Department for Business Innovation & Skills

PRODUCT SAFETY AND MARKET SURVEILLANCE PACKAGE

Proposals for two new European Regulations aimed at improving consumer product safety and the functioning of the European Internal Market through effective market surveillance

Summary of responses

NOVEMBER 2013

Contents

1. Overview of the Proposals

This document summarises responses to the Department for Business, Innovation and Skills' public consultation document issued on 10 July 2013 on the draft proposals for two new European Regulations (The Package) aimed at improving consumer product safety and the functioning of the European Internal Market through effective market surveillance. The two proposals are:

(i) Proposal for a Regulation of the European Parliament and of the Council on Consumer Product Safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC ("The Regulation on Consumer Product Safety Regulation")

(ii) Proposal for a Regulation of the European parliament and of the Council on market surveillance of products and amending Council Directives 89/686/EEC and 93/15/EEC, and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 1999/5/EC, 2000/9/EC, 2000/14/EC, 2001/95/EC, 2004/108/EC, 2006/42/EC, 2006/95/EC, 2007/23/EC, 2008/57/EC, 2009/48/EC, 2009/105/EC, 2009/142/EC, 2011/65/EU, Regulation (EU) No 305/2011, Regulation (EC) No 764/2008 and Regulation (EC) No 765/2008 of the European Parliament and of the Council ("The Regulation on Market Surveillance")

The current rules on product safety and market surveillance are spread across a number of pieces of legislation and are fragmented, which has led to overlaps, gaps and confusion. The proposed package is designed to be a simplification which aims to enable greater coherence of the rules regulating consumer product safety, product identification and traceability, improve coordination of the way authorities check products, enforce regulatory compliance and market surveillance, and create a level playing field in the internal market.

Further details of the key elements of the proposals are set out in the original consultation document.

2. Conducting the consultation exercise

This was a UK wide consultation and was aimed at as wide an audience as possible which included - manufacturers, importers, distributors, retailers, consumers, consumer groups, government departments, enforcement authorities and trade associations.

On 10 July 2013, the consultation document was published on the gov.uk website https://www.gov.uk/government/consultations/product-safety-and-market-surveillance-package-proposal-for-new-european-regulations and disseminated to stakeholders. Responses were required to be submitted by the closing date of 4 September 2013.

To facilitate an open and early discussion on the proposals two seminars were held at BIS. These took place on 22 and 23 August for non-government and government stakeholders respectively.

A number of individual meetings were also held.

3. Responses Received

A total of fifty two responses were received (see Annex A for details of the respondents). They were broken down as represented in the following table:

27	Business representative organisation/trade body
5	Central government
1	Charity or social enterprise
2	Individual
5	Large business (over 250 staff)
	Legal representative
5	Local Government
	Medium business (50 to 250 staff)
2	Micro business (up to 9 staff)
	Small business (10 to 49 staff)
	Trade union or staff association
5	Other

4. Summary of responses

The following analysis of the responses received to the consultation is focused on the questions posed in the consultation document. This package is the subject of live EU negotiations and therefore we do not provide a Government Response to each question. However, all views expressed through the consultation have been, and will continue to be, taken into account in developing the UK's negotiating position. Further information on the process going forward is set out under Next Steps.

Proposal for a Regulation on Consumer Product Safety

Question 1: Scope – Does the proposal give enough clarity on which products are covered? If not, what are the specific issues of concern in relation to the uncertainty?

There were 33 responses to this question. 1 was from Trading Standards Services, 1 was from an individual involved in manufacturing, 24 were from trade associations, 3 from Government Agencies, 1 from a Market Surveillance Authority and 3 from companies.

23 of the respondents did not think that the proposal gave enough clarity on which products the proposal covered, 9 thought that the proposal did give enough clarity and 1 indicated support of the concept of clarification of coverage without expressing a further view. Of those that did not think the proposal gave sufficient clarity a number of respondents said that it should be restricted to non-harmonised consumer products only in the interest of a clearer legal framework simpler for economic operators and enforcement officials. Respondents also requested a clearer distinction between consumer products and those used by professionals and clarifications of those supplied in a service and also second hand goods.

Question 2: Extension of scope – What in your estimation are the products affected by the scope extension (to cover product to which consumers are exposed in a service)? What are the implications of this extension for you in terms of costs/benefits?

There were 21 responses to this question. 1 was from Trading Standards Services, 15 were from trade associations, 1 from a Government Agency, 1 from a Market Surveillance Authority and 3 from companies.

