

MSSI

Market Surveillance Support Initiative

Concept et Résultats



MSSI ELECTRICAL

MARKET SURVEILLANCE SUPPORT INITIATIVE

*Working together for safe and compliant
electrical products in Europe*

FISUEL – May 2018

Pierre Selva

Agenda

- Introduction
- Surveys → Shared findings
- Key solution → Market Surveillance Support Initiative (MSSI)
- Opportunities

Who I am ?

- Conformity Assessment and Market Surveillance Director
- CAB French Alternate / WG17 (Cyber)
- IECEE French Alternate
- IECEE Treasurer
- MSSI WG Convenor
- ASEC Technical Director

Life Is On

Schneider
Electric



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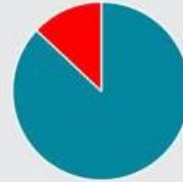
MARKET SURVEILLANCE SUPPORT INITIATIVE

Surveys

537 Samples from Europe and USA

Self-declared product compliance

17% dangerous faults



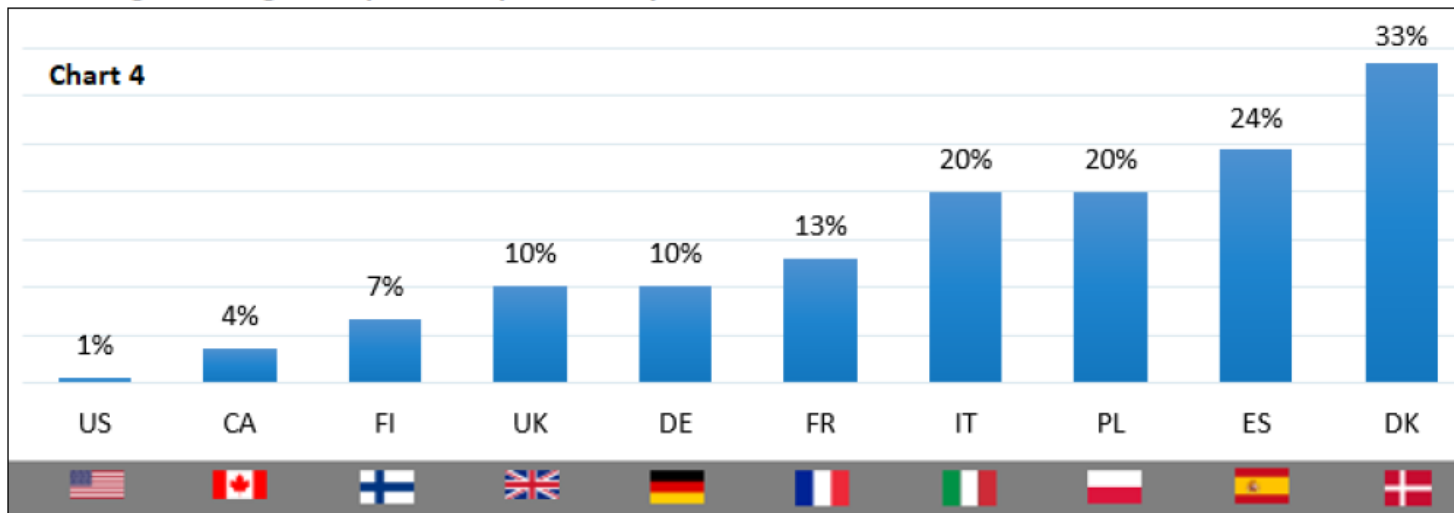
Third party certified product compliance

<1% dangerous faults



Chart 3

Percentage of dangerous products per country:



4. Conclusion

The results of the market survey show that third-party certification provided higher levels of compliance and lower levels of dangerous faults against applicable requirements when compared to supplier declaration of conformity: **self-declared products presented 17% dangerous faults, compared to <1% dangerous faults for products that were third-party certified.**

Europe

Low Market Surveillance
activity by all involved
parties

Low level of fines

No culture of disclosure by
users



North America

Culture to chase Non
Compliant products

High level of fines

High involvement of CB in
Market Surveillance
activities





CONSUMERS


European Commission > Rapid Alert System for dangerous non-food products > Search notifications



[Rapid Alert System home](#) | [Back to report listings](#) | [Safe Products Online](#)

Rapid Alert System - Search alerts

[Hide criteria](#) | [Export to Excel](#)

