

Enforcement of legislation on products

French organization for market surveillance

TBT Committee – Thematic session on Conformity assessment
5th March 2019



French organisation for market surveillance

- ▶ A transversal authority who represents France: *Direction générale des entreprises*
- ▶ About twenty authorities in charge of legislation and market surveillance:
 - Consumer products : DGCCRF
 - Machinery : DGT
 - Medical devices : ANSM
 - Telecommunication products (RED legislation) : ANFR
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 - French customs : in charge of border controls and products conformity controls as a market surveillance authority

French organisation for market surveillance

- ▶ Non conformity of products is an issue for:
 - Consumers because a product can be dangerous
 - Economic operators who comply with product legislation
- ▶ Consequently, non conformity of products creates a danger for society and an environment of unfair competition

French organisation for market surveillance - Principles

- ▶ Market surveillance: concerns products made available on the market, before being acquired by end-users
- ▶ When products are in service/used
 - Some controls for specific products
- ▶ Continuous improvement based on results of market surveillance to amend directives or standards

French organisation for market surveillance - Principles

- ▶ Regulation before placing on the market
 - Sectoral new legal framework (NLF) regulation
 - National rules for non harmonised products
 - For some products, regulation based on prior approval
- ▶ Regulation while products are made available on the market
 - In general: no requirement
 - Specific cases: in-service controls (park monitoring) and inspections

French organisation for market surveillance – Economic operators

- ▶ **Manufacturers:** responsible for the conformity of the product
 - They need to identify risks and manage them
 - They provide specific information for the consumers
 - In case of safety issues, they take corrective actions
 - They cooperate with market surveillance authorities

- ▶ **Importers and distributors**
 - They ensure product traceability
 - They inform the manufacturer of the problems they detect
 - They cooperate with market surveillance authorities

French organisation for market surveillance - MSA

- ▶ Market surveillance authorities
 - They identify emerging risks
 - They enforce products requirements
 - At EU borders
 - On the internal market
 - They manage notifications of dangerous products
 - Which come from RAPEX
 - Or from manufacturers, health authorities, other market surveillance authorities, consumers...
 - They cooperate with other Member States authorities
 - IT tools : RAPEX, ICSMS and Customs information system
 - Transversal or sectoral groups : ADCO, Expert groups...
 - Joint actions of market surveillance

French organisation for market surveillance - Investigations

- ▶ The choice of products to be inspected
 - By risks profile
 - Based on targeting criteria

- ▶ Inspection all along the supply chain
 - Manufacturer, importers and distributors
 - Wholesellers, intermediaries, warehouses
 - Any kind of shops or places where the products are made available, including electronic marketplaces

Presentation of the French organisation for market surveillance - Investigations

- ▶ What is verified
 - Observation and handling of the product
 - Documentary checks
 - EU declaration of conformity, technical documentation, instructions of use...
 - Physical checks of the markings
 - Markings (CE and others)
 - Visual aspect of the product
 - Sampling for laboratory checks

French organisation for market surveillance - Powers

- ▶ Powers of market surveillance authorities
 - Take a product
 - Consign product if there is a doubt about its compliance/safety
 - Injunctions, administrative measures : order to bring into compliance, to withdraw from the market, to recall or to destroy
 - Suspend the placing on the market of an entire product category
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French organisation for market surveillance

- ▶ 3 examples of French market surveillance authorities
 - French customs
 - *Direction générale de la concurrence, de la consommation et de la répression des fraudes* (DGCCRF) in charge of consumer products
 - *Agence nationale des fréquences* (ANFR), a specialized authority in charge of a single legislation

French organisation for market surveillance - Customs

- ▶ French customs are in charge of :
 - Taxes collecting
 - Supporting economic competitiveness
 - Protection and fight against fraud
 - Coastguard function
 - **Consumer protection**

French organisation for market surveillance - Customs

- ▶ Scope of customs controls
 - Product from third countries declared for free circulation before release and/or declared for free circulation after release
 - Products placed under warehousing and temporary admission for use
- ▶ French customs are MSA
- ▶ Investigations
 - Selection of products by risk profiles
 - By national board or local services
 - With a combination of criteria
 - Checks with laboratory analysis : *Service commun des laboratoires* and private accredited laboratories

French organisation for market surveillance - DGCCRF

- ▶ The most important French market surveillance authority
- ▶ In charge of consumers products : toys, electrical products, PPE, childcare articles, furnitures, foods....
- ▶ Sometimes with other market surveillance authorities: medical devices, machinery, electromagnetic compatibility, biocides...
- ▶ Agents throughout the French territory

French organisation for market surveillance - DGCCRF

- ▶ National investigations
 - Decided, launched and coordinated by the central office
 - Cover the entire national market
- ▶ Investigation on a specific product : RAPEX
- ▶ Follow-up, investigation of a complaint
- ▶ Investigation at a local level
- ▶ Some numbers and some examples

French organisation for market surveillance - DGCCRF

- ▶ CPM : initial market release control
 - Check that product safety and conformity is ensured by the operator
 - Assess the risk level of the operator and adjust the control pressure accordingly
 - Assess the capacity of a company to respond to a crisis situation, in case of a problem (and be prepared to take remedies if necessary)
 - Also: improve general market surveillance of the economic sectors (technologies, markets, etc.)

French organisation for market surveillance - ANFR

- ▶ MSA in charge of telecommunication products (legislation 2014/53/UE regarding Radio Equipment Directive (RED)).
- ▶ Agents throughout the French territory
- ▶ Collaboration with French customs
- ▶ Collaboration with DGCCRF for borderline products (ex: products with a radio module)