



voedsel en waren autoriteit

Mini (pocket) bikes / mini (pocket) atv's

Market surveillance & enforcement strategy in the Netherland

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Start of the enforcement in the Netherlands

The Netherlands:

- Several accidents in newspapers in spring & summer 2006
- Warnings on Websites of the Regional Police

EEC:

- On the agenda of the GPSD – committee
- On the agenda of the MD – ADCO



Picture of the situation;

Categorize the product

- Machine or motorized vehicle or both

Relevant legislation

What ministries are involved?

What enforcement organizations are involved

What do we know about the market?

Do we have complaints?



Picture of the situation

4 Ministries involved:

- Ministry of Traffic
- Ministry of Justice
- Ministry of Environment
- Ministry of Economic Affairs (EMC)

Agreement of enforcement strategy



Enforcement on two different tracks

Police;

–Traffic Directive

- Applicable for all motorized vehicles
- Mandatory license, type approval & insurance for all motorized vehicles on road

–Strict enforcement because of risk

- Visibility / use / misuse / etc
- Confiscation of bikes

–Fine

Solving the problem of dangerous situations on the road

Minibikes, ICPHSO



Enforcement on two different tracks

VWA:

- Machine Directive
 - Minibikes are considered to be machines
- General Product Safety Directive
 - Corrective actions (including recall if applicable)



Strategy of enforcement on Machine Directive

Organizing a stakeholder meeting

- Before enforcement actions

No branch organization, so collecting addresses through:

- Organization for minibike racing
- Consumer organizations
- Internet



Stakeholder meeting

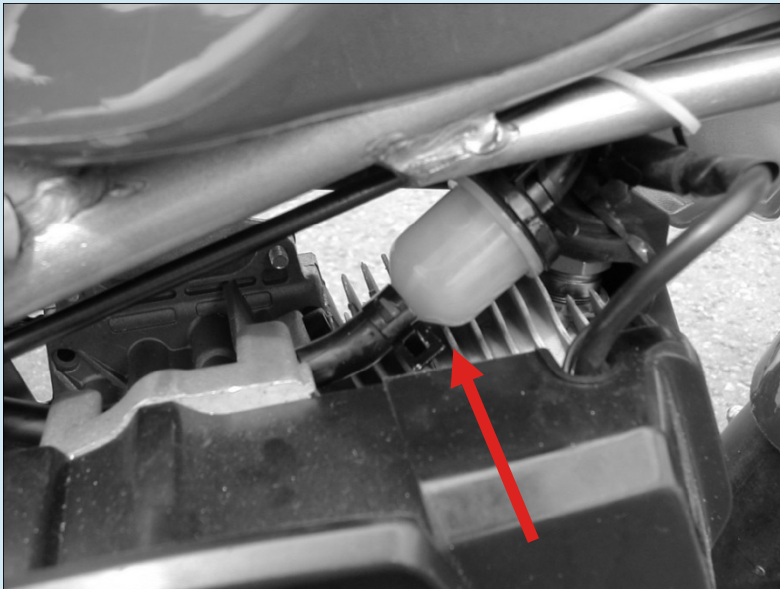
- Ignorant retailers
- Information on legislation
 - Machine Directive / Traffic directive
 - Fundamental health- and safety demands for Machines

