



Final Report

CONFERENCE
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**New Market Surveillance
Package, what impact for
the nursery sector?**



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Mr Roberto Marelli, ENPC President

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Mr Marelli, ENPC President, welcomed the participants and speakers to the ENPC annual conference addressing the new European consumers' package. Mr Marelli also welcomed the new ENPC members; the Spanish association ASEPRI, and Austrian association ARGE.

ENPC decided to address the topic by informing the industry about the new political developments and trends in the nursery sector. The legislation is evolving and our sector will be directly affected by the Consumer Safety and Market Surveillance Regulations, once they have been approved and entered into force.

The new Market Surveillance Package aims to implement new rules for improving the safety of consumer products circulating in the European single market, and to step-up the market surveillance cooperation, including products imported from 3rd countries. The scope of the new package is clear: child safety and the safety of childcare products are the principal political goal at European level. ENPC wanted to introduce the new future (probable) changes in the childcare products sector to its members as well as represent its position concerning some amendments voted by the European Parliament or proposed by the European Commission.

ENPC welcomes the new Consumer Package, which will improve the regulatory framework strengthening the level of childcare products' safety in the European Market, and guaranteeing the harmonisation of Market Surveillance activities between the Member States. However, ENPC is looking forward to seeing approved detailed and precise rules on economic operators' responsibilities; homogenised operations carried out by the accredited laboratories; and harmonised enforcement rules that apply to products and controls of products placed on the market.

New political development
in the nursery sector

Welcome new ENPC members: ASEPRI, Spanish
association / ARGE, Austrian association

Product Safety and Market Surveillance Market

Peter Bischoff Everding, Deputy Head of Unit at the European Commission

Peter Bischoff Everding, Deputy Head of unit at the European Commission, started his presentation by stressing the importance of childcare articles for the European regulatory framework, and introducing the Product Safety and Market Surveillance Package. The future safety and enforcement rules will be a step-up for strengthening consumer confidence on the internal market, supporting business, and ensuring fair competition.

Mr Bischoff Everding introduced the scope of the Product Safety Proposal, which states the general safety and traceability requirements for the coming years. The product identification and traceability requirements criteria will concern the indication of origin; indication of products; indication of manufacturers, importers, and distributors; and identification of economic operators in the supply chain. In particular, the proposal specifies the obligation for the economic operators such as the technical documentation and information obligation. Moreover, Mr Bischoff Everding stressed the basic principles of co-regulation with the European standards, which will have an important role for the presumption of product safety being aligned with the principle reported in the Regulation 1025/2012.

The proposal for a Regulation on Market Surveillance of Products brings together several legislations such as the Regulation 765/2008 and the General Product Safety Directive. It has the basic principle of harmonising law enforcement between the different Member States as well as improving cross-border action and cooperation. The framework for market surveillances law enforcement concerns the rights and obligation of market surveillance authorities; control of products on the internal market; and controls of imported products at the European external borders. The proposal, once approved, will empower the European Commission's role in cases of serious risk, bans or restrictions on products, and it will also ensure a uniformity of action between the public Authorities at national level. The Regulation will guarantee, once approved, a better information exchange; mutual assistance; and an institutional market surveillance forum for coordinating the intra- members state law enforcement cooperation.

In parallel with this, the Multi-annual plan for Market Surveillance has the purpose of improving cross-border cooperation; safety of products sold on line; traceability of products; and ensuring a uniform risk assessment methodology. Mr Bischoff Everding concluded his presentation by tracking the standards of reference in childcare articles, and communicating that regulatory dialogue with the main partners such as US, Canada, China, and OECD with the Consumer Product Safety Working group is on-going.

The Product Safety Proposal states the general safety and traceability requirements for the coming years

European standards will have an important role for the presumption of product safety

Multi-annual plan for Market Surveillance has the purpose of improving cross-border cooperation

Market Surveillance: Implementation in Germany, a case study

Matthias Honnacker, Ministry official, Environmental and Consumer Protection, Bavarian State Ministry

Mr Honnacker introduced a practical case of the market surveillance implementation at national level, in Germany. The Ministry official explained the responsibilities that the economic operators need to comply with, how the RAPEX information system is managed, and also the risk assessment procedure.

All economic operators have to withdraw a product from the market (and to take the corrective measures if not in conformity); to provide the necessary information; and to cooperate with the Market Surveillance Authorities.

