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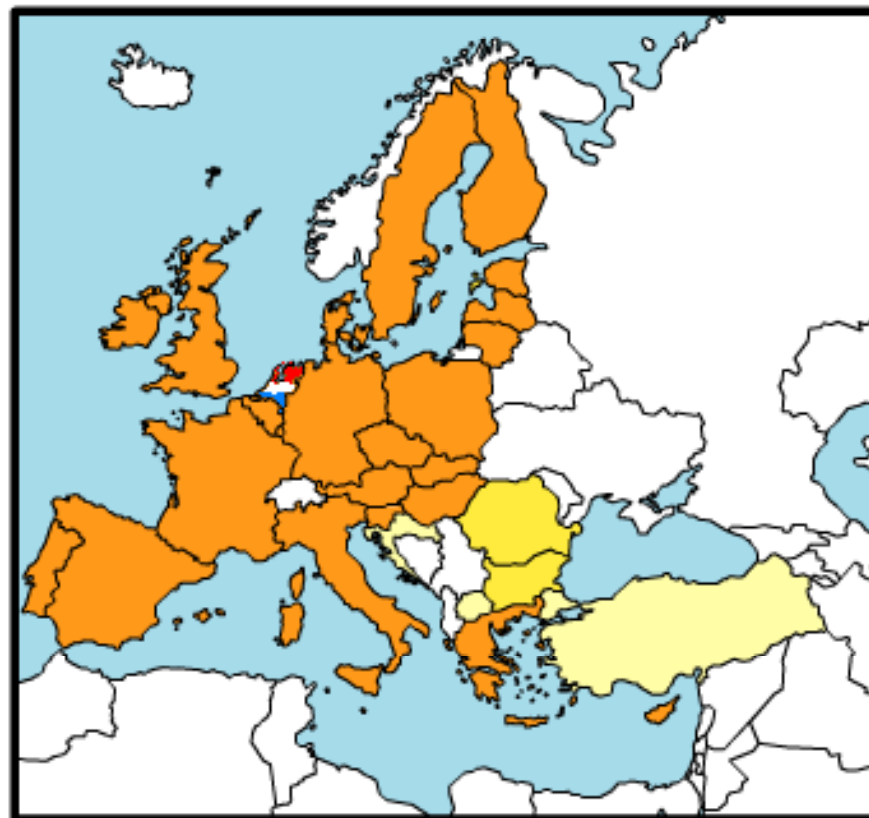


## Market Surveillance New Legislative Framework



Hermine van Rij

November 2010



■ EU-lidstaten 2007 (EU-27)   ■ Nieuwe lidstaten   ■ Kandidaat-lidstaten

Seminar “ Legal Metrology & EU directives, New Legislative Framework”  
Zagreb, Croatia, 3 – 4 November 2010



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## Agenda

- Regulation and guidelines
- What is Market surveillance?
- Market Surveillance conference 2008
- Current situation
- Looking in the future

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Zagreb, Croatia, 3 – 4 November 2010



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# Regulation & Guidelines for Market Surveillance Metrology

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## Regulation for Market Surveillance

- First: National: implementation of the EU directives:
  - 90/384/EEC Non-automatic Weighing Instrument ~~Directive~~
  - 2004/23/EC Measurement Instrument Directive
  - 2009/22/EC Non- Automatic Weighing Instrument
- Second:
  - EU Regulation 765/2008 Accreditation and Market Surveillance

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## Guides for Market Surveillance

- Blue Guide
- WELMEC Market Surveillance Guide 5.2 for MID & NAWI
- Prosafe Best Practice Techniques in Market Surveillance

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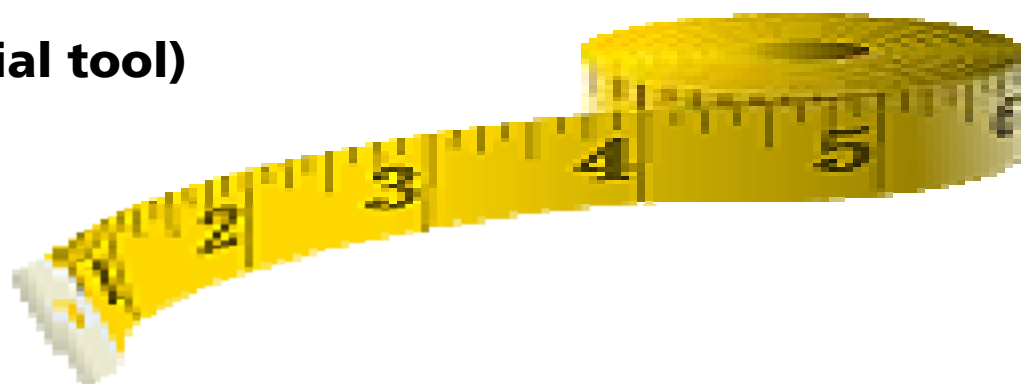


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## What is Market Surveillance?

