveillance practice**. The Report also includes a specific chapter on the linkage with relevant ADCOs and on the specific joint MS projects that are now running on cigarette lighters, portable luminaries and electrical extension cords.

The information detailed in the Report will be further analyzed in the course of the first half of 2007 and, together with information from other sources and from the members of WP3, will serve as a basis for the main contents of the Handbook on Best Market Surveillance practices techniques that will be prepared in its first draft by end of 2007. The main contents and the index of the Handbook have already been defined.

Overview of the contents of the handbook

Noel Toledo presented the draft table of contents of the handbook. Noel stressed the need for the exchange of information at this workshop and in during future opportunities that would be identified and publicised. Noel stressed that through the workshop, questionnaires and other initiatives that EMARS was engaged in, all member states of the European Economic Area (EEA) with the exception of Liechtenstein, were actively involved in EMARS and he wished to see this continue over the coming months as the handbook takes shape. The draft contents as presented appear on the next page.

Training Systems for market surveillance authorities

Ron Gainsford from the UK Trading Standards Institute gave a brief overview of the trading standards set-up in the UK before going on to present the major training initiatives his institute carries out. Again, although the UK is not a participant in the financial scheme of the project, he was delighted to be able to share with the workshop the considerable efforts the UK makes in training that can feed into the discussion on best practices within WP3. There are some 3100 TSOs in the UK. The institute has a long established training framework, currently the Trading Standards Qualification and Competency Framework. It is a flexible, structured approach to learning; it is skills based with requiring a portfolio of evidence. Knowledge is tested through examinations and practical assessments and there is a dissertation in the form of a project report. Ron outlined in detail the elements of the training and the objectives the training sought to achieve. He then went on to present the online web learning management system (Desk Companion e-learning management system) and showed a training video from the web-site. Lastly he showed the recruitment site that the trading standards institute operates to promote the career of a TSO, (Trading Standards officer) www.tscareers.org.uk. It was clear from the presentation that the UK has considerable experience in training and is

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making innovative use of new technologies. The discussion following Ron's informative presentation focused on how to distil a European wide component from national training. That is to say: to determine whether there was enough material of European wide relevance that could justify a European level training programme. Obviously matters of organisation, national law and procedures would not translate to the European stage. It was felt however that there are a core number of important topics that would benefit from a harmonised approach across Europe leading to more consistent market surveillance across different member states. Another issue that was raised during the discussion was how to track and coordinate imported products. This raised the question of whether customs officials were trained in the UK by TSI. Ron explained that this was not the case at present but that TSI would be very willing to take this on. Ron was also asked about the cost of the training and explained that although they had effectively deconstructed their previous training framework to make better use of IT tools the training remained affordable. There would of course obviously be economies of scale if there was to be any European level training.

Cross-Border Surveillance Actions

Joint Actions on cigarette lighters

Torben Rahbek presented the progress to date with the joint action on lighters. The lighters project and other joint actions offer an opportunity for EMARS to observe best practice in sampling techniques, inspection techniques, screening tests and member states can use the draft handbook to guide their efforts. Some of the best practice expected to be observed in the lighter project include common ambitious objectives, coordinated sampling plans, involvement of industry, the coordination itself and co-operation between member states, and market surveillance – customs and the Commission. The project has already encountered a number of challenges related to finding an applicant country, coordinated approach versus member states own procedures (what to coordinate), differences in legislation and approach. Considerable progress however is being made to overcome these challenges and to produce a successful joint action.

Luminaires and multiple outlet extension cords

These two projects are initiatives of the LVD-ADCO and were presented by Georg Hilpert. The luminaires project was the first large scale

joint project for the LVD with 15 participants. 14 of the 15 participants submitted results. In total circa 225 luminaries were investigated and 160 were not in compliance with the requirements. A number of preliminary lessons and observations could be drawn from the conduct of the project. The working methods of national authorities differed considerably making it difficult to establish random sampling, sample and inspect at EU importers and manufacturers and to establish definite time frames for sampling, inspection and testing. In practice, hardly any use was made of the opportunity that existed to check which samples were being tested in other member states so as to avoid any duplication. There were also variations in determining the seriousness of specific non-compliances and there was a lack of dedicated human resources for development, management and reporting. The extension cords project has 21 participants. Georg identified a number of best practices that needed to be examined in greater detail. These related to sampling and inspection at EU importers and manufactures; time planning; use of a common lab for all tests; round-robin testing; uniform reporting and the implementation of uniform measures. He suggested that when developed cross border market surveillance allows more and better market surveillance for the same cost, cross border surveillance should concentrate on EU importers and manufacturers, and lastly that a professional body was needed to organise and manage cross border projects.

