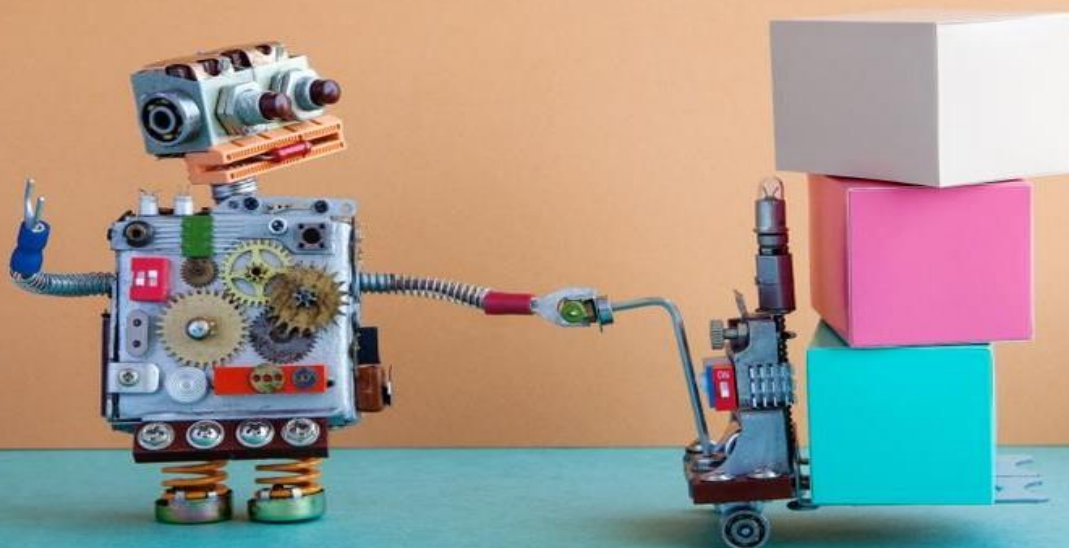


JOINT MARKET SURVEILLANCE ACTION 2016 ON **PRODUCT SAFETY**



LAYMAN'S REPORT

The Joint Market Surveillance Action on
Consumer Products 2016 (JA2016)

Action Grant N° 739851 - JA2016



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#JA2016



Prosafes (Product Safety)

Disclaimer

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NB

Please note that the project and all related written production is exclusively in English. Dissemination at national level is carried out by each participating Member State and it will be within their remit to produce translated versions.

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List of Acronyms Explained

ADCO	European cooperation on market surveillance takes place through informal groups of market surveillance authorities, called Administrative Cooperation Groups
CASP	European Commission Coordinated Actions on the Safety of Products
CCA	Child Care Articles
CENELEC	The European Committee for Electrotechnical Standardization and is responsible for standardization in the electrotechnical engineering field.
Chafea	European Commission Executive Agency for Consumers, Health and Food
CIMS	Continuous Improvement of Market Surveillance systems - a project within JA2016 focussing on peer reviews between market surveillance officials.
DoC	Declaration of Conformity is a legal Document which needs to be completed for all CE Marked products sold in the European Union with few exceptions. Almost all new products must be covered by a Declaration of Conformity.
EAS	Energy Absorbing System (for via ferrata climbing)
EEA	European Economic Area
EFTA	European Free Trade Area
EU	European Union
GA	Grant Agreement - the contract signed with the European Commission for the Joint Action
GPSD	General Product Safety Directive
MSA	Market Surveillance Authorities
PPE	Personal Protective Equipment
PROSAFE	The Product Safety Forum of Europe
RA	Risk Assessment
RAG	European Commission Risk Assessment Guidelines is a specific tool to perform risk assessment and help the Member State authorities to assess the level of risks posed by consumer products to the health and safety of consumers and to decide whether a RAPEX notification is necessary.
RoHS2	The Recast Directive 2011/65/EU of the European Parliament and of the council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment.
Safety Gate	The Safety Gate rapid alert system (also known as RAPEX) has been established by the European Commission to enable quick exchange of information between EU/EEA Member States and the European Commission about dangerous non-food products posing a risk to health and safety of consumers.

INTRODUCTION

The European Single Market is one of the greatest achievements of the European Union (EU). The Single Market envisages the EU as one territory without any internal borders or other regulatory obstacles to the free movement of goods and services. Safety is a key principle of the EU legislation, and the aim is to ensure that products circulating in the Single Market are safe and compliant with the applicable requirements, in particular those for safety.

Market surveillance

Making sure that products placed on the EU market do not endanger European consumers is a function of market surveillance, together with the protection of other public interests such as the environment, security and fair trade. Market surveillance helps protect:

- European consumers against unsafe products and general non-compliance increasing therefore their confidence in the Single market;
- Businesses from unfair competition coming from those who ignore the rules and avoid compliance costs.

EU countries, through their national market surveillance authorities (MSAs), are responsible to carry out regular and systematic checks on their territory and have the powers to intervene when unsafe or noncompliant products are detected.

Surveillance includes monitoring products, either proactively or reactively, and MSAs adopt the necessary remedies, cooperating as much as possible with economic operators, to ensure safety at source through corrective actions. These range from product withdrawals, recalls and the application of sanctions to stop the circulation of non-compliant products and bring them into compliance to voluntary measures taken by the economic operators themselves.

General Product Safety Directive (GPSD)

The General Product Safety Directive (GPSD) 2001/95/EC¹ lays down general safety requirements (*lex generalis*) and applies as a “safety net” in the absence of other EU legislation, national standards, Commission recommendations or codes of practice relating to safety of products, complementing sector-specific legislation (*lex specialis*). Specific rules exist for example for the safety of toys, electrical and electronic goods, cosmetics, chemicals and other specific product groups. The GPSD establishes obligations for both businesses and MSAs. Economic operators must place on the market safe products and inform consumers of any associated risks with their use. They have to make sure that dangerous products present on the market can be traced and removed.

The EU Added Value of pan-European market surveillance

Joint Market Surveillance Actions stimulate efficiency via a more effective pooling of resources and act as key drivers for generating sustainable added-value at the EU level leveraging the resources national authorities have at their disposal and they ensure EU wide impact of the activities undertaken. They boost coordination, cooperation, information exchange and competence among MSAs across Europe.

Through Joint Actions on market surveillance:

- ▶ The project objectives laid out below are shared by all participating MSAs in their daily work on their national markets;

¹European Commission, Policies Information and Services, General Product Safety Directive: https://ec.europa.eu/info/general-product-safety-directive_en

- ▶ Problems identified in one Member State will be tackled for the entire EU market in one sweep;
- ▶ Increased EU wide awareness is generated amongst businesses' which helps increase their understanding of their legal obligations and what they must do to ensure they bring only safe products on the marketplace;
- ▶ In turn, this promotes a level playing field for businesses inside the EU;
- ▶ MSAs in different countries can cooperate to solve cross-border issues where products sold in one country are manufactured in another country;
- ▶ Cooperation between market surveillance and customs authorities supports streamlined market surveillance procedures for controlling products within the EU and at its borders (import controls);
- ▶ MSAs can share good practices and learn from each other.

The EU-funded Joint Action 2016 - enhancing market surveillance

The Joint Action 2016 (JA2016) is a coordinated joint market surveillance action undertaken within the framework of the GPSD and several other sector specific directives. The project coordinates a number of activities in which **31 MSAs from 22 EU Member States** (Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Slovakia, Spain and Sweden) **plus Iceland and Norway** have cooperated to identify and remove unsafe products from the EU market. The coordination of the project has been undertaken by **PROSAFE - The Product Safety Forum of Europe**.

The project targeted five product categories: **Childcare articles (baby carriers and cots); Electrical toys; Electrical haircare appliances; Power tools (impact drills); PPE (Climbing Equipment)**.

These products were chosen after a priority-setting exercise amongst the Member States. The Member States had checked during this process the number of notifications or reports made for instances of unsafe products within these categories and other available information about their safety, such as consumer complaints.

They then sampled products that were potentially unsafe or seemingly did not comply with the relevant EU legislation. These products were then examined and tested at accredited test laboratories to verify whether they are indeed unsafe and or noncompliant. If a product was found to be unsafe, the authority got back to the business to ensure that the risk was removed so that the consumer can be safe.

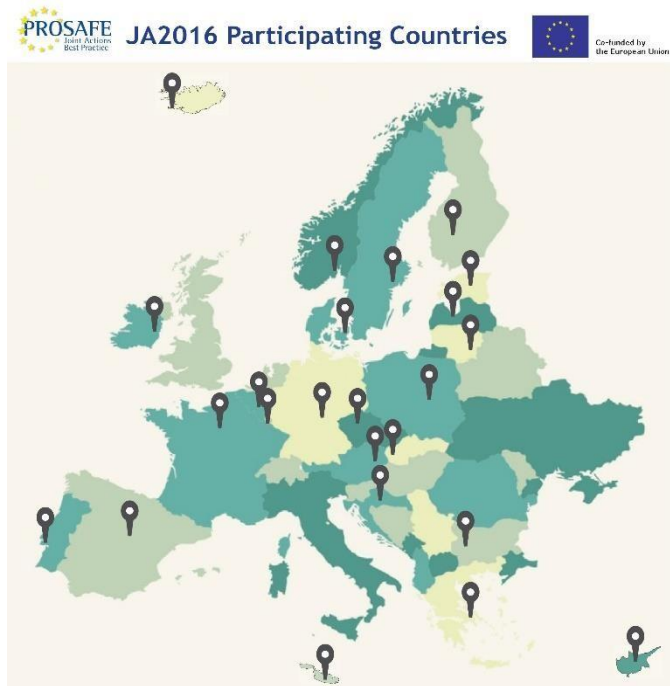


Figure 1 JA2016 Map of Participating Countries

Following the testing undertaken during the Joint Action, the MSAs reported the products found to be posing a risk to the health and safety of consumers on the **European Commission Safety Gate** tool

(RAPEX).² They informed about the measures taken against those products so that other MSAs from the European Economic Area (EEA) could take actions at their side, allowing them to be traced everywhere on the European market. With the help of the **EU Safety Gate** tool, the impact of the project increased and the geographic area over which the results applied widened.

