

**Actions to enhance enforcement and compliance in the Single Market for Goods and Evaluation of the market surveillance provisions of Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93**

**Consultation Strategy**

**March 2016**

**1. Consultation objectives**

The Commission wants to make an evidence-based assessment of the extent to which the provisions on market surveillance laid down in Chapter III of Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 have been **effective and efficient, relevant** given the needs and its objectives, **coherent** (both internally and with other EU policy interventions) and **achieved EU added-value**.

This is an own-initiative evaluation launched to assess how the relevant provisions have worked so far and whether there is a need to change/improve them. The results of the evaluation will support taking actions to enhance efforts to fight non-compliant products made available in the Single Market.

Against this background, the Commission would also like to receive stakeholders feedback on the relevance, the reasons and the consequences of the **problem of product non-compliance** in the internal market for goods; the **options available** to tackle the problem; the **impacts of those options**; the issue of **subsidiarity** and whether action at EU level would produce clear benefits over and above that at the level of Member States in terms both of scale and effectiveness

**2. Stakeholder Mapping**

To be able to define the right approach for consultation, it is necessary to identify the relevant stakeholder groups. Any future policy in this area will affect:

- **Market surveillance authorities and possibly customs authorities** responsible for checking the compliance of non-food products made available on the market with EU product legislation according to the provisions of Regulation (EC) No 765/2008 and/or market surveillance provisions laid down in other EU legislation.
- **Businesses involved in the supply chain** of non-food products falling within the scope of EU harmonisation legislation: EU and non-EU product manufacturers (including SMEs); importers and distributors of those products in the EU; business organisations, chambers of commerce. They are at the same time responsible for

compliance, potentially subject to products market surveillance controls and affected by the unfair competition of non-compliant goods.

- **Conformity Assessment Bodies** who offer services to help product manufactures to verify and demonstrate compliance.
- **Consumers (and consumers organisation)/citizens** who enjoy the use of products and may be affected by their non-compliance.
- **Other users** of non-food products falling within the scope of EU harmonisation legislation: businesses purchasing products, workers (and trade unions) who use products and may be affected by their non-compliance.
- **Academics and other legal experts** who may have carried out research and studies into the issues at stake.

As the current initiative concerns national authorities which need to ensure that markets work well and fairly for the benefit of consumers and businesses (including SMEs) often operating within national borders, the **national perspective is particularly important for this initiative**. Therefore, the **involvement of consumers and SMEs** needs to be ensured through **targeted communication** on the public consultation to **national consumer and trade associations and SMEs**. Business organisations, chamber of commerce and business networks such as Europe Enterprise Network will be also used to reach SMEs in a targeted way.

### 3. Consultation methods and tools

- The market surveillance authorities have been first consulted during the next meeting of the **Expert Group on the Internal Market for Products** on 1<sup>st</sup> February 2016.
- Other Expert Groups relevant in the field of market surveillance, such as the Consumer Safety Network, will also be consulted.
- An open online **public consultation in 23 EU official languages** will be published on a consultation website hosted on *Europa* and in *Your Europe Business*. The public consultation will be open to all interested parties. The questions will be formulated based on the scope of the consultation. The answers will feed in the evaluation and the impact assessment process. The consultation will be promoted via the Your voice in Europe website. E-mails will be sent to relevant stakeholders to raise awareness about the consultation. In addition, EC Representations and business organisations will be requested to promote it among their stakeholders. The European Parliament, the Council of the European Union, the European Economic and Social Committee and the Committee of the Regions will be notified as well. The consultation will run **from July to October**. The findings from the consultation will be summarized in a synopsis report and published on the consultation website.
- The above-referred consultations will be complemented by **targeted consultations** and/or

**other consultation tools and methods** chosen by the contractor selected to carry out the evaluation. He will be tasked with the choice of the most appropriate mix of other consultation methods and tools from the following groups: reactions / perceptions of the audience, interviews with relevant actors, focus groups with relevant actors, survey to be run among national authorities with questions directly related to their activities, expert panels etc. The contractor can propose other consultation tools not included in the list above.

- The public consultation will be supplemented by a **stakeholder conference** which will be organised by the Commission on **17 June 2016**.
- A further consultation of the **Expert Group on the Internal Market for Products** may be conducted, if necessary, **during the 3<sup>rd</sup> quarter of 2016**.

#### **4. Consultation webpage**

The public consultation will be accessible on the “**Your voice in Europe**” website, with a link to both the **consultation webpage of DG GROW** where the consultation document will be published and **Your Europe Business**. This page will also feature all replies to the consultation and further information on the stakeholder conference.