

29 December 2011 – a milestone for BiH technical regulations

The 29th of December 2011 will be a milestone for the introduction of a new set of BiH technical regulations which are based on EU Directives.

From this date the enterprises shall be ready to adapt to the new legislation. After a two years transition period a new system based on EU principles shall show if it works.

But what does the new regulation actually mean for the public authorities; for the concerned conformity assessment bodies; for the enterprises and for the consumers?

Overall, the new technical regulation covering the low voltage area has two purposes. Firstly, it shall eliminate the trade barriers within the EU and secondly it shall ensure a high and uniform level of safety for users of electrical products.

The elimination of the technical barriers to trade means, among other things, that BiH must now introduce the same conformity assessment procedures as are used in the EU. These procedures move a lot of the responsibilities to the producers who are placing their products on the market. At the same time, the relevant conformity assessment bodies (laboratories) must adapt their services to the new EU requirements. This shift resulted in high costs and a decline in revenue in many of the EU countries so therefore the conformity assessment system is facing significant challenges in BiH.

For the authorities, a new set of rules, of course, also change the portfolio of tasks. The officials must acquire knowledge about the new regulation and also about the interaction with both companies and conformity assessment bodies' must now be undertaken in accordance with the principles applicable in the EU. In particular the control of the products placed on the market (market surveillance) must be conducted according to EU principles which differ considerably from the traditional inspection activities.

However, it is the enterprises which are facing the greatest challenge – but not all the enterprises. For those companies which are already exporting to the EU market

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the change of the regulation is actually a simplification as the products sold in BiH must now meet the same requirements as those sold in the EU. For the companies which place their products on the BiH and only export to countries which are not members of the EU it is a radical change as regards the conformity assessment procedures, marking requirements, etc.

For the consumers, the new legislation is primarily a boost in terms of safety. Especially the intensified control of the products placed on the shelves in the shops is expected to have the effect that unsafe products will disappear.

However, the introduction of this EU regulation covering electrical/electronic products, supplied by at least 50 VAC "Voltage Alternating Current" or 75 VDC Volts Direct Current, is only the first step. Shortly after the machines will also be covered by similar EU legislation and later on other product areas will be covered. In other words, Bosnia and Herzegovina is beginning to adapt the technical regulatory regime to the future EU membership.



Information about study tour to the Netherlands

Arranging study tours for the Market Surveillance Agency of Bosnia and Herzegovina (MSA) is a way to show various aspects on how Market Surveillance of non-food consumer products is performed in practice and to get an insight on the organisation and functioning of market surveillance in an EU Member State.

The study tour to the Netherlands, which took place in May-June 2011, was hosted by the Food and Consumer Products Safety Authority (VWA). Besides organisational matters the participants got an introduction about risk assessment used for non-food products, with an emphasis on a developing injury scenarios, severity of injuries, probabilities factors and a method for calculating risk level of a product - an area which has become increasingly important in Europe, for market surveillance purposes.

Visits were arranged to two laboratories and to a call centre, where the officials of the Market Surveillance Agency got an insight about procedures used in the Netherlands for handling consumer complaints. The first lab visited was the laboratory for physical and mechanical testing of non-food products in Zwijndrecht, Netherlands and the second one was a laboratory in Groningen, Netherlands dealing with chemical tests for the market surveillance purposes. Throughout this visit, methods and equipment for testing of non-food products such as toys, cosmetics and textiles were demonstrated.

In the course of the visits, the participants had the opportunity to ask questions and discuss specific topics related to the market surveillance practice of non-food products being used by the VWA inspectors and laboratory testing.

The lecturers and the participants had an interactive discussion on the market surveillance issues and the inspection practices being used by market surveillance officers with specific emphasis on the risk assessment of non-food consumer products and drafting the intervention policies. The importance of the international cooperation and exchange of information with other market surveillance authorities in Europe was also pointed out by the lecturers.

The MSA got very valuable some information about the intervention policy document prepared by the VWA.. The presentations that were given by lecturers were deemed good and helpful. Interactive approach and discussions gave the opportunity to the participants and lecturers to share information and experiences on market surveillance among others.

Dag Björklöf, EUSIP's Market Surveillance Expert stated that main aim of the Study Visit is to give Bosnia and Herzegovina officials the opportunity to exchange views with their counterparts and to learn from their experiences and good practices, as well as to examine the scope for adopting EU best practices in terms practical knowledge on market surveillance functioning, cooperation among different market surveillance actors and exchange of information regarding the dangerous and unsafe products.

Leaflets for consumers about safe use of products

When BiH's consumers are buying new or reconditioned products these must be safe as required by law. The General Product Safety Directive was transposed in the BiH legislation in the form of two laws: The Law on General Product





Safety and The Law on Market Surveillance in BiH. Other European products safety Directives are on their way to be transposed into BiH legislation concern safety of electrical products, machinery, personal protection equipment, toys etc.