Select criteria 

[Clear](#) | [Search](#) | [Filters applied](#)

Years	>	2018, 2017	Exclude?
Free text	>	<input type="text"/>	<input type="checkbox"/>
Category	>	Electrical appliances and equipment	<input type="checkbox"/>
Product	>	<input type="text"/>	<input type="checkbox"/>
Brand	>	<input type="text"/>	<input type="checkbox"/>
Name	>	<input type="text"/>	<input type="checkbox"/>
Alert submitted by	>	Select options	<input type="checkbox"/>
Country of origin	>	Select options	<input type="checkbox"/>
Risk type	>	Electric shock , Fire	<input type="checkbox"/>
Risk level	>	All	<input type="checkbox"/>
Product user	>	All	<input type="checkbox"/>
Weekly report	>	Select options	<input type="checkbox"/>

Order by: ▼ ▼

Showing 1 to 10 of 170 results

[First](#) | [Previous](#) | [1](#) | [2](#) | [3](#) | [4](#) | [5](#) | ... | [17](#) | [Next](#) | [Last](#)



The screenshot shows the RAPEX search interface. At the top, there are navigation links: Cookies | Legal notice | Contact | Search | English (en). Below this is the European Commission logo and the word "CONSUMERS". A breadcrumb trail reads: European Commission > Rapid Alert System for dangerous non-food products > Search notifications. There are social media icons for Facebook, Twitter, and LinkedIn. A navigation bar includes: Rapid Alert System home, Back to report listings, and Safe Products. The search interface has a "Hide criteria" button and an "Export to Excel" button. Below these are search filters: Clear, Search, and Filter. A list of filter categories is shown on the left: Years, Free text, Category, Product, Brand, Name, Alert submitted by, Country of origin, Risk type, Risk level, Product user, and Weekly report. On the right, there are dropdown menus for each filter and checkboxes for "Exclude?". At the bottom, there is an "Order by:" section with "Alert number" selected and "Descending" as the sort order. A pagination bar shows "Showing 1 to 10 of 170 results" and a sequence of page numbers: First, Previous, 1, 2, 3, 4, 5, ..., 17, Next, Last.

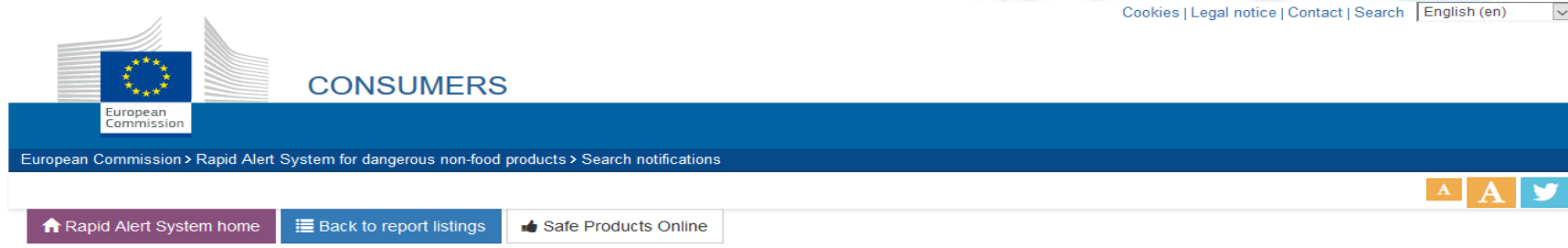
**170
hazardous
notified
products**



The screenshot shows the RAPEX website interface. At the top, there are navigation links for Cookies, Legal notice, Contact, Search, and a language dropdown set to English (en). Below this is the European Commission logo and the word 'CONSUMERS'. A breadcrumb trail reads 'European Commission > Rapid Alert System for dangerous non-food products > ...'. There are also social media icons for Facebook, Twitter, and LinkedIn. A search bar is visible with a 'Clear' button and a search icon. On the left side, there is a filter menu with various criteria: Years, Free text, Category, Product, Brand, Name, Alert submitted, Country of origin, Risk type, Risk level, Product user, and Weekly report. At the bottom of the screenshot, there is a pagination bar showing 'Showing 1 to 10 of 170 results' and a dropdown menu set to 'Descending'. The pagination numbers are 1, 2, 3, 4, 5, ..., 17, Next, Last.