Lessons from other enforcement collaboration and joint testing

Bruce Farquhar presented some on-going work examining other enforcement collaboration and joint testing. The work is focusing on what lessons can be learnt for application in the EMARS project from joint testing of consumer products by the consumer associations and inter-governmental collaboration on market surveillance and enforcement in other product sectors. Bruce was able to present the findings of the work completed to date dealing with the joint testing by consumer associations. Consumer associations in Europe and more recently from around the world began collaborating on joint tests of consumer products in 1972. Today their coordination body ICRT (International Consumer Research and Testing) oversees 150 joint tests, 40 of the results are published in at least fifteen countries. The tests involve more than 3500 models of products being tested in 65 different laboratories at an annual cost of some 3.9 million €. The consumer

associations collaborate primarily to save on test costs; savings of 65-70% are the norm, and to avoid publishing conflicting test results and analysis. They also collaborate to share expertise and experience. The co-operation is very well-developed with the main projects being submitted for testing at one laboratory avoiding unnecessary duplication. At the same time there is some flexibility in the arrangements so participants can have additional products tested that may for example only be found on their national market. Bruce suggested that given the large number of tests being carried out by authorities, as was borne out by the presentation of Jan-Willem Weijland, there had to be some advantages to national authorities collaborating in a similar manner. Costs saving should obviously result but with the sharing of information, expertise and experience there should also be more consistency and coherence about risk assessment and the result of market surveillance programs to the benefit of all stakeholders in the internal market.

Market surveillance plans for 2007

Jan-Willem Weijland presented the results of a survey on market surveillance plans on behalf of Marijn Colijn who is coordinating this work. 16 countries had responded to the survey and reported their plans for 2007. Plans for 2008 were not available yet. Approximately 200 market surveillance projects were identified involving some 126 different product categories. Thus this represents a substantial investment by the national authorities. Jan-Willem noted that few projects ran in parallel with more than two or three member states. Where there were more member states involved it was in the case of projects centrally instigated lighters for example and the luminaires. The question was raised however as to whether this lack of overlap was deliberate and reflected differing priorities and concerns or simply occurred in the absence of any active coordination. It was suggested for example that it would be interesting to review the projects from the past five years for example and to determine if there was still not more of an overlap between member states activities. Jan-Willem concluded that there was still much to be done to determine where there could be coordination and how useful this exercise had been and how to repeat it if it was considered useful.

Risk Assessment and Communication

Two introductions to risk assessment and risk communication were presented respectively by

Torben Rahbek and Fabio Gargantini. Torben's presentation dealt with the theme of how you decide whether a given product is dangerous during a screening test or merits further investigation. He presented a number of ideas around different directives and the GPSD itself. He raised a number of questions relating to what tools are necessary, when is risk assessment applied and what difficulties arise. Fabio presented an outline of the different elements of the risk communication process and discussed the different tools available to the authorities. There was a good discussion after this session. Some of it centred on the terminology used: risk assessment versus risk management for example. It was clear that there needs to be a harmonised vocabulary concerning these issues. There was some discussion around the need for tools to grade non-compliance to help decide what action was proportionate to the risk presented. A suggestion was made to examine the risk assessment work in the food safety field. The view was also expressed that there needed to be a systematic exchange of information all the time for example of decisions taken by advisory committees and that this information had to be communicated to business and consumers.



