

**Memorandum of understanding  
on mutual assistance in consumer protection matters  
(draft)**

**between**

**the Hungarian Authority for Consumer Protection (HACP), on the one  
hand**

**and**

**the Market surveillance Agency of Bosnia and Herzegovina (MSA BiH),  
on the other hand**

(hereinafter referred to as 'Parties')

*Considering* that consumer protection and market surveillance in the area of non-food consumer products are matters of public interest and issues of high priority,

*Recognizing* that mutual exchange of experiences and information in consumer protection and market surveillance matters have significant benefits for both Parties, and may contribute to a safer area for European consumers,

*Believing* that mutual technical cooperation in the area of non-food consumer product safety, in the field of consumer protection and market surveillance – despite the differences in organizational structures and functions of the Parties – could strengthen the relationship between the Parties and result significant outcomes,

*Bearing in mind*, that the accession of Bosnia and Herzegovina to the European Union is our common interest, and the intention of the Hungarian Party is to provide assistance to the duties of legal harmonization in consumer protection and market surveillance matters in the course of the accession process of the Bosnian Party,

*Desiring to* foster the exploration of new solutions and possibilities in cross-border enforcement,

*Recognizing* that mutual communication is essential to reach the proposed objectives, to strengthen good relationship, and to render cooperation more effective,

PARTIES HAVE AGREED AS FOLLOWS:

**Article I.**

**General goals of cooperation**

- (1) The purpose of this Memorandum is the mutual cooperation of the Parties in the field of consumer protection and market surveillance especially in the area of non-food consumer products, in order to contribute to the effective operation of consumer protection and market surveillance system, and to uphold safe and consumer-oriented market of products and services in both countries.
- (2) To achieve and to fulfill the goals defined in section (1), Parties shall strengthen and develop their mutual professional relationship in the field of consumer protection and market surveillance through the exchange of experiences and information. Additionally this Memorandum also aims at establishing proper cooperation framework and contact channels between the Parties.

## **Article II.**

### **Exchange of information**

Parties shall mutually inform each other about:

- passing and amendment of relevant legislation;
- applied methods of consumer information and awareness raising;
- general information on inspection and enforcement activities (realization of inspection plans and programmes, coordination among regional inspectorates and customs authorities, product traceability);
- risk assessment and product testing methods and practices, including decision-making processes and enforcement measures (corrective/repressive) in the case of unsafe products (based on administrative and visual checks, laboratory tests and risk assessment);
- relevant experiences of applied laboratory testing methods, especially in connection with dangerous products and emerging health and safety issues;
- plans and programmes of inspection and enforcement activities;
- international conferences and other professional events (workshops) organized by the Parties;
- projects and tenders aiming to provide financial contribution to joint work in the field of consumer protection and market surveillance.

## **Article III.**

### **European Union Aspects**

In order to promote and help its accession to the European Union – by request of the Bosnian Party – the Hungarian Party may offer its assistance in the framework of exchange of information mentioned in Article II in the following fields:

- relevant EU legislation and harmonization requirements in the field of consumer protection and market surveillance;
- practical assistance during implementation of harmonization measures;
- providing assistance and support if the Bosnian Party wishes to join international organizations of market surveillance and consumer protection;
- EU projects, tenders, professional events and conferences in the field of consumer protection and market surveillance which are open for and may interest the Bosnian Party.

## **Article IV.**

### **Exchange of Documents**

(1) For a more effective exchange of information, the Parties shall make available and inform each other on their publications and other information materials, may jointly elaborate other sources of information (e.g. reports, manuals, check-lists) in consumer protection and market surveillance matters, preferably in English, if it is available.

(2) Parties may additionally make available: documentation of measures taken, description of risks (with test-reports and certificates, if available), and detailed documentation of unsafe products.

## **Article V.**

### **Laboratories**

(1) The Food and Chemical Laboratory of the Hungarian Authority for Consumer Protection accredited according to standards ISO/IEC 17025:2005 - always by prior arrangement and depending on free capacity - offers cooperation to the Bosnian Party concerning laboratory tests of foods, cosmetics, household chemical products, toys, paints, varnishes and tobacco products based on current rates.

(1) The Mechanical and Electrical Laboratory of the Hungarian Authority for Consumer Protection (Accr. Number: Nat-1-1120/2010) - always by prior arrangement and depending on free capacity - offers cooperation to the Bosnian Party concerning safety tests of household and similar electrical appliances; safety tests of electric toys; test of audio, video and similar electronic appliances; test of luminaries; safety tests of hand-held electric motor operated tools; test of plugs and socket outlets for domestic purposes; safety tests of toys; test of information devices, charging devices for cellular

phones; universal tests; test of children's high chairs; safety of children's clothing items; test of changing units; test of soothers for babies and young children; test of skateboards, roller-skates and scooters; test of baby walking frames; test of playpens for domestic use; test of bicycles for young children; test of domestic furniture and seats; test of lighters; test of swing, slides and similar activity toys based on current rates.

#### **Article VI.**

##### **Meetings and consultations**

- (1) If required, Parties may carry out rapid consultation about their activities in the frame of international relations and market surveillance, and in cases requiring urgent actions.
- (2) Parties may decide to organize regular bilateral consultations on an annual or semi-annual basis, study visits, trainings and informal expert meetings in order to enhance knowledge, coordination, and decision-making in market surveillance and consumer protection issues.
- (3) Parties shall mutually offer the possibility of study visits, in order to gain knowledge about procedures, coordination, planning of activities, decision-making processes, and development of manuals, check-list and other inspection documentations.

#### **Article VII.**

##### **Communication and contact points**

(1) Communication and exchange of information between the Parties shall be carried out via electronic means of communication (e-mail, web seminars and conference calls), and in the course of personal meetings.

(2) In order to ensure efficient and rapid flow of information, contact points are designated by the Parties:

- On behalf of HACP, Mr. Péter Aranyi, Head of Unit, Unit for Strategy and International Relations, on the one hand,
- On behalf of MSA BiH, Ms. Azra Tabaković Kedić, Expert Advisor for Coordination in European Integration Process, on the other hand.

#### **Article VIII.**

##### **Review**

The Parties shall monitor the state of cooperation continuously, shall review it annually and perform mutually agreed amendments if required.

#### **Article IX.**

##### **Financial questions**

Financial expenses arising from mutual cooperation in the course of practical enforcement of this Memorandum shall be covered by the Parties from their own resources, unless otherwise agreed.

#### **Article X.**

##### **Confidentiality**

The exchange of information and cooperation shall be performed with respect to international and national privacy and data protection provisions.

#### **Article XI.**

##### **Closing Provisions**

The Agreement is for an indefinite period and enters into force on the day of signing. It can be amended only by mutual consent of the Parties. Each Party may terminate this agreement by giving a written notice of termination to the other Party two months prior to the date of termination.

The text of this Agreement is drawn up in two originals in the English, Hungarian and Bosnian/Croatian/Serbian languages. In case of eventual disputes concerning the interpretation, the English version shall be authentic.

The Agreement is not subject to international public law.

Signed in ..... on....., 201...

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*For the Market Surveillance Agency of Bosnia  
and Herzegovina*

.....  
*For the Hungarian Authority  
for Consumer Protection*