Products specifically mentioned as affected by the scope extension by Trade Associations were items that are hired or leased to consumers or provided as part of a building (built-in or stand-alone appliances/equipment), any construction product entering the home environment, wireless networking products in public spaces, beauty treatments outside of medical treatments fillers, peels, tattoo services, cosmetic surgery, tattoo inks and hair products.

There were 8 comments asking for more clarity on aspects of the text. Specific points that were raised in this regard were the meaning of “exposed” is indeterminate and could be interpreted too liberally), requests for clarification of the scope, requests for clarification of the concept of service, a comment that there is no definition of service provider, and a suggestion that clarification of Article 1c of the draft regulation was necessary.

5 respondents gave their views on costs and benefits. Two agreed that there would be significant cost implications and that due to the increased scope more resource would be required for market surveillance but that is was hard to quantify without knowing the products to be covered. One Trade Association believed that extension of scope would greatly benefit consumers while 2 others thought that it failed to enhance overall consumer safety because it focused on manufacturers who already seek to comply with legislation. 1 Trade Association was concerned that SMEs would incur burdens and costs in relation to record keeping.

Question 3: Definitions – Do you consider that some of the terms used throughout the Proposal should be defined? If so, which ones?

There were 27 responses to this question. 2 were from Trading Standards Services, 1 was from an individual involved in manufacturing, 17 were from trade associations, 1 from a Government Agency, 1 from a Market Surveillance Authority and 5 from companies.

A wide range terms to be defined were suggested but the most common were around “risk”. The comments suggested better definitions for "product" "high risk product" and "serious risk". 1 trade association said that “emerging risk" should not be in the regulations, which should only refer to "products posing a serious risk", while another respondent suggested that all levels of "risk" needed to be defined.

Question 4: Presumption of safety – Will the hierarchical structure cause difficulties in demonstrating compliance e.g. that simply complying with national regulation will not automatically confer a presumption of safety where this does not reference published European standards?

There were 23 responses to this question. 1 was from an individual involved in manufacturing, 16 were from trade associations, 1 from a Government Agency, 1 from a Market Surveillance Authority and 4 from companies.

4 Trade Associations and 2 companies responded that they did not believe that the structure would cause difficulties in demonstrating compliance. The companies who commented and one of the trade associations believed that their products would already be covered by harmonisation legislation. 1 trade association qualified their position by saying their view may change if there was a conflict with national legislation.

The remaining respondents all indicated that they believed that the hierarchical structure would cause difficulties in demonstrating compliance.

Question 5: Indication of origin – If you are a manufacturer or importer, do you agree with mandatory requirements for all consumer products to bear an indication of origin? Can you gauge the cost of the provision? If you are an enforcement authority, in your estimation, will this improve the traceability of products?

There were 33 responses to this question. 1 was from Trading Standards Services, 1 was from an individual involved in manufacturing, 25 were from trade associations, 2 from Government Agencies, 1 from a Market Surveillance Authority and 3 from companies.

23 of the responses (22 trade associations and 1 company) indicated that they did not agree with mandatory requirements for all consumer products to bear indication of origin. The reasons given were that little benefit was perceived, it was an extra administrative and labelling burden on business and that it would add substantial costs, there was no benefit to safety, it was protectionist, it would not help with traceability, was disproportionate, could be subject to abuse, would unduly mislead consumers to move away from certain suppliers and would be overly complex for economic operators.

2 trade associations, Trading Standards and 1 MSA agreed with mandatory requirements for all consumer products to bear indication of origin. They said that the improved traceability of products due to globalisation would be welcomed. 1 Agency could see benefits for the consumer but that it would disadvantage manufacturers. 5 responses were noncommital but made points about costs being minimal, duplication with other regulations and needing more information to make an informed view.

Question 6: Obligations of Manufacturers – What implications/ benefits/ disadvantages might there be in requiring manufacturers to first establish and then hold technical documentation relating to their products for 10 years? Does the requirement that this is “proportionate to the possible risks of a product” help to simplify the obligation? Are there any costs associated with this, and if so what are these likely to be?

There were 32 responses to this question. 2 were from Trading Standards Services, 2 were from individuals, 22 were from trade associations, 1 was from a Government Agency, 1 from a Market Surveillance Authority and 4 from companies.