An important part within the framework of the EUSIP Safety Infrastructure project is to support the Market Surveillance Agency of Bosnia and Herzegovina (MSA) so that they are able to implement this new legislation and control that products placed on the market fulfil all the new requirements.

In the Market Surveillance System, the MSA is responsible to inform producers, and importers about the new requirements. Furthermore, they are responsible to inform the consumers about new requirements concerning product safety. The legislation states that under normal or foreseeable conditions of use, consumer products should not present a risk, or at the most only a minimum risk, to the health or safety and should not cause damage to property.

To help consumers understand the risks when buying and using various products the Project together with the MSA has produced the following five leaflets:

- ❑ Child Safety products
- ❑ Consumer tips for safe use of electrical devices
- ❑ Consumer tips for safe use of garden machines tools
- ❑ Safety tips for parents
- ❑ Notification of dangerous products by economic operators

The leaflets will be distributed throughout BiH by the MSA and will be available on MSA's website www.annt.gov.ba, in October 2011.

Conference on Safety Infrastructure in Bosnia and Herzegovina on its way to EU integration

EU funded project "Safety Infrastructure in Bosnia and Herzegovina" is organizing a conference to mark the closure of the project in last quarter this year.

The Conference aims to address aspects of BiH's European integration process related to the Safety Infrastructure in BiH with focus on the transposition of EU legislation in BiH legislation, conformity Assessment and market surveillance.

It will be organised into two sessions. The first session will review results achieved for the last two years in the process of BiH's integration and convergence to the EU with the support of the Safety Infrastructure Project. The second session will shift attention to the lessons learned from Croatia where Croatian expert Ms Tamara Obradovic Mazal will present the experience from Croatia in this field and furthermore a representative of the EU Delegation will express the expectations to the future with regard to the development of the Quality Infrastructure.

The Conference will bring together representatives from the Institute of Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina (MoFTER), Market Surveillance Agency of BiH, Directorate for European Integration and Metrology as well as representatives from BiH Government, International Organizations, Non-Governmental Research Organizations and Academia. It will also raise awareness about the key issues concerning the Quality Infrastructure among the BiH officials as well as in the general public.

Information, information and information

The introduction of new legislation is rarely something that attracts much media attention unless it concerns increases of taxes or other unpopular measures. Therefore, the launch of the new technical regulations in BiH has not got an attention which is proportional to the practical significance – both when it comes to safety of products and economic importance.

However, it is not a situation which is only occurring in BiH. In many of the EU countries, it is the experience that companies react at the last moment before a new law comes into force. Therefore, the various authorities have to be prepared for a lot of questions when the time is approaching

and the new technical regulations covering electrical products, machines, personal protection equipment, etc. enter into force.

Also the users of the products, which shall now be affixed with a "C mark", will have questions.

Therefore there is a need for information material aimed at the different target groups.

Within the framework of the Safety Infrastructure project 7 different brochures about the new technical regulations have been developed. These brochures are aimed at manufacturers and distributors and the overall ambition is to provide information about the different regulations so that the economic operators can find out whether the regulations are of relevance to them.

By the end of September 2011 the brochures can be obtained from the Ministry of Foreign Trade and Economic Relations.

When the technical regulation is too difficult to understand...

The 21 so-called New Approach Directives which regulate a number of non-food product areas are characterized by being framework directives where it is left to the European standardization organizations to develop the detailed technical requirements for the specific products. Thus the manufacturers can find the precise requirements in the voluntary standards which at the same time give presumption of compliance with the general safety requirements in the directives.

However, standards are not developed for all products. If there is not a demand for a specific standard or there is a

lack of sufficient funding for a standardization project no standard is developed. It leaves the manufacturers to use the text of the Directives - possibly with the support from the requirements formulated in the standards for almost similar products.

When the manufacturer uses the text of the directive to ensure that the product fulfills the requirements of the directive he has to relate the requirements to the product and carry out a kind of interpretation of the requirements. However, such an interpretation is difficult and can easily lead to misinterpretations.

The texts of the directives are also frequently studied when there are doubts concerning matters that are not covered by standards. It could for example be matters related to the conformity assessment procedures. Again, the manufacturer is resorting to an interpretation of the text.

In order not to leave the various stakeholders in uncertainty regarding the understanding of the directives, the EU Commission has initiated the drafting of the EC Guidelines for the interpretation of the New Approach Directives. These guidelines interpret in plain words the texts of the Directives.

To support the implementation of the ordinances transposing the New Approach Directives into BiH legislation the Safety Infrastructure Project has in consultation with the Ministry of Foreign Trade and Economic Relations selected the EC Guidelines for 6 directives and translated them into local language. These so-called "Domestic Guidelines" consist of an introduction to the directive that makes it easy to use the translated guidelines. All guidelines will be uploaded on the website of the ministry and thus be accessible to all users.

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