**An instrument  
(an essential tool)**



- Monitors products and checks conformity
- Takes action, as necessary, to establish conformity

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## Purpose of Market Surveillance



Transparency and  
fair competition



High level of protection

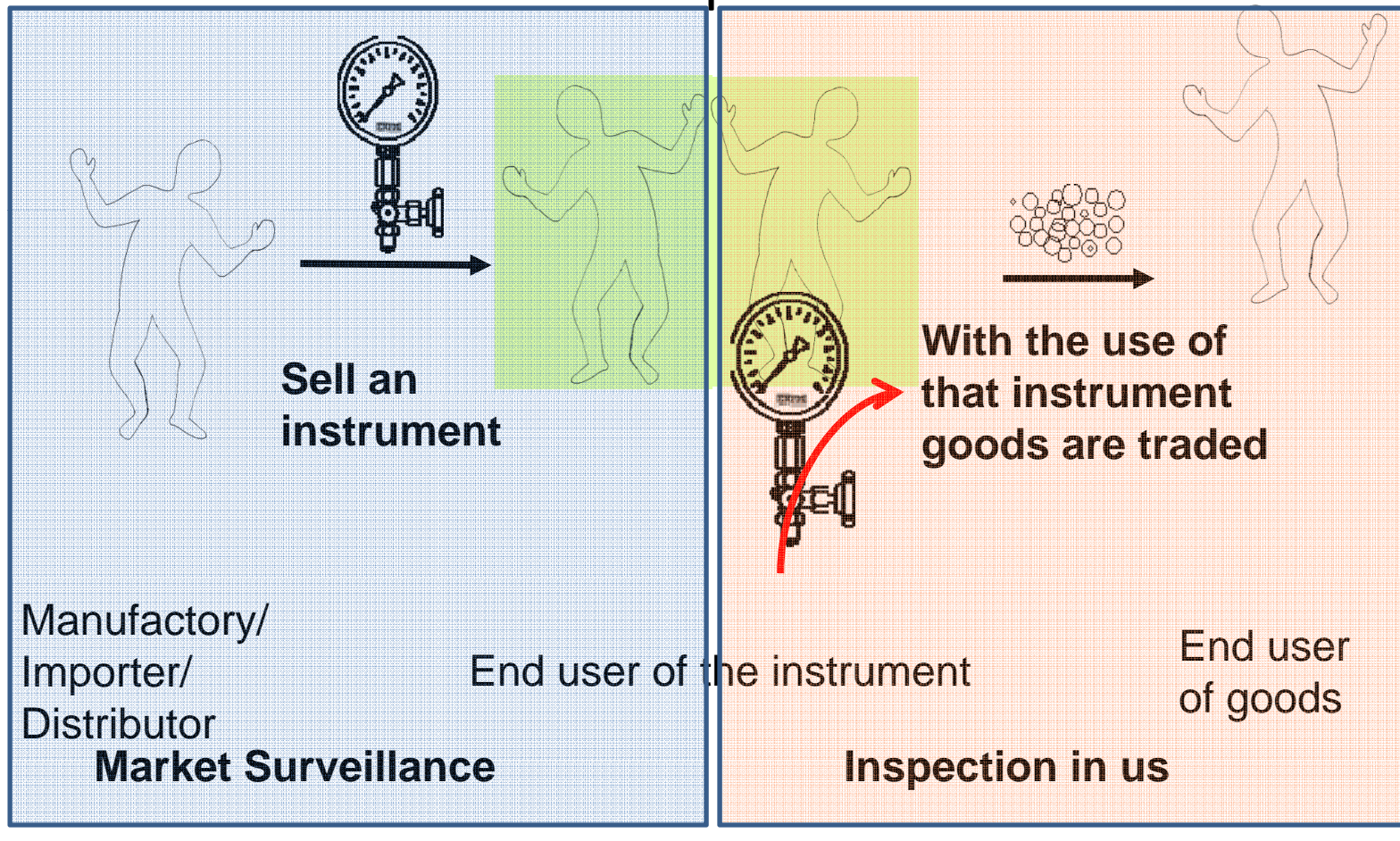
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## Market Surveillance & Inspection in use