Authorised representatives shall keep the technical documentation while the importers shall ensure that an appropriate conformity assessment procedure has been carried out by the manufactures and that the technical documentation has been drawn up and make it available. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted as well ensure that the product is in compliance with the requirements. The distributors, instead, shall verify that the manufactures and importers have respected the traceability requirements as well as ensure that while a product is under his responsibility, storage or transport conditions do not jeopardize its compliance. The distributors shall not make a product available on the market, if the person has reason to consider that the product does not conform.

Mr Honnacker stressed the importance of having an efficient and good traceability system where all economic operators shall be able to identify at the market surveillance system, any other economic operator who has supplied them with a product (type, batch, serial number, and name and address of the manufacturer or importer).

The European approach on risk assessment has been introduced according to the General Product Safety Directive as well as the new legislative framework, and how the RAPEX exchange information is functioning between the European Commission and National Contact points. Mr Honnacker concluded that the actions of the Market Surveillance Authorities shall only be taken following contact with the relevant manufacturers, importers or distributors.

It is important to have an efficient and good traceability system

The European approach on risk assessment has been introduced according to the General Product Safety Directive as well as the new legislative framework

Market Surveillance Authorities shall only be taken following contact with the relevant manufactures, importers or distributors

What impact for the Nursery Sector?

Robert Anslow, Member of ENPC Consumer Working Group

After a short introduction on the European Consumer Package, Mr Anslow presented the ENPC position regarding some amendments voted by the European Parliament or proposed by the European Commission concerning aspects for assessing products; obligation for economic operators; and controls of products placed on the market.

Concerning the multi annual plan, ENPC underlines 5 important actions for the economic operators such as the facilitation of transferring the test report in the Union; assessing the cost of the feasibility of the European accident/injury database; a common approach to risk assessment for a common assessment methodology of products; actions for ensuring better consumer protection for products sold online; and an active involvement of the European sectorial federations at EU level. Both Consumer Safety and Market Surveillance proposals clearly provide evidence that the political objective is guaranteeing the protection of vulnerable consumers, in particular young children's products. And ENPC is more than happy to get involved to ensure that only safe products are placed on the market.

ENPC welcomed the testing of representative samples as positive best practice for the protection of children and to discourage rogue traders. However, ENPC considers that the amendment voted, which introduces the principle of testing under the control of a judicial (or any qualified person) will complicate the obligation for the economic operators.

ENPC stressed the importance of having an efficient injury database, and it recalled the co-signed joint action with other European Organisations calling the commission to propose establishing a Pan European accident and injuries data system. The data system will help manufacturers in adapting their production, providing a tool for public awareness-raising campaigns, and developing better standards and risk assessment methods. However, ENPC remarked that the database should be implemented on scientific data and correct information to consumers. Also privacy protection for economic operators is a key point.

Mr Anslow concluded by underlining the importance of having a constant communication between the industry and public authorities, and he welcomed the involvement of ENPC in European working groups at Prosafe level.

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EU Consumer policy: political trends and their impact on Consumers

James Stevens, Senior Vice President and Senior Partner FleishmanHillard

Ms Stevens addressed in his intervention the new future political trends in EU consumer policy that our industry will have to face in the medium and long-term, considering also the newly elected European Parliament. He stressed on the role that ENPC can play at EU level, and he elaborated three of the challenges for ENPC: trust, populism, and changes in communication.

First, trust, as in its consumer policy communication the Commission rightly underlined the importance of consumer's trust. ENPC is composed of trustable childcare products manufactures, and it has an important role on representing the sector. Collaborating and being a trustable stakeholder to cooperate with, it is important for the European commission and national administrations. Trust in the system itself is important, rather than any particular piece of legislation, business associations and EU institutions are lumped together as one 'Brussels', which is a small bubble. Cooperation between ENPC and Public Authorities is strategic for everyone, for a better workable single market and consumer protection.

Secondly, Mr Steven presented an analysis of the new European Parliament composition: the Socialist (centre left) political groups are not a narrow majority, Greens and Liberals are set to strengthen their influence, and new populist parties are present in the new mandate. One third of the European Parliament is now made up of what is often described as extremists; parties of both left and right. Many of these new members are likely to be people that say 'no' a lot, they tend not to turn up, and they tend not to do legislative work. But Mr Steven underlined that Brussels will not stop regulating, and the elections reinforced the centre and a desire to do more, not less. With a 'grand coalition' between the two major parties in the Parliament, with a role for Liberals and Greens.

ENPC is composed of trustable childcare products manufactures, and it has an important role on representing the sector

Brussels will not stop regulating, and the elections reinforced the centre and a desire to do more, not less

ENPC is contributing and solving problems for implementing better regulatory framework

What impact for the Nursery Sector?