The project also included a number of method development activities aimed at developing and maintaining best practices in risk assessment, the continuous improvement of market surveillance, e-learning and new and emerging issues. A number of horizontal issues that impact the implementation of the project have also been addressed. These include cooperation with customs, relations with stakeholders, feedback to standardisation and the application of best practices throughout the project.

A **graphic summary of the Joint Actions 2016** is presented below:

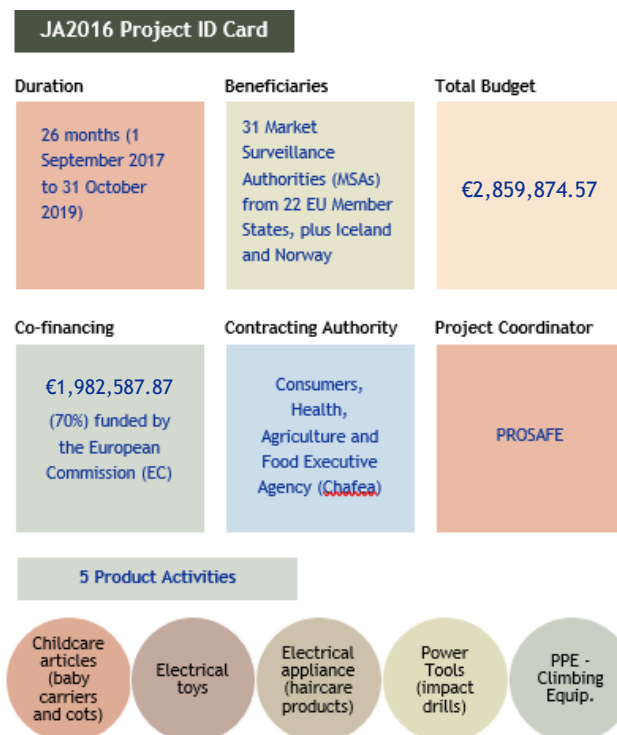


Figure 2 Overview of the Joint Action 2016

All in all, cooperating in Joint Actions, such as the JA2016 project, means that the safety of the European consumer is better safeguarded through a more efficient, comprehensive and more uniform procedure compared to fragmented work done individually by the respective authorities in Member States.



Figure 3 EU Consumers are better protected from un-safe products

²Safety Gate: the rapid alert system for dangerous non-food products: https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/repository/content/pages/rapex/index_en.htm

THE OBJECTIVES

JA2016 focusses on consolidating and enhancing product safety through effective market surveillance across the EEA.

The general objectives are to continue to create the conditions whereby Member States can cooperate successfully on market surveillance activities and to coordinate a number of smaller concerted projects entitled Activities, which are focussed on product testing or on development of methodologies to support the general market surveillance work. The ultimate goal is to disseminate the results and the measures taken to the largest number possible of MSAs from within the EEA.

The objectives of the product Activities are to ensure that childcare articles (baby carriers and cots), toys (electrical toys), electrical appliances (hair care products), power tools (impact drills) and climbing equipment on the EU market are safe and carry the appropriate instructions and warnings.

How we achieved these goals?

- ▶ The MSA carried out market research and checked other sources before agreeing on common criteria for sampling;
- ▶ By sampling from online retailers and brick & mortar shops with intelligence or assistance from customs;
- ▶ The MSAs joined together to agree testing criteria and to have the sampled products tested at accredited laboratories in the EU selected through a public call for tender;
- ▶ The MSAs carried out risk assessments using the EC's Risk Assessment Guideline³ (RAG) tool and discussed the results together.
- ▶ By applying proportionate corrective measures for the non-compliant products detected across the EU;
- ▶ By reporting on follow-up actions taken to improve safety for consumers across Europe and beyond.

³ The Risk Assessment Guideline (RAG) is the European Commission's dedicated IT application developed to facilitate the risk assessment of products notified through the rapid alert system).

MAPPING THE PROCESS

JA2016 comprised of **three** groups of Activities:

1. Product-specific, or vertical: increasing safety of a specific product or product category.
2. Horizontal: building capacity and developing methods, including:
 - Risk assessment;
 - Continuous Improvement of Market Surveillance;
 - Development of E-learning tools;
 - Methods of addressing new and emerging issues;
 - Further development of best practices;
 - Organisation of Market Surveillance Workshops,
 and addressing horizontal issues, such as:
 - the cooperation with Customs.

3. Project management Activities warrant the delivery of results according to the contractual obligations and following the principle of sound financial management. It is responsible for encouraging a consistent and effective approach throughout the entire project development.

All JA2016 product-specific activities went through the following **six** stages:

1. Planning:

An analysis was carried out on each product-specific group with regards to the nature of the market and the risks posed by the products.

2. Deciding on sampling criteria:

This phase included the development of checklists to guide the Member States sampling of products that were most likely to fail, encompassing the best practices regarding the sampling of a particular product.

3. Sampling of products:

The MSAs acquired products according to the criteria defined at the previous stage. They visited manufacturers, importers, wholesalers and retailers to collect products.

Their actions were coordinated and reported to the other participants to avoid any duplication of samples.

4. Testing of products at a selected laboratory:

Sampled products had to undergo a set of defined tests at an accredited laboratory selected through a call for tender. The Member States were advised how to send their products for testing.

5. Risk assessment:

The participants agreed to carry out risk assessments (RA) using the RAG tool of the European Commission and set harmonised criteria for the assessment of the risks identified. For this, RA templates ready to be used in the RAG tool were developed. These are available at the Risk Assessment e-Library on PROSAFE's website⁴.

6. Follow-up on non-compliant products and exchange information:

MSAs contacted the economic operators who placed the product on the market to ensure appropriate measures were taken against unsafe products identified in JA2016.

Measures have been taken against dangerous products and these measures have been notified in the European Commission's Safety Gate Rapid Alert System to ensure follow-up is given in all countries participating in the system and consumers are also warn about the risks.

Furthermore, the findings were reported to the Joint Action and shared with all participating MSAs – not only with those involved in the particular product-specific activity. Figure 4 gives an overview of actions carried out.



Figure 4 JA2016 Process

⁴PROSAFE: Risk Assessment e-Library: www.prosafe.org/index.php/horizontal-topics/risk-assessment/risk-assessment-library

756

products have been sampled
and tested in JA2016

84 baby carriers

23 cots

255 toys

109 electrical appliances

100 impact drills

185 climbing equipment

JA2016 KEY STAGES

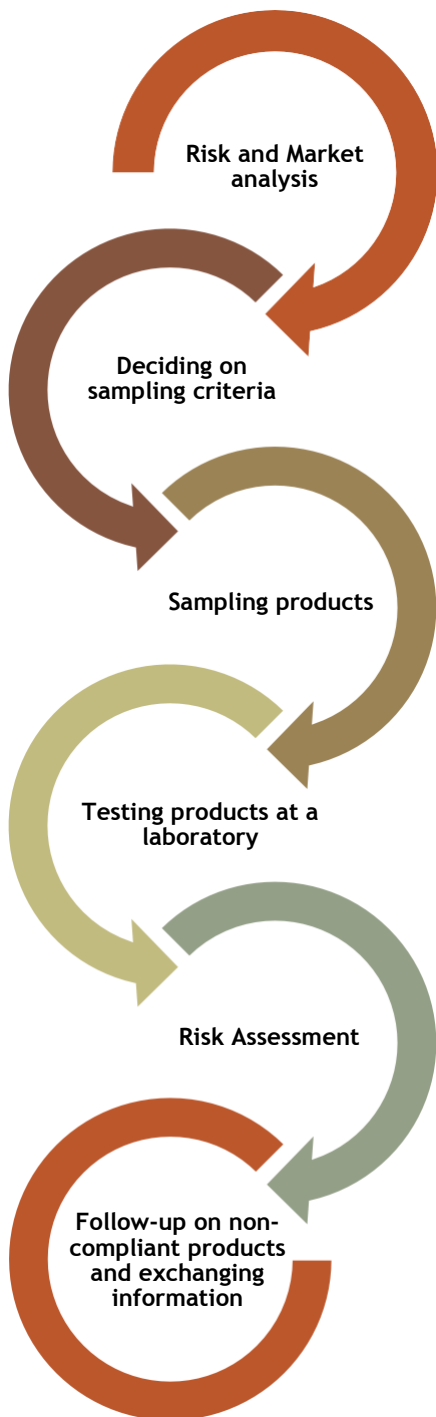


Figure 5 Key stages in market surveillance

APPLICABLE FOLLOW-UP ACTIONS WITHIN THE MSAs REMIT



Figure 6 Follow-up actions that MSAs can apply

JA2016 RESULTS

JA2016 made a significant contribution to achieving a high level of consumer protection and a level playing field for all Economic Operators across Europe. Moreover, the high number of centralised tests drove unit costs down, achieving economies of scale and further enhancing the impact of the market surveillance activities. The European Commission actively participated in each Activity following the process closely and providing guidance, where needed.

This chapter presents the process followed and then the main findings of each product and method development Activity. The test results are complemented by the hazards posed by the unsafe and noncompliant products and we give general advice to consumers for each product category.

The report does not discuss in detail the methodology and testing programme used, the policy or standardisation recommendations made, and the risk assessment templates developed. Rather these topics are addressed in detail in the **individual technical reports delivered for each Product Activity** and published on the PROSAFE website in the Reports library⁵.

