



EUROSHNET 3rd European Conference
"Safer products for competitive workplaces"
Cracow - 11/12 September 2008

**Market Surveillance in the
Machinery area**

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Market Surveillance in the Machinery area



- **Machinery is key in the “New Legislative Framework” due to its scope and consumer and industrial coverage**
- **Machines have many hazards as shown by extensive EHSRs**
- **Lots of Standards developed, but none for some machines – eg ATVs, mini-motos, bending machines and horse trainers**
- **Machinery sector large and important and permeates factories, warehouses, building sites, shops and households**

If machinery market surveillance is ineffective it will cast doubt on the effectiveness of the whole approach

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- **Industry and authorities are helped by full-compliant Standards**
- **A few Standards are found not being State of the Art. These are discussed at MD Working Group with possible safeguard action**
- **More Standards lack detailed solutions to some risks leaving the designer to address EHSRs following their own risk assessment**
- **This means the enforcing authorities have to check the risk assessment and reduction, the same as checking against EHSRs**
- **The Machinery ADCO members will monitor and encourage the development of better and comprehensive Standards.**
- **Perfect Standards are not enough; human nature means there non-compliance by ignorance or by deliberate intent**
- **There needs to be effective market surveillance to ensure compliance to the EHSRs of both EU and imported goods**

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New Legislative Framework's Regulation requires Member States:

- **Effective market surveillance infrastructures and programmes**
- **Effective controls of non-compliant imports at the EU borders**
- **Effective communication/coordination between their authorities**
- **Communicate a market surveillance programme to other Member States, the Commission and available to the public**
- **Ensure authorities exercise powers with proportionality**
- **RAPEX type system to cover all products with a serious risk and that they are recalled or withdrawn and Commission informed**

With unlimited resources, market surveillance is easy – this is not the case. Member states have to get value for limited money So we need to increase market surveillance effectiveness at a time of also less money for research and standards work

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More effective market surveillance means Member States need to work smarter and more efficiently. The Regulation has some tools:

- **Gives Commission legal possibility to help fund cooperation between member states eg through the ADCO groups**
- **A cross EU database and information system for product information exchange and to improve market surveillance work**
- **EU training programmes and exchanges of national officials**
- **Exchange of experience, information and best practice between Member States**
- **Projects, information campaigns, joint visit programmes and the consequent sharing of resources between Member States.**

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In the Machinery Directive area it is clear that the existing ADCO group can have a central role to:

- **Developing cross-border projects targeting defective machinery**
- **Exchange of action taken on seriously defective machinery**
- **Exchange and develop expertise between MS**
- **Help cooperation with investigations involving a number of MS**

The ADCO has worked well at exchange of information on high risk investigations and seeking information and help at meetings

Only a small number of cross-border projects have taken place

We have not yet agreed market surveillance joint programmes

A model we will look at is the project work done by Nordic countries

I expect the ADCO to agree some projects to target particular risks

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- **Not all Member States will take part in each project, as markets vary (no point targeting snowmobiles in Malta!)**
- **By pooling resources we can have a significant cross EU effect in a short time, a single Member State cannot do this**
- **It is fairer to industry as action on competitors at similar times**
- **Defective machinery should be less likely to move to other MS**
- **Possible areas for project consideration could include:**
 - **Agricultural machinery**
 - **Construction machinery imported from outside the EU**
 - **Cranes and access machinery**
 - **Garden machinery**
 - **Power tools**

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- **Market surveillance needs good intelligence provided by a cross-EU information system and database as envisaged by RAMS (Regulation (EC) 765/2008). The requirements include:**
- **Quick information on defective products and measures taken**
- **Covering all investigated or tested products across the EU with test report access only to enforcing authorities (secure area)**
- **Evaluation tools to help ensure a uniform approach**
- **Means to interrogate the data base and collate and present data in a easy to understand format (graphs etc)**
- **Help efficient co-operation with Customs authorities**
- **Means to inform employers, workers and public about unsafe products**

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- **11 MS using ICSMS, developed by Germany, Sweden and Belgium as an Commission funded project**
- **Secure modular system that delivers most requirements**
- **Others are in development: safety alerts; RAPEX link; link to MS internal systems; and link to EMARS, a PROSAFE project to exchange best practice, expertise and market surveillance help**
- **Authorities can see test/engineers reports and contact details – this facilitates cooperation and avoids duplication work**
- **System is owned by MS and is being set up in Brussels as a non-profit making international organisation owned by MSs**
- **ICSMS has used EU development money and is the best candidate to be developed to meet the EU's needs**
- **Web- ICSMS: www.icsms.org and EMARS www.emars.eu**

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- **Border control is a key requirements of the New Legislative Framework - ICSMS supports customs codes and can help exchange information between authorities**
- **In the future the ADCO group can help such cooperation with international project work**
- **Conventional market surveillance at borders is only possible for complete items – larger machines need to be assembled on site such as industrial plant or consumer home lifts**
- **The ADCO group can help facilitate work between member states and with information (eg using ICSMS) from customs on where products going, so they can be sampled on site**

Here I only had time to outline: pressures on authorities; need for better Standards; how ADCO can help; and how ICSMS/EMARS can meet the New Legislative Framework information needs

Questions ?