

The National Market Surveillance Programme for Malta 2010



MSA

MALTA STANDARDS AUTHORITY



Introduction

This document is the general National Market Surveillance Programme for Malta for 2010.

It satisfies those pieces of legislation that implement Community harmonisation legislation (CHL) as required by Article 18(5) of Regulation (EC) No. 765/2008, setting the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.

A sectoral programme of market surveillance has also been prepared to ensure that operations are efficient and effective and that a level playing field amongst economic operators is achieved as much as possible.

NMSP objectives

To ensure, as much as possible, that Economic Operators:-

- (a) place only safe products on the market;
- (b) provide adequate information regarding the safety aspects and the proper use of such products; and
- (c) take the necessary actions about any products which, after being placed on the market, are found to be unsafe.

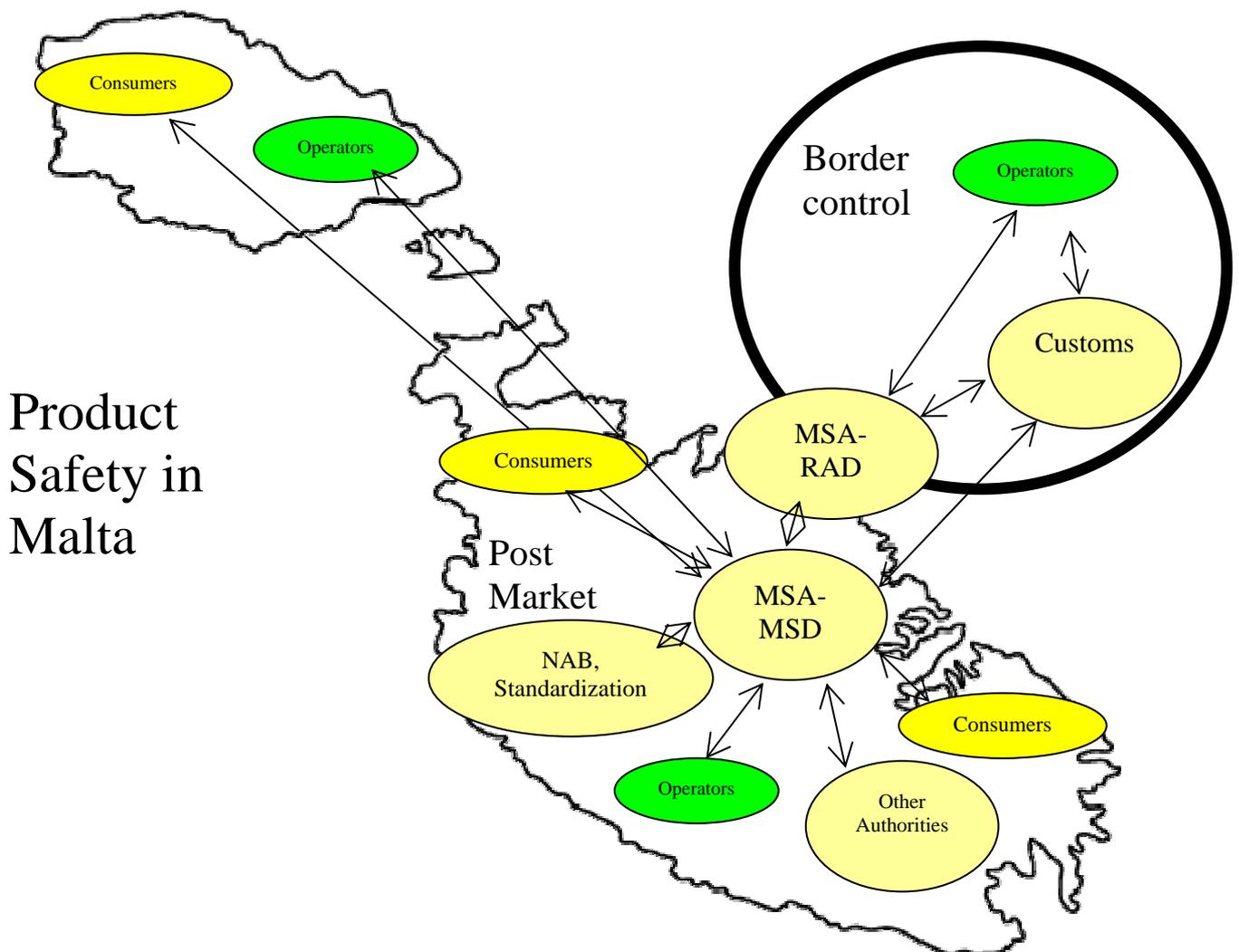


Fig. 1: Schematic representation of the structure of Market Surveillance in Malta

Market Surveillance structure in Malta

Market Surveillance of non-food products in Malta is the responsibility of the Market Surveillance Directorate within the Malta Standards Authority. The products falling under this remit include those covered by all New Approach Directives as well as pesticides, Reach, cosmetics and detergents. Non-harmonized products falling under the General Products Safety Directive is also the remit of MSA.

The Malta Standards Authority also collaborates actively with those Government entities which have a scope in the market surveillance function, as shown in fig. 1.

Market Surveillance Operations

The Malta Standards Authority is responsible for the safe placing on the market of all non-food products. To ensure such safe placing, the Malta Standards Authority carries out the following operations:

- Inspections (proactive and/or reactive, seasonal and/or sectoral)
- Reaction to complaints and/or queries (from consumers, other entities)
- RAPEX notifications
- Regulations (e.g. pesticides Maximum Residue Levels)



Fig. 2: Schematic representation of risk-based market surveillance operations

Risk-based approach

Market surveillance operations are risk based, hence maximizing efficiency and effectiveness. This is shown schematically in Fig. 2. Operations are based on:

- Product diffusion in the market
- Vulnerability of target user/consumer
- Complaints from Consumers and/or Economic Operators
- Injury statistics