Note:

All the project results are based on samples of products from the markets in the participating countries. As in most market surveillance activities, the results represent the targeted efforts that authorities undertake to identify unsafe products. They do not present a statistically valid picture of the situation of the whole market.

Tests were undertaken at accredited laboratories selected following a public call for tender and focussed on those safety requirements that have the largest impact on consumer safety.

Childcare Articles: Baby Carriers and Cots



The Process

Ten MSAs were involved in this Product Activity. These were from [Austria](#), [Belgium](#), [Bulgaria](#), [Croatia](#), [the Czech Republic](#), [Iceland](#), [Latvia](#), [Lithuania](#), [Malta](#) and [Portugal](#).

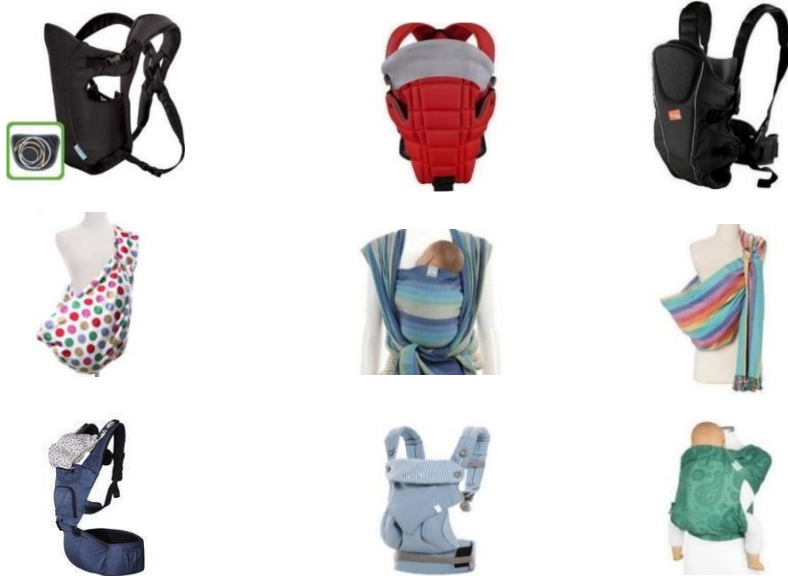
The Child Care Articles (CCA) activity focussed on baby carriers and cots. These products had been selected using the annual Priority List exercise that has been carried out by each previous Joint Action since 2012, whereby each country within the EU and EFTA is asked to propose the CCA products that are causing them the most concern. Their responses were then ranked in order to determine the priority products that the future Joint Actions should focus on.

The MSAs sampled **107 products** and sent them for testing – 84 baby carriers and 23 cots. Each authority supplied a mix baby carriers and cots. Tables 1 and 2 below present pictorial examples of the types of baby carriers and cots have been sampled and their number.



9 Framed back carriers

⁵ PROSAFE website, collection of Joint Action Reports: <http://prosafe.org/index.php/library/reports>

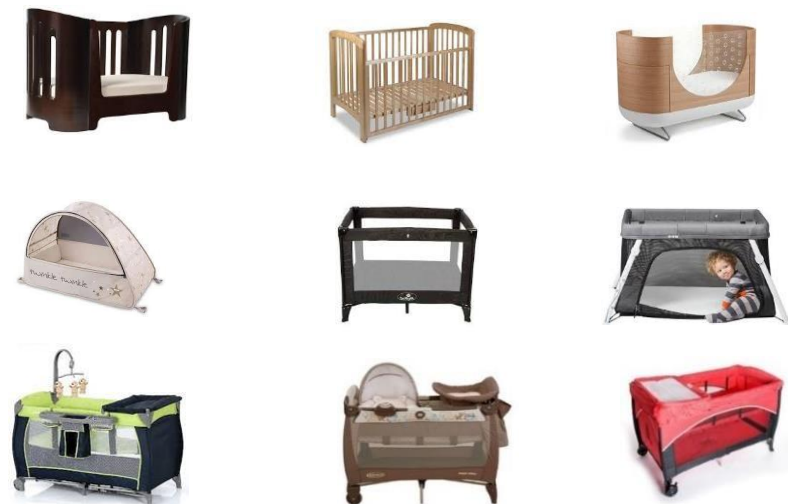


41 Soft carriers

20 Baby slings (including baby slings, ring slings, baby wraps and more)

14 Other 'unclassified' baby carriers (mostly soft carriers without integral leg openings)

Table 1 The types of baby carriers targeted by the Child Care Articles Activity



9 Traditional Cots

Often of wood construction and sometimes with a drop-side.

9 Folding or travel cots

Usually of fabric construction, these can fold down for easy transportation.

5 Folding or travel cots with a changing table

The changing table must be supplied with the cot as part of a 'travel system'.

Table 2 The types of cots targeted by the Child Care Articles Activity

The Results

88% of the 84 baby carriers and 87% of the 23 cots were considered to be non-compliant by the participating MSAs.

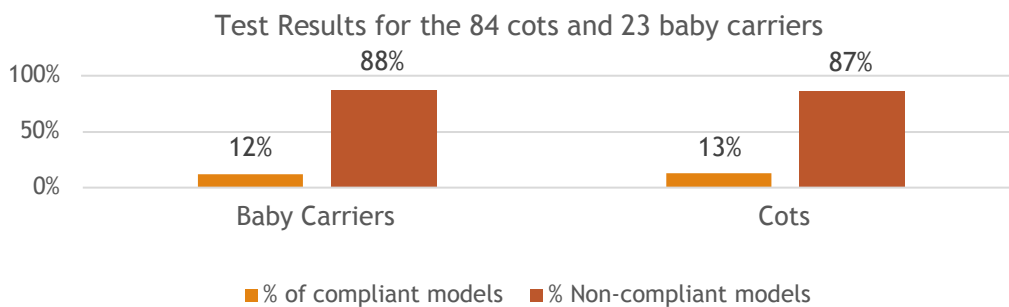


Figure 7 Summary of test results baby carriers and cots

Following the results of this exercise, the participating MSAs took enforcement actions on many of the models tested. A total **27 RAPEX** measures were notified as of 19 July 2019, thus informing EU citizens regarding the dangerous products identified by this activity, along with information on the risks they posed and the measures taken at a national level to prevent or restrict their marketing. In addition, **24 models** of baby carriers and cots **were recalled** from consumers, **withdrawn** from retailers or **further sales of these products were prohibited (sales bans)**.

An additional, 42 products required the MSAs to provide some guidance to the Economic Operator regarding forward sales (examples include minor design changes, updates to product marking/labelling, alterations to instructions for use, etc.).

The project concluded that the current safety standards for baby carriers are not as clear as they could be and the recently updated safety standard for cots is still lacking in a couple of areas.

The MSAs provided detailed feedback concerning the appropriate European standards to the relevant CENELEC Working Groups - TC 252/WG 4 Early Learning and Protection Committee (for baby carriers) and TC 207/WG2 Requirements for Children's and Nursery Furniture (for cots) – as a number of queries and comments arose as a result of this project.

A summary of the hazards found for each product type tested is given below:

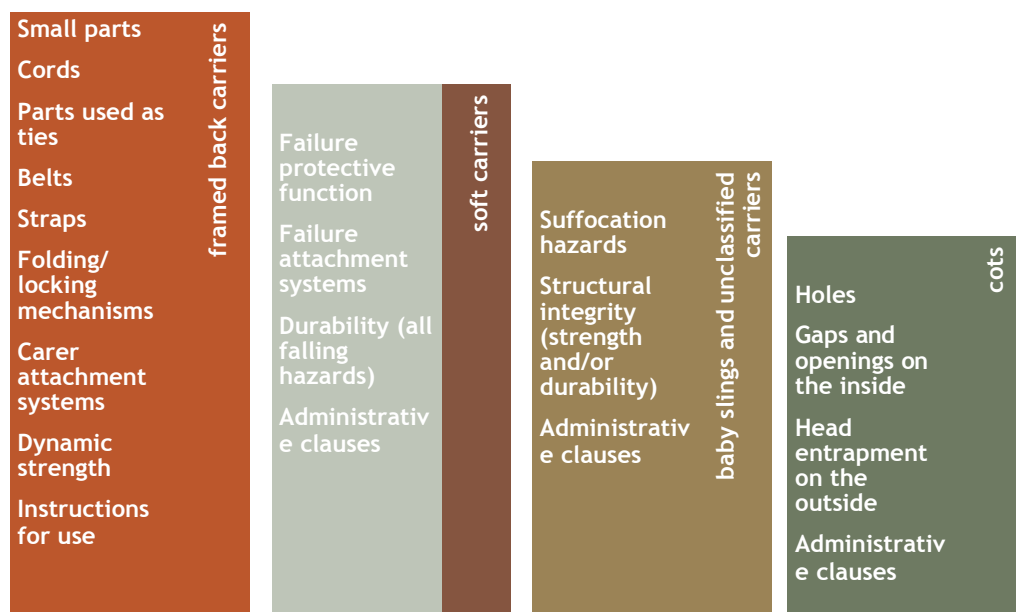


Figure 8 Risk assessment issues identified per product group for baby carriers and cots

Consumer Advice for safer use of baby carriers and cots

In respect of baby carriers, the consumer should ensure that:

- ↓ *The baby is kept secure in the carrier, in an upright position with their spine supported, where the parent/carer can see baby's face;*
- ↓ *The baby's airway must be kept clear (their chin must not rest on their chest, baby's mouth and nose must not be covered by parent's skin/clothing/ fabric of carrier);*

In respect of cots, the consumer should ensure that:

- ↓ *When using cots-products such as baby nests, duvets, pillows, loose bedding, padded at bumpers and other items that can place soft padding close to the baby's face should be avoided as they can present suffocation and overheating hazards. Products, such as sleep*

positioners, wedges or straps, that will keep your baby in one sleeping position should not be used