7 of these respondents said that there were already requirements in other regulations for companies to hold technical documentation and where there is no discernable or demonstrable risk it was suggested that the requirement would not impose additional costs. However, others disagreed where there was no current requirement to hold technical files and that there may be a disproportionate increase in costs, which could include translation costs, to a significant number of manufacturers and when the retailers acts as an importer.

1 individual, 3 trade associations and 1 Trading Standards welcomed this provision as the action was clear, distinguishable and proportionate and would be a benefit to enforcement authorities and manufacturers. The principles of proportionality and "proportionate to the risk" were welcomed by 5 trade associations but there were concerns that it could be disproportionate for non-harmonised products and that interpretation of the term could differ especially with child appealing products. 2 replies requested further guidance and definitions on these terms.

1 company and 2 trade associations said that for products with a short shelf life it seemed excessive to hold a file for 10 years and that it was onerous for low risk products. 7 years was suggested as more reasonable. 1 trade association said that there would be no benefit in keeping files for 10 yrs except to show authorities that due diligence had been exercised.

Question 7: Given the extremely broad scope of the Proposal and the vastly differing nature of risks, are there alternative and better ways of improving the safety of products than requiring all products to have a technical file, which would not pose additional burdens on businesses? Could you give examples of these?

There were 26 responses to this question. 1 was from Trading Standards Services, 2 were from individuals, 18 were from trade associations, 1 from a Government Agency, 1 from a Market Surveillance Authority and 3 from companies.

5 trade associations pointed out that sector specific legislation may already require a technical file, specifically mentioning domestic appliances, cosmetics, toys and construction.

3 trade associations and 1 company expressed concerns around proportionality. 1 thought it important that all products were assessed before being placed on the market, but considered it disproportionate that a file be prepared if there was little chance of it being requested. Another suggested that it could be disproportionate for non-harmonised products so any burdensome costs would be passed to manufacturers and consumers. A company said that the obligation to draw up technical documentation before a product is placed on the market seemed disproportionate and that it should depend on risk.

It was suggested that better examples of risk assessments would be useful and that as risk was perceived differently between Member States, nations and locally it might be better dealt with at a local level.

The suggested alternative and better ways of improving the safety of products other than requiring all products to have a technical file, which would not pose additional burdens on businesses were:

- an objective risk assessment tool and a clear route to appeal
- design and make your product well
- as a technical file in itself does not improve product safety each company should have its own processes for monitoring complaints so corrective action can be taken. The technical file is simply a storage vehicle for existing documentation.
- it may be possible to identify categories of products for which technical files would be required. These would include at least the categories for which the exemption mark is granted.
- original manufacturer of each component should provide a barcode or QR code with all safety information.
- in the absence of a standard a simple risk assessment tool for business would help; the higher the risk greater the detail that would be required.

Question 8: Obligations of importers – What implications/benefits/disadvantages might there be in requiring EU-based importers to hold technical documentation relating to products manufactured outside of the EU for 10 years? Which costs (if any) will be associated with this?

There were 30 responses to this question. 2 were from Trading Standards Services, 20 were from trade associations, 2 were from Government Agencies, 1 from a Market Surveillance Authority and 5 from companies.

5 trade associations, 2 Agencies and 1 company expressed concerns on various aspects of confidentiality. There were specific concerns over importers holding the technical file: harmonised products often contain proprietary commercial sensitive information so few manufacturers would be willing to hand this over to importers preferring to present to authorities on request. 5 trade associations pointed out that other regulations e.g. RCD, CRPD already required manufacturers and importers to hold technical files. 1 trade association and 1 Agency were concerned that there was a serious misalignment with 768/2008 which refers to reasoned requests.

There were some concerns over increased cost although not all thought this an issue. 3 trade associations and 1 company expressed concerns around the costs of storage and the high administrative burden particularly for SMEs and the proportionality of this measure for low risk products. It was also suggested that there would be costs for importers if they had to hold this information. 1 trade association thought that this would not impose additional costs and as most technical files were in electronic formats storage should not be a problem.

Question 9: Exemptions from obligations to mark – Is this a matter you are content should be decided by the Commission given its cost implications or are these cases so obvious that the end result is acceptable?

There were 23 responses to this question. 1 was from Trading Standards Services, 1 was from an individual, 14 were from trade associations, 1 from a Government Agency, 1 from a Market Surveillance Authority and 5 from companies.

4 trade associations, 1 company, 1 trading standards and 1 MSA indicated that they were content that exemptions from obligations to mark should be decided by the Commission.