**28 Products bear at
least 1 Conformity
Mark**

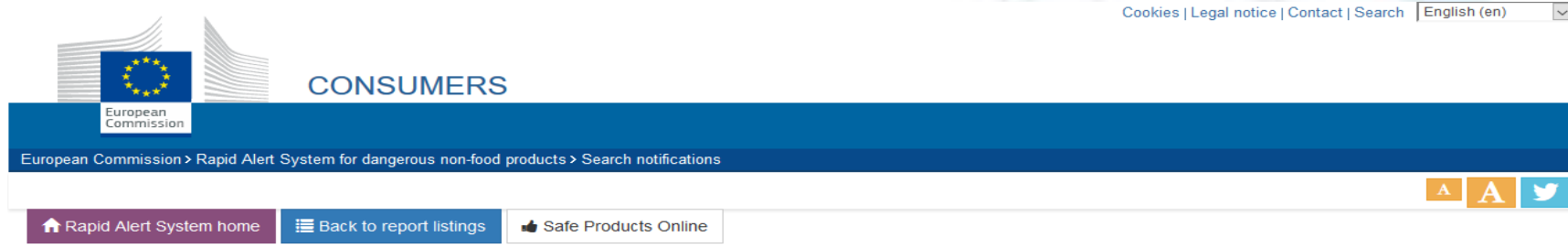
16,5 %



European Commission
CONSUMERS
European Commission > Rapid Alert System for dangerous non-food products > Search notifications
Rapid Alert System home | Back to report listings | Safe Products Online

CONCLUSION

Conformity Mark is not a Market Surveillance Tool



Manufacturer Position

Conformity Mark is a Marketing Strategic Tool

Order by:

First Previous **1** 2 3 4 5 ... 17 Next Last

Showing 1 to 10 of 170 results

Shared position

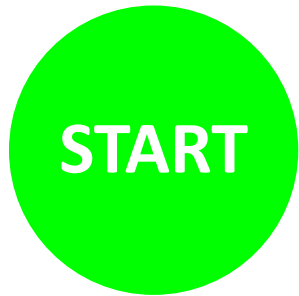
**Everybody agrees that Market Surveillance actions
are not at the expected level in Europe**

Consumers, Manufacturers, EU Parliament, EU
Commission, TICs, ...

And now ?



To complain



The actions



Market Surveillance



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Working together for safe and compliant electrical products in Europe

What is MSSSI?



cecapi



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A proactive industry lead scheme to monitor the market and support authorities to prevent non-compliant electrical products from entering the European market.

An initiative for ACTION and with an holistic approach

Founding Members



Some of the Local MSSI Members :



The following rules shall at all times be respected within Orgalime:

CORE PROCEDURES

1. Meetings of a body, committee, working group or other form of cooperation within Orgalime shall only take place after the members have been invited to the meeting in writing. The notice inviting to the meeting shall also include the agenda of the meeting.
2. Minutes shall be kept of each meeting as referred to in 1., above; these shall be sent to all members of the relevant body, committee, working group or other form of cooperation. The minutes shall be kept in an organized form for a period of at least 7-10 years.
3. Consultations and discussions in a body, committee, working group or other form of cooperation on the topics on the agenda and other topics, where these are related to the market (i.e. topics that may be of interest for the position and for determining the position of the individual members in competition), shall be limited to the official meeting, of which minutes will be kept.
4. During the consultations as referred to in 3., above, it shall not be decided to discuss certain topics during the meeting subject to the condition that this will not be recorded in the minutes. If such condition is stipulated the chairman of the meeting shall refuse to proceed to discuss the topic in question.
5. Each meeting of a body, committee, working group or other form of cooperation during which market-related topics are discussed, shall be attended by at least one staff member of the association. This staff member will monitor topics that are sensitive from a competition law point of view. If there are doubts about such sensitivities, the topic shall not be discussed until the advice of an expert in the field of competition law is obtained, and this advice is to the effect that the topic may be discussed without any objection, or until the limits to be observed during the discussion are clear.