Examples of product failures and the entailed risk (from left to right, top to bottom):

Picture 1: Failure for holes, gaps and openings on the inside of the cot - the gap between the bars is too large and the child's head or limbs could become stuck - **entrapment hazard**

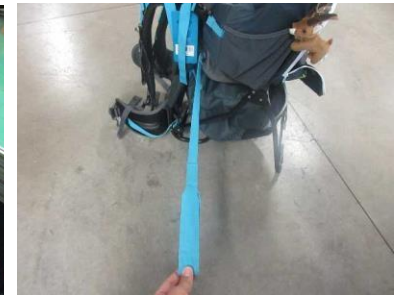
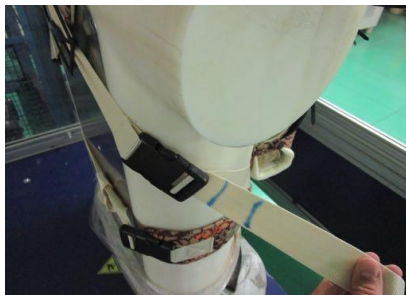
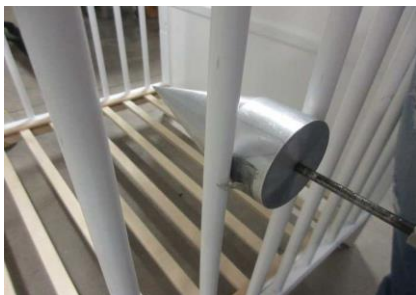
Picture 2: Failure for dynamic systems strength - the buckle broke - **falling hazard**

Picture 3: Failure for small parts - the zip broke and small parts were generated which could pose a **choking and ingestion hazard** for the child

Picture 4: Failure for durability - the carrier breaks - **falling hazard**

Picture 5: Failure attachment system - the strap slipped by more than 20 mm - **falling hazard**

Picture 6: Failure for cords - the cord is longer than 220 mm - posing a **strangulation hazard**



Electric Toys



The Process

Authorities coming from 15 EEA countries (Belgium, Bulgaria, Czech Republic, Cyprus, Estonia, France, Greece, Iceland, Latvia, Lithuania, Malta, Poland, Slovakia, Spain and Sweden) participated in this Product Activity on electric toys. The MSA from Bosnia & Herzegovina attended some of the project meetings at their own costs.

The 'electric toys' product group was identified as a risk group through a priority-setting exercise carried out in 2016 by a working group of MSAs coordinated by PROSAFE in a former EU-funded Joint Action. This was further confirmed by analysis of all the electric toys rapid alert notifications reported in the European Commission Safety Gate tool over the last years. In the case of electrical safety, the following risks were given priority:

- *Chemical burns (ingestion of small batteries)*
- *Suffocation from putting small batteries in the mouth*

- *Electric shock/fire/burns*
- *Damage to eyesight*

Other particular risks have been taken into account such as the lack of safety warnings & instructions. Additionally, certain toys have been tested for compliance to RoHS Recast Directive ⁶ (RoHS2). Particular attention was given to the amount of lead and cadmium present in certain solders of the respective sampled toys.

Lead is an important **environmental contaminant** because of its known toxicity to humans and other living organisms. Lead is one of a limited class of elements that can be described as purely toxic.

Lead is a major environmental threat because of its severe human health effects, and because of its global prevalence in air, water, dust and soil, and various manmade products. As an atmospheric pollutant, lead can travel long distances before settling to the ground and sticking to soil particles. It can then be re-suspended into the air, seep into the groundwater, or be absorbed by vegetation.

In the environment, **cadmium is toxic** to plants, animals and micro-organisms. Being a simple chemical element, cadmium is persistent - it cannot be broken down into less toxic substances in the environment.

In total, **255 different electric toys** have been collected from economic operators via online sales, traditional shops, or customs. **Battery toys** constituted the largest number of samples collected through this project, 185 in total, out of which, 84 were button cell battery toys. Additionally, 28 electric toys had **laser** and/or **LED lights**, and 18 were **electric ride-on toys** such as toy cars and motorbikes. The remaining part were electric toys with transformers and also any other toys not classified above.

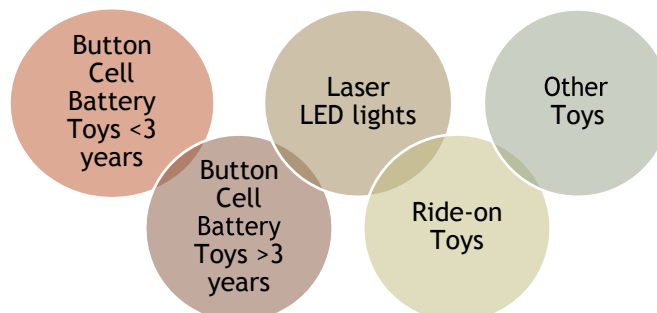


Figure 9 The type of electric toys sampled and tested

The testing programme focussed on one hand on **electrical safety** and 14 participating authorities chose to test **238 samples (93%)** for this aspect, and on the other hand, on **environmental safety** with 7 authorities testing **119 samples (47%) for environmental risks** (lead and cadmium).

The Results

135 out of the 238 samples (about **58%**) had some form of non-compliance. **13 samples** out of the 135 determined as non-compliant were classified as posing a '**serious risk**' and **3** as a '**high risk**' for consumers, the rest were medium, low or of 'no particular safety issue'.

For 12 of the samples the type of risks identified for consumers were associated with easy access to button cell batteries, which can be accidentally swallowed by children.

⁶ European Commission, Directive 2011/65/EU (ROHS 2) of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment: https://ec.europa.eu/environment/waste/rohs_eee/index_en.htm

If a child swallows a battery, button cells (especially lithium based) can cause severe tissue burns that can be, in worst case, fatal in as little as 2 hours. In one sample classified as posing a serious risk, overheating was detected which could also cause external burns to the child, their gravity depending on the circumstances.

As of 11 July 2019, the MSAs reported **all 13 samples with a 'serious risk'** in the European Commission Safety Gate tool. Additionally, 2 out of the 3 samples with 'high risk' have led to rapid alert notifications from the respective MSAs. Although only 1 out of the 5 samples with 'medium risk' has led to a rapid alert notification, the remaining 4 samples were actually still notified due to serious environmental risks.

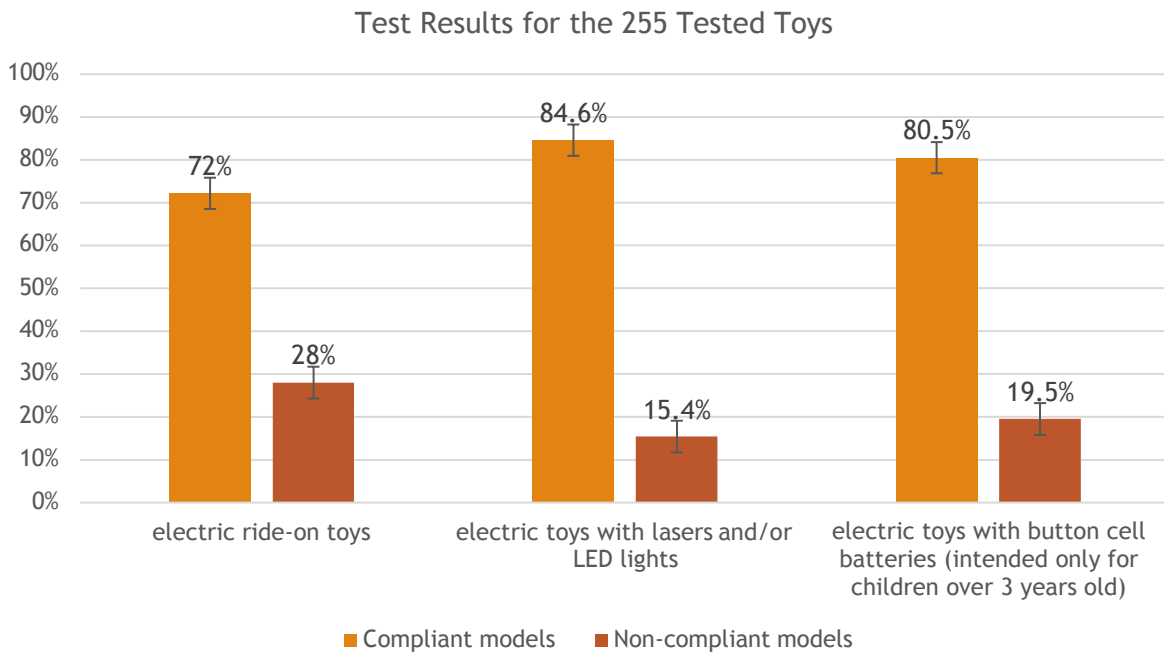


Figure 10 Rate of non-compliance - electric toys

With regard to environmental risks up to a maximum of 4 solder points from each of the 119 samples were tested for their content of lead and cadmium.

73 out of 119 samples (about 61%) were not compliant, most of which had extremely high levels of lead and/or cadmium.

