

# International Monitoring, Verification and Enforcement Conference.

Session 7 Important and SMART Steps to  
Improve Compliance.

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Market Surveillance Authority

# Working with Regulated Entities from an Enforcement Perspective

- Business Incentives
- Working in Partnership
- Administrative actions
- Outcomes

# Why Does Business Comply?

- Most businesses do not deliberately breach legislation.
- Many countries have high fines for environmental and energy saving offences.
- Business reputation is often their unique selling point.
- Product feedback from consumers and enforcers through the internet can have a negative effect on business turnover.

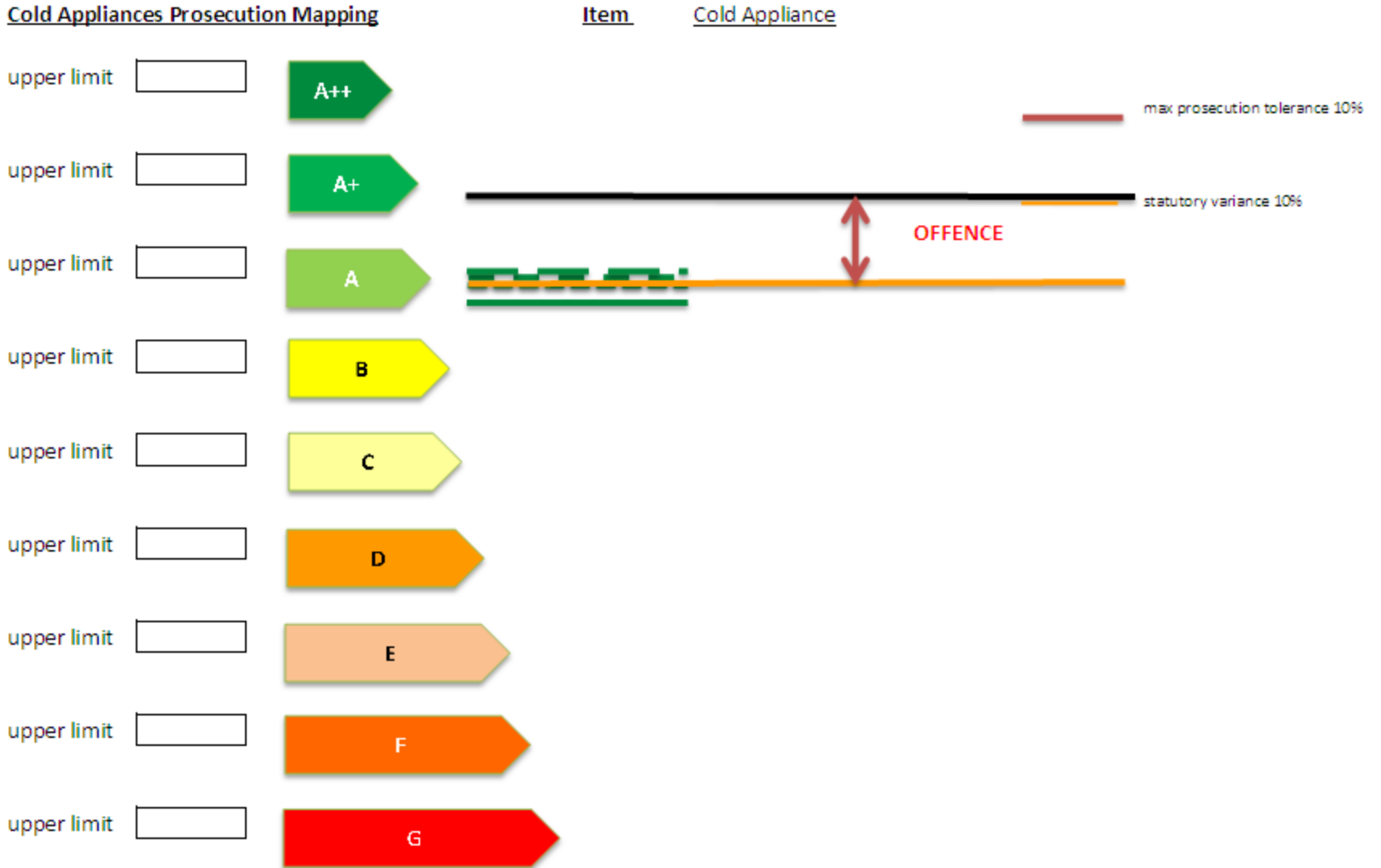
# Working in Partnership

- The UK Enforcement Authority Mission statement  
*“progressing in partnership towards full compliance.”*
- Enquiry service
- Awareness campaign
  - Web site
  - Publications
  - Trade associations
  - Exhibitions and trade fairs

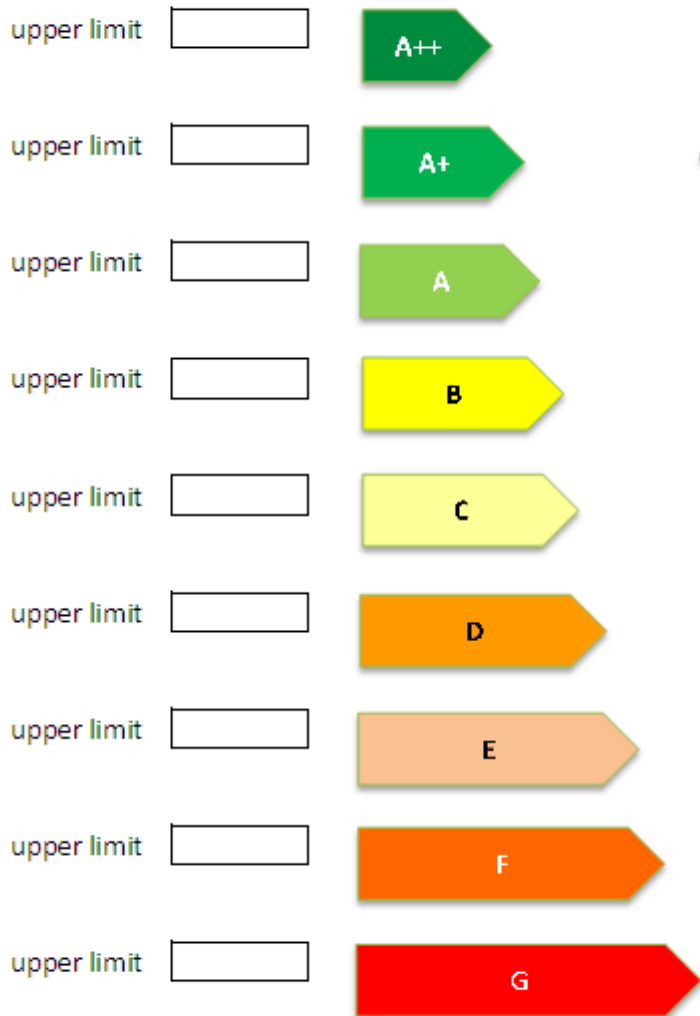
# Administrative Actions

- The Business Improvement Plan
  - Identifies the problem
  - Identifies a solution
  - Evaluates the impact
  - Has a strict timescale
  - Offers restitution
  - Puts in place preventative measures
- The formal and informal warning
- Other Legislative Actions e.g. Directive orders, civil and criminal actions