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## WELMEC WG 5 Guide Market Surveillance 5.2

### Product Inspection

EC-type examination certificate or the EC design examination certificate (declaration of conformity)



$t_1$

### Market surveillance

Placing on the market, putting into use

$t_2$

### In use inspection

Declaration of conformity

Notified Body's  
MID, NAWI  
European scope  
Member state free interpretation  
infrastructure

Market Surveillance Authority  
MID, NAWI, European scope  
Member state free interpretation  
infrastructure

Enforcement Authority  
MID National scope  
Art 13 NAWI European scope  
Member state free interpretation  
infrastructure

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European Cooperation in Legal Metrology  
**WELMEC**

Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

**SIKKERHEDSSTYRELSEN**

**Tukes**  
SAFETY TECHNOLOGY AUTHORITY

**PTB**

**METREL**  
Measurement and Regulation Equipment Manufacturer

**NWML**

**MI**

**economie**  
FOD Economic, KMO, Middenstand en Energie

**SWEDAC**

**VERI SPECT**

**TOKHEIM**  
QUALITY

**BWA**  
BUNDESMINISTERIUM für WIRTSCHAFT und ARBEIT

**LBME**

**BEV**  
Bundesamt für Eich- und Vermessungswesen

**LNE**

**European Commission**

**CECOD**

**CECIP**

REPUBLIKA SLOVENIJA

ČESKÁ OBCHODNÍ INSPEKCE

**Market Surveillance Conference  
Malta 2008**

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## Measurement Instrument $\neq$ a toy

- **Durable** - Non-durable
- **Non Consumer** - Consumer
- **Availability longer time** - Availability short time
- **Non mass production** - **Mass production**
- **Assembled** - **Manufactured**
- **Long life** - Short life
- **Low Safety risks** - High Safety risks



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# Workshop: which Measurement Instrument?

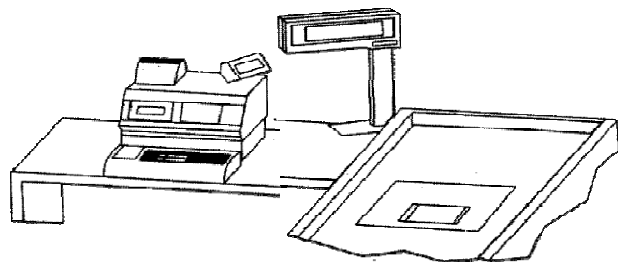
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AW Class III with POS



NAWI Class III weighing  
baggage



NAW Class III mounted on  
vehicles e.g. garbage weighers

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NAW Class III medical  
weighing



