



## Preamble

(i) **PROSAFE** (the **Product Safety Enforcement Forum of Europe**) is a non-profit organisation established by market surveillance officers from various countries throughout Europe<sup>1</sup>.

(ii) The primary focus of PROSAFE is to promote informal discussions between the various market surveillance officers in order to share and learn from each others' experiences and to further develop best practices and enhance market surveillance activities as operated within the European Economic Area (EEA).

(iii) The first meeting of the group was in 1990. Since that time, most EU and EFTA countries have been represented at meetings together with various other accession, candidate and potential candidate countries from various parts of Europe<sup>1</sup>.

(iv) In order to ensure a high level of transparency, the EU Commission and EFTA Secretariat have always been invited to attend the PROSAFE Meetings and indeed, both of them have been represented in almost all the PROSAFE meetings.

(v) Over these last years, interest in PROSAFE has also expanded overseas, with various market surveillance authorities from all over the world taking part in some of the PROSAFE meetings. Indeed, PROSAFE has also been pro-active in this area by becoming an active member of the ICPSC (International Consumer Product Safety Caucus)<sup>2</sup>.

(vi) As from 2006, PROSAFE has also taken the initiative to start coordinating a number of Joint Actions between various market surveillance organisations within the EEA, financially supported by the EU Commission. In order to be able to effectively handle this added responsibility, PROSAFE has utilised the services of consultancy services in order to be able to effectively administer these joint actions. A small administrative unit has also been established, which, thanks to the hospitality of the EFTA Secretariat, is being housed within the EFTA Building in Brussels.

(vii) All these developments and various other factors have led PROSAFE, during the last several months, to further develop a more effective organisational structure which can better meet the demands of the various functions and responsibilities that it has undertaken over these last years. For this reason, the PROSAFE meeting held on 12<sup>th</sup>-13<sup>th</sup> October 2009 has unanimously ratified the following Charter as shown below.

### Footnote:

1. Europe is being defined as having the same member countries as included within the Council of Europe, currently having 47 Member States as per Appendix II of this Charter.

2. ICPSC, the International Consumer Product Safety Caucus, is a platform to facilitate the exchange of information on consumer product safety issues in the area of governmental policy, legislation and market surveillance with a view to strengthening the collaboration and cooperation among governments and regulatory agencies around the world.

# PROSAFE CHARTER

## 0. Introduction

### 1. MISSION STATEMENT

*'To facilitate cooperation between market surveillance officers in order to improve product and service safety'*

### 2. CORPORATE OBJECTIVE

To promote informal discussions and cross border cooperation and collaboration between market surveillance officers, and where appropriate facilitate joint actions between the various market surveillance authorities across Europe<sup>1</sup> in order that they may share and learn from each others' experiences. The primary intention is to enhance market surveillance activities related to product and service safety as operated within the European Economic Area (EEA).

*The Board of PROSAFE, having heard the explications of the Executive Director about the legal differences under the Dutch Law between a "Stichting" (Foundation) and a Union ("Vereniging"), decides to use the Charter of PROSAFE as the Internal Regulation under the Statuten of Stichting PROSAFE. This decision can only be withdrawn after positive advice of the General Assembly."*

### 3. MEMBERSHIP

- 3.1 Individuals will be eligible for membership of PROSAFE if they are engaged in market surveillance activities on behalf of their government from within Europe and in particular if they are coming from Member States from within the EU, EFTA or from acceding, candidate or potential candidate countries interested to join the EU.
- 3.2 New eligible individuals interested to join PROSAFE need to inform the Board of PROSAFE of their interest to join PROSAFE. The Board will in turn update the General Assembly during the subsequent General Assembly meeting of any new members interested to join PROSAFE. Unless there is a formal objection by the General Assembly, the new individuals will be assumed to be automatically full members of PROSAFE.
- 3.3 Individuals outside of Europe may apply for associate membership in accordance with the procedure identified within article 3.2.
- 3.4 There shall be no limit to the number of members or associate members from each country that may join PROSAFE.
- 3.5 Only members of PROSAFE shall have voting rights. However, only one vote will be available per country.
- 3.6 All members and associate members shall strive to abide to this Charter, including any other aims and objectives subsequently endorsed by the General Assembly.
- 3.7 The EU Commission and EFTA Secretariat have a standing invitation to all the Board and General Assembly meetings.