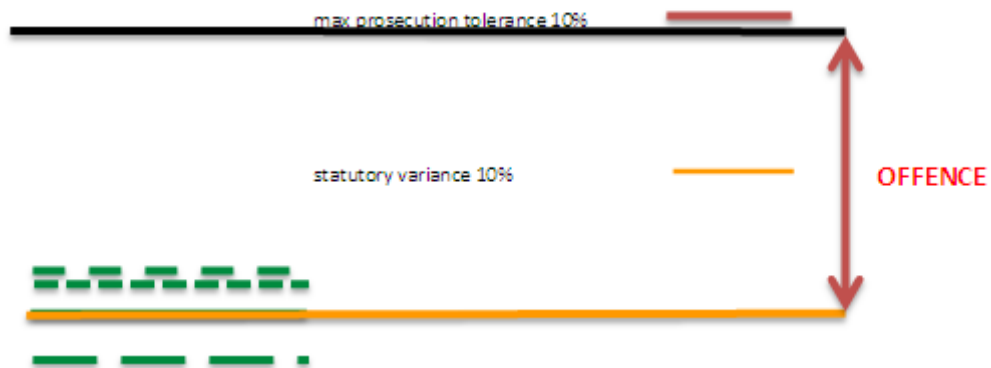
## Cold Appliances Prosecution Mapping



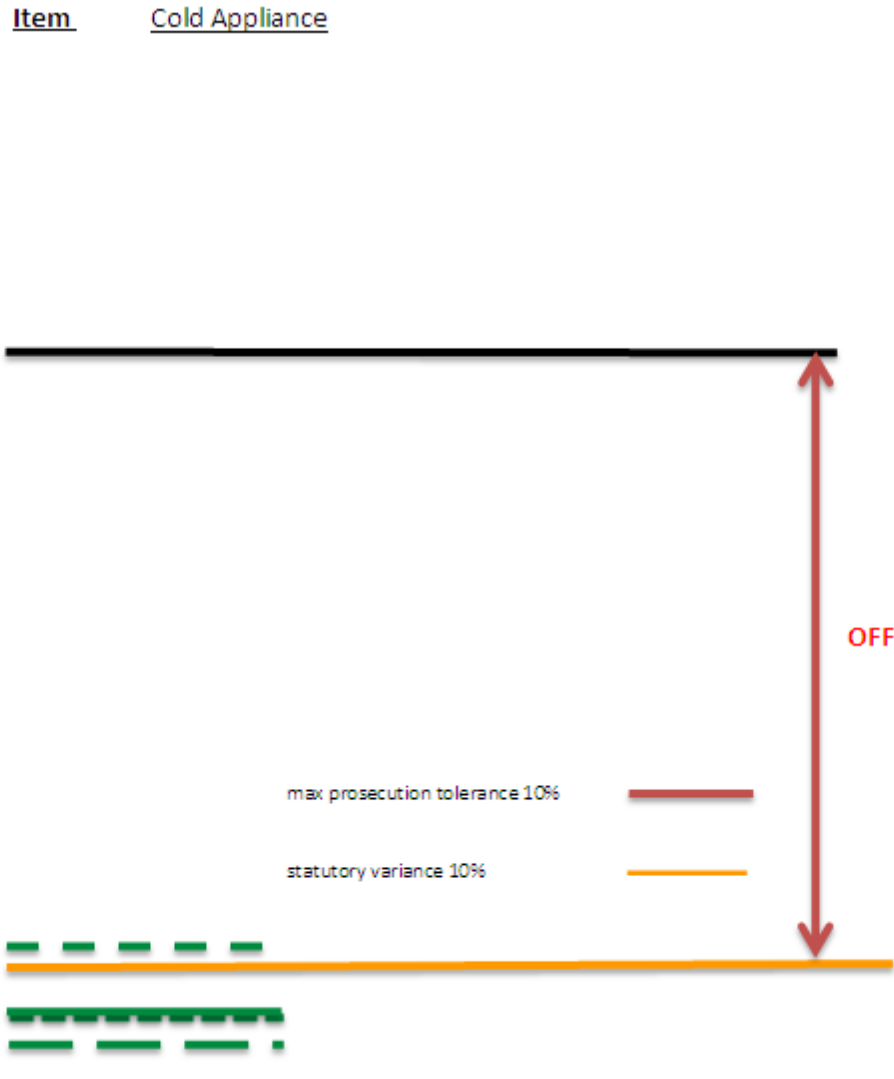
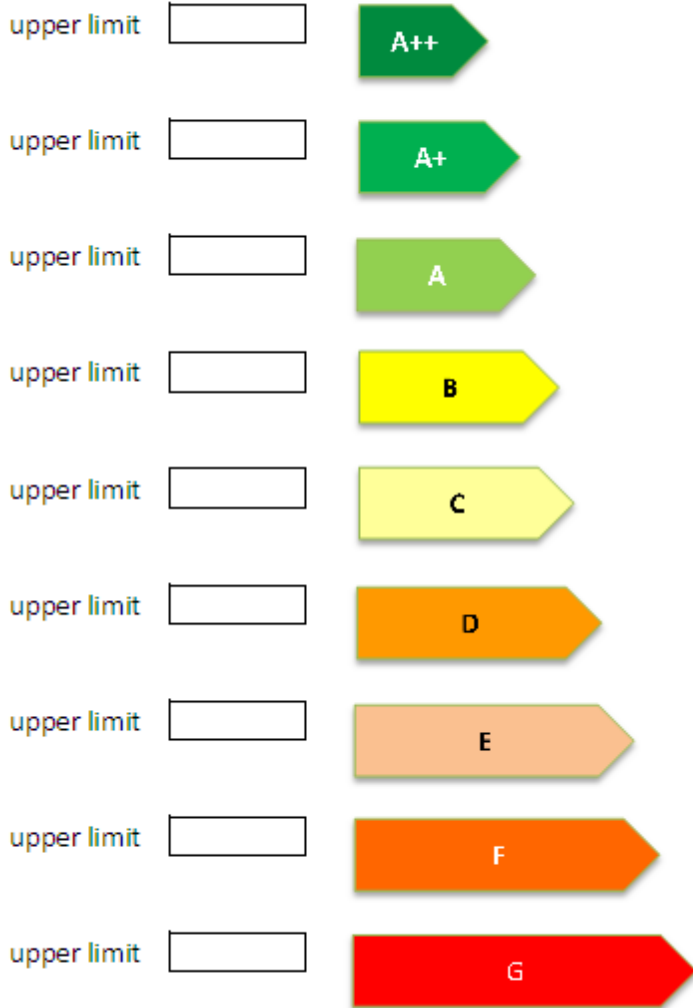
### Cold Appliances Prosecution Mapping



