Market Surveillance and the Health and Safety Authority

Information Sheet

January 2011

What Is Market Surveillance?

The term "market surveillance" applies to the actions of regulatory authorities to ensure that products being made available on the market or put into use for the first time, meet the requirements of the relevant Directives /Regulations and do not endanger health, safety or any other public interest specified by these legal instruments.

How Is Product Safety In The European Union Achieved?

Product safety is achieved by ensuring that products meet the essential health and safety requirements of the applicable European Directive(s) or Regulations. These requirements cover not only physical performance criteria but also markings and the supply of information to the user. Also for any given Directive, there may exist European standards which have been declared to be harmonised standards so that if a manufacturer produces the product to a harmonised standard, there is a presumption of conformity with the associated Directive. Lists of harmonised standards have been published by the European Commission in the official journal (OJ) of the EU and can be found on the EUR-Lex website.

Legal Basis for Market Surveillance:

National legislation transposing a European Directive/Regulation includes provisions to enable market surveillance to be carried out. In addition, the EU has issued Regulation 765/2008 setting out requirements for market surveillance.

What Is The Role Of The Health And Safety Authority?

One of the key goals of the Authority is to enable employers, employees and other duty holders to reduce risks to safety and health in the course of or arising from their undertakings. The achievement of this goal depends on many factors including the sale and supply of products that have been designed, manufactured and supplied so as to be safe for use.

HEALTH AND SAFETY AUTHORITY

The Health and Safety Authority has such a role in respect of the following EU Directives or Regulations:

1. Machinery
2. Lifts
3. Personal Protective Equipment (PPE)
4. Equipment for Explosive Atmospheres (ATEX)
5. Pressure Equipment (PED)
6. Gas Appliances (GAD)
7. Registration Evaluation Authorisation and Restriction of Chemicals (REACH)
8. Classification Labelling and Packaging of Substances and Mixtures (CLP)
9. Detergents
   (The letters in brackets refer to commonly used abbreviations)

The National Consumer Agency also exercises a role with respect to personal protective equipment and gas appliances. If the main use of the product is work related then the Health and Safety Authority takes the lead role and if the product is primarily for domestic use the National Consumer Agency takes the lead role.

When does the Authority Carry out Market Surveillance?

Market surveillance action can arise from:

- Investigation of accidents and complaints
- Routine inspection work
- Referral from Customs authorities
- Targeted campaigns at national and European level

What are the Possible Outcomes of Market Surveillance?

Where non-compliance is identified market surveillance action can, depending on the circumstances, lead to:

- Product recall
- Prohibition of importation
- Prohibition of sale
- Product withdrawal
- Product destruction
- Product listing on information sharing networks
- Inclusion in public information notices
- Prosecution

What About Products Not Listed Above?

For information on market surveillance of other products, the following table may be helpful:

Fertiliser Products	Department of Agriculture, Fisheries and Food
Energy Labelling of Products	Department of Communications, Energy and Natural Resources
Explosives and Pyrotechnics	Department of Justice, Equality and Law Reform
Marine Equipment and Recreational Craft	Department of Transport
Construction Products	Department of Environment, Heritage and Local Government
Radio and Telecommunications Equipment	Commission for Communications Regulation
Electromagnetic Compatibility of Equipment	Commission for Communications Regulation
Restriction on use of certain hazardous substances in electrical/ electronic equipment	Environmental Protection Agency
Medical Devices cosmetics	Irish Medicines Board
Low Voltage Directive General Product Safety Toys	National Consumer Agency

Further Information:

The Health and Safety Authority's web site **www.hsa.ie**
Contact the Health and Safety Authority at **wcu@hsa.ie or LoCall 1890 289 389**