7 trade associations, 1 individual and 2 companies indicated that they were not content that exemptions from obligations to mark should be decided by the Commission. A wide range or

reasons were given by the respondents including being unclear on some definitions, the prospect of Commission interference and the provisions of existing regulations.

Question 10: What are the potential costs associated with the implementation of a system of traceability for high risk products? What are the advantages and disadvantages of this provision? Do you consider there should be more involvement by member states in the decision making process?

There were 31 responses to this question. 1 was from Trading Standards Services, 1 was from an individual, 22 were from trade associations, 1 was from a Government Agency, 1 from a Market Surveillance Authority and 4 were from companies.

5 trade associations, 1 individual, 2 companies, 1 trading standards and 1 Agency said that they thought that there would be potential costs associated with the implementation of a system of traceability for high risk products. Concerns were expressed about the costs to SMEs, the costs of creating and maintaining databases, the introduction and appropriateness of new traceability technologies and the costs of registration procedures. It was also noted that some existing regulations already require traceability.

An individual suggested that one key failure was the absence of traceability once a product was sold. A trade association said that an advantage was where there was a known problem and there was an EU representation.

2 trade associations supported more involvement by Member States in the decision making process with 1 concerned that the Commission appeared to be granting itself more powers without appropriate scrutiny or accountability.

Question 11: If you are an SME, do you expect that this proposal will have a particular impact on your business?

There were 12 responses to this question. 1 was from an individual involved in manufacturing, 10 were from trade associations and 1 from a Government Agency.

7 Trade Associations and 1 Agency said that they thought the proposal would have impact on SMEs in terms of increased costs although the scale would vary depending on the product sector.

Question 12: Do you have suggestions for improving the Proposal?

There were 22 responses to this question. 1 was from Trading Standards Services, 15 were from trade associations, 1 from a Government Agency, 1 from a Market Surveillance Authority and 4 from companies.

There was a broad range of suggestions for improving the proposal including restricting the requirements to certain categories of non-harmonised goods, only addressing real safety issues, tightening definitions, further engagement to limit costs and burdens, timing of implementation, marking based on risk, electronic marking, more recognition of e-commerce from 3rd countries and clarifying scope.

Question 13: Do you envisage any unintended consequences from the approach taken by the Commission in the Proposal?

There were 15 responses to this question. 1 was from an individual, 11 were from trade associations, 1 from Government Agencies, 1 from a Market Surveillance Authority and 3 from companies.

14 of the respondents believed that there would be unintended consequences from the approach taken by the Commission in the Proposal. These included diverging views of market surveillance authorities, increased compliance costs with no increase in safety particularly relevant for SMEs, increased costs of data management and administration which could lead to a reduction in innovation, potential lowering of safety and the potential to lead to more complex and disproportionate conformity assessment procedures for simple products with low risk.

Question 14: Do you have any general comments on any aspect of the Proposal?

There were 18 responses to this question. 1 was from an individual, 11 were from trade associations, 2 from Government Agencies and 4 from companies.

There were a wide range of comments in the responses to this question covering various issues, some agreeing with aspects of the proposal, some disagreeing with particular aspects and some suggesting additional requirements or clarifications.

Proposal for a Regulation on Market Surveillance

Question 1: Does the scope give enough clarity on the cover provided by market surveillance activity on certain products? Is the scope sufficiently detailed?

There were 32 responses to this question: 16 trade associations, 2 government agencies, 4 local authorities, 1 individual, 5 large businesses, 2 micro businesses and 2 ‘others’.

13 respondents (7 trade associations, 2 government agencies, 1 local authority, 1 individual, 1 micro business and 1 ‘other’) did not think the scope gave enough clarity on the cover provided by market surveillance activity on certain products, whilst 19 respondents (9 trade associations, 2 government bodies, 2 local authorities, 5 large businesses and 1 ‘other’) thought that it did. Of those that considered that the proposal’s scope did give enough clarity, 4 respondents (3 trade associations, 1 government body) thought that, although the scope was generally sufficiently clear, clarification was needed for specific provisions pertinent to their own interests. 2 trade associations singled out ‘sustainable use of pesticides’ as something that should be included.

Question 2: Are the terms “product presenting a risk” and “product presenting a serious risk” sufficiently clear and detailed? Would it be useful to include other definitions of risk?

There were 33 responses to this question: 16 trade associations, 3 government agencies, 3 local authorities, 2 individuals, 5 large businesses, 2 micro businesses and 2 ‘others’.