66 out of the 73 non-compliant samples were determined by the MSAS to pose a 'serious risk', whilst 6 samples were classified as posing a 'high risk', and 1 sample with a medium risk. 72 out of the 73 non-compliant samples have been notified by the MSAs through the Safety Gate tool for dangerous non-food products. The type of risks identified for consumers were associated with:

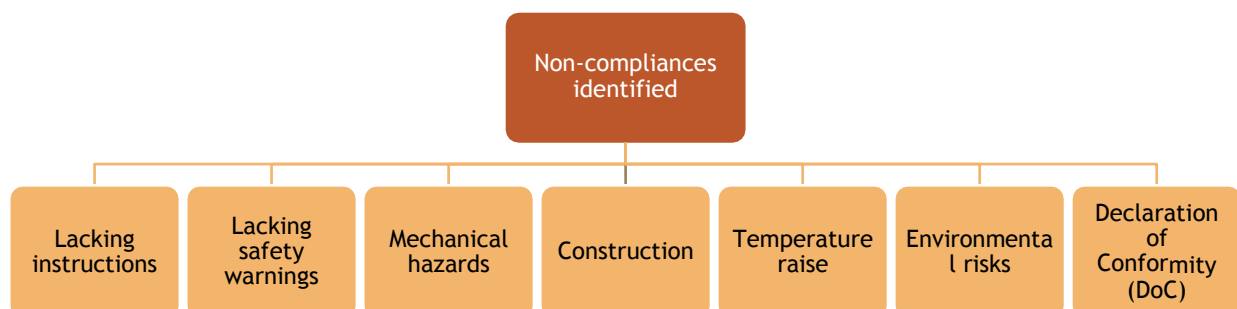


Figure 11 Overview of non-compliances identified in the sampled electric toys

The participants developed an e-brochure targeting consumers, in particular parents and caregivers highlighting the risks associated with button-cell batteries if left with young children. The brochure was prepared in conjunction with external stakeholders: ANEC, EUROCOMMERCE, EPBA and TIE.

HOW PARENTS SHOULD AVOID ACCIDENTS RELATED TO BUTTON-CELLS:

- Store button cells out of sight and reach of children.
- Try to opt for products that have a securely fastened battery compartment, especially if you have young children.
- Make sure that you securely refasten the battery compartment every time you change the button cell batteries.
- DO NOT keep your waste button cells at home. Take them to a collection point for recycling.
- DO NOT store button cells together with medication / tablets or coins.

Electrical Appliances: Hair Care Products



The Process

This Activity Household Electrical Appliances focussed on household hairdryers, curling irons and hair straighteners. These products are increasingly used in European households, and they have the target of more than 30 Safety Gate notifications for dangerous products since 2012 with safety concerns ranging from poor user instructions to severe overheating and burns from excessively hot surfaces.

The 12 participating MSAs involved in this Activity were Bulgaria, Croatia, Cyprus, the Czech Republic, Finland, France, Latvia, Lithuania, Malta, Poland, Sweden and Slovakia.

The samples were selected based on several factors, including previous product testing, incident data, sales bans and Safety Gate notifications, etc. Upon this data the MSA decided on the parameters of the sampling and the specificities of the product selection. The main products they sampled were hairdryers (not travel types), curling irons (traditional designs with no special features) and hair straighteners (traditional designs including those having interchangeable hot plates).


HAIRDRYERS	CURLING IRONS	HAIR STRAIGHTENERS
		
<p>Traditional type and no travel variants</p>	<p>Traditional designs with no special features</p>	<p>Traditional designs including option of interchangeable hotplates</p>

Table 3 Product types targeted by the Joint Action

Due to the complexity of the applied standards, which has over 30 clauses with numerous sub-clauses, the testing was based on a limited programme targeted towards the tests most likely to identify potential hazards.

For the testing each MSAs provided three samples from each product type, with the exception of Sweden who provided one extra hair straightener. The MSAs tried to target exclusive online sellers and not only the hybrid type that have a high street shop and an online presence.

Sampling was either direct from an online shop, purchased from a physical shop, purchased from a physical shop after conducting online research or sampled direct from the economic operator. No products were obtained directly from customs. The MSAs also recorded the Country of Origin for each product type.

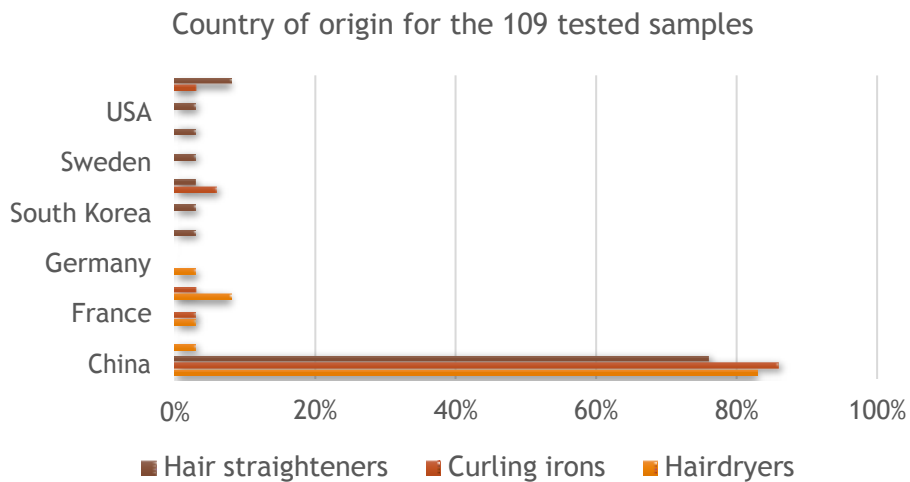
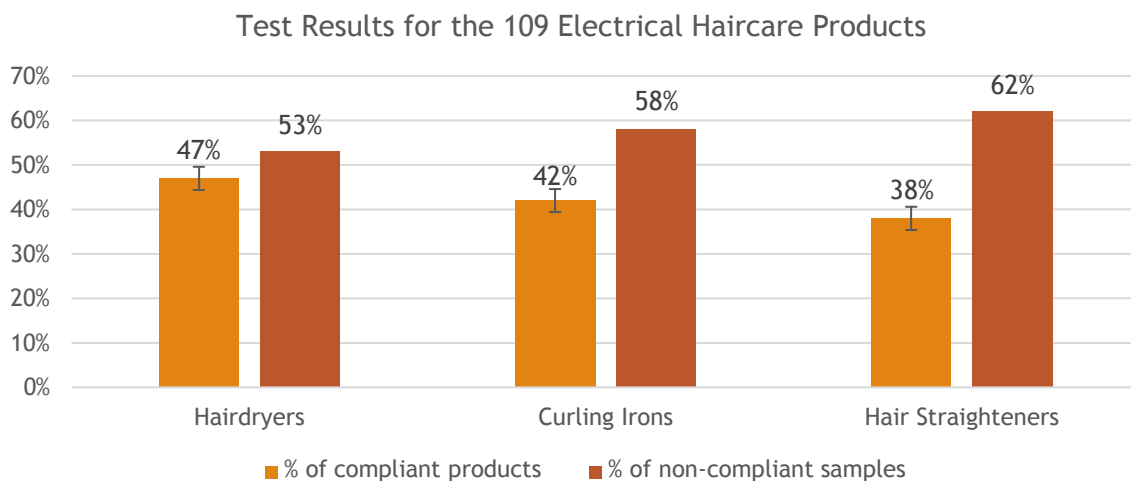


Figure 12 Country of origin for the hairdryers, curling irons and hair straighteners

In total, **109 products** were sampled and tested: **36 hairdryers, 36 curling irons and 37 hair straighteners**. Only **46 of the 109 products** examined were fully compliant with the test programme.

The Results

Overall, **19 hairdryers (53%), 21 of curling irons (58%) and 23 of hair straighteners (62%),** as tested, were non-compliant.



	Hairdryers	Curling Irons	Hair Straighteners
Samples tested	36	36	37
Failure rate	53%	58%	62%

Figure 13 Summary test results electrical appliances

For example, for one sample deemed as posing a high risk it was possible to access live parts through the air outlet grille using the standard test probe (see picture number 3 at the end of the section where product failures are presented).

There were significant safety concerns about the insufficient protection against access to live parts, hot touchable surfaces, overheating, and poor electrical insulation, including some safety-critical non-conformities dependent on the specific product.

The main hazards identified were **electric shock, burns and poor safety-standard requirements in user instructions**, for example **missing warnings against use near bathtubs, basins, showers, and use by children** and the additional protection that may be provided by installing a residual current device.

The large amount of relevant information omitted from user instructions suggests that manufacturers may not be paying close attention to the test reports they rely on to demonstrate conformity under the harmonized standards. The absence of important safety information and warnings may not necessarily be considered as safety critical, but in certain circumstances it might give rise to a hazard. In each case in this project, the non-conforming markings and instructions were deemed a low risk.

Overall risk levels revealed **44% of samples with low risks, 5% of samples with medium risks, 2% with high risks, 7% with serious risks**, and a total of **9 recorded Safety Gate** notifications as of 28 July 2019. The MSAs **recalled 3 samples, withdrew 18 samples** from the market, and applied **sales bans for 13 samples**.

Harmonisation of market surveillance across the EEA has been enhanced by the experience and shared knowledge in sampling, testing and risk assessment gained from this activity.

The results of the Joint Action have also been shared with ANEC (European Consumer Voice in Standardisation), APPLiA, UK's Electrical Safety First, CENELEC working Group on safety of household and similar electrical appliances (CLC/TC 61), and the LVD Administrative Cooperation Group (ADCO).



Figure 14 Types of non-conformities for the tested haircare electrical appliances per product types

In conclusion, we can draw the following lessons:

- The sampling process was very effective, as it allowed the inspectors to identify potentially non-conforming products while avoiding any sample duplication;
- The limited sampling revealed a relatively small number of unsafe hairdryers, curling irons and hair straighteners;
- Input from stakeholders is increasingly important to the success of these joint actions as household electrical appliances become more complex with many products expected to have embedded radio modules and other electronics in relation to the Internet of Things and other new and emerging technologies;
- The project demonstrates that household electrical appliances remain an important category for future joint actions, particularly with the expected increased complexity with the development of the Internet of Things and wearable technologies.

