

Public consultation on ‘Goods Package’ proposal

The Department of Business, Enterprise and Innovation is seeking views from interested parties on the European Commission’s proposed ‘Goods Package’, which contains two separate legislative proposals.

The first of these proposals aims to strengthen controls by national authorities and customs officers to prevent unsafe products from being sold to European consumers through a new **Regulation laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products**.

The second proposal, for a **Regulation on Mutual Recognition of Goods**, seeks to help producers to **sell their products across Europe without any additional requirements** if they are lawfully sold in one Member State.

Proposed Regulation for Compliance and Enforcement

The EU Commission has estimated that the value of products subject to EU harmonised rules amounts to more than €2,000 billion per year. The existence of non-compliant products exposes citizens to potentially dangerous products, puts the environment at risk and distorts competition. The root causes are limited knowledge of rules, low deterrence and major inefficiencies in the enforcement system. The problem is expected to increase due to growing online sales and imports from third countries.

This proposal is a major step to improve cooperation between market surveillance authorities and businesses within and outside the EU in order to ensure that products they trade meet EU safety requirements. Measures range from concluding compliance partnerships and memoranda of understanding to boosting international cooperation through specific systems of controls of products before they are exported to the EU.

The proposal includes the following measures:

- A European Union network of market surveillance authorities in order to help authorities better coordinate their controls and work more efficiently.
- Shared evidence. If a product is found not to comply with EU product rules in one Member State, the evidence and decisions can be transferred to another in order to facilitate enforcement across the EU.
- Collaboration with businesses. All businesses selling products in the EU will have to designate a person in the EU who can be easily contacted when authorities have a question about compliance of their product.
- Single contact point. A single liaison office will be set up in each Member State to facilitate the coordination of cross-border enforcement and channel requests quickly and efficiently to the right people.

For further information see: [Proposed Regulation for compliance and enforcement](#)

Questions for consultation on the Compliance and Enforcement proposal

- As a manufacturer, distributor or importer, are you aware of the rules around placing your product or, making it available, on the market?
- As a manufacturer, distributor or importer, would you welcome closer cooperation and communication with relevant market surveillance authorities?
- As a manufacturer, distributor or importer, do you think market surveillance authorities are doing enough to prevent non-compliant products entering the market? If not, what practical solutions can you offer?
- As a manufacturer, distributor or importer, are there too many rules around product safety for which businesses have to comply? If yes, can you suggest how the burden may be reduced while still ensuring only safe products enter the market?
- As a consumer, when you buy a product is that product's safety a consideration for purchase?
- As a consumer, if you replied yes to the previous question how easy is it to find out whether a product is safe? What do you look for with regard to product safety?
- As a consumer, if you replied no to the question is it because you are:
 - Not aware that unsafe products may be on the market?
 - or
 - Product safety is not a consideration for purchase?
- In general, do you welcome the proposed Regulation?
- Please provide any other comments on any aspect of the proposed Regulation.

Any submissions related to the Proposed Regulation on Compliance and Enforcement should be sent to conspol@dbei.gov.ie

Proposed Regulation on Mutual Recognition of Goods

A business with goods lawfully for sale in any EU Member State can, in theory, place those goods on the market of any other EU Member State without having to make any changes or adaptations to those goods. This principle, known as mutual recognition, applies where the product in question is not already covered by EU legislation. However, national authorities may still deny market access to a product on grounds of protection of public safety, health, or the environment.

Following an evaluation of existing legislation in this area, the European Commission has concluded that the principle of mutual recognition is not working optimally. For example, disputes can arise between exporting producers on one hand, and national authorities in the importing country on the other. These can cause delays in getting products to market. For that reason, the Commission is proposing a new Regulation with measures aimed at making it faster and simpler for a business to sell its goods in another EU country. Those new measures include:

- A voluntary declaration for businesses to show that their products are lawfully on sale in their country. This is intended to make it easier for authorities in other EU countries to assess whether or not to permit market access;
- A problem resolution mechanism (SOLVIT) aimed at a faster resolution of disputes between companies and national authorities. SOLVIT is a free service available in every EU country to help citizens or businesses that feel their EU rights are breached by public authorities in another EU country. SOLVIT authorities will ultimately be able to refer such disputes to the European Commission for assistance in resolving the case.
- A new system of cooperation between national authorities;
- New legal definitions to increase trust and confidence in the mutual recognition principle.

For further information see:

[Proposed Regulation](#)

[Existing legislation \(Regulation 764/2008\)](#)

[More information on Principle of Mutual Recognition](#)

Questions for consultation on the Mutual Recognition proposal

- Do you welcome the proposal? Have you any concerns?
- Were you previously aware of the principle of mutual recognition of goods and the regulation in force?
- Are you a business that has relied on the principle of mutual recognition when seeking to market your product in another EU country? Are you a micro, small, medium or large business? What has been your experience?
- Do you have any views on the new voluntary declaration for businesses?

- Have you had contact with Product Contact Points (PCPs) in other EU countries? What has your experience been? Have you any views on the enhanced role of the PCPs proposed?
- A problem resolution mechanism (SOLVIT) is proposed under the new regulation. Where necessary, SOLVIT authorities can choose to refer cases to the European Commission for assistance in resolving a dispute. Have you any views on this proposed mechanism?
- Are you a competent authority responsible for technical regulations? Do you have views on the new arrangements proposed?

Please also refer to any other issues that you consider as relevant to this matter.

Any submissions related to the Mutual Recognition Proposal should be sent to mutual.recognition@dbei.gov.ie

The deadline for submissions is 30 March 2018.

Freedom of Information

Attention is drawn to the fact that information provided to the Department may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Department will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information, which you volunteer to this Department, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 and 2003.

Publication of submissions received:

The Department proposes to make public on its website all submissions received under this consultation. If you wish to submit information that you consider commercially sensitive, please identify that information in your submission and give reasons for considering it commercially sensitive. The Department will consult with you regarding such information before making a decision to disclose it.