### 4. THE ORGANISATIONAL STRUCTURE

#### 4.1 The General Assembly of PROSAFE

- 4.1.1 PROSAFE Members will be part of the General Assembly of PROSAFE to which Associate Members may be invited.
- 4.1.2 The General Assembly shall appoint a Board to oversee the day to day management of the organisation and that PROSAFE is run on a non-profit basis.

- 4.1.3 The Board may, on behalf of PROSAFE, accept any donations or financial contributions from any organisation as long as this organisation is not involved in any business activity with PROSAFE and that this donation or financial contribution will not compromise the ethical integrity of PROSAFE and through such acceptance, PROSAFE will not create any conflict of interest or give rise to any special treatment to that particular organisation. The Board will report such donations or financial contributions by the following General Assembly
- 4.1.4 The General Assembly is responsible to approve, disapprove or amend the Strategic and Financial Plans of PROSAFE as recommended by the Board.
- 4.1.5 The General Assembly is also responsible for adopting the annual accounts of PROSAFE.
- 4.1.6 The General Assembly will meet at least twice a year to discuss issues in line with the corporate objective as per Article 2, such meetings being scheduled by the Board.

#### *Electoral process*

- 4.1.7 All PROSAFE Members shall be eligible to apply for any position.
- 4.1.8 Any PROSAFE member who is proposed and seconded by four other members is eligible to stand for election as Chairman. The Chairman will be elected by the General Assembly for a period of four years renewable for a further period of four years.
- 4.1.9 The General Assembly will elect, by a simple majority vote, a Chairman who shall also automatically be the Chairman of the Board.
- 4.1.10 The General Assembly shall establish a small working group led by the Chairman to assist in the electoral process of the elections of Board Members.
- 4.1.11 With assistance from the working group established under Article 4.1.10, the General Assembly shall elect a Vice-Chairman, a Secretary and a Treasurer to support the overall running of the organisation. These will also automatically form part of the Board of PROSAFE.
- 4.1.12 The General Assembly shall elect a maximum of nine members to the Board, including the positions already identified within Article 4.1.8 and 4.1.11, taking into consideration the need for a balanced representation.
- 4.1.13 Members of the Board shall be elected by the General Assembly for 4 years, renewable for a further term of four years.

## **4.2 The Board of PROSAFE**

- 4.2.1 The Board will be accountable and report back to the General Assembly during the General Assembly meetings.
- 4.2.2 The Board will assume legal responsibility for the organisation and be constituted as a company (Stichting PROSAFE registered in the Netherlands)
- 4.2.3 The Board will follow the Strategic and Financial Plan as approved by the General Assembly and be accountable to the General Assembly.
- 4.2.4 The Board will develop a Business Plan to ensure that the Strategic and Financial Plan is delivered effectively. A Communication Plan will also be developed to ensure that effective communication takes place with all stakeholders, most notably the members and associate members of the General Assembly.
- 4.2.5 The Board will be responsible for Strategic and Business Planning, Financial Control, contractual matters, governance and employment responsibilities.
- 4.2.6 All Board meetings shall be chaired by the Chairman, or whenever unavailable, by the Vice-Chairman.
- 4.2.7 The Board shall need a quorum of at least 4 members in all, in order to be able to take decisions by the Board.
- 4.2.8 Members of the Board shall be indemnified against personal loss or risk arising from proper discharge of their duties.
- 4.2.9 The Board can assign Advisory Members to the Board. The Advisory Members will not be registered at the Chamber of Commerce and will not have voting powers.