Consumer Advice

- ↓ *Ensure that hair dryers, curling irons and hair straighteners are unplugged from the mains supply immediately after use;*
- ↓ *Allow products to cool down on any heat mats or heat proof pouch supplied with the products. Hair straighteners and curling irons reach temperatures above 200°C and may take at least 30 minutes to cool down after use, do not leave them unattended when not in use. Always seek medical attention in the event of a serious burn particularly where children are concerned, as their skin is significantly thinner than adults.*
- ↓ *Always read the user instructions provided and keep them for future reference.*

Examples of product failures and the entailed risks (From left to right, top to bottom):

Picture 1: Insulation breakdown with witness marks at point of insulation failure - **electric shock hazard**

Picture 2: Enclosure deformation after abnormal operation test - **burn hazard**

Picture 3: Live part accessible through air outlet grille of hairdryer - **electric shock hazard**

Picture 4: Test probe access through air outlet grille in hairdryer enclosures - **electric shock hazard**

Picture 5: Enclosure deformation after restricted heat dissipation test - **burn hazard**

Picture 6: Motor winding overheating and no protection against stalled motor - **electric shock and burn hazard**



Power Tools - Impact Drills



The Process

The MSAs began work on power tools in 2015 under PROSAFE’s coordination and with the generous support of the EU funding. It is then that a priority-list was created and revised annually that looked at the Safety Gate notifications made for dangerous products and the risks reported such as injury, electric shock and fire. **Impact drills** become the top priority in 2016 and have been integrated in the JA2016 work programme considering that twelve products had been reported as posing a serious risk since 2007.

Furthermore, one particular source of risk associated with power tools, and impact drills implicitly, is the **migration over the years of professional equipment into the consumer market**. Professional equipment often being more powerful than its consumer equivalent (thus able to inflict more serious injuries) is intended to be used by professional staff that has been trained and has to be supervised in its use. Hence, although the product may be “safe” in the sense that it is compliant with the applicable safety standards, it is not safe in the hands of an unexperienced and un-trained consumer.

The sampling plan addressed the effects of steady growing migration of professional products into the consumer area combined with a steady growing cheap import, making available to the consumer products from the lower end of the (e-trade) market.

Nine participating MSAs were involved in this Activity from **Bulgaria, Croatia, Germany (Bavaria, Baden Württemberg and Bremen), Latvia, Lithuania, Malta** and **Poland**. Turkey participated as a collaborating partner outside the financial scheme.

100 impact drills were sampled at different economic operators in seven Member States, 4 of them from on-line traders. The samples, potentially dangerous products, were sent for testing and examination at an accredited laboratory, which was selected through a public tendering procedure.

The Results

Testing results showed that 86% of the impact drills passed the mechanical properties tests without any non-conformity being revealed. **14% of the rest had one, two or more non-conformities** mostly based on one or two clauses in the standard. Conversely, the results are different regarding administrative market surveillance i.e. inspecting markings, warnings and user instructions, lacking instruction and safety warnings with only 53% of the samples checked being compliant for these requirements.

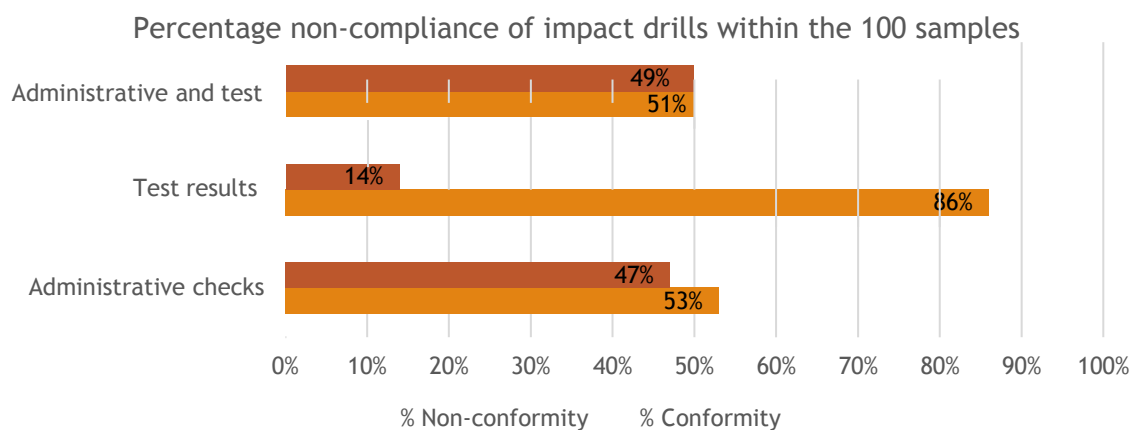


Figure 15 Percentage of non-compliance detected in the 100 impact drills

A number of impact drills had other non-conformities like mechanical hazards, inadequate mechanical strength failures. The market surveillance officers assessed the risks entailed by these non-conformities.

The result showed that a couple of products presented serious risks (risk of electrocution due to broken enclosures), some presented medium risks (due to static stalling Torque or Slip torque of clutch mechanism failure).

Some presented low risks (**lock on device failure**) and lacking markings, instructions or safety warnings. Following the results of this exercise, the participating MSAs took enforcement actions such as **withdrawals, sales bans and recalls of the products**.

One single serious risk Safety Gate notification - as of 19 August 2019 - was issued for an impact drill that failed the mechanical strength drop test posing an **electric shock hazard** for the user. Detailed feedback concerning the standard was also conveyed to the relevant CENELEC Working Group - CLC/TC 116 Safety of motor-operated electric tools.

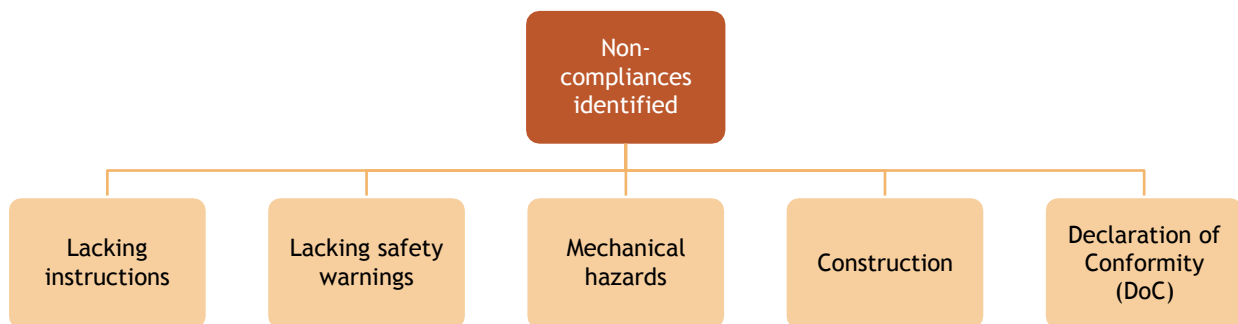


Figure 16 Types of non-compliance detected in the 100 samples of impact drills

Consumers are advised to:

- ↓ Always read users instructions and keep them for future reference.
- ↓ Wear personal protective equipment, and
- ↓ Never use an impact drill if it is damaged or has a broken body and access to the live parts is possible.

Example of product failures from the test results:

Pictures 1-2: Outcome from the drop test - The plastic body of impact drill is broken to such extend that access to live parts is possible with finger probe - **electric shock hazard**



Personal Protective Equipment (PPE): Climbing Equipment



The Process

PPE refers to equipment designed and manufactured to be worn or held by a person for protection against one or more risks to that person's health or safety.

Between 2005 and 2016, there were 32 RAPEX notifications on climbing equipment.

Accident statistics in relation to climbing equipment failures are hard to come by as most of climbing accidents occur as a result of climbing errors rather than the failure of climbing equipment to provide the requisite level of protection. Ropes, harnesses, energy absorbers, connectors/carabiners and so on are elements of safety systems whose failure may cause severe injuries or lead to fatal consequences. They are classified as Category III PPE under the EU PPE Legislation ⁷ and, as a consequence, are subject to the most stringent mandatory conformity assessment procedures.

The activity was carried out by **10 MSAs from 7 EU Member States and 2 EEA Countries: Belgium, Bulgaria, Croatia, Germany (Baden-Württemberg), Germany (Bavaria), Iceland, Latvia, Luxembourg, Malta and Norway.** It focussed on 5 commonly used categories of equipment: **dynamic ropes, sit-harnesses, connectors (carabiners), mountaineering helmets and energy absorbing systems for *via ferrata* climbing** (climbing on a route with a fixed climbing installation including a safety line). The MSAs sampled a total of **185 models** of equipment from specialised shops, general sports equipment shops and online, specialist websites or general Internet platforms.

The Results

The checks on markings and documents revealed a significant number of models placed on the market without any accompanying information. This clearly increases the risk of accidents due to misuse of the equipment. In other cases, certain elements of information were missing from the markings and documents. The economic operators could easily correct such non-conformities. Non-conformities relating to the EC Declaration of conformity are an obstacle to the traceability of the equipment.

The testing revealed a noteworthy proportion of non-compliant and unsafe products: 10% of the ropes tested had insufficient dynamic strength and 14% of the harnesses failed the whole harness static strength test.

More than half of the energy absorbing devices failed one or other of the performance tests. 20% of the mountaineering helmets tested showed insufficient energy absorption capacity, insufficient resistance to penetration or both. On the other hand, all of the connectors tested passed the safety-critical strength tests, although several lacked the necessary accompanying information.

In all, **87 (47%)** of the products sampled had one or more non-conformities with respect to markings or documentation. **37 models (20%)** failed one or more of the performance tests. The MSAs analysed the risks associated with the non-conformities discovered during the checks and testing in order to determine appropriate corrective measures.

