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AGENDA

- INTRODUCTION - GOODS PACKAGE
- MUTUAL RECOGNITION OF (NON-HARMONISED) GOODS
- Q&A

BREAK

- THE NEW REGULATION ON MARKET SURVEILLANCE
- Q&A

NETWORKING

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GOODS PACKAGE

- ❑ MUTUAL RECOGNITION OF (NON-HARMONISED) GOODS
- ❑ MARKET SURVEILLANCE AND COMPLIANCE OF PRODUCTS
- ❑ SINGLE DIGITAL GATEWAY

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GOODS PACKAGE

MUTUAL RECOGNITION OF (NON-HARMONISED) GOODS

FREE ACCESS TO MARKETS

MARKET SURVEILLANCE AND COMPLIANCE OF PRODUCTS

PROTECT CONSUMERS

FREE ACCESS TO MARKETS BUT LEVEL PLAYING FIELD

SINGLE DIGITAL GATEWAY

UNIFORM ACCESS TO INFORMATION

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MUTUAL RECOGNITION

THE CURRENT REGULATION (EC) NO 764/2008
HAS SEVERAL SHORTCOMINGS
AND SHOULD THEREFORE BE REVISED
AND STRENGTHENED.

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HARMONISED

ONE SET OF REQUIREMENTS ALL ACROSS THE EU

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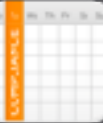
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NON-HARMONISED



EACH MEMBER STATE MAY HAVE THEIR OWN REQUIREMENTS
THAT ARE APPLICABLE TO THE PRODUCT

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NON-HARMONISED

SOME MEMBER STATE COMPETENT AUTHORITIES MIGHT APPLY CERTAIN TECHNICAL REQUIREMENTS, FOR EXAMPLE, REQUIREMENTS RELATING TO

- DESIGNATION
- FORM
- SIZE
- WEIGHT
- COMPOSITION
- PRESENTATION
- LABELLING OR PACKAGING

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EXAMPLE: FORMALDEHYDE IN TEXTILES



	The Netherlands	Germany	France	Finland	Norway
label requirements	wash before use instruction	wash before use instruction if PPM > 1500			
Children (< 3yr) Apparel	limit 120 ppm after first time washing		< 20 ppm	< 30 ppm	< 30 ppm
Adult Apparel with skin contact	limit 120 ppm after first time washing		limit 100 < ppm	limit 100 < ppm	limit 100 < ppm
Adult Apparel without skin contact	limit 120 ppm after first time washing		limit 400 < ppm	limit 300 < ppm	limit 300 < ppm



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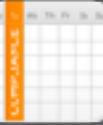
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MUTUAL RECOGNITION - GOAL

REMOVE OBSTACLES TO THE FREE MOVEMENT OF GOODS
BETWEEN MEMBER STATES.

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MUTUAL RECOGNITION - 2019/515



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REGULATION (EU) 2019/515 OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL OF 19 MARCH 2019

ON THE MUTUAL RECOGNITION OF GOODS LAWFULLY MARKETED IN
ANOTHER MEMBER STATE

AND REPEALING REGULATION (EC) NO 764/2008

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MUTUAL RECOGNITION - SCOPE

- FOOD
- FEED
- NON-FOOD; INCLUDING FOOD CONTACT MATERIALS

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MUTUAL RECOGNITION - ECONOMIC OPERATORS

- PRODUCER (FOOD / FEED)
- MANUFACTURER (NON-FOOD)
- BRAND-OWNER
- IMPORTER
- AUTHORISED REPRESENTATIVE

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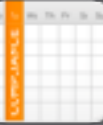
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NATIONAL TECHNICAL RULES STILL CAN EXIST



HOWEVER NEED TO BE:

- DULY JUSTIFIED
- LEGITIMATE
- APPROPRIATE
- AND TO RESPECT THE PRINCIPLE OF PROPORTIONALITY,

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DIFFERENCES CAN STILL EXIST

HOWEVER

- **THE COMPETENT AUTHORITY HAS TO MAKE THE LEAST RESTRICTIVE DECISION POSSIBLE.**
- **AND IN ORDER TO IMPROVE THE FUNCTIONING OF THE INTERNAL MARKET FOR GOODS, THE NATIONAL TECHNICAL RULES SHOULD BE FIT FOR PURPOSE AND SHOULD NOT CREATE DISPROPORTIONATE NON-TARIFF BARRIERS.**

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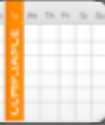
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A NATIONAL TECHNICAL RULE



COVERS GOODS OR ASPECTS OF GOODS THAT ARE NOT HARMONISED.

