

15 May 2024

Second Newsletter JAHARP2021-11

HOW TO BETTER IMPLEMENT ARTICLE 15 OF REGULATION 2019/1020?

ABOUT THE PROJECT

The [JAHARP2021-11 Project](#) is a 24-months pan-European project which started in June 2022 and is now reaching completion. The objective of this Joint Action is to support the efficient implementation of Article 15 of Regulation 2019/1020, enabling the recovery of costs by market surveillance authorities in instances of non-compliance.

KEY FINDINGS

The project initially performed a mapping of the different experiences and procedures in place across the MSAs to ensure the recovery of costs from economic operators.

It was found that **approximately 50%** of the MSAs surveyed were already successfully recovering some costs from suppliers of non-compliant products. Inspired by this, and using the collective learnings from the information gathered, the participating authorities developed a **Good Practice Guidance** for MSAs, in support of Article 15 of the Regulation (EU)2019/1020.

This document contains information on what should be in place at national level to permit the recovery of costs by market surveillance authorities, which kind of costs may be recovered, who can be charged with the costs, languages to be used for communication, and how to deal with VAT. In addition, it provides the MSAs with some good practices and it identifies the prerequisites (legal, organizational, administrative) that will allow MSAs to successfully apply Art 15.

For more information on the Good Practice Guidance, contact the PROSAFE office at info@prosafe.org.



PARTICIPATING AUTHORITIES

6 Market Surveillance Authorities from the following 6 Countries have participated in this Joint Action coordinated by [PROSAFE](#): Belgium, Bulgaria, Czech Republic, Ireland, the Netherlands, and Switzerland (observer)

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MAIN CHALLENGES

When sharing the Good Practice Guidance with MSAs not yet recovering costs from non-compliant suppliers, the main challenge observed was that **the necessary authorizations and procedures need to be put into place at National or Authority level**, before Article 15 of the Regulation (EU)2019/1020 can be implemented. These procedures and necessary measures require time to be put in place.

The need for **harmonization of market surveillance methodologies** is a cross-cutting issue that this Joint Action and several other initiatives try to mitigate through the encouragement of discussions and collaboration among national authorities.



PRESENTATIONS TO ADCO GROUPS

The project has been presenting information about this joint action and its Good Practice Guidance for MSAs to **Administrative Cooperation Groups (ADCO)** working on the coordination of market surveillance activities in different fields.

It is expected that these dissemination activities will guide more MSAs to embrace the opportunities provided by Article 15 to recover their costs associated with their enforcement measures against non-compliant products.



FINAL CONFERENCE

The **final conference** of the project will take place online on 22 May 2024. The key results will be shared and discussed with the European Commission and stakeholders. If you are interested, you can join the conference at this [link](#).

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BACKGROUND

The Joint Market Surveillance Action on [HARmonised Products 2021 Omnibus](#) is a portfolio of projects co-funded by the European Union (EU) comprising 7 product areas and 3 horizontal/capacity-building activities.

Disclaimer

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Innovation Council and SMEs Executive Agency (EISMEA). Neither the European Union nor the granting authority can be held responsible for them.

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