⁷European Commission, Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A31989L0686>

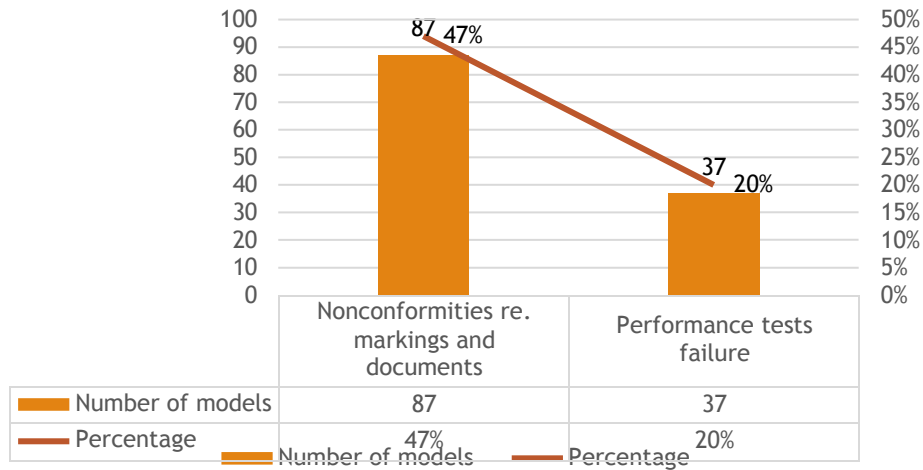


Figure 17 Summary non-compliances following testing of climbing equipment

The following categories of climbing equipment tested showed some non-conformities for the following safety critical tests:

- Dynamic ropes - dynamic strength test;
- Harnesses - whole harness static strength test;
- EAS - performance tests with a mass of 40 kg or with a mass of 120 kg (or both);
- Helmets - energy absorption capacity and resistance to penetration at low or high temperatures (or both).

All the connectors tested had satisfied the safety critical strength requirements, although some were not as strong as claimed by the manufacturer.

14 products were considered to present **a serious risk**, **16 a high risk**, **19 a medium risk** and **10 a low risk**. This resulted in **55 voluntary measures** to bring products into conformity, **19 voluntary product withdrawals** and **4 recalls**.

Results of safety-critical tests for 185 models of climbing equipment

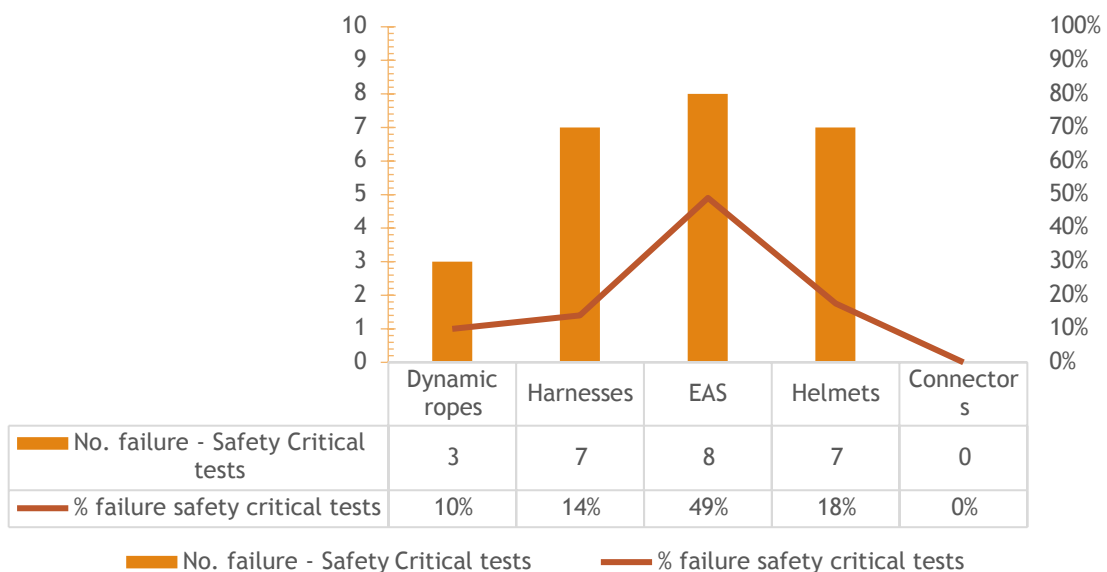


Figure 18 Summary number of failures in safety-critical tests for the climbing equipment tested

Furthermore, the authorities **imposed 3 measures** to bring products into conformity, **withdrew 30 products** from the market and instigated **20 recalls**. As of 29 July 2019, a total of **11 Safety Gate notifications for dangerous products** were made as follows: 2 for dynamic ropes, 3 for harnesses, 2 for energy absorbing systems for via ferrata climbing and 4 for helmets.

The Project group formulated suggestions for the improvement of the relevant harmonised standards in light of issues that emerged during the Activity and these have been forwarded to the relevant standardisation groups.

Before a PPE product can be brought to the European market, it has to be subjected to the appropriate conformity assessment procedures laid down in the EU PPE Legislation. For PPE intended for protection against falls from a height, these procedures include mandatory third-party testing of the prototype and controls on the conformity of production.

For several of the models of climbing equipment sampled, there was no evidence that these procedures had been carried out. Some of this equipment also showed a quite inadequate level of performance. This practice is not only liable to compromise the safety of users but constitutes unfair competition for responsible economic operators.

The MSAs have also noted that climbing equipment made available via internet sites is frequently not accompanied by the required safety information in the national language.

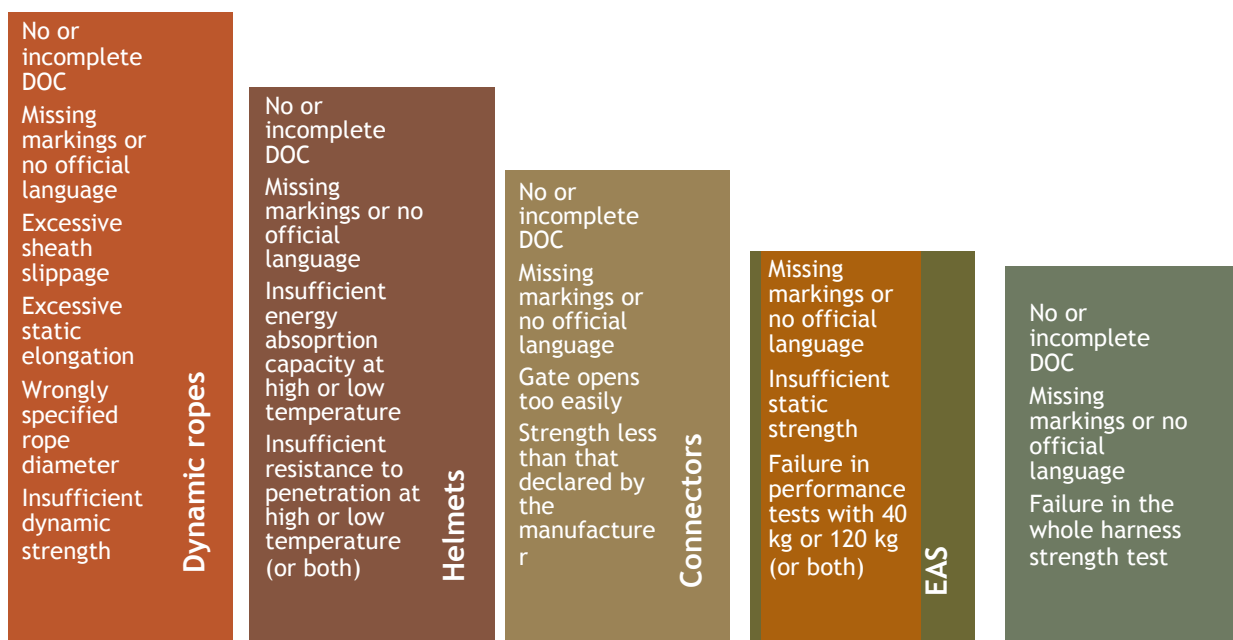


Figure 19 Overview of non-conformities identified for the types climbing equipment sampled and tested

Consumers are advised to:

- ↓ *Select climbing equipment appropriate to your climbing activity;*
- ↓ *Only accept equipment bearing the CE marking and accompanied by an information leaflet supplied by the manufacturer;*
- ↓ *Use the equipment in accordance with the manufacturer's instructions;*
- ↓ *Always check your equipment before setting out - discard and replace **any** worn or damaged equipment - your life may depend on it!*

Examples of product failures from the test results (from left to right, top to bottom):

Pictures 1-2: Harness torn during the harness strength test - **fall and injury hazard** - the harness may break during a fall causing the climber to fall to the ground with potentially fatal consequences.

Picture 3: Breakage of the secure resting connection of an Energy Absorbing System (EAS) for via ferrata climbing - **fall and injury hazard**

Picture 4: Failure of safety stitching during the whole harness strength test - **fall and injury hazard.**

Pictures 5-6: Helmets that failed the penetration resistance test - **injury hazard** - during climbing, falling stones with sharp edges could penetrate the climber's helmet leading to head injuries.



METHOD & OTHER HORIZONTAL ACTIVITIES

The Joint Action continued the development of methods that facilitate the work and cooperation between European MSAs.

Risk Assessment

Risk assessment is a cornerstone of market surveillance. The objectives of the activity were to further promote greater consistency between the risk assessments carried out by the different Member States. This has been done most notably through the production of tools and providing a platform for Member States to discuss different risk assessment issues. **13 authorities** from **11 EEA countries** participated in the Risk Assessment Activity: **Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, France, Germany (three authorities), Iceland, Lithuania, Malta, Slovakia, Sweden and a second Danish MSA** participated on a voluntary basis in some activities. In addition, **Bosnia-Herzegovina, Kosovo and Turkey** participated in at least one meeting or seminar outside the financial scheme. The main achievements were:

- ▶ Organisation of the Risk Assessment Seminar 2017 which was attended by 25 representatives of MSAs and the European Commission.
- ▶ A new and public **risk assessment hub**⁸ with **25 templates** was created on PROSAFE's website.
- ▶ Three generic guidelines on the assessment of risk from acoustic toys and fireworks and guideline for the risk assessment of warnings and instructions are available.
- ▶ The second meeting looked at 12 years of risk assessment within the Joint Actions. Highlights identified included definition and improvement of risk assessment methods, including training and guidelines on the methodology. The biggest challenges for the future were recognized as risks from new and unknown technologies (3D printing, software in products, IT safety and security, endocrine disruptors, Internet of Things, etc.) and the lack of scientific data upon and need for increased stakeholder input.