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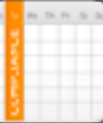
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A NATIONAL TECHNICAL RULE



PROHIBITS MAKING AVAILABLE OF GOODS ON THE MARKET OF THAT MEMBER STATE

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A NATIONAL TECHNICAL RULE

LAYS DOWN THE CHARACTERISTICS REQUIRED OF GOODS SUCH AS

- THEIR LEVELS OF QUALITY
- PERFORMANCE OR SAFETY
- THEIR DIMENSIONS

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A NATIONAL TECHNICAL RULE

INCLUDES THE REQUIREMENTS APPLICABLE TO THOSE GOODS

- AS REGARDS THE NAMES UNDER WHICH THEY ARE SOLD
- TERMINOLOGY, SYMBOLS
- TESTING AND TEST METHODS
- PACKAGING, MARKING OR LABELLING
- AND CONFORMITY ASSESSMENT PROCEDURES;

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A NATIONAL TECHNICAL RULE

OR IMPOSES OTHER REQUIREMENTS THAT AFFECT THE LIFE-CYCLE OF THE GOODS AFTER THEY HAVE BEEN MADE AVAILABLE ON THE MARKET IN THAT MEMBER STATE, SUCH AS

- CONDITIONS OF USE
- RECYCLING, REUSE OR DISPOSAL,

WHERE SUCH CONDITIONS CAN SIGNIFICANTLY INFLUENCE EITHER THE COMPOSITION OR NATURE OF THOSE GOODS, OR THE MAKING AVAILABLE OF THEM ON THE MARKET IN THAT MEMBER STATE.

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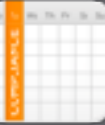
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A NATIONAL TECHNICAL RULE



THEY SHOULD NOT EXIST PURELY TO CREATE A NON-TARIFF BARRIER

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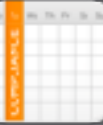
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MUTUAL RECOGNITION - HOW DOES IT WORK?

- YOU SELL A PRODUCT LEGALLY IN MEMBER STATE **A**
- BASED ON COMPLIANCE WITH THE LAW IN THAT MEMBER STATE **A**
- A MUTUAL RECOGNITION DECLARATION SUPPORTS THIS
- YOU START SELLING IT IN MEMBER STATE(S) **B C D ***
- BASED ON COMPLIANCE WITH THE LAW IN MEMBER STATE **A**

*YOU TAKE INTO ACCOUNT IT MIGHT BE REQUIRED TO OFFER WARNINGS AND INSTRUCTIONS IN LANGUAGES AS REQUIRED BY THESE MEMBER STATES