A PROHIBITED TOPICS

The following topics are prohibited and out of bounds during meetings of bodies, committees, working groups or other forms of cooperation within Orgalime, particularly as far as information on these topics is exchanged between companies which might be considered as competitors:

- Sale prices, rates, (intended) price adjustments, recommended prices, discounts, mark-ups and other price-related topics concerning products or services of member companies;
- Divisions/sharing of the market, e.g. by allocating a specific geographical area, specific customers or specific groups of customers to specific members;
- Restriction of production or sales;
- Pre-consultations with respect to responses to invitations to tender of potential clients;
- Charging on offer costs of competitors in one's own offer;
- Exchanging market information by the individual members, i.e. information about production, turnover, sales, investments, divestments, R&D expenses and other information, as far as this is related to specific (categories of) products or services, that may be regarded as commercially sensitive information;
- Publishing of the average price or of the price bandwidth within the sector;
- Exclusivity for specific members to represent producers and importers;
- Boycotting specific suppliers or customers;
- Any other topic that could lead to coordination of market behaviour restricting competition;
- Pre-consultations between competitors when responding to invitations to tender (in tender procedures with both public and private purchasers);
- Agreeing that all competitors add a surcharge to their bid (which would then be used for "compensating" the bidding costs of those companies that would not win the tender).

B. TOPICS THAT MIGHT PRESENT A PROBLEM

The following topics might, under certain circumstances, present a problem from a competition law point of view, but especially in a highly concentrated, oligopolistic market (i.e. a market with only few players). This means that these topics shall at all times only be discussed within the context of Orgalime in proper consultation with an expert in the field of competition law:

- General terms and conditions of sale and delivery. If these pertain to sensitive competitive parameters (e.g. prices, rates, manner of installation, on-charging specific costs) or if the use of the conditions is mandatory, the competition authorities may object;
- Restrictions on participating in trade fairs. As a general rule, each company should be free to participate in any trade fair it likes and companies should not be asked to boycott any trade fair. Restrictions to this freedom to participate are only allowed under specific conditions. Collective boycotting by the members of Orgalime to obtain a better price or other conditions from the trade fair organisation does not constitute a problem under competition law;
- Schemes for recognition/membership criteria. For as long as recognition or membership of Orgalime does not play a decisive part for the potential customer when choosing a product or service, there are no objections to this from a competition law point of view. As soon as the customer does find this important, however, these schemes must satisfy specific criteria;
- The secretariat of Orgalime is allowed, in principle, to collect commercial information about individual companies and to make this information available to the members in an aggregated manner. It must in any event be absolutely guaranteed that no information on individual companies can be deducted from this aggregate information. In some EU countries the national competition authorities will only allow such statistics systems if the collected information can be qualified as sufficiently historical, e.g. (depending on the circumstances) presenting data of at least one year before, and/or if the information is made publicly available.

C TOPICS THAT DO NOT PRESENT A PROBLEM

The following topics constitute the core business of most of Orgalime's activities and discussions and consultations on these topics do normally not present any problem under competition law, provided that the topics mentioned under A. are not touched upon:

- General cyclical economic data and business climate, as long as discussions on these topics do not relate to any individual company's behaviour. These discussions focus on the macro level and do not affect any company's behaviour in the market;
- Lobbying activities relating to general interests in the sector and concerning legislation and other public issues which may affect the sector;
- Labour law and social issues. These issues are considered to be irrelevant under competition law;
- Legal issues. These issues are by definition of a general nature, as these will affect any company's business to the same extent;
- Standardisation issues, if (i) the standard-setting procedure is transparent and open for participation by any interested party, (ii) there is no obligation to comply with the standard, (iii) access to the standard is provided on fair, reasonable and non-discriminatory terms, and (iv) any discussions within the standard-setting procedure are restricted to technical aspects. Standardisation is aimed at compatibility of products and of technical progress; this will normally be to the benefit of the end user;
- Safety and health issues. Orgalime has an interest in enhancing safety and health with respect to the use of the sector's products;
- Environmental issues. Orgalime has an interest in enhancing protection of the environment with respect to the use of the sector's products.

MSSI Overview

Objective

Working together for 100% compliant products and fair competition on the European market.

Approach

Proactive sampling and testing to support local authorities to take action.

