

CEN/CENELEC Open Session – 25 June 2008
European Standards in support of Market Surveillance
Intervention by Stephen Russell, ANEC Secretary General

European consumers expect products to be safe. And this expectation is the same regardless of the origin of the product, its price or whether its manufacture is subject to legislation. But as the infamous summer of recalls last year showed, the market reality does not meet the consumer expectation.

Many European consumers believe market surveillance will protect them from buying dangerous or unsafe products. But that is not true. As I think we shall hear later, market surveillance means different things in different countries. In the United Kingdom for example, government has set five priorities for the market surveillance inspectors. Product safety is not one of them.

And these differences are important as market surveillance is the responsibility of the individual Member States. The Commission will remind us that the New Legislative Framework will set further obligations on the Member States to intervene to remove dangerous products from the European market. But such obligations will not achieve a consistent approach in all European countries. It has to be left to initiatives such as EMARS to achieve that voluntarily. Nor will the necessary funding be ensured as it is health, education and – as Bill Clinton noted – the economy stupid that wins national elections. Not a commitment to better market surveillance.

With the New Legislative Framework extending the scope of the New Approach to make it compulsory for almost all products to meet European legislation, there will be even more pressure on the already under-resourced market surveillance inspectors.

Of course, on-market surveillance is only one aspect of the enforcement chain. Those manufacturers placing products on the European market must be required to adopt a total approach to compliance, with the testing and re-testing of products both in the production line and on the market. A return to what used to be called Total Quality Management. And indeed the Chinese government is now taking steps to do that.

The problem is that most of the dangerous products do not come from well-known manufacturers who have their production based in China. The Mattel case last year was a big exception. Most of the unsafe products imported from China come from small enterprises

which may not even be aware of the European laws. Their products find their way into Europe through import companies that trade in everything from toys to household electrical appliances; and from food to fabrics.

Although the New Legislative Framework places responsibilities on the importer to ensure compliance of the products he or she imports with European law, its success will once again depend on those – as I am sure you have guessed - overworked and underfunded national market surveillance inspectors.

Europe can have the best legislation. And Europe can have the best standards. But without enforcement, both become worthless. Market surveillance is too important to be left to national governments to fund and manage. It is too important to be left to subsidiarity. This is why ANEC calls on the European Institutions to create an agency to ensure an effective pan-European system of enforcement.

As consumers, we all deserve nothing less.

25 June 2008