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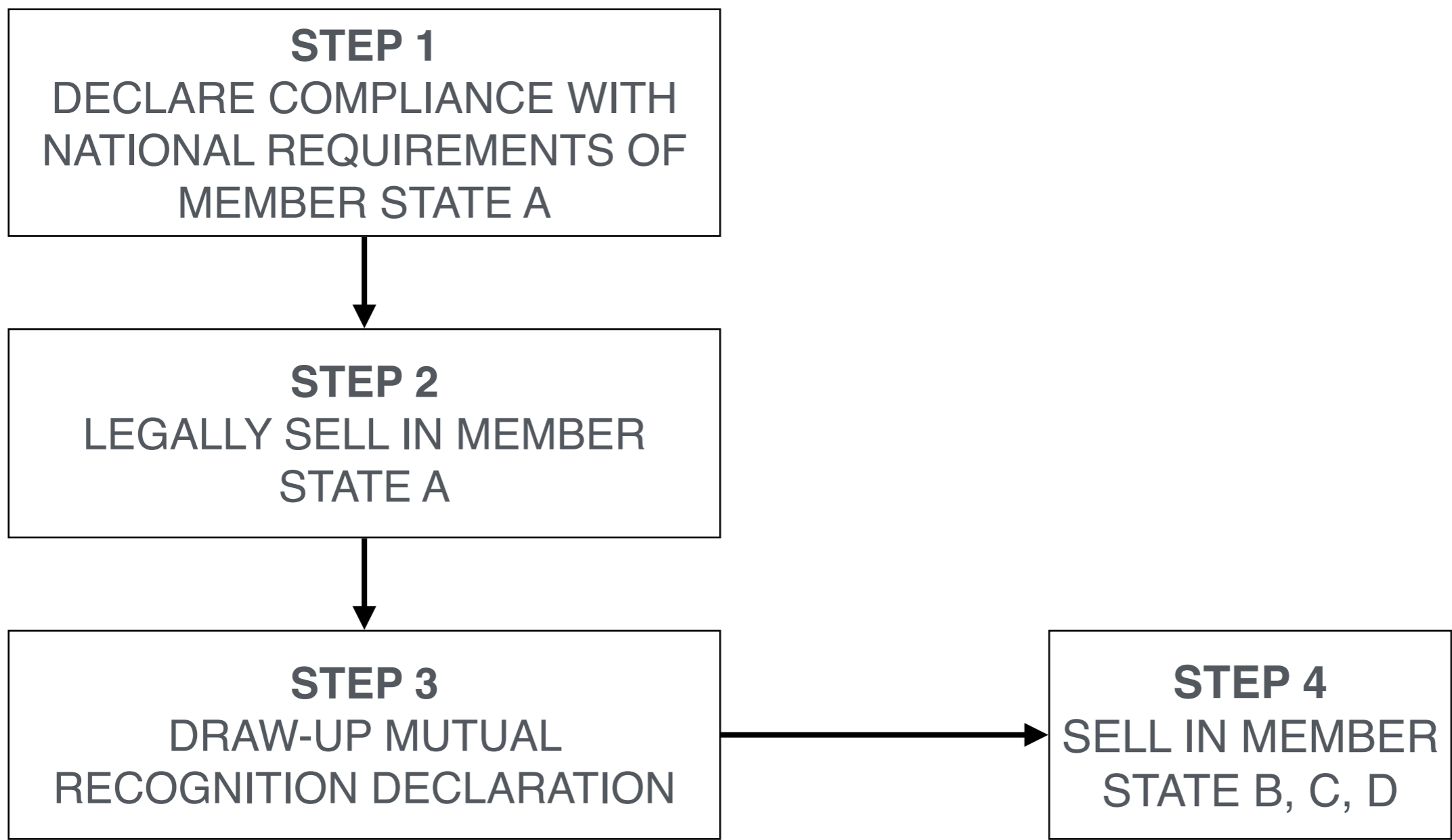
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MUTUAL RECOGNITION - HOW DOES IT WORK?



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NEW - THE MUTUAL RECOGNITION DECLARATION

- HAS SPECIFIC FORMAT
- HAS TWO PARTS
- LISTS NATIONAL STANDARDS USED TO DECLARE COMPLIANCE
- THE ECONOMIC OPERATOR THAT SIGNS TAKES RESPONSIBILITY
- CLEARLY SHOWS WHICH GOODS (TYPE OR SERIES) IT APPLIES TO
- MUST BE KEPT UP-TO-DATE
- CAN BE ADDED TO A EU DECLARATION OF CONFORMITY
- SUPPORTING TECHNICAL DOCUMENTATION MUST BE AVAILABLE

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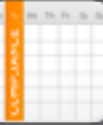
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MUTUAL RECOGNITION DECLARATION - 2 PARTS!



PART 1

DECLARE COMPLIANCE

BASED ON NATIONAL REQUIREMENTS FROM MEMBER STATE

PART 2

DECLARE PRODUCTS ARE LEGALLY SOLD IN MEMBER STATE

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MUTUAL RECOGNITION DECLARATION - PART 1



ENGLISH

Mutual Recognition Declaration (MRD)

for the purpose of Article 4 of Regulation (EU) 2019/55 of the European Parliament and of the Council¹



This MRD was generated using the Mutual Recognition Declaration generator of ProductIP. The online version is accessible by scanning the QR-code. This will give direct access to the product files.

Part I

1. Unique identifier for the goods or type of goods
2. Name economic operator:
Street: [ProductIP]
Postal code: [Rubensstraat 211]
Country: [6717 VE EDE]
Name economic representative (if applicable): [The Netherlands]

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MUTUAL RECOGNITION DECLARATION - PART 1



3. **Description of the goods or type of goods subject to this MRD**
[note: the description should be sufficient to enable the goods to be identified for traceability reasons. It may be accompanied by a photograph, where appropriate.]



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MUTUAL RECOGNITION DECLARATION - PART 1



4. Declaration and information on the lawfulness of the marketing of goods or that type of goods.

4.1 The goods of type of goods described above, including their characteristics, comply with the following rules applicable in Member State(s):

BG - ES - CS - DA - DE - ET - EL - **EN** - FR - HR - IT - LV - LT - HU - MT - NL - PL - PT - RO - SK - SL - FI - SV

or

The goods or type of goods described above are not subject to any relevant rules in:

BG - ES - CS - DA - DE - ET - EL - EN - FR - HR - IT - LV - LT - HU - MT - NL - PL - PT - RO - SK - SL - FI - SV

[note: identify the Member State in which the goods or that type of goods are claimed to be lawfully marketed.]