Petrol/Diesel Pump's



Electrical Energy  
Meters



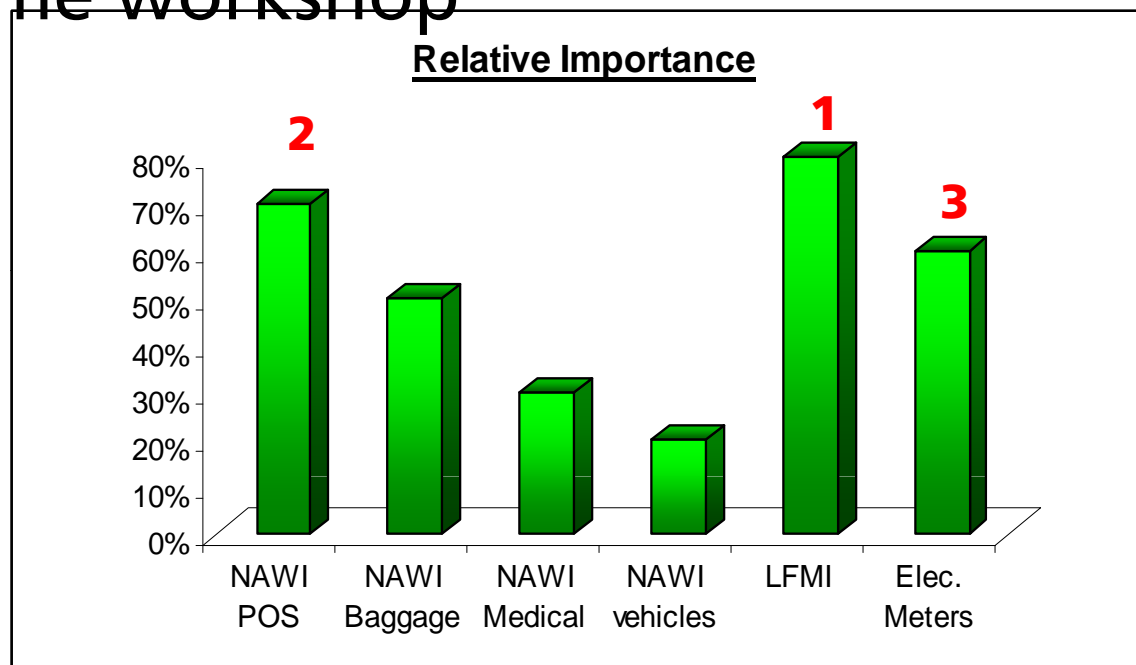
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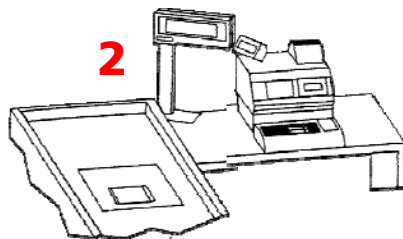
## Outcome workshop



1



2



3



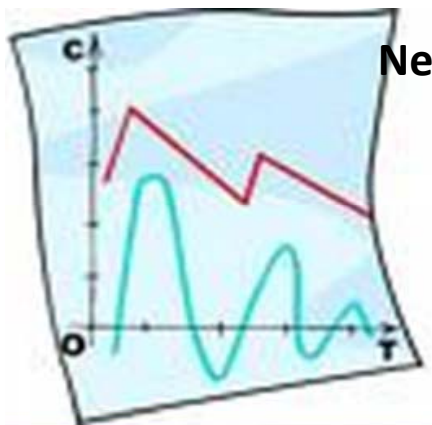
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## Outcome workshop



**Need for better data**

**Methodology**

**Cooperation**

**Target of resources**



**Communicatie**

**Transparency**

**Flexibility**



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## Level and rigour of market surveillance is different through the EU member states