Ron Gainsford in action at the WP3 workshop in London

Conclusion

There was obviously an substantial amount of useful material presented during the workshop and that resulted from the often lively discussion during the day. Although one of the principle aims of the day was to educate participants about the developments in the project to date and we are only starting the consultation process on the drafting of the best practice handbook, there were already a lot of positive contributions during the workshop. The issues raised will now be examined further during the coming months. A comprehensive work plan is under consideration and will be

finalised in the spring. There will be specific outreach to stakeholders, and participants in the project will be encouraged to contribute actively over the summer. The next event will probably be a two-day workshop in the autumn when the draft handbook can be presented. It is then foreseen to have another workshop in the spring of 2008 to further finalise the handbook before it is formally presented together with the other deliverables of the project in the autumn of 2008.

Closing of the Workshop

In bring the meeting to a close Noel Hunter said he was very encouraged by the day's proceedings. There was a positive reaction to the progress made in the project. He emphasised consultation as one important element for the success of the project. It would be vital in his opinion to engage the key players who through their buy-in will support the project. He also emphasised the need for a generic approach in the drafting of the handbook to ensure the widest possible application of its contents and its relevance to the largest number of countries possible. This does not mean that it has to be wishy-washy or too bland but rather that it should strive for an appropriate level of detail that is widely applicable. It was also important to be politically wise about the future not over-ambitious but allowing for the widest possible buy-in and hence support for the results of the project and the actions proposed for the future. More detailed information can lie behind the handbook and it is best not to address controversial issues too bluntly. The project has to generate respect for our efforts hence the considerable importance that is attached to consultation. He also found the collaborative model of the consumer organizations very interesting. The 65-70% savings generated through the collaboration could be a killer fact in helping to promote such a model. Lastly he also identified the need to see other member states such as France and Spain more actively engaged in the project. Noel then brought the meeting to a close thanking the speakers, all the participants, the Commission for their support and TSI and the City of London for the splendid meeting facilities.

Consultation plan

A comprehensive consultation plan is being drawn up and will be reported on in a future edition of the newsletter. In the meantime any comments or proposals for best practice on the handbook can be sent to handbook@emars.eu.

Rapid Advice Forum

The level of experience member states have with market surveillance varies greatly. The Rapid Advice Forum, RAF for short, provides a mechanism whereby enforcement officers in one member state can tap into the experience and expertise of their colleagues for quick informal advice concerning a particular issue or product. Further information on the operation of the RAF is available at www.emars.eu. The Rapid Advice Forum has now been formally established and received its first case at the end of April. We await the results with great interest. We would encourage any national authorities with a potential case for the RAF to contact us at raf@emars.eu.

Who's who

The Who's who is now available on Webex and on the EMARS web-site. In addition to the individual country profiles, links to the Prosafe membership list and to the Rapex country contact points maintained by the Commission are available. The secretariat is following up with those countries that haven't yet provided their national profiles.

**Our web-site is online
at www.emars.eu**

Meet the Work Package Coordinators and Secretariat

Finally in this edition of the newsletter we introduce you to the remaining members of the secretariat and project core group.

Dirk Meijer

Dirk Meijer was born in the Netherlands on August 21, 1953. He studied Biochemistry and Analytical Chemistry at the University of Groningen. After his studies, he lived in Indonesia for two and half years, helping to build up a good working analytical chemical laboratory at the Bandung Institute of Technology. After his return to the Netherlands he started to work with the Inspectorate for Health Protection, where he was active in the field of wood preservatives, paints and other household chemicals. In 1987 he left the



Inspectorate to join a commercial environmental lab. In 1991 he returned to the Inspectorate to become the regional director in Zutphen. In 1998 he became the Chief Public Health Officer for product safety of the Inspectorate. He then also joined Prosafe. In 2002 Dirk was elected chairman of Prosafe and started to build an international network around Prosafe, which eventually led to the EMARS project. Dirk is now once again regional director in the Southwest Region, where he is responsible for Import and Product Safety. He continues to be active in the international field.