4.2 Reference of the conformity assessment procedure applicable to the goods or that type of goods, or reference of test reports for any test performed by a conformity assessment body, including the name and address of that body (if such a procedure was carried out or if such tests were performed)

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MUTUAL RECOGNITION DECLARATION - PART 1



5. Any additional information considered relevant to an assessment of whether the goods or that type of goods are lawfully marketed in the Member State indicated in point 4.1.
6. This part of the mutual recognition declaration has been drawn up under the sole responsibility of the economic operator under point 2.

Signed for and on behalf of:

[place and date]

[name, function]

[signature]



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THE MUTUAL RECOGNITION DECLARATION - PART 2



Part II

7. Declaration and information on the marketing of goods or that type of goods

7.1 The goods or that type of goods described in Part I are made available to end users on the market in the Member State indicated in point 4.1.

7.2 Information on the goods or that type of goods made available to the end users in the Member State indicated in point 4.1, including details of the date of when the goods were first made available in the market in that Member State.



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THE MUTUAL RECOGNITION DECLARATION - PART 2



8. **Any additional information considered relevant** to an assessment of whether the goods or that type of goods are lawfully marketed in the Member State indicated in point 4.1.:



9. This part of the mutual recognition declaration has been drawn up under the sole responsibility of:
[note: insert the name and address of the signatory of Part II of the mutual recognition declaration: the producer and, where applicable, its authorised representative, or the importer, or the distributor]

Signed for and on behalf of:

[place and date]

[name, function]

[signature]



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EU (DoC) & MRD: DIGITAL BBQ THERMOMETER



EU DECLARATION OF CONFORMITY WITH ROHS AND EMC DIRECTIVE.

ALSO MENTIONING GPSD FOR RISKS OF THE BUTTON CELL!

MUTUAL RECOGNITION DECLARATION STATING COMPLIANCE WITH FOOD CONTACT MATERIALS (FCM) AS PER REGULATION 1935/2004.
NATIONAL REQUIREMENT FOR METAL

(ONLY FCM PLASTICS REGULATION IS HARMONISED)

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SUCCESSFUL MUTUAL RECOGNITION

- MARKET SURVEILLANCE AUTHORITY OF MEMBER STATE **B**
CHALLENGE COMPLIANCE OF YOUR PRODUCT
- YOU OFFER THEM THE MUTUAL RECOGNITION DECLARATION AND
SUPPORTING MATERIAL
- THEY ACCEPT IT
- YOU CONTINUE TO SELL

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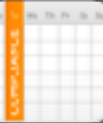
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CHALLENGED MUTUAL RECOGNITION



- MARKET SURVEILLANCE AUTHORITY OF **B** CHALLENGE COMPLIANCE
- YOU OFFER THEM THE MUTUAL RECOGNITION DECLARATION AND SUPPORTING MATERIAL
- THEY DO NOT ACCEPT IT
- YOU NOTIFY **SOLVIT** IN YOUR MEMBER STATE

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SOLVIT

- INTERNAL MARKET PROBLEM SOLVING NETWORK
- EACH MEMBER STATE HAS ITS OWN SOLVIT CENTRE
- AIM IS TO SOLVE ISSUES WITH AN AUTHORITY IN ANOTHER MEMBER STATE
- IT IS FOR C2A or B2A (A = AUTHORITY)
- IT IS BASED ON PRINCIPLES OF MEDIATION
- IS FREE OF CHARGE
- AIMS TO FIND SOLUTIONS WITHIN 10 WEEKS
- START THE PROCESS WITH THE SOLVIT OFFICE IN YOUR OWN MEMBER STATE

UNIFORM ACCESS WILL BE PART OF SINGLE DIGITAL GATEWAY

http://ec.europa.eu/solvit/index_en.htm

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WHAT IF SOLVIT WORKS?

WHERE THE ECONOMIC OPERATOR, THE RELEVANT SOLVIT CENTRE AND THE MEMBER STATES INVOLVED ALL AGREE ON THE APPROPRIATE OUTCOME, NO FURTHER ACTION SHOULD BE REQUIRED.

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WHAT IF SOLVIT CANNOT SOLVE IT FOR YOU?