Concerning the Internal Market and Consumer protection committee (IMCO), there will still be some familiar faces from the old mandate as 50% of full IMCO members were sitting on the same committee. UK Tory Vicky Ford is the new IMCO Chairman, an experienced MEP and a key figure on Economic and Monetary Affairs committee in the previous mandate. Other IMCO's members re-elected in the conservative row are the Swedish/Italian Annamaria Corazza Bildt (first vice-chair), Italian Lara Comi (former vice-chair), and German Andreas Schwab. Also the French liberal Robert Rochefort keeps his place as second vice-chair, and the Danish Christel Schaldemose (Rapporteur of the Consumer Safety Directive) will be pursuing the consumer agenda. She will be a key figure in the European Members States. Moreover, Mr Stevens underlined the role of the European Commission, which retains the sole right of initiative and the legislative developments will not stop. Furthermore we should not forget the Member States. The rise of the extremists will no doubt have a greater impact on domestic politics in many cases. However, they are increasingly seeking to drive EU policy through their actions.

Successively, Mr Stevens changed to communication landscape, where he underlined the importance of social media as they, especially twitter, play a role during the negotiations between the institutions and the conversation has become the barometer of public opinion. But avoiding mistakes is important, and in a world where trust and populism are an issue, the weight of perceived opinion is also heavy. He made clear that not many proposals will come out of the Commission unless they are perceived to have the support of the public opinion. For ENPC industry, we have much strength to address it.

Concluding, Mr Steve stressed on the importance of ENPC getting involved in Brussels, where the voice of ENPC is contributing and solving problems for implementing better regulatory framework. Many of ENPC members are SMEs related to local opinion, and the ability to achieve positive advocacy goal is strong. The European Commission is looking for expertise to achieve a better understanding and provide technical expertise from people working in the nursery sector, and who can assess the effects of their respective policies.