Dirk van Aken

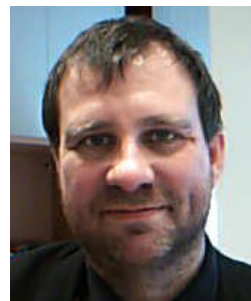
Dirk van Aken (1953) holds a PhD degree in chemistry from Eindhoven University of Technology, the Netherlands. He has worked for 15 years at the Consumer Safety Institute in Amsterdam, as a technical



researcher, senior researcher and programme manager of the Centre for Information and Safety Technology. He has managed research projects into safety criteria for consumer products; he was also involved in standards development (playground equipment, ISO/IEC Guide 50). Since 1 December 2004, Dirk is employed as Scientific Officer in the Office for Risk assessment of the Dutch Food and Consumer Product Safety Authority (VWA). He is responsible for the non-food risk assessment and for planning the research programme in this area. Among his current work areas are the safety of consumer products based on nanotechnology, and the improvement and harmonisation of risk assessment methods.

Jan Roed

Jan Roed (M.Sc.EE) is head of department in the Danish Safety Technology Authority. He is responsible for market surveillance, standardisation, rules and technical legislation in the field of Electrical appliances, Gas appliances, Toys, Consumer products, ATEX, Fireworks and measuring instruments. He is also responsible for gas installations and for the Danish wiring rules. During his 6 years of experience in the government service, the area expanded from only electrical appliances to the



forementioned areas. Prior to this he was a detached national expert in the Commission for 2 years, responsible for the low voltage directive. His knowledge of standards has been gained during 10 years work in Danish Standards - most of the time spent as manager of the electrotechnical standardisation - a field he is still involved in, but now as the Danish Head of Delegation to the CENELEC General Assembly. The practical "hands-on" standardisation is also maintained, since he is convenor of a European working group and an active member of some committees in IEC and CENELEC. Jan Roed has been the Danish representative in several groups in the European cooperation on administration of ATEX, GPSD, LVD and the Toys Directive. He has served as chairman for the LVD ADCO for 2 years.

Helmuth Perz

Helmuth Perz studied economy and after a short career in the IT-area he entered the Austrian Ministry of Consumer Protection in 1993. Later on he was appointed deputy-head of the unit responsible for general product safety issues including legislation, market surveillance and the RAPEX system



Marijn Colijn

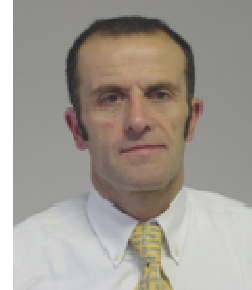
Marijn has worked at the Food and Consumer Product Safety Authority (VWA) in the Netherlands since July 1985. Entering as a food inspector he became head of the Inspection departments in the Alkmaar (1990-1992) and Rotterdam (1992-1997) regions). After his studies in Business administration he developed and implemented a planning and control system for inspections and laboratory tests. From 2001 till 2005 he worked at the Strategy department at the Directorate Inspection, Strategy and Communication of the VWA. During this time he published several articles on the improvement of Inspection and Supervision. He was a member of the international Food Law Enforcement Practitioners, secretary of the FLEP working group Managing Effective Supervision, chairman of the national project 'Risk management for Inspection and



Supervision' and participated in a several twinning projects. Since 2006 he is Senior Public Health Officer in the area of Consumer Product Safety and member of Prosafe and Emars.

Fabio Gargantini

Fabio Gargantini is an independent senior consultant in the field of standards preparation and interpretation and technical support for analysis of standards and related legal requirements.



He specialised in technical and standardization matters in the household appliances field, and has been active for many years in standards development at both the national and international levels. He is Chairman of the Standardisation Committees CENELEC TC 61 "Safety of Household and similar electrical appliances" and IEC TC 59 "Performance of household electrical appliances".

Bruce Farquhar

Bruce started his professional career as a Trading Standards Officer in the United Kingdom. From 1992 to 1995 he worked as Standardisation Officer for BEUC, the European Consumers Organisation in Brussels helping to establish ANEC, the European association for the co-ordination of consumer representation in standardisation where he was secretary-general from 1995 to 2000. Since he immigrated to Canada in 2000 Bruce has been involved in a number of product safety and standards related projects and has organised a series of successful meetings in Europe for ICPHSO, the International Consumer Product Health and Safety Organisation.



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