24 respondents (10 trade associations, 3 government bodies, 1 local authority, 2 individuals, 4 large businesses, 2 micro businesses and 2 ‘others’) felt that the terms were not sufficiently clear and detailed. 9 respondents (6 trade associations, 2 local authorities and 1 large business) felt that they were. Of these, 5 respondents (3 trade associations, 1 local authority and 1 government body) qualified their answer with suggestions for improving definitions. 1 local

authority suggested that a definition of 'serious risk' would be helpful. 1 local authority and 3 trade associations thought more definitions of risk should be included.

Question 3: Are other terms required to be defined?

There were 26 responses to this question: 10 trade associations, 2 government bodies, 4 local authorities, 2 individuals, 3 large businesses, 2 micro businesses and 3 'others'.

18 respondents (6 trade associations, 1 government body, 4 local authorities, 2 individuals, 2 large businesses, 2 micro businesses and 1 'other') felt that there should be more detailed definitions; of these, 1 local authority and 1 large business felt that 'economic operator' should be clearly defined, 1 trade association wanted a definition of 'child appealing product' and 1 large business and 1 trade association thought that 'sustainable use of pesticides' should be covered. 8 respondents (4 trade associations, 1 government body, 1 large business and 2 'others') said that no other terms needed to be defined with 1 'other' commenting that 'to define would mean limiting the scope and also the interpretation'.

Question 4: Are the obligations on Market Surveillance Authorities and Member States in relation to their organisation and in relation to the provision of information to the Commission proportionate? Are you able to gauge the cost of providing this information to the Commission?

There were 24 responses to this question: 10 trade associations, 2 government bodies, 4 local authorities, 1 individual, 3 large businesses, 2 micro businesses and 2 'others'.

1 trade association responded but offered no opinion. 15 respondents (3 trade associations, 1 government body, 4 local authorities, 1 individual, 2 large businesses, 2 micro businesses and 2 'others') felt that the obligations were burdensome with 1 trade association and 1 government body pointing out that it was not possible to gauge costs: 1 large business felt that there would be unknown additional costs which would feed back to the manufacturer. 8 respondents (6 trade associations, 1 government body and 1 large business) said that the obligations were proportionate with 1 trade association stressing that efforts should be made to minimise administration costs.

Question 5: Are the obligations on economic operators sufficiently clear? Do you think they are justified, and can you provide any evidence to support your conclusions?

There were 31 responses to this question: 16 trade associations, 1 government body, 4 local authorities, 2 individuals, 4 large businesses, 1 micro business and 3 'others'.

18 respondents (10 trade associations, 3 local authorities, 1 individual, 3 large businesses and 1 'other') felt that the obligations on economic operators were clear and justified, of which 1 large business asked for an indication of a timescale for economic operators to provide evidence when it was asked for. 1 trade association wanted the language specification deleted and 1 large business thought that there should be recognition of different types of economic operators. 13 respondents (6 trade associations, 1 government body, 1 local authority, 1 individual, 1 large business, 1 micro business and 2 'others') felt the obligations were not sufficiently clear.

Question 6: Is the different course of action in relation to non-compliant products and products presenting a risk sufficiently clear? Is it easy to distinguish what action should be taken in relation to non-compliant products, products which

present a risk, and products which present a serious risk? Are these proportionate responses to the risks in question? Why?

There were 27 responses to this question: 13 trade associations, 3 government bodies, 4 local authorities, 4 large businesses, 1 micro business and 2 'others').

1 trade association responded but expressed no opinion. 17 respondents (6 trade associations, 3 government bodies, 3 local authorities, 3 large businesses, 1 micro business and 1 'other') felt that there was not sufficient clarity about the differing courses of action appropriate to non-compliance, risk and serious risk. 9 respondents (6 trade associations, 1 local authority, 1 large business and 1 'other') were content with the requirements of the Article but of these, 1 trade association and 1 large business had some concerns about the definition of risk.

Question 7: Should Market Surveillance Authorities have the ability to charge cost-recovery fees on economic operators to cover the cost of their activities? What impact do you think this will have, and can you quantify this?

There were 39 responses to this question: 19 trade associations, 3 government bodies, 5 local authorities, 2 individuals, 5 large businesses, 1 micro business and 4 'others'.

