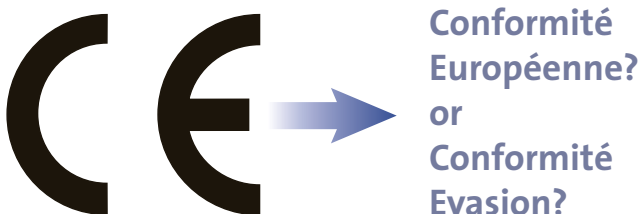


Did you know...

... about the problems of poor market surveillance in the European lamp market?

For the economic benefits of Europe's Single Market to be fully and fairly realised, it has long been clear that products marketed here must meet a number of minimum safety and functional performance requirements. For consumers and users of lamps, a basic commodity for the majority of the EU's 190 million households, there should obviously be full confidence that there is conformity with requirements laid out in EU legislation on, for example, safety, energy labelling or electro-magnetic standards.

ELC member companies, who account for 95% of lamps made in the EU, know that consumers expect nothing less and judge accordingly. But for manufacturers such as ELC members who play by the rules, it is equally important that non-conforming lamps are prevented from being marketed if competition is considered to be genuinely fair. And the same thinking underpins the Commission's own approach to such 'New Approach' Directives and demonstrates why 'market surveillance is so important in ensuring that they deliver 'on the ground'¹.



Product compliance with 'New Approach' Directives (<http://europa.eu.int/comm/enterprise/newapproach>) is commonly shown by the CE marking (*Conformité Européenne*) which acts as a "passport" into the single market. The marking can be granted on the basis of a "self declaration" by the product manufacturers. As such, if market surveillance is not effective, it is possible for sub-standard products to be made and marketed without detection.

Unfortunately, not all lamp producers play by the rules. European citizens are faced with an array of lamps and lighting products that do not comply with the most basic requirements regarding product safety and functionality – but they are not being stopped from being placed on the market due to failures in market surveillance.

Unless effective and timely market surveillance systems are implemented in Europe, free riders and substandard imports will continue to enter the European market in growing numbers to the detriment of consumers, the single market,

companies making genuinely conforming lamps, and ultimately, well intentioned legislators. It is crucial that remedies are therefore found – and quickly.

Why is effective market surveillance not occurring across the EU?

As market surveillance is a competence of EU Member States, only national authorities can ensure whether lamps conform to the CE marking requirements. Unfortunately, the structures and support systems vary considerably throughout the EU's national authorities; but more than this, there is often insufficient financial resource dedicated to the task. There is as a result still insufficient timely surveillance activity and inadequate exchange of information.

ELC's commitment to ensuring lamp conformity

Despite the fact that market surveillance is as yet not working effectively throughout the EU, ELC member companies still drive to invest more in the quality and conformity of their products. We also support a number of initiatives for better information and warnings in 'real time' to facilitate pan European market intervention for non conforming products and avoid duplication and multiple inspections:

- The European Lamp Industry has supported the creation of ICSMS (www.icsms.org) – an internet-based information and Communication System for cross-border Market Surveillance. This system enables the exchange of information and joint operations for all authorities involved in market surveillance (market supervision, customs authorities etc.). It is also open to the public so that consumers can gain access to information on certified products and identify rogue traders.

The system can also be used as a tool by distributors to help them comply with Directive 2001/95/EC on general product safety in which they are required to act with due care to help ensure compliance with the applicable safety requirements and to not supply products which they know do not comply with those requirements.

■ In Germany our member company supports the **Action Platform Safe Products of ZVEI**, an initiative of the Manufactures Association (www.zvei.de). The platform actively observes the market through the manufacturers, by purchasing test samples, pre-checked in their own laboratories and tested in a neutral test house. ZVEI then communicates product information to the market surveillance authorities directly.

What more needs to be done?

European manufacturers are subject to a number of EU regulations and directives which govern their products and livelihoods. They rely on market surveillance to prevent unfair competition in the European market place. More regulations are in the pipeline, specifically on efficiency of energy using products, and as such market surveillance is becoming even more important for reputable manufacturers to ensure that they do not foot the bill for non conforming products. And it is even more important for consumers to have confidence in the system. In short, the EU can no longer afford to turn a blind eye to market surveillance.

■ We urge the European Commission to give financial support to an EU wide training system, for personnel in the responsible surveillance bodies covering the technical and legal aspects of market surveillance in the lighting sector.

- We urge Member State governments to:
 - Support requests for enhanced market surveillance and understand why this is necessary.
 - Make the link with the forthcoming **Energy Services Directive**¹ and **Energy Services companies** (ESCO's) – high quality energy efficient products will help Member States reach targets for energy efficiency (as an example see the Energy Saving Trust model in the UK).

Quality and safety are a key priority for European lamp manufacturers. We believe that effective market surveillance is a fundamental condition to ensure that ambitious legislation does not result in market distortion and incentives to free-ride the legal requirements. It is also a pre-condition to ensure that the environmental objectives are attained. It cannot be done superficially and needs total commitment and can only work if backed by strict and effective enforcement on the ground.

¹ COM(2003) 739 final
For more information see the ELC's official position paper on the Energy Services Directive



We are committed to finding energy efficient solutions for the lighting sector
Help us to make it happen...



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