⁸ PROSAFE Risk Assessment webpage: <http://prosafe.org/index.php/horizontal-topics/risk-assessment>

Continuous Improvement of Market Surveillance (CIMS)

CIMS reflects the need for market surveillance authorities to constantly seek to improve their own procedures. This is achieved through the identification and exchange of best practices during informal visits of authorities by their peers from other Member States. The following **8 Member States** participated in the CIMS Activity: **Bulgaria, Croatia, Cyprus, France, Iceland, Lithuania, Malta, and Poland**. Two CIMS reviews were held in Cyprus and respectively in Iceland. The reports from the reviews are available on the closed part of the PROSAFE website.

E-learning

E-learning provides another opportunity to leverage the results of Joint Actions. **E-learning modules** have been developed during the Joint Actions for a range of subjects. **Croatia, Iceland, Latvia and Lithuania** took part in this Work Package, which revised the existing risk assessment e-learning module to include acoustic toys. To reduce costs, a new software has also been introduced. iSpring allows modules to be based on PowerPoint slides which facilitates translation by national MSAs and the use of HTML5 allows the modules to be consulted on a mobile phone.

The training modules can be accessed through PROSAFE's website.

New and Emerging Issues

New and emerging issues pose a particular problem to Member States. The development of consistent approaches and effective solutions to address such issues is dependent on the early exchange of relevant information. The objective of this activity has been to stimulate such early exchange of information and to gain experience with the approach developed during the previous Joint Action, JA2015. The activity also sought to address the international dimension of new and emerging issues. Authorities from **Austria, Belgium, Croatia, Estonia, Finland, France, Iceland, Germany, Ireland, Latvia, Norway, Slovenia, Spain and Sweden** participated in the Activity. The **OECD Secretariat** was also involved.

The participation of the [USA](#), [Canada](#) and the [OECD Secretariat](#) was a unique feature reflecting the international dimension of new and emerging issues.

One teleconference led by the USA was dedicated to the Internet of Things and Artificial Intelligence. The information exchanged provided valuable input to the consideration of these issues by the Member States. Overall there was a considerable degree of engagement during the activity from both Member States and from jurisdictions outside Europe. Coupled with the range of issues discussed and the willingness of jurisdictions even from outside Europe to share information this helped to demonstrate the feasibility of the methodology proposed under JA2015 which was trialled in JA2016. This outcome was further underlined by the participants themselves who expressed their hope that this exchange of information would continue in the future.

Other Horizontal Activities

A number of other horizontal activities have been undertaken to help promote more consistent and effective market surveillance throughout Europe through the exchange of best practices and relevant information and making that information easily accessible to market surveillance officials. The Joint Action organised the sixth Annual Market Surveillance Workshop from 7 and 8 November 2017 in Brussels. It was very well attended and took as its over-arching theme "Meeting the needs of the marketplace " reflecting on what this means for the joint Actions.

After the initial planning and launch of the project there were regular reviews of the progress made to ensure a solid quality management. Best practices were maintained and promoted throughout the project.

The operation of a Rapid Advice Forum, another horizontal activity, saw 20 questions posed by MSAs about dangerous products, legislative aspects or emerging issues during the period 1 September 2017 to 30 November 2018. 19 of the questions were answered by other MSAs (with somewhere between 1 and 9 replies each). The average was 3,8 replies per question. The average response time was 2,9 days.

Lastly, as a further outcome, market surveillance officials and the public will find a large repository of information in the PROSAFE website Knowledge Base.

**Supporting effective
and smart market
surveillance through
developing
methodologies and
tools**

CONCLUSIONS & LESSONS LEARNED

The Joint Action model is well-established and continues to provide an excellent platform for the cooperation between the Member States on market surveillance.

Overall, the Joint Actions make a significant contribution to achieving a high level of consumer protection and a level playing field for all economic operators throughout Europe. They provide a platform for building a network amongst the participating MSAs that they can use to share knowledge and learn from each other's expertise. Almost all Member States participate and work together which means that the product activities reflect a truly pan-European survey of the marketplace.

Moreover, the European Commission's generous funding ensures that a large number of samples can be tested and that this cooperation at EU level becomes a reality.

JA2016 provided added value in many different ways, including in the following areas.

Impacts Achieved

The Joint Actions clearly demonstrate that the impact of enforcement is stronger when the MSAs work together at European level.

They share experiences and discuss actions which ensures an effective coordinated approach to remove unsafe products from the Single Market. Member States consistently agree that the harmonisation of market surveillance across the EEA is enhanced through the Joint Actions.

There were a couple of notable firsts in JA2016. This was the first time that environmental risk aspects were targeted, in this instance RoHS in toys.

The broader impact of JA2016 is not only evidenced by the large number of countries who participated in the project thereby extending the geographical reach but also by the extensive feedback given to the European standards development organisations. Some participating authorities have also been using the Joint Actions to further boost their experience and expertise in the subject being focused upon.

Additionally, in particular in the case of the authorities coming from relatively small countries who might lack adequate administrative resources, these Joint actions helped them to check their own

market by testing a number of products from within their own country.

Based on the JA2016 results, combined with the risk analysis undertaken, the following points have been concluded:

- ▶ The participating MSAs have improved their knowledge of the market;
- ▶ The participants now better understand the technical requirements and testing of such products;
- ▶ Overall, the sampling process was very effective, the inspectors were able to identify potentially non-compliant products in their sampling process;
- ▶ An increasingly uniform approach was used to evaluate and follow up on test results with Member States discussing in advance what the appropriate measures would be for different levels of risk;
- ▶ Numerous risk assessments templates were developed for future use by all EU Member States;
- ▶ Low, medium and high-risk non-compliances have been identified per product type and follow-up enforcement actions have been taken.

Sampling and Testing

Joint testing of samples continued to prove advantageous since larger amounts of samples tested meant better test prices could be negotiated. This reduction in price due to economies of scale meant that the participating authorities could perform higher numbers of tests and focus on a much larger number of samples.

The joint testing of products not only enabled the countries involved to examine a larger quantity of products but also enabled them to take action against unsafe products in a more harmonized way across the EU.

The application of appropriate best practice also meant that the unnecessary duplication of samples was avoided. There were further efficiency gains from refining and enhancing the sampling and tendering processes, checklists and templates developed during the previous joint action on household electrical appliances JA2015.

Documentary Checks

Economic Operators need to have increased focus upon the warnings, markings and instructions of these products. Consumers should always read the user instructions and keep them for future reference.

Requesting and reviewing technical documentation is an essential element of joint actions and a cost-effective means of performing market surveillance.

The evidence from a number of activities suggests that manufacturers are not fully aware of their legal obligations with respect to warnings and documentation such as declarations of conformity and instructions for use in the appropriate language(s).

Risk Assessment

Drawing up draft risk assessment templates at the beginning of the product activities greatly assisted the risk assessment process once the results of the product testing were known.

The risk assessment templates speeded up the work of the Member States and helped ensure greater consistency between the results.

Liaison with Stakeholders

Input from stakeholders is extremely valuable, maintaining a healthy dialogue between all stakeholders helps to identify and prevent possible future safety issues and at the same time identify practical solutions.

One example can be found in the electrical appliances activity as household electrical appliances are becoming more complex with many products expected to have embedded radio modules and other electronics in relation to the Internet of Things and other new and emerging technologies.

Useful information on this issue was exchanged during one of the networking teleconferences held by the New and Emerging Issues activity.

e-Commerce

Ensuring the Safety of Products Sold Online

The new Commission guidelines contained in the Notice on the market surveillance of products sold online served as a basis for the Member States' activities. A lot of sampling was undertaken online. In one Product Activity, 35% of samples were taken online.

One concern that was identified by a number of activities is that products made available via internet sites are frequently not accompanied by the required safety information in the national language of the country of use. When buying from online sellers' consumers should ensure that the seller is clearly identified, and the product received must match the marketing and technical description (sales literature).

Businesses have to meet their legal obligations and market surveillance authorities will continue to pay more attention to this issue in the future.

Cooperation with Customs

Stopping Unsafe Products at Europe's Borders

It is not always easy to collaborate directly with customs due to challenge of identifying specific products at the border. Selecting a product with a specific TARIC code may enable a joint project with some Customs Authorities in the future. This limited the extent to which samples could be taken at the border. However, all the product activities did produce check lists that could in future be used by both customs officials and market surveillance officials.

Postscript - Reflection on 13 Years of Joint Actions

Coordinated market surveillance activity in Europe under the GPSD is now continuing under a new format Coordinated Actions on the Safety of Products (CASP), which maintains intact their initial objectives.

JA2016 marks the end of a series of Joint Actions that began in 2006 with the first EMARS project which had the objective of developing best practices for market surveillance. After a second EMARS project a series of Joint Actions have ensued.

These Joint Actions have targeted over **50 different product groups** and have culminated in JA2016. All European Union Member States have participated in some of these Joint Actions. The methodology has been successfully transferred to other product sectors and policy objectives including energy labelling, eco-design and motor vehicle tyres.



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Disclaimer

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NB

Please note that the project and all related written production is exclusively in English. Dissemination at national level is carried out by each participating Member State and it will be within their remit to produce translated versions.

If you want to be informed about any of the JA2016 publications or news and to find out more about all PROSAFE coordinated projects, visit our website: <http://www.prosafe.org>.

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