23 respondents (11 trade associations, 2 government bodies, 4 local authorities, 1 individual, 2 large businesses, 1 micro business and 2 'others') were in favour of Market Surveillance Authorities charging fees of which 13 (9 trade associations, 2 large businesses, 1 government body and 1 'other') qualified their response by stipulating that fees should only be charged were risk had been proven and/or the economic operator was demonstrably at fault. 16 responses (8 trade associations, 1 government body, 1 local authority, 1 individual, 3 large businesses and 2 'others') were not in favour.

Not all the respondents addressed the second part of the question regarding the impact of charging fees. Of the 10 that did so, the majority felt that the impact would be negative.

1 government body felt that charging fees would cause delays and unacceptable expense to business; 1 trade association wanted economic operators to be able to seek redress if sanctions were wrongly imposed; 1 trade association felt that charging fees amounted to a tax on business; 2 trade associations and 1 government body said it would have an adverse effect on product costs; 1 large business expressed concerns that it would lead to the more high profile economic operators being targeted. However, 1 trade association and 1 individual felt that the impact would be positive and would lead to increased attention to product safety and 1 trade association thought it could help fund market surveillance work.

Question 8: Is the inclusion of a provision on personal imports necessary for the effective application of this Regulation? Is the wording sufficiently clear, especially in relation to what constitutes personal use?

There were 24 responses to this question: 11 trade associations, 1 government body, 4 local authorities, 1 individual, 3 large businesses, 1 micro business and 3 'others'.

1 trade association responded saying personal imports were not a factor in its sector. 15 respondents (7 trade associations, 1 government body, 3 local authorities, 1 large business, 1 micro business and 2 'others') were in favour of this provision with 2 local authorities feeling it

should be extended to unaccompanied personal imports. 9 respondents (4 trade associations, 1 local authority, 1 individual, 2 large businesses and 1 'other') were not in favour.

Question 9: Should all types of risk be reported, and if so, is it necessary for RAPEX to be used? Are the obligations for reporting under RAPEX clear?

There were 33 responses to this question: 17 trade associations, 6 government bodies, 2 local authorities, 1 individual, 6 large businesses and 1 medium business.

1 government body did not answer the question but queried if medical devices were reported on RAPEX. 31 respondents (17 trade associations, 1 government body, 2 local authorities, 1 individual, 5 large businesses, 2 micro businesses and 3 'others') stressed that RAPEX should be used for serious risk only. 1 government body recommended a single contact point per Member State. Of the other 2 responses, 1 local authority suggested there should be one notification system only and 1 large business believed that there should be clearer guidance as to what should be reported.

Question 10: Is it appropriate to designate ICSMS as the European Union's system for collecting and storing information related to market surveillance activity?

There were 19 responses to this question: 8 trade associations, 2 government bodies, 4 local authorities, 1 individual 3 large businesses and 1 other.

1 government body did not answer the question but queried whether medical devices would be included on ICSMS. 14 respondents (8 trade associations, 4 local authorities and 2 large businesses) agreed that ICSMS was the appropriate system for collecting and storing market surveillance information, of which 1 local authority recommended a link to RAPEX. 4 respondents (1 government body, 1 individual, 1 large business and 1 'other') said it was not the appropriate system. Of these, 1 large business felt a single system would be preferable, either RAPEX or ICSMS, and 1 government body felt that ICSMS needed more development.

Question 11: Is the obligation to assist requesting authorities potentially onerous or would it assist in identifying and eliminating breaches in compliance so that the result is proportionate to the resources expended? Can you specify what impact this will have on you?

There were 20 responses to this question: 7 trade associations, 1 government bodies, 3 local authorities, 1 individual, 5 large businesses, 1 micro business and 2 'others'.

1 'other' and 1 large business felt that the obligation was potentially onerous. 18 respondents (7 trade associations, 1 government body, 3 local authorities, 1 individual, 4 large businesses, 1 micro business and 1 'other') thought it a good thing, although: 1 local authority said that although it would be useful it could be onerous; 1 large business raised concerns about cost; 2 trade associations and 1 large business queried the language requirement; 3 trade associations and 1 large business specified that requests should be reasonable and proportionate; 1 local authority raised concerns about other Member States 'dictating' to UK local authorities; 1 large business thought this would need to be very well organised.

Question 12: Do you support the principle of the EMSF? Do you support its composition and the range of its activities? How do you envisage this working?

There were 29 responses to this question: 14 trade associations, 2 government bodies, 4 local authorities, 1 individual, 4 large businesses 2 micro businesses and 2 'others'.

