

Streszczenie rozprawy doktorskiej mgr Anny Sadkowskiej /j.angielski/pt:
„Market surveillance model in conformity assessment systems”

My PhD thesis discusses the legal regulation of market surveillance in Polish law, based on the guidelines contained in EU directives and regulations.

The aim of my thesis is analysis the nature of this surveillance and determining the market surveillance model.

My methodology is based on the dogmatic method and the comparative method. The dogmatic method relies on the study of doctrine, jurisprudence and legal regulations. I also compare market surveillance procedures with other types of administrative supervision.

The principle of the free movement of goods guarantees that products that enter the internal market European Union fulfil requirements providing a high level of protection of public interests, such as health and safety in general, health and safety at the workplace, protection of consumers, protection of the environment and security. At the same time, the EU ensures that the free movement of products is not restricted more than is allowed under EU harmonisation legislation or any other relevant rules.

The essential requirements have been defined by the European Parliament and Council directives and regulations. Regulations are directly applicable but directives require implementation into national order. Products introduced to the internal market have declarations of conformity and CE marking or other additional markings.

Market surveillance procedures have been defined in the following EU Regulations: Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 laying down requirements for accreditation and market surveillance relating to the conditions for placing products on the market and repealing Regulation (EEC) No 339/93; Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and product compliance and amending Directive 2004/42 / EC and Regulations (EC) No 765/2008 and (EU) No 305/2011, which will be used from the day of July 16, 2021.

In Polish law, the compliance assessment system and market surveillance are regulated by the following statutes: the Act of 13 April 2016 on conformity assessment systems and market surveillance system, and the Act of 30 August 2002 on the conformity assessment system.

Public authorities of market surveillance control that products comply with the requirements set out in the relevant EU harmonisation legislation and do not endanger health,

safety or any other aspect of public interest protection. If not, market surveillance authorities order entrepreneurs to remove a product from the market or even to destroy it.

In addition, financial penalties are imposed on these entrepreneurs.

The entities responsible for the product's compliance with the requirements are the following: the manufacturer, the installer, the authorised representative, the importer and the distributor.

Three chapters at the beginning of my work concern: shaping the principle of free movement of goods, regulating product requirements, technical norms and harmonized norms.

In the Chapter four, I discuss the public interest protected by the market surveillance system.

In chapters five, six, seven and eight I analyse the features of market surveillance proceedings, the type of non-compliance with legal provisions on product requirements, the information and communication exchange system between market surveillance authorities from the Member States of UE.

In chapter ninth I analyse the structure of national market surveillance authorities, their competences and responsibilities.

The ending contains a summary of the research and outlines of the shape of product market surveillance.