Scope

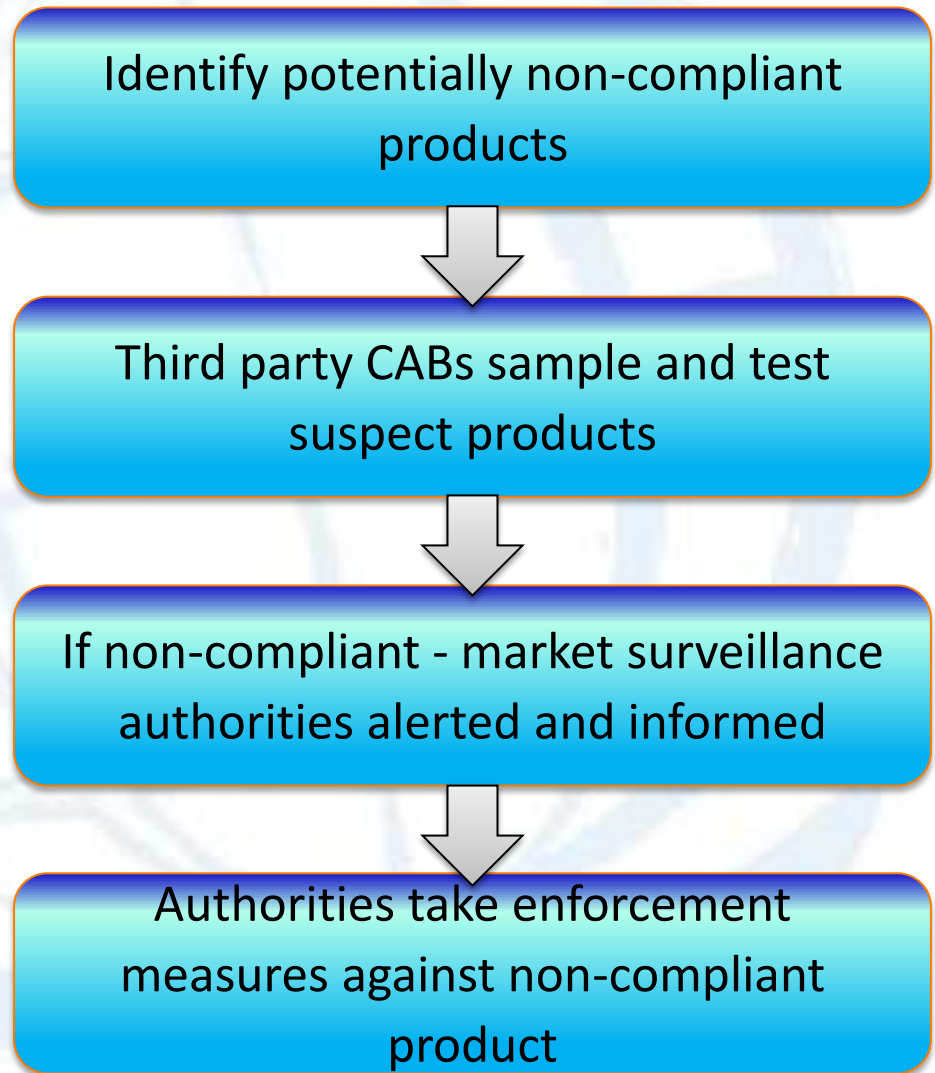
Focus on MCBs, RCDs, MCCBs, SPDs, contactors, wiring accessories, and power distribution.

Local MSSI working groups identify products and manage the process within each country.