*fraud /  
counterfeit*



*Non conformity of  
products on the market*

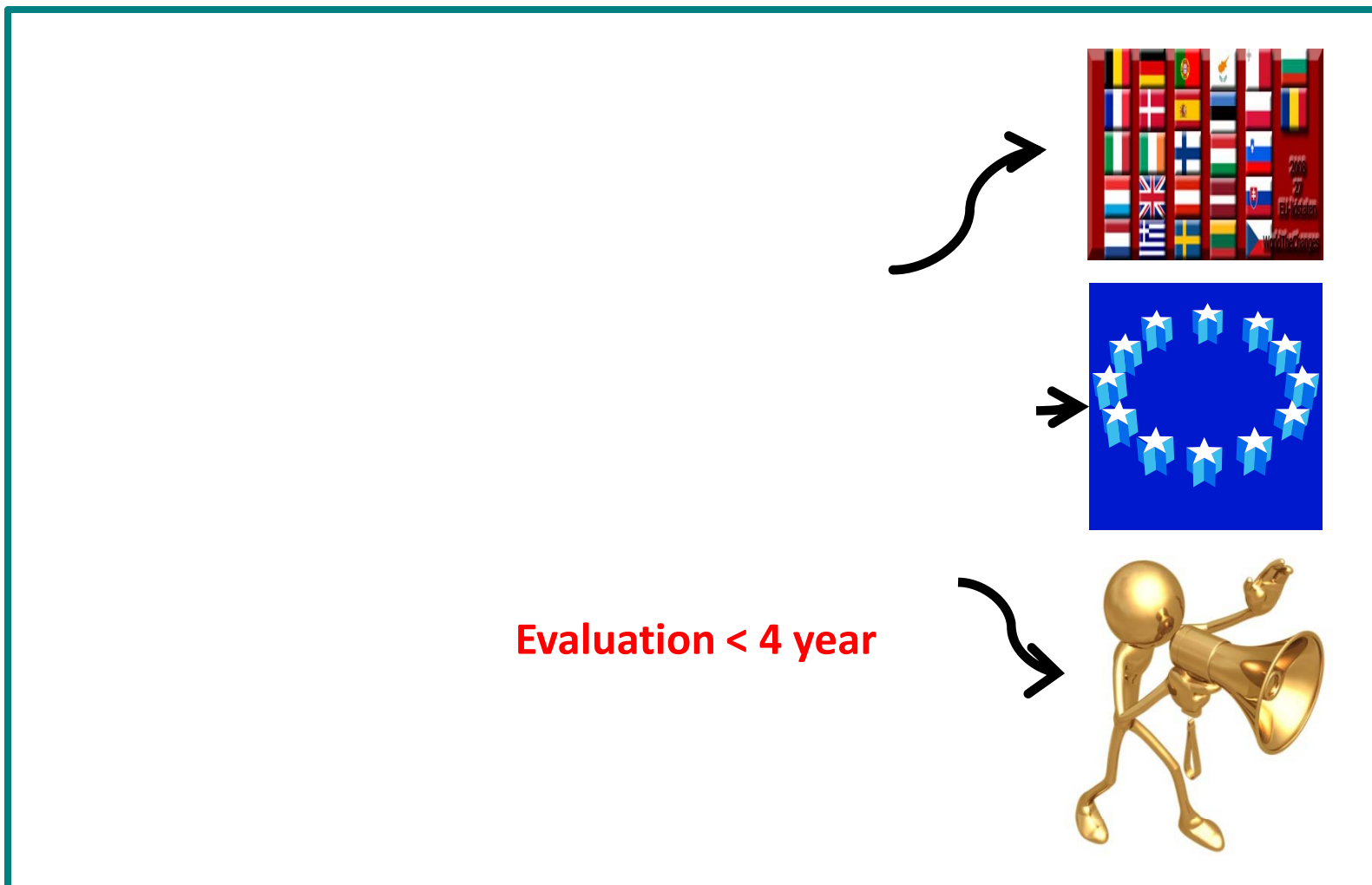


*distortion of  
competition*

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## European Commission

- Supporting Market Surveillance
- Member States forces to give their plans and reports
- Develop and maintain a general archiving and exchange of information system (not yet available)
- Guideline Custom/Market Surveillance

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# The current situation

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## Information exchange

CIRCA -

<http://circa.europa.eu/Members/irc/enteprise/miadco/home>

MI Measuring Instrument ADCO

- Annual plans (3 of 27)
- Results of projects (2)



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## Present Market Surveillance NAWI & MID

Some projects be done, but market surveillance???

- Weighing bridges -> UK, NL
- NAWI Consumer market → Fr
- Liquid Fuel measuring instr. -> UK
- NAWI via internet -> UK
- Electricity meters -> NL
  