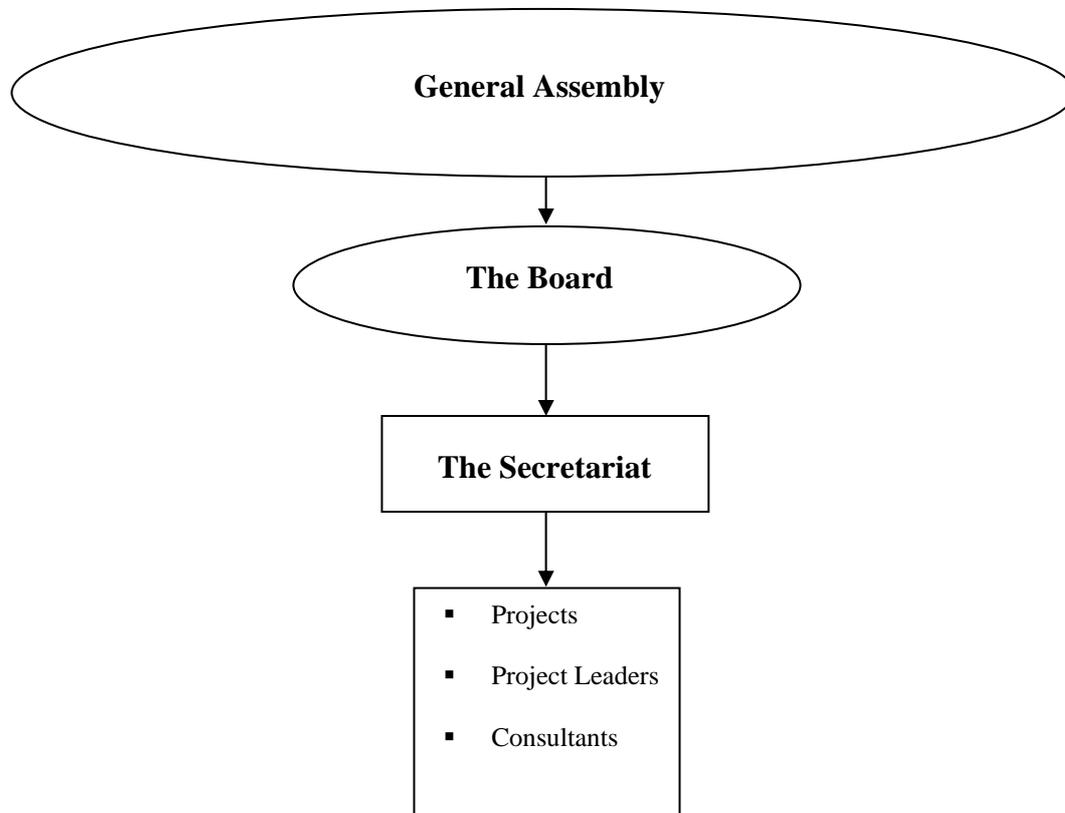
### **4.3 The PROSAFE Secretariat**

- 4.3.1 The Board is mandated to establish a PROSAFE Secretariat to support the day to day business of the organisation.
- 4.3.2 The Secretariat will be run by a Chief Executive who will be appointed by and accountable to the Board.
- 4.3.3 The Secretariat may only be completely dissolved by a recommendation of the Board to the General Assembly who in turn needs to reiterate the decision of the Board.

*The specific roles each part of the organisation are laid down in Terms of Reference, that shall be approved by the General Assembly.*

*A diagrammatic structure plan is contained in Appendix I of this Charter.*

## APPENDIX I – Diagrammatic structure of PROSAFE



## APPENDIX II – List of Current Member Countries within the COUNCIL OF EUROPE

Flag	State	Date joined
	Belgium	Founder
	Denmark	Founder
	France	Founder
	Ireland	Founder
	Italy	Founder
	Luxembourg	Founder
	Netherlands	Founder
	Norway	Founder
	Sweden	Founder
	United Kingdom	Founder
	Greece <sup>a</sup>	9 August 1949
	Turkey <sup>a</sup>	9 August 1949
	Iceland	7 March 1950
	Germany <sup>b</sup>	13 July 1950
	Austria	16 April 1956
	Cyprus	24 May 1961
	Switzerland	6 May 1963
	Malta	29 April 1965
	Portugal	22 September 1976
	Spain	24 November 1977
	Liechtenstein	23 November 1978
	San Marino	16 November 1988
	Finland	5 May 1989
	Hungary	6 November 1990
	Poland	26 November 1991
	Bulgaria	7 May 1992
	Estonia	14 May 1993
	Lithuania	14 May 1993
	Slovenia	14 May 1993
	Czech Republic	30 June 1993
	Slovakia	30 June 1993
	Romania	7 October 1993
	Andorra	10 November 1994
	Latvia	10 February 1995
	Albania	13 July 1995
	Moldova	13 July 1995
	FYR Macedonia	9 November 1995
	Ukraine	9 November 1995
	Russia	28 February 1996
	Croatia	6 November 1996
	Georgia	27 April 1999
	Armenia	25 January 2001
	Azerbaijan	25 January 2001
	Bosnia and Herzegovina	24 April 2002
	Serbia	3 April 2003
	Monaco	5 October 2004
	Montenegro	11 May 2007