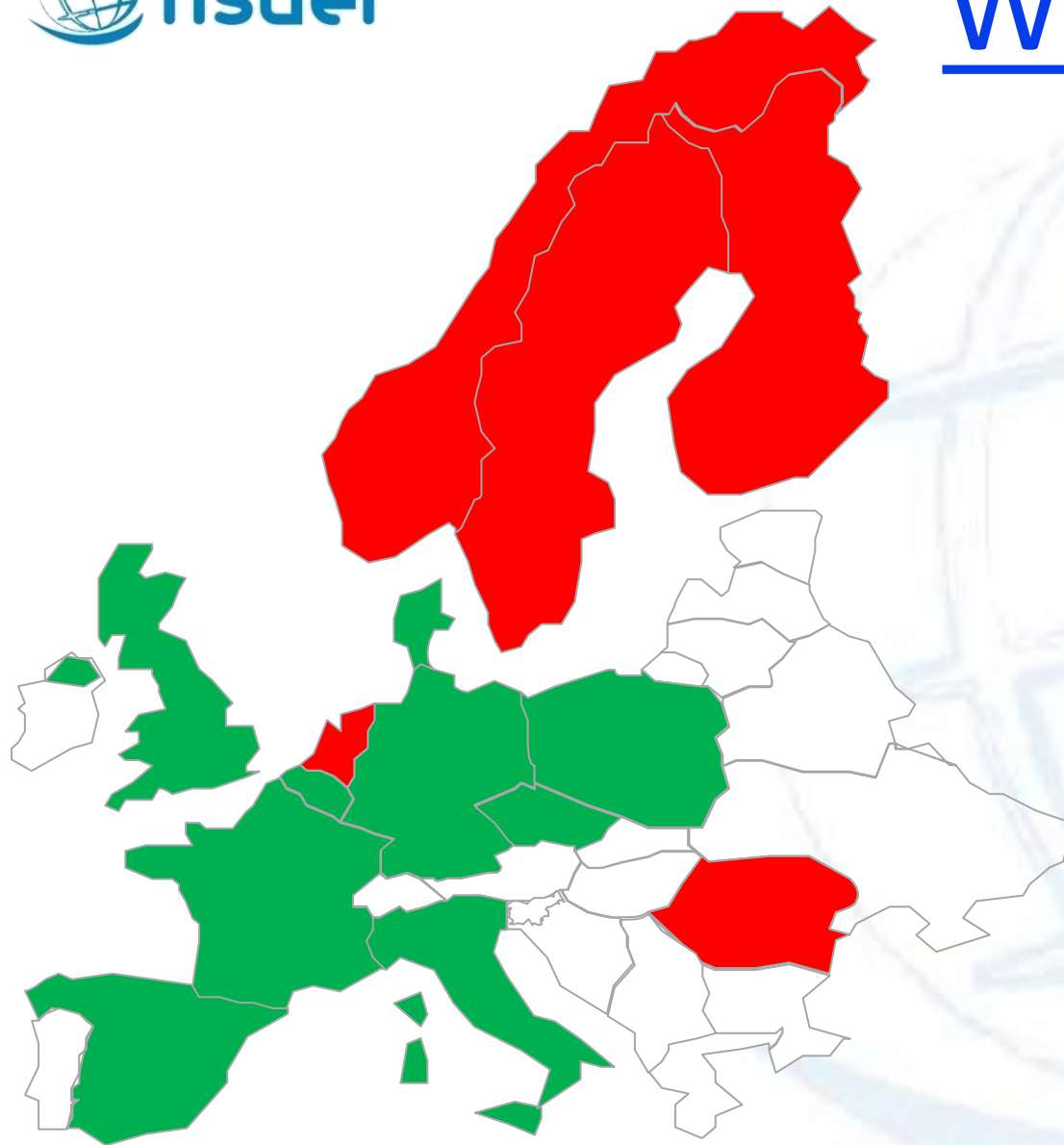
Common approach across all regions.

Can be slight differences due to local laws.

Compliance with competition law



Where ?



- Our objective is to cover the European Market
- MSSSI Electrical wants to reach out to 'sister' organisations horizontally and to reach out across the distribution chain.

 - Established local MSSSI

 - Local MSSSI 2017/2018 expansion



Charter for safe and compliant electrical low voltage infrastructure and installation engineering products and systems in the European Union

“We strive for safe and compliant products in Europe!”

Manufacturers

**Trade
Associations**

**Conformity
Assessment
Bodies**



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Some results

Tests of MCBs

23 brands present on Polish market

Tested by Independent, Certified Laboratory



Results:

10 products recognized as dangerous (44%)

4 of them bear at least 1 conformity mark (40%)

Tests of RCCBs

23 brands present on Polish market

Tested by Independent, Certified Laboratory

Results:

13 products recognized as dangerous (57%)

5 of them bear at least 1 conformity mark (38%)

Focus on residential electrical installation devices

More than 280 products studied over 8 years

22 products (**8%**) recognized as **dangerous** (serious risk)

11 of them bear at least 1 conformity mark (**50%**)

More than **90 different brands of MCB** installed on the French territory





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Opportunities

European Proposal
For Market Surveillance

***Develop a “MSSI like”
in West Africa***

Art. 8 : MoU with private
organizations



- Federate companies who want to invest
- Create an informal structure in charge to setup the initiative
- Make a shared status on the problem at different levels (National and regional)
- Start with one or few countries
 - Create a formal structure compliant with local rules
 - Write a charter applicable and signed by all participant
 - Start formal link with Conformity Assessment Bodies
 - Established open links with authorities
 - Start to work following the processes described in previous slide
 - Report periodically to all stakeholders
- Expand the work in other countries

THANK YOU

MERCI



fisuel