- CECIP report



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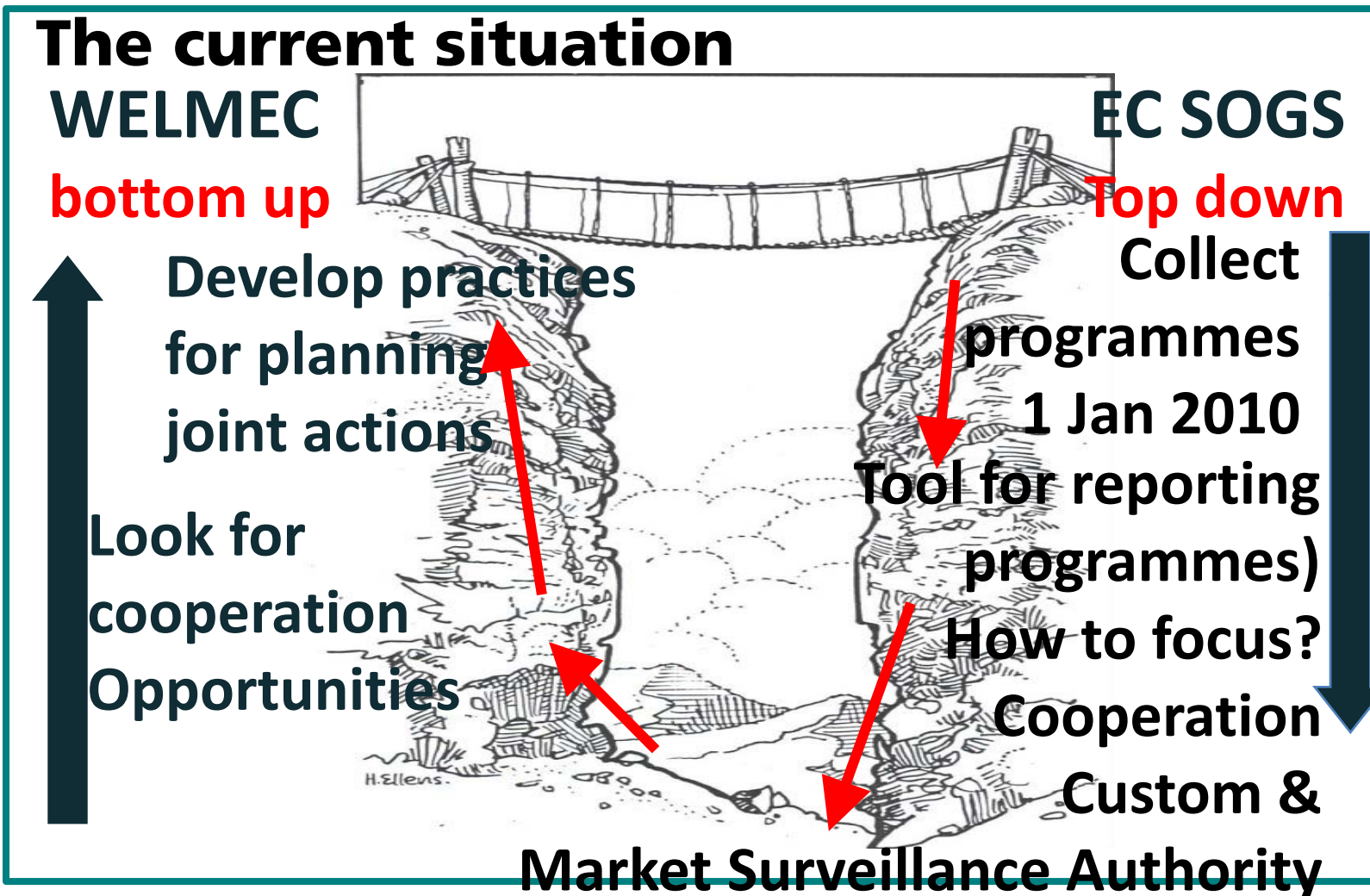


Member State:		The Netherlands									
Market Surveillance Authority:		Verispect bv									
Person responsible for the sectoral NMSP:		Mr. C. J. (Cees) van Mullem (director) and Mrs. B.W. (Hermine) van Rij (staff member)									
E-mail address:		hvrij@verispect.nl									
Period validity of the programme:		2010									
Legislation applicable	Sector	Product or category	Description of the Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or future initiatives	Project manager generalities	
09/23/EC	Industry	NAWI 0 kg up to 150 kg	Inside the national territory, Proactive and reactive surveillance based on risk based management, Place of sampling will be internet and point of sale of manufacturer, importer or distributor in the national territory	Test results joint action with other member countries, Based on complaints and test results from other member countries	Inspection of documentation, product, checking technical documentation and some test (e.g. EMC, temperature)	All monitoring activities have the same priority	All activities planned in 2010	National initiative & and follow up of a UK project	Improvement of cooperation at EU level	Mrs. Hermine van Rij, hvrij@verispect.nl	
	Consumer market	NAWI 0 kg up to 150 kg	Inside the national territory, Proactive and reactive surveillance based on risk based management, Place of sampling will be internet and point of sale of manufacturer, importer or distributor in the national territory	Test results joint action with other member countries, Based on complaints and test results from other member countries	Inspection of documentation, product, checking technical documentation and some test (e.g. EMC, temperature)	All monitoring activities have the same priority	All activities planned in 2010	National initiative & and follow up of a UK project	Improvement of cooperation at EU level	Mrs. Hermine van Rij, hvrij@verispect.nl	
04/22/EG	Industry Consumer market	All MID instruments	Inside the national territory, reactive surveillance by point of sale of manufacturer, importer or distributor in the national territory	Based on complaints and test results from other member countries	Inspection of documentation, product, checking technical documentation and if necessary some test (e.g. EMC, temperature)	All monitoring activities have the same priority	Ad hoc activity in 2010	Cooperation with other EU-MSA	Improvement of cooperation at EU level	Mrs. Hermine van Rij, hvrij@verispect.nl	

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## The current situation

Level and rigour of market surveillance  
is **still** different  
through the EU member states!!!!



