



DIGITALEUROPE



January 2015

Market Surveillance in Europe

Joint Industry Call for Action

EXECUTIVE SUMMARY

Market surveillance is essential in ensuring that products on the EU market are compliant with existing legislation. Not only is this key to avoiding distortions of the market, market surveillance also aims at protecting consumers from fraudulent products. Lastly, only by complying with legislation, policy goals such as climate and energy efficiency objectives can be met in reality.

Market Surveillance in the EU can still be improved in some areas for a number of reasons, including lack of awareness, enforcement, testing and resources.

The industry would consequently like to set out its call for action in order to strengthen market surveillance by focusing on the following three areas:

- 1. Strengthening the pan-EU cooperation in market surveillance**
- 2. Intensifying cooperation among national market surveillance authorities**
- 3. Increasingly involving industry in market surveillance activities**

Objectives and context of this Joint Industry Call for Action

This call for action addresses the challenges associated with market surveillance such as awareness, enforcement, testing and resources by proposing solutions in order to contribute to better functioning market surveillance across the EU and, by doing so, to:

- ✓ guarantee proper enforcement of EU legislation,
- ✓ create a level playing field for economic operators,
- ✓ ensure investment costs made by industry are secured
- ✓ protect European consumers from products which are either dangerous or misleading in their description and performance, and
- ✓ contribute to the EU's climate and energy efficiency goals

In the framework of continuous commitment on the subject of Market Surveillance, EPEE held a workshop in May 2014 entitled "Market Surveillance in Europe: the myths, the reality, the solutions", gathering more than 50 key stakeholders from the European Commission, the National Market Surveillance Authorities



DIGITALEUROPE



(MSAs), regional authorities, several industry sectors, retailers, environmental NGOs, consumer groups and test laboratories, to discuss barriers and opportunities to ensure proper market surveillance in Europe. The Workshop successfully identified barriers and opportunities for market surveillance and resulted in this Joint Industry Call for Action.

Market Surveillance in Europe – Call for Action

To improve market surveillance implementation industry calls on all stakeholders to cooperate and jointly develop solutions for better market surveillance in Europe.

Signatories recommend addressing the following four key areas to do so:

1. A STRENGTHENED pan-EU cooperation in market surveillance

- Align **the surveillance provisions** under the Ecodesign & Energy Labelling and all CE marking Directives and the Market Surveillance Package to ensure clear, consistent and enforceable legislation in Europe.
- **In the long term**, set up a dedicated EU Agency, coordinating and supporting national Market Surveillance authorities. **In the short and medium term**, build on already existing or soon to be created structures such as the ADCO groups or the European Market Surveillance Forum, by creating dedicated, product related focus groups consisting of experts from the European Commission, Member State authorities and relevant stakeholders (industry, consumer groups, NGOs, test labs). Such groups should act preventively, rather than only reacting to already existing problems, identify potential problems, agree on solutions, and develop coordinated action.

2. INTENSIFY COOPERATION

- Better coordinate action between national market surveillance authorities, such as undertaken in the framework of the Ecopliant project.
- Develop a **Best Surveillance Practice Guide** in order to introduce a benchmark in terms of market surveillance activity to support Member States with limited market surveillance capacities.
- Further develop and make better use of existing shared databases amongst Member States, such as the ICSMS database. The sharing of information and data can significantly help streamline existing tools and structures and consequently use the limited resources for market surveillance more efficiently.

3. INCREASED COOPERATION WITH THE INDUSTRY

- Product manufacturers bring substantial expertise which can benefit market surveillance authorities. Industry should therefore be closely involved in market surveillance activities, for example by contributing to product related focus groups as mentioned under point 1 of this call for action.
- The information exchange between market surveillance authorities and economic operators can be



DIGITALEUROPE



ehi
association of the
European Heating Industry



extended to include modern electronic tools, e.g. e-labelling or QR codes integrated to the products themselves. These tools improve the efficiency of market surveillance activities and will save precious time to all players involved. As it cannot be assured generally that electronic information is automatically the adequate information transfer the use of modern electronic tools needs to be voluntary. Coexisting with the traditional methods of postal and e-mail information exchange with manufacturers and other economic operators it offers adequate future proof communication benefits without unnecessary burden and formalities.

- Industry voluntary certification schemes are used by some manufacturers as a marketing tool and as a means of providing “self-policing”. They can help avoiding non-compliant products in the market, but are not meant as a substitute for effective market surveillance.

Market Surveillance in Europe – Examples for Successful Activities

THE ATLETE PROJECTS

The main goal of the ATLETE projects is to increase European-wide implementation and control of energy labelling and eco-design implementing measures for appliances. The methodology developed and validated in ATLETE I project during testing refrigerators and freezer was then adapted, improved and successfully applied in ATLETE II project testing washing machines.

Energy labels are a crucial driver for market transformation, orienting consumers’ choice towards more energy efficient appliances and thus realising the potential of available technologies. Since there is still room for improvement of the way how Market Surveillance is done in different Member States, ATLETE Projects demonstrated that market surveillance and testing can be done in a systematic, effective, cost-efficient and pan-European way, thus helping to transform the market to ensure the highest benefit for consumers, manufacturers and the environment.