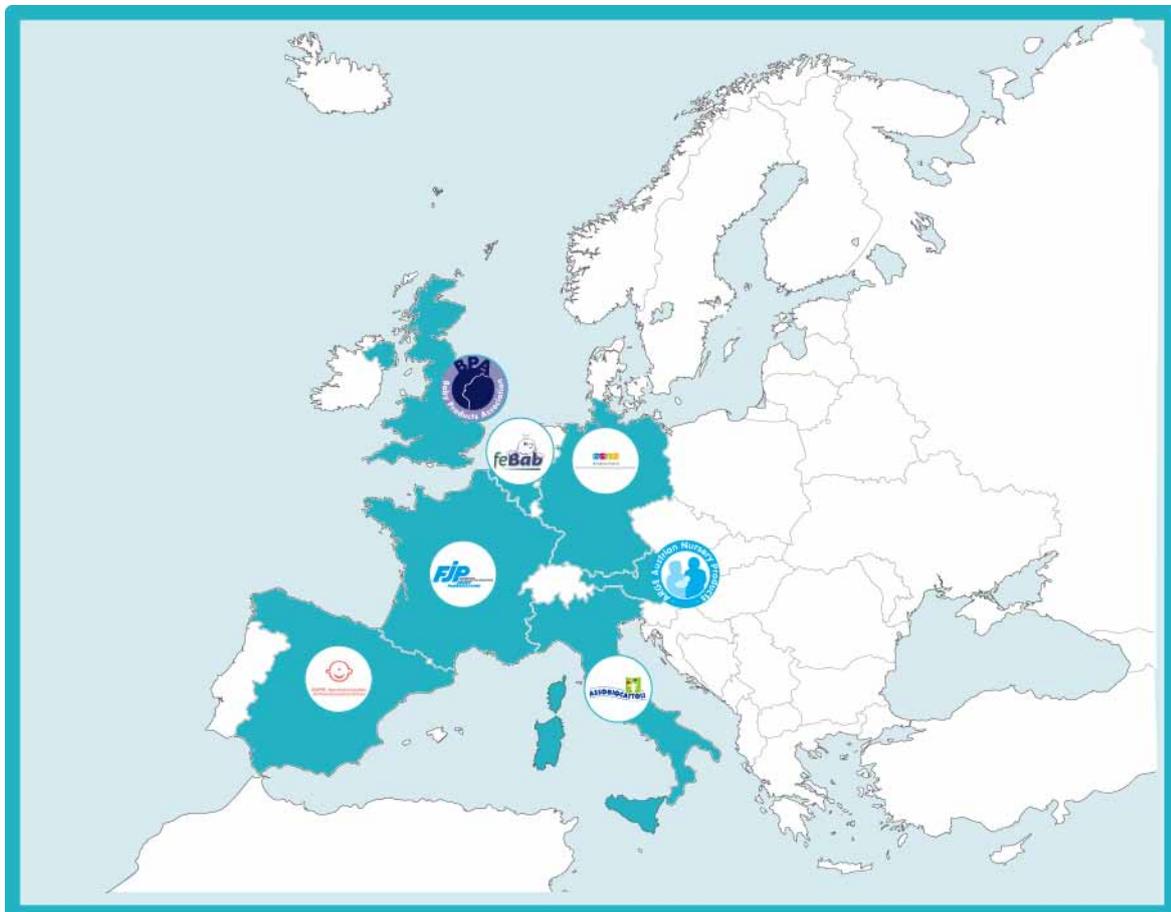
Conclusions

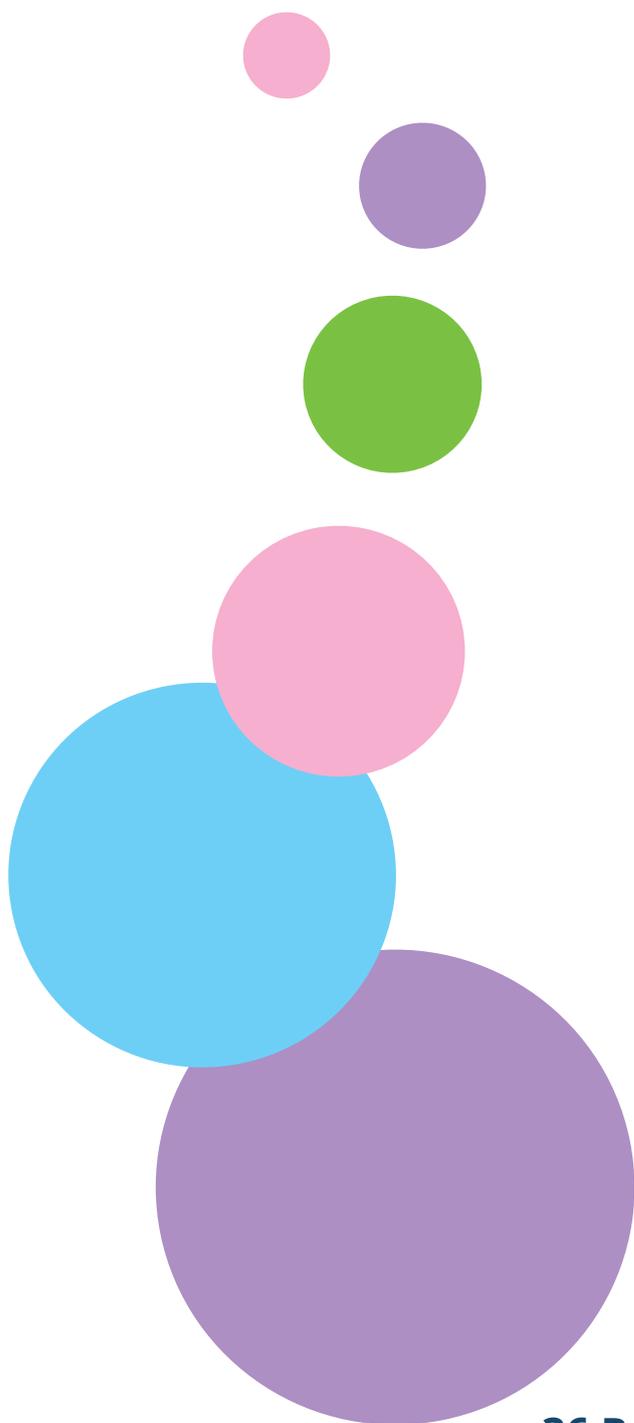
Mr Roberto Marelli, ENPC President

Mr Marelli concluded the conference thanking the speakers for participating to ENPC' conference, and congratulating them for their interventions.

Mr Marelli remarked as the nursery industry is a key sector for the consumer protection and European single market, and the protection of children is the first responsibility for childcare products manufactures. However, a distinction of good and rogue manufactures should be made and that it is the reason why ENPC welcomes the new Consumer Package, and we are hoping to have:

- Detailed and precise rules on economic operators' responsibilities.
- Harmonised enforcement rules that apply to products and controls of products placed on the market.
- Homogenised operations carried out by the accredited laboratories.
- Involvement of ENPC in the EU policy working group in safety of childcare products





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