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## Policy of Member States



Where in the lifetime of an instrument, between bringing into the market and in use – gives the highest level of protection for directly the end user and the consumer?

- **Market Surveillance** with main focus on protection of the end user of the instrument
- **Re-verification** (inspection with after a period of time), with the main focus on the protection of the consumer
- **Inspection in use** (unexpected inspections), with the main focus on the protection of the consumer

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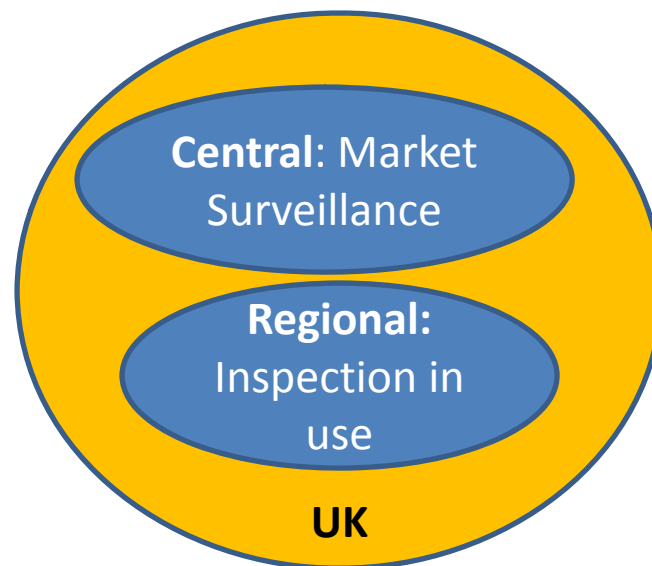
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## The way Market Surveillance is organized



1 Organization  
1 Budget  
Central



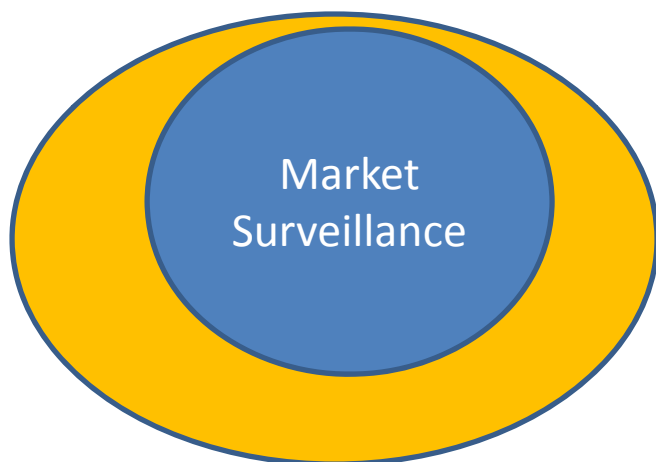
2 organizations  
2 separate budgets  
Central & Regional



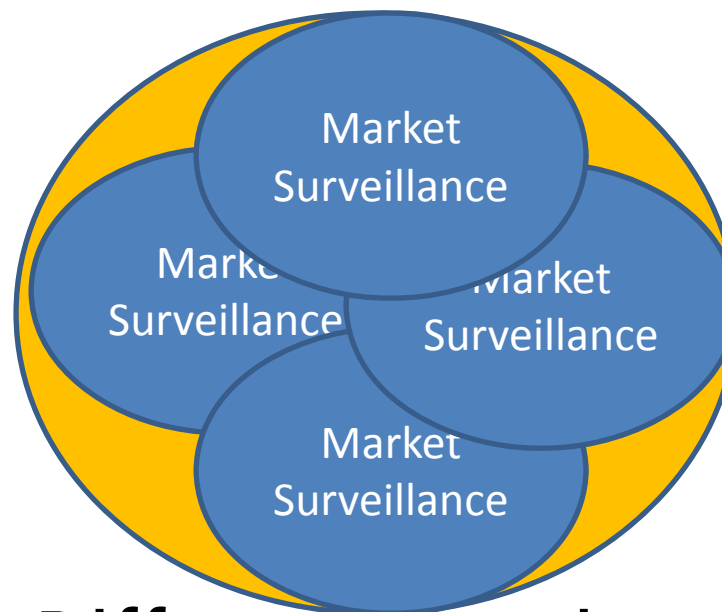
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## The way Market Surveillance is organized



