



Market Surveillance Workshop 2011

What can be done and how to do it?

29 November 2011

Diamant Building, 80 Bd Reyers, 1030 Brussels, Belgium

Proceedings will be in English

Context

An increasing number of non-compliant products are entering the EU market. They are hampering the competitiveness of EU companies. European manufacturers of garden, forestry and turf machinery realise they must compete with non-EU companies, but they want to ensure that the rules of the game are the same for everybody. They cannot accept that the dice are loaded. Market surveillance is theoretically there to ensure fair rules but in reality a failure in market surveillance is endangering EU companies.

Aim

Provide the legal department of EGMF companies with practical advice on how to make best use of market surveillance mechanisms and commercial courts for **consumer products** (compliance managers will also be invited to support their colleagues). Foster discussions on further activities in the field of non-complying products and EU market surveillance.

Programme



10:00-10:15

Registration – welcome coffee

10:15-10:30

Introduction

Guy Van Doorslaer, Secretary General, EGMF

Setting the context with a concrete but hypothetical example that will be the basis for the following discussion. “You are a member of the legal department of a garden machinery company. Your marketing department has spotted a product that seems non-compliant. They have bought the product and tested it. They have asked an independent third party to test the machine. The independent third party has confirmed that the product is not compliant. The marketing department has sent the file to you so that you take action. You need to take immediate action (otherwise all the non-compliant products will be sold). What can you do?”

Mats Udén, V.P. Global Intellectual Property, HUSQVARNA

Hear from a company that led an anti-counterfeiting project. What market surveillance actions do they think are necessary (How can EGMF members be in the right place from the start?)





Setting the legal framework

Rita L'Abbate, European Commission, Enterprise and Industry Directorate General

Explaining the legal arsenal for market surveillance through the prism of the NLF “technical directive” and Market Surveillance authorities in Member States.

*10:30-11:00
(including
questions from
the audience)*

Octavian Vasile, European Commission, Health and Consumers Directorate General

Explaining the legal arsenal for market surveillance for consumer products – GPSD & RAPEX. What happens to a product that is listed on RAPEX? What exactly does a manufacturer have to indicate in cases of a potential safety issue? When and where (list of authorities for each country other than the Ministries?)? Do all these products end up in the RAPEX system? If so, who takes care of the time frame etc.? Insights on the probable 2012 Joint Action on lawnmowers.

*11:00-11:30
(including
questions from
the audience)*



11:30-11:45

Break

Customs control

11:45-12:15

*(Including
questions from
the audience)*

*Libor Mynar, European Commission, Taxation and Customs
Union Directorate General*

Explaining how customs control works. Explaining the project for Guidelines for customs controls in the area of product safety, in particular the checklist for chainsaws.

12:15-12:45

*(Including
questions from
the audience)*

*Philippe Portalier, Standardisation and Technical Policy
Manager, Orgalime*

How to match the market duty of Member States and the coordination tasks of the European Commission with the interests of manufacturers? How can a national and European trade association help a company and sector? Hear about the need for a common approach to risk assessment, compliance and enforcement of EU legislation. How does market surveillance deal with standards (quid if product is not conforming to a standard)? What is the legal value of a standard?

12:45-13:45

Lunch Break

Jan van Leent, Senior Public Health Officer, Dutch Food and Consumer Product Safety Authority

What can a Member State do to prevent non-compliant products from reaching retail shops (incl. DIY channels)? How do Member States work with manufacturers to find non-compliant products? How does a Member State authority cooperate (or not) with the national trade association's companies?

13:45-14:15

(Including questions from the audience)

14:15-14:45

Jean Luc Laffineur, business lawyer

What is the general experience in trade courts of companies in the Member States attacking unfair competition from non-compliant products? On which legal basis is there most chance for success? What are the procedures and timescales? Can an individual company court action be complementary to an action via the legal framework of directives and the market surveillance system? What are the advantages of such a parallel action?

(Including questions from the audience)

14:45-15:15

Daniel Graffe, technical department, STIHL

Hear about how a gardening and forestry machinery manufacturer has been dealing with the issue of non-compliant products. See if you could use some of their solutions to ensure the rules of the game are fair in your country.

(Including questions from the audience)

