

Market Surveillance

COMPLIANCE

RULES

REGULATIONS

GUIDELINES

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Harmonisation of Albanian economic and trade
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Rruga Ismail Qemali, No3, 2nd Floor,
Tirana, Albania.
T +355 42273424 / +355 42234365
www.giz.de

Contact:

Blerina Raca
Project Manager
E blerina.raca@giz.de

Zhenihen Zanaj
Project Coordinator
E zhenihen.zanaj@giz.de

Alma Bilali
Project Officer
E alma.bilali@giz.de

In cooperation with:
Ministry of Economic Development,
Trade and Entrepreneurship



**Market Surveillance
- Safer consumers,
fairer market competition**

Background

Market surveillance is crucial when it comes to protecting consumers from faulty or dangerous products and from any unscrupulous behaviour of economic operators. The government has a prominent role to play in terms of drafting rules that guarantee fair trade market competition and safer consumers. However, if rules are not rigorously enforced consumer safety can be compromised and unfair competition can flourish.

While technical regulations related to product trade and safety in Albania are in place and harmonized with the EU acquis, the country lacks an efficient market surveillance system that guarantees the enforcement of rules. The Ministry of Economic Development, Trade and Entrepreneurship (MEDTE) is responsible for setting up the Market Surveillance Inspectorate (MSI). During 2013-2014 MEDTE, assisted by the project, has developed working instruments to be used by the market inspectors. Furthermore, the project supported MEDTE in developing a fully-fledged proposal for establishing MSI in Albania. The proposal consists of the draft legal acts needed, options for the structure of MSI, forecasted start-up budgets, recommendations for amendments of existing legislation, and job descriptions for all departments proposed. It is expected that MSI will be operational by early 2015.

Approach

MSI, based on the working instruments developed with the support of the GIZ project, should perform a chain of interdependent processes such as:

- Inspections
- Sampling
- Laboratory testing
- Interpretation of results
- Decision making
- Execution of, and interventions in, legal processes which may culminate in sanctions for economic operators.

When a risky product has been identified, the MSI should take appropriate measures to alert consumers, within an adequate timeframe, of hazards they have identified relating to any product so as to reduce the risk of injury or other damage.

Once the shortcomings of the products and the associated risks have been assessed, a decision should be taken on whether sanctions ought to be imposed on the supplier, based on the principles of effectiveness, proportionality and consistency.

Based on the riskiness of the product in question, sanctions might include:

- Official warning
- Alert to consumers
- Sales ban
- Withdrawal of product from the market
- Recalls from consumers
- Destruction of the product.

When performing inspections, MSI should closely cooperate with accredited independent and impartial third-party conformity assessment bodies to ensure the protection of the public interest and the smooth functioning of the internal market.

Benefits

Expected benefits resulting from the MSI:

- Safer products with greater protection of consumers and the environment
- Increase of consumer confidence in the marketing of products
- Less unfair competition
- Greater control over imported products
- Harmonisation of inspections procedures with EU guidelines