27 respondents (13 trade associations, 2 government bodies, 3 local authorities, 1 individual, 4 large businesses 2 micro businesses and 2 'others') supported the principle of the EMSF. Of these, 2 trade associations and 3 large businesses recommended the inclusion of stakeholder representatives, and 3 trade associations and 1 'other' expressed concerns about cost. 2 respondents did not support the principle of the EMSF: 1 trade association considered it 'another unwanted layer of bureaucracy' and 1 local authority said it could not envisage how it might work at the moment.

Question 13: Do you support the principle of European Union designated Reference Laboratories? Are you content that the decision relating to their application to specific products/risks is left to the Commission? To what extent might these laboratories be useful? Do you have any examples to support your view?

There were 36 responses to this question: 18 trade associations, 3 government bodies, 5 local authorities, 1 individual 5 large businesses, 1 micro business and 3 'others'.

20 respondents (10 trade associations, 3 government bodies, 4 local authorities, 1 individual and 2 others) were in favour of the principle of EU designated reference laboratories. Of these, 3 trade associations questioned whether they could provide expertise in all areas, 1 trade association felt there was a possibility of larger laboratories monopolising work, and 1 government body queried how they would be funded. 16 respondents (8 trade associations, 1 local authority, 5 large businesses, 1 micro business and 1 'other') did not support the principle. 2 trade associations felt the principle behind designated reference laboratories was unclear, 2 trade associations and 1 large business said that there were already accredited laboratories and did not see the necessity for duplication.

Question 14: If you are an SME, do you expect that this proposal will have a particular impact on your business?

There were 12 responses to this question: 9 trade associations, I micro business, 1 individual. 1 trade association responded but offered no opinion. All felt that this proposal would have an effect on their businesses, particularly with regard to issues around laboratory testing.

Question 15: Do you have any suggestions for improving the Proposal?

There were 24 responses to this question: 10 trade associations, 3 government bodies, 2 local authorities, 2 individuals, 4 large businesses, 1 micro business and 2 'others'.

Generally, comments were pertinent to the interests of individual organisations. However, 2 trade associations and 1 'other' would like to see internet trading included, and 1 trade association felt that economic operators should be given the chance to object to measures taken against them.

1 trade association asked for a clear transitional process and a realistic timeline of a year for the implementation of new legislation. 1 micro business proposed the idea of an information database for products involved in fatal accidents.

1 large business welcomed the proposed regulation as bringing simplification and unification to market surveillance; 1 government agency also welcomed the proposal but expressed concern about cost; 1 local authority questioned how a system of fines on economic operators would work.

1 individual requested strict guidelines for the recall of products and 1 individual wanted the regulation abandoned.

5. Next steps

As noted in the previous section, the two proposals are currently the subject of EU negotiations through the Ordinary Legislative Procedure. The EU Presidency is aiming to secure agreement on the package in early 2014.

If agreement is achieved, the new legislation is expected to come into effect on 1 January 2015.

We will consult again on legislation implementing the two proposals once adopted.

6. Contact details

Contact details for further information regarding the proposals are:

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Annex A: List of Respondents

AMDEA
BEAMA Ltd
BSI
CTPA
Approved Cables Initiative
Association of British Healthcare Industries
Baby Products Association
British Adhesives and Sealants Association
British Aerosol Manufacturers Association
British Association of Fastener Distributors
British Cables Association
British Furniture Federation
British Marine Federation
British Retail Consortium
British Toy and Hobby Association
Construction Products Association
Consumer Risk Ltd
David Burdett
Electrical Safety Council
Explosives Industry Group
Hampshire Trading Standards
Hewlett-Packard Ltd
Home Retail Group
HSE
IFIA
Intellect
LGC
MHRA
Maritime and Coastguard Agency
Martin Squires
NMO, The Government Chemist
NMO, Regulation Team
Ofcom
Radio Society of Great Britain

Royal Yachting Association
Samsung Electronics (UK) Ltd
SATRA Technology
Slough Trading Standards
SMMT
Sony Europe Ltd
Suffolk Trading Standards
TechAmerica Europe
Telecom Policy Services Ltd
The Law Society of Scotland
The Lighting Industry Association
Trading Standards Institute
Trading Standards South East Ltd
Travis Perkins
UK Cleaning Products Industry Association
Vehicle Certification Agency
VOSA
Wood Panel Industries Association

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