1. SOLVIT WILL REQUEST THE EU COMMISSION TO LOOK INTO THE MATTER

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WHAT IF SOLVIT INFORMAL APPROACH FAILS?

2. THE COMMISSION WILL ISSUE AN OPINION WITHIN WORKING 45 DAYS

NOT INCLUDING THE TIME NECESSARY TO RECEIVE ANY ADDITIONAL INFORMATION AND DOCUMENTS THAT IT CONSIDERS NECESSARY.

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DURING THIS YOU CAN CONTINUE TO SELL UNLESS

- UNDER NORMAL OR REASONABLY FORESEEABLE CONDITIONS OF USE, THE GOODS POSE A SERIOUS RISK TO SAFETY OR HEALTH OF PERSONS OR TO THE ENVIRONMENT, INCLUDING ONE WHERE THE EFFECTS ARE NOT IMMEDIATE, WHICH REQUIRES RAPID INTERVENTION BY THE COMPETENT AUTHORITY

FOR EXAMPLE THE WHOLE ISSUE WAS TRIGGERED BECAUSE OF CONSUMERS COMPLAINING AT THE AUTHORITIES

OR

- THE MAKING AVAILABLE OF THE GOODS, OR OF GOODS OF THAT TYPE, ON THE MARKET IN THAT MEMBER STATE IS GENERALLY PROHIBITED IN THAT MEMBER STATE ON GROUNDS OF PUBLIC MORALITY OR PUBLIC SECURITY

FOR EXAMPLE SALES OF FIREWORKS CAN HAVE SPECIFIC RESTRICTIONS IN CERTAIN COUNTRIES

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PRODUCT CONTACT POINTS (PCP)



PROVIDE, FREE OF CHARGE, A REASONABLE LEVEL OF INFORMATION ON NATIONAL TECHNICAL RULES AND THE APPLICATION OF THE PRINCIPLE OF MUTUAL RECOGNITION.

WITHIN 15 WORKING DAYS

UNIFORM ACCESS WILL BE PART OF SINGLE DIGITAL GATEWAY

https://ec.europa.eu/growth/single-market/goods/free-movement-sectors/mutual-recognition/contacts-list_en

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PRODUCT CONTACT POINTS (PCP)

THEY SHOULD NOT BE REQUIRED TO PROVIDE COPIES OF, OR ONLINE ACCESS TO, STANDARDS WHICH ARE SUBJECT TO THE INTELLECTUAL PROPERTY RIGHTS OF STANDARDISATION BODIES OR ORGANISATIONS.

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PRODUCT CONTACT POINTS AND SOLVIT



CAN BE THE SAME BUT NOT NECESSARILY ARE THE SAME

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WHAT DOES PRODUCTIP EXPECT WILL HAPPEN?

- IT WILL CREATE PRESSURE ON MEMBER STATES TO SPEED UP THE PROCESS OF HARMONISATION IN VARIOUS AREA'S.

FOOD CONTACT MATERIAL IS AN INTERESTING GROUP

- IT WILL CREATE AN INCENTIVE FOR COMPANIES TO FOCUS EFFORT AND MEANS ON BETTER QUALITY OF COMPLIANCE EVIDENCE WITH ONE MEMBER STATE REQUIREMENT RATHER THAN SPLITTING AVAILABLE BUDGET ACROSS MULTIPLE MEMBER STATES

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MUTUAL RECOGNITION AND PRODUCTIP

- EASY ACCESS TO A COMPREHENSIVE OVERVIEW OF NATIONAL RULES/LAWS/STANDARDS
- SELECT THE MEMBER STATE* YOU WILL CHOOSE AS LEADING
- GENERATE MUTUAL RECOGNITION DECLARATION
- PROVIDE AUTHORITIES ACCESS TO TECHNICAL DOCUMENTATION WHEN REQUESTED

* NOTE: YOU MUST HAVE LEGALLY SOLD PRODUCTS IN THAT MEMBER STATE!

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REGULATION 2019/515

- APPROVED MARCH 19, 2019
- REPEALING REGULATION (EC) No 764/2008 PER 19 APRIL 2020

REGULATION MEANS

BINDING IN ITS ENTIRETY

AND DIRECTLY APPLICABLE IN ALL MEMBER STATES

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YOUR SUCCESS, NOT REGULATIONS, MAKES THINGS COMPLEX!

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THANK YOU! LETS STAY IN TOUCH!

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#ComplianceTuesday

#WeLoveProductCompliance

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