General construction

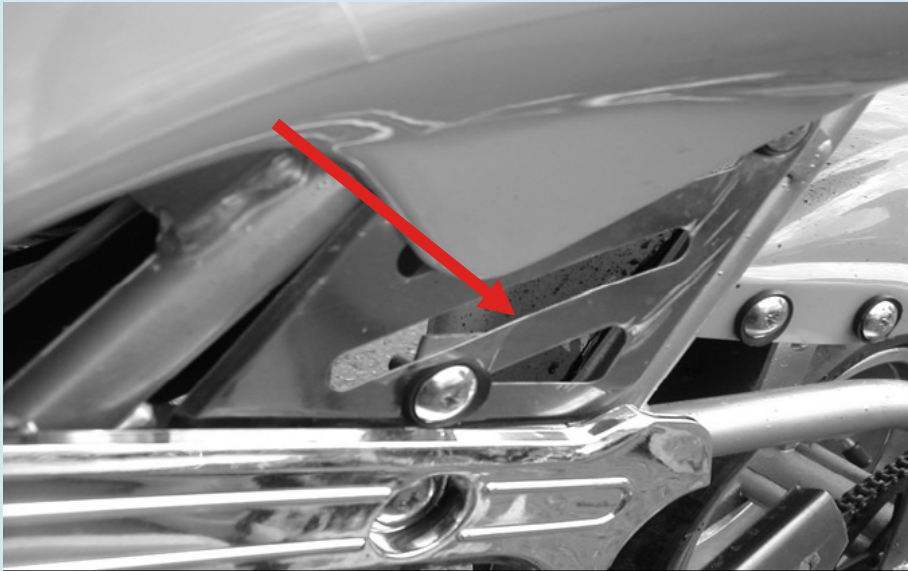


References in manual about maintenance of the bike.

Fire Hazard caused by machine



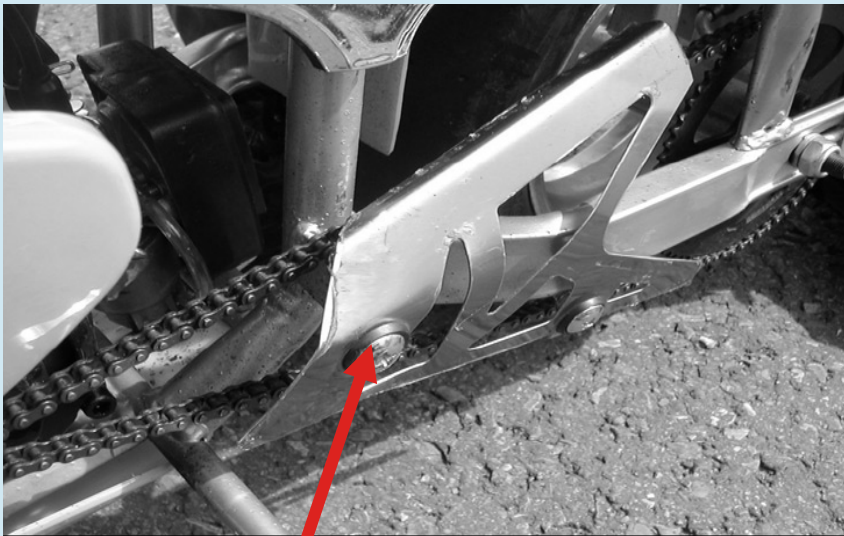
Sharp parts



Risk of rotating parts



Choice how to secure the rotating parts





Stakeholder meeting

- Ignorant retailers
- Information on legislation
 - Machine Directive / Traffic directive
 - Fundamental health- and safety demands for Machines
 - CE – Marking
 - Declaration of Conformity
 - Technical construction file
- “Education”
 - Responsibilities



Stakeholder meeting

- Discussion about possible improvements
- Impression of enforcement consequences
 - Fine(s)
 - Recalls
- Enforcement actions after 6 weeks
- In case of non-compliance; return inspections \leq 3 months
 - Doubled fines



Is this the right way to enforce?

YES:

- All stakeholders are informed very well
- Equal enforcement
- Some lose their business, but with understanding
- Within a few months, the only remaining market is:
 - For professional racing minibikes
 - For retailers with safe consumer products for use on private area's
- Effective



Is this the right way to enforce?

NO:

- No, time frame is far too long
- Takes a lot of energy
- Enforcement organization may act as a consultant agency



Summary

- Enforcement is complex;
 - Different ministries
 - Different responsibilities
- Stakeholder meetings are essential
 - Industry
 - Consumer organizations
 - Retailers
 - Etc
- Including your stakeholders make enforcement effective