THE BOILER EFFICIENCY DIRECTIVE ADVISORY COMMITTEE

The European Commission is favourable to the creation of an advisory group for the EU Ecodesign Regulation (EU) No 2013/813 as it addresses complex products and involves a third party between the manufacturer and the consumer (i.e. the installer of space heaters). The working group BED-AC has therefore been reactivated.

The working group BED-AC was the Boiler Efficiency Directive Advisory Committee composed of notified bodies and manufacturers, and advised the European Commission for the implementation of the Boiler Efficiency Directive 92/42/EEC, notably through European guidance sheets.

THE ECOPLIANT PROJECT

The objective of Ecopliant (European Ecodesign Compliance Project) is to help deliver the intended economic and environmental benefits of the Ecodesign Directive 2009/125/EC and provide a level playing field for business. Ecopliant is run by a consortium of National Government policy leads and MSAs from: Denmark, Finland, Germany, Hungary, Ireland, Italy, the Netherlands, Spain, Sweden and the United



DIGITALEUROPE



Kingdom. It aims to strengthen market surveillance and increase compliance with the Directive and the relevant implementing measures. In particular, it will:

- establish a framework for the cost-effective coordination of the monitoring, verification and enforcement of the Ecodesign Directive that is suitable for use across the whole European Economic Area (EEA);
- identify best practices in monitoring, verification and enforcement of the Ecodesign Directive among Member States and other EEA countries;
- create the supporting infrastructure (eg databases) that market surveillance authorities (MSAs) need to share market surveillance data and best practice; and
- improve knowledge and experience among national MSAs, through the creation of training tools for MSA staff.

THE COMPLIANTV PROJECT

The CompliantTV project brings together ten experienced organisations, including three testing laboratories, with the objective of assessing the compliance of TVs in the framework of these new Energy Labelling and Ecodesign regulations, through verification procedures. In doing so, the project will generate a database, and a lot of know-how and guidance for many different types of stakeholders (market surveillance authorities, testing laboratories, manufacturers, retailers, consumers).

About AREA:

AREA is the European organisation of air-conditioning, refrigeration and heat pumps contractors. Established in 1988, AREA represents the interests of 20 national members from 17 European countries with a membership of more than 13,000 companies across Europe, employing some 110,000 people and with a turnover approaching € 23 billion.

Contact: info@area-eur.be / www.area-eur.be

About CECED:

CECED represents the household appliance manufacturing industry in Europe. Its member companies are mainly based in Europe. Direct Members are Arçelik, Ariston Thermo Group, BSH Bosch und Siemens Hausgeräte GmbH, Candy Group, Daikin Europe, De'Longhi, AB Electrolux, Gorenje, Indesit Company, LG Electronics Europe, Liebherr Hausgeräte, Miele & Cie. GmbH & Co., Philips, Samsung, Groupe SEB, Vestel, Vorwerk and Whirlpool Europe.

CECED's member Associations cover the following countries: Austria, the Baltic countries, Belgium, Bulgaria, Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

CECED - European Committee of Domestic Equipment Manufacturers

Boulevard Brandt Whitlock, 114

1200 Brussels

Tel : +32 (0) 2 738 78 10

Website: www.ceced.eu



DIGITALEUROPE



About DIGITALEUROPE:

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE's members include 58 corporate members and 36 national trade associations from across Europe. Our website provides further information on our recent news and activities: www.digitaleurope.org

About EHI:

The Association of the European Heating Industry (EHI) represents and promotes the common interests of 39 market leading company members in the European heating sector, which produce advanced technologies for heating in buildings, including: space heaters (boilers, electric and fuel driven heat pumps, micro-cogeneration), heating controls and components, heat storage and heat emitters (radiators, surface heating and cooling systems), renewable energy systems (solar thermal, geothermal, biomass). In addition, members comprise 13 industry associations across Europe.. More information can be found here: <http://www.ehi.eu/>

About EPEE:

The European Partnership for Energy and the Environment (EPEE) represents the refrigeration, air-conditioning and heat pump industry in Europe. Founded in the year 2000, EPEE's membership is composed of 40 member companies, national and international associations.

EPEE member companies realize a turnover of over 30 billion Euros, employ more than 200,000 people in Europe and also create indirect employment through a vast network of small and medium-sized enterprises such as contractors who install, service and maintain equipment.

EPEE member companies have manufacturing sites and research and development facilities across the EU, which innovate for the global market.

As an expert association, EPEE is supporting safe, environmentally and economically viable technologies with the objective of promoting a better understanding of the sector in the EU and contributing to the development of effective European policies. Please see our website (www.epeeglobal.org) for further information.

About EVIA:

The European Ventilation Industry Association (EVIA) was established in July 2010 in order to represents the ventilation and fan industry both in Brussels with the EU institutions and relevant stakeholders and in the national capitals with our partners. Our membership is composed if 36 member companies and 5 national associations across Europe realising an annual turnover of over 7 Billion Euros and employing more than 45,000 people in Europe. www.evia.eu



DIGITALEUROPE



About LightingEurope:

LightingEurope is an industry association of 33 European lighting manufacturers, national associations, and companies producing materials. LightingEurope members represent over 1,000 European companies, a majority of which are SMEs; a total workforce of over 100,000 people in Europe; and an annual turnover estimated to exceed 20 billion euros. LightingEurope is dedicated to promoting efficient lighting practices for the benefit of the global environment, human comfort, and the health and safety of consumers.

For further information please visit: www.lightingeurope.org