



Position Paper

On EU Market Surveillance and compliance with EU Product Rules

Mission

EMOTA's¹ main goal is to assist policy makers in removing any barriers to cross-border trade². EMOTA's commitment to a barrier free EU Single Market is long standing and can be traced across all our positions and actions.

Product safety and effective enforcement are critical elements for the further development of the Digital Single Market and for ensuring a level playing field in online sales

The EMOTA Members identify several crucial areas where improvements could result in a more effective market surveillance:

- a. Education and awareness raising among third party sellers (marketplaces) and manufacturers;
- b. Harmonized and efficient product safety standards;
- c. Partnerships between industry and regulatory agencies with the aim to ensure fast and effective enforcement actions;

A. Education and awareness raising:

The EU has a vast set of measures and enforcement tools in place which are unknown in other markets, especially those markets that currently rank highest in cross-border sales to the EU (mostly Asian markets). More efforts are needed in order to increase awareness and ensure an effective uniform enforcement of rules. It can only be beneficial to make available information about the extensive EU experience with product safety and the current applicable rules and standards in the markets most active in cross-border selling to the EU, including to manufacturers and others involved in the value chain.

An industry-regulator effort could be developed to make such information available in those markets including via the use of already publicly available information and resources (videos, research, testing best practices, etc.). Key industry events, or the main manufacturing areas could serve as optimal grounds for the dissemination of such information. (For example, the US Consumer Product Safety Commission attends the Hong Kong Toys & Games Fair and has a permanent presence in China.)

B. Harmonization in Safety Standards

For a global problem solutions cannot be local or even regional. Currently, the EMOTA Members do not see a joint effort for coordination between the various EU and non-EU authorities. Rules and enforcement mechanisms differ greatly across the various markets. More progress is necessary in the mutual recognition of safety standards and in cooperation for enforcement. These would be useful steps ahead of future possible global initiatives that should involve all actors, industry and enforcement bodies to ensure the most effective solutions. Such an approach would bring a level playing field and increased choice and competition for consumers.

¹ EMOTA, the European eCommerce and Omni Channel Trade Association, is the European level umbrella federation representing online and distance sellers across Europe. The main mission of EMOTA is to promote eCommerce and Distance Selling and help policy makers remove any barriers to cross-border selling. Transparency register N° 11251212351-96



C. Public-private strategic partnerships

An inclusive and meaningful partnerships should be developed to make use of the best tools and attributes that each actor has within reach across the value chain, ensuring effective and timely enforcement measures are taken. Such an approach would enable the adoption and implementation of practical and effective measures across the value chain, where such measures are missing. At the same time, such an approach would also require openness to innovation and a true risk based approach, avoiding unnecessary duplication and resources where this is the case. This seems to conflict with the current legislation and with some of the suggestions voiced by policy makers.

EMOTA recognizes and supports the need for speedy and effective responses to prevent consumer harm. The EU Commission is best placed to facilitate a debate around the best tools and methods to share in the shortest time and with the greatest reach the information needed to ensure effective enforcement, including all operators in the value chain and consumers. For example, in most cases in eCommerce, communicating information regarding enforcement actions to consumers is an available tool for merchants, which becomes a more complex task in the case of offline retail.

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