

Brussels, 30th September 2016

Joint Market Surveillance Action co-funded by the European Union

Joint Action China 2012 - Final Report

The participants in Joint Action China 2012 have developed procedures and schemes that could help European import control authorities identify goods from manufacturers that have proven to have production control systems in place that will ensure that they only produce safe and compliant toys. This would allow an authority to focus its attention on other manufacturers that presumably would be more likely to place non-compliant and unsafe toys on the market. The next step will be a feasibility test of the schemes and procedures.

Background

This is the final report from PROSAFE's Joint Action China 2012. The Joint Action received funding from the European Union in the framework of the "Programme of Community action in the field of Consumer policy (2007-2013)". It was coordinated by PROSAFE. Twelve market surveillance authorities from ten Member States and EEA-EFTA countries took part in it. It was led by the Dutch Food and Consumer Product Safety Authority, NVWA. It started in July 2013 and finished in June 2016.

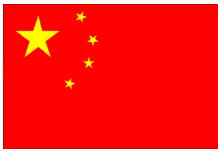
The main objectives of the Joint Action were to explore the scope for utilising intelligence from the Chinese export control authorities to guide the Member States' import control and to explore the benefits from utilising test results from European market surveillance activities in Chinese follow-up activities towards manufacturers producing unsafe products.

The First Phase: Establish Systems to Share Information on Products

The initial goal of the Joint Action was to develop, implement and test a 2-way information exchange system for a direct exchange of information from government to government. Such a system would allow the Chinese export control authorities to inform European import control authorities about those consignments that had been inspected upon export from China. It would also allow European authorities to inform the Chinese authorities about unsafe toys found on the European market beyond what is already reported via the RAPEX China scheme that handles products presenting serious risk.

The European and the Chinese participants established three working groups that should work on establishing procedures and systems to support this purpose:

- Working Group 1 would study the risk-based approach to market surveillance applied by European authorities. The purpose was to ascertain that the tests carried out by the Chinese export control authorities would cover the relevant safety requirements applicable for products destined to the EU market so the European and Chinese authorities would have the same approach towards testing. The group devoted a lot of attention to chemical safety requirements and developed guidelines on which what to look for in which product materials.
- Working Group 2 organised three Laboratory Comparison Tests (LCT's). One of the elements and metals covered by toy safety standard EN 71-3, one on the classification and age grading of toys and one on phthalates. Each of the three LCT's involved a number of Chinese and European government laboratories. The results showed that the performance of the laboratories on both sides was satisfactory and the authorities could rely on the test results from either side.
- Working Group 3 would study the information exchange process: What information had to be exchanged when between the authorities to fulfil the goal. This included an analysis of what information was necessary for the European import control authorities to allow them to identify products that had been tested by the Chinese export control authorities. It also comprised an



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analysis of the information that should be sent to the Chinese authorities if an unsafe product was found in Europe in order to allow the Chinese authorities to follow up.

Switch to Focus on Companies

After one year it turned out that the ambition could not be fulfilled because one of the important preconditions was changed. The scheme was based on the exchange of information on products that had been checked by the Chinese authorities, but only one year into the Action the Chinese started a reform of their export control system that implied a change from focus on testing of products to focus on inspection and supervision of manufacturers. This meant that the Chinese authorities no longer possessed the information about the products.

The Joint Action participants explored this new situation together with the Chinese partners and decided to change the approach to focus on manufacturers as well. Therefore, the European participants in the Joint Action sat up the structure for a pilot of an Authorised Toy Manufacturer scheme ("ATM scheme"). It is based on a list of criteria that a toy manufacturer must fulfil to demonstrate that he is able to produce safe and compliant toys for the European market. The manufacturer will be audited on compliance by the Chinese authorities. The idea behind this scheme is that if a European authority knows that a manufacturer has production control systems in place to ensure that he produces safe toys, then this authority can reduce its control efforts concerning product safety related matters on that manufacturer and focus on others that have not proven to be able to place only safe toys on the market. This idea is taking account of other schemes focussing on trade facilitation for trusted traders such as the Authorised Economic Operator scheme and the SSTL initiative both operated by EU customs.

The pilot was discussed with the Chinese partners and agreed after a few rounds of comments. A further analysis of the criteria in the ATM scheme revealed that they were very similar to those applied by the Chinese authorities in their supervision of companies and it proved possible to develop a common checklist based on the checklist that the Chinese inspectors used with a few additions. This made it easier for the Chinese Authorities to authorise well performing manufacturers to ATM.

The pilot will include a feasibility test planned in the last months of 2016 and first half of 2017 and will cover exports of toys produced by ATM compliant companies that export their goods directly to Rotterdam.

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Background information

This information is issued by PROSAFE and the 10 participating authorities in the Joint Market Surveillance Action on China - JA China.

The Action is coordinated by PROSAFE (Product Safety), a non-profit organisation that brings together market surveillance officers from all over Europe and across the world. Visit www.prosafe.org to learn more. On this website you will also find more information about other Joint Actions coordinated by PROSAFE. Explore the links to "Projects" in the left-hand column.

Disclaimer

This PROSAFE newsletter arises from the Joint Market Surveillance Action on China - JA China, which receives funding from the European Union in the framework of the 'Programme of Community Action in the field of Consumer Policy (2007-2013)'.

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