



EUROPEAN COMMISSION  
Regulatory Scrutiny Board

Brussels,  
Ares(2017)

## **Opinion**

**Title: Evaluation - Market surveillance relating to the marketing of products**

**Overall 2<sup>nd</sup> opinion: POSITIVE**

### **(A) Context**

EU harmonisation legislation for industrial products aims to ensure two things. Products should be able to move freely within the Single Market and all products placed on the market should respect high levels of protection for health and safety and the environment.

Regulation (EC) No 765/2008 established a Market Surveillance framework of rules for products and economic operators. These rules set product standards and govern cooperation between Member States. The regulation entered into force in January 2010.

This evaluation looks at how this regulation has been applied, and how well its market surveillance provisions have delivered on objectives. Those objectives are to "ensure a level playing field" among economic operators and to reduce the number of non-compliant products on the EU market.

In its Single Market Strategy of 28 October 2015, the European Commission announced an initiative to strengthen product compliance. The initiative requires an impact assessment, to which this evaluation contributes. The market surveillance initiative is part of a larger "Goods Package."

### **(B) Main considerations**

**The Board notes that the evaluation staff working document (SWD) has significantly improved since its first opinion.**

**The SWD is now a self-standing document that serves as a useful basis for the associated impact assessment. The scope is clearer and the conclusions are better substantiated.**

**Against this background the Board gives a positive opinion, with a recommendation to further improve the report with respect to the following aspects:**

- Further elaboration of the REFIT dimension throughout the evaluation.**
- Additional explanations of how market surveillance works in practice in Member States.**

**(C) Further considerations and recommendations**

**(1) REFIT dimension**

As a REFIT evaluation, the SWD should set out more clearly from the beginning what aspects it will examine in that context. It should assess the potential to simplify processes and reduce regulatory burdens for all stakeholders and especially for businesses. One logical place to do more of this is in the section on effectiveness and efficiency, which now covers mostly Member States' authorities. REFIT aspects should also feature in the conclusions, drawing lessons for future actions.

**(2) Member State practices**

The report provides a lot of evidence of differences in Member States' implementation of market surveillance provisions. To clarify the reasons for these differences and the problems that follow, the analysis should provide more information about actual practices. This could be done by adding anecdotal evidence and examples.

**(3) Reader friendliness**

The structure of the report is good and the glossary of terms is helpful. Nevertheless, the text of the report is not always reader-friendly. In particular, the introduction could be less technical and include a summary of the main findings.

**(D) RSB scrutiny process**

**The lead DG shall ensure that the recommendations of the Board are taken into account in the report prior to launching the interservice consultation.**

Full title	REFIT evaluation of the application 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
Reference number	2017/GROW/028
Date of RSB meeting	written procedure