- Government policies
- Notifications from other Member States

National cooperation

The Malta Standards Authority maintains a very good working relationship with:

- Customs
- Other Authorities (Malta Transport, Malta Communications Authority, Malta Resources Authority, etc.)
- Other Government Agencies (Consumer and Competition Division, Building Construction Industry Department, Ministry for Resources and Rural Affairs, etc.)

European cooperation

The Malta Standards Authority commits resources towards improvement of market surveillance through cooperation at European level, both with the European Commission as well as with fellow member states. Hence the Malta Standards Authority is active in:

- GPSD committee and CSN
- RAPEX
- Prosafe and EMARS II
- Joint Actions
- Exchange of officials

Communication

Communication is considered of prime importance where market surveillance operations are concerned. Stakeholders the Malta Standards Authority is in communication with, as necessary, include:

- Economic Operators and their associations and fora
- Consumers
- Other Government entities
- Other Member States
- European Commission.

Communication may be varied and different forms of media are used to convey the message required to the target audience. Such methods of communication include:

- Local media (press releases, radio programmes, newspapers)
- Sectoral meetings with economic operators
- Meetings with other entities/operator groups
- One-to-one meetings with operators

In enforcement actions taken, voluntary measures by economic operators are preferred over mandatory measures. This is considered to enhance the effectiveness of the actions taken.

Unsafe products

The Malta Standards Authority takes actions (amongst others) to:

- (a) prohibit the placing on the market of any product which is unsafe or which does not comply with the provisions of the PSA or any regulations made thereunder;
- (b) prohibit the placing on the market of product or product batches until the necessary tests are carried out to ascertain whether they are safe or not;
- (c) require the immediate withdrawal from the market and possible destruction of unsafe products;
- (d) suppress or prevent practices which are detrimental to product safety;
- (e) carry out all product control activities, including inspections, analyses, examinations or other investigations concerning the safety properties of products, even after such products have been placed on the market as safe; and
- (f) exercise other functions as may be assigned by or under the PSA or any other law.