Enforcement of legislation on products
French organization for market surveillance

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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
  - .......
  - 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
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
  - ....
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
  - Cheks 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

- CPMM : 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 Equipement Directive (RED)).
- Agents throughout the French territory
- Collaboration with French customs
- Collaboration with DGCCRF for borderline products (ex: products with a radio module)