### Item Cold Appliance



**Cold Appliances Prosecution Mapping**





# Outcomes

- Businesses are more willing to come forward with problems.
- The objectives of the legislation get built into the business models for future production or importation.
- The environmental impact of non-compliant products is minimised.
- The Enforcement Authority achieve the legislative outcomes more quickly.
- The business avoids adverse publicity if they maintain an effective compliance system.
- It allows minor breaches of the legislation to be dealt with in a proportionate manner.

# Business Culture Partnership Approach Prevention

- Working with Business
  - Offers long term compliance
  - Changes business culture
  - Can be seen as positive by both enforcement authority and regulated entity
  - Proportionate solution
  - Lots of work for the business
  - Only way to really address business risk appetite
  - Action can be escalated in the future should action not be taken

# Product Assessment Reactive Policing Cure

- Difficulties
  - Need an active environmental lobby and press provision
  - Needs environmentally aware consumers
  - Need a well enforced labelling scheme
  - Requires trust between enforcement authority and regulated entity
  - The alternative is lots of work for the enforcement authority
  - The alternative generates same problems again and again (fireworks, under age sales)
  - Alternative penalty regimes are very much the final stage in a process

# Conclusion

- Appropriate powers, fines and penalties are necessary for those businesses that deliberately set out to breach legislation and mislead customers. They are also needed for those businesses that fail to follow the advice of enforcement authorities.
- Businesses that work with the enforcement authority are less likely to make mistakes and are more likely to deal with those mistakes effectively if they occur.

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