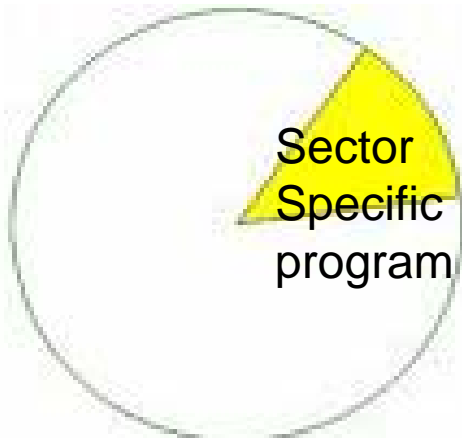
All directives  
done by 1  
organization



Different directives  
done by more than  
1 organization



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Central or sector specific program

Safety more important than fair trade?

Fair trade more important than protection of the consumer?



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# Looking in the future

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## Looking in the future

- WELMEC
  - Market Surveillance Guide 5.2 for MID & NAWI → Update next meeting
  - Risk assessment document → discussed next week in Tallinn
- EC SOGS
  - Guidelines part of the guidelines Administrative cooperation between Customs and Market Surveillance Authorities → Concept today discussed in Brussels

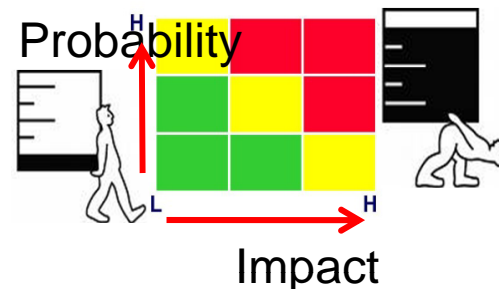
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## Risk assessment



### **Risk adverse**

Aims at preventing any violation(s) and/or deviations from the norm – goal = 99.9% certainty

### **Risk focused**

Aims at optimizing the cost/effectiveness ratio, and at maximal effectiveness in real conditions



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## View of risk

- Acknowledge
  - that accidents can happen
  - the way risk is perceived; provide positive values
  - the limitations of government's role
- Share advantages and disadvantages of risky actions
- Limit accident inquiries to
- More rules could diminish safety
- Make a solid judgment of the public's risk appetite

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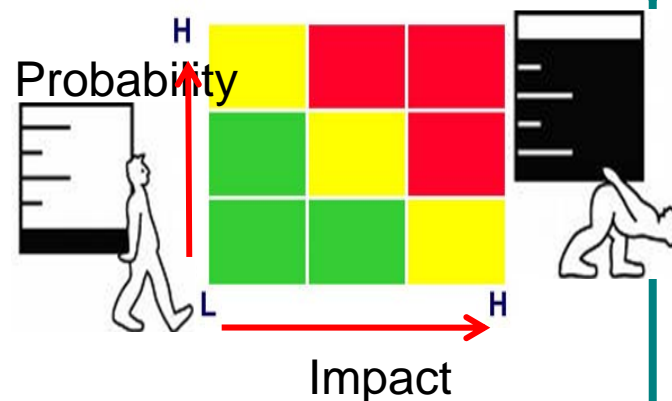


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## Risk Assessment

- What measurement instruments needs the highest priority to be inspected during market surveillance?
- Which strategy needs to be followed to do market surveillance on an effective en efficiently way?
- How can limit of resources in the Member States in Europe be used?





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## Looking in the future

- Collect data from
  - Cross boarding projects?
    - One instrument with the use of risk assessment document
  - National projects
    - Market surveillance
    - Inspection in use
  - Investigations by trade and industry like CECIP

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## Looking in the future

### Interaction Custom & Market surveillance

Customs shall carry out appropriate checks on the characteristics of products on an adequate scale before those products are released for free circulation.

- Working together on the border control (safety & health)
- Custom delivered only information to the market surveillance for risk analyse and take action after signal from the market surveillance body (MID & NAWI instruments)



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**Thanks for your attention**

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**Time for questions!!**

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