

THE STRUCTURE OF NETWORK ADMINISTRATION ON THE EXAMPLE OF THE ORGANIZATION MARKET SURVEILLANCE REGARDING PRODUCT SAFETY IN THE EUROPEAN UNION

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Abstract. This article examines how product surveillance actors operate in the EU's network structure, with a focus on forms of cooperation. Specifically, the study explores coordination systems adopted in market surveillance to demonstrate the network structure's suitability for implementing the European Union's policy on product safety assurance. The paper aims to demonstrate that in the context of the rapidly evolving e-commerce industry and the rise in cross-border sales of goods to the EU, market surveillance is ensured through a legal framework that involves cooperation between surveillance authorities and economic operators at both the national and EU level, within a network structure. The effectiveness and efficiency of this approach is established through the coordination of actions and sharing of information among the entities involved.

Keywords: administrative networks; network administration; EU internal market; market surveillance; coordination

INTRODUCTION

The normative system of product safety is intended to make the free movement of goods in the EU a reality and, given the need for the marketed products to be verified for safety, market surveillance had to be organized as a networked structure, so as to ensure uniform and consistent application and enforcement. However, dynamic technological progress (development of the digital environment and online transactions) and the emergence of new supply chains in the EU market made it necessary to update the existing structure by introducing new organizational arrangements to boost the effectiveness of surveillance. The increasing number of remote,

largely online transactions, and products from third countries entering the EU internal market, requires increased surveillance, due to the growing risk of an influx of products that fail to meet the requirements laid down in the harmonized standards and thus pose various risks to users purchasing goods online. The new market realities imply the necessity for networked structures of market surveillance as well as coordinated action and cooperation of network administration actors to ensure effective and efficient surveillance of the safety of products entering the EU through all distribution channels, including online.

In view of such risks, integration of market surveillance was augmented by the EU lawmaker in the EU Regulation 2019/1020,¹ which introduced a new approach to product safety surveillance. First and foremost, it is to be brought up to date by reinforcing network market surveillance structures and the applicable modes of administrative interaction. This paper sets out to demonstrate that in the conditions of dynamic development of e-commerce and the influx of remotely purchased products into the EU market, the efficiency and effectiveness of market surveillance is assured by the legal mechanism of cooperation, including coordination of actions of surveillance authorities and cooperation with economic operators at the EU and national level within the network structure.

1. COOPERATION OF THE NETWORKED ECONOMIC GOVERNANCE AND THE CRUCIAL ROLE OF COORDINATION

The cooperation is not an unequivocal notion in either legal or doctrinal terms. When qualifying diverse forms of action which involve joint efforts resulting from the mutual relations of entities – owing to specific organizational or functional ties – cooperation is usually the preferred term. This produces certain difficulties in the legal qualification of acts which constitute a manifestation such a mode of action on the part of administrative entities.

In the jurisprudence of public economic law, cooperation is considerably underscored when analyzing the operation of network administration which, given the nature of its functions, performs public tasks by way of cooperation [Królikowska-Olczak 2018]. After all, it is characteristic of the tasks carried out in networked structures to be complex as well as involve multiple dimensions and intricate configurations, which require interaction between specialized entities. In order to perform such tasks effectively and efficiently, the lawmaker increasingly often takes advantage of (and creates) networks

¹ Regulation (EU) 2019/1020 of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011, OJEU L 169/1 of 25 June 2019.

of connections within the EU and national administration, establishing a normative mechanism of cooperation, along with necessary rules governing coordination. By extending the circle of cooperating entities to include those outside the administrative structures, it sets out rules of cooperation with private entities.²

The gradually broader catalogue of entities involved in the implementation of public tasks (public administration, administrative entities) and the deepening relations (in terms of competences and tasks) between them yields a picture of cooperation that takes place on many levels, using diverse means and legal forms of action [Strzyckowski 2023, 199]. Therefore, cooperation should be part of a more comprehensive research on the typology of cooperative activities. Cooperation within the structures that form a network of competence – and task-related connections may differ in intensity (which is determined by the nature of the relations occurring between the cooperating entities, the degree to which decisions may tie one entity to another), be undertaken by distinct categories of administrative entities (those which possess the status of public administration bodies and those which do not, but perform administrative functions nonetheless), relying on typical though increasingly often specific (different from typical, displaying distinct features) legal means and forms of action. Collaboration is an immanent characteristic of both administration and public management,³ due to the structural organization of public administration and the tasks with which they are entrusted. M. Stahl observes that: “The area of collaboration is extensive [...]. The scope of collaboration encompasses the internal sphere of state administration, the sphere of public administration in the broad sense, the sphere of collaboration of such administration with non-public entities that perform public tasks, as well as the external sphere – the cooperation of public administration in a co-domain with private entities” [Stahl 2013, 358ff and the literature cited therein]. Network administration provides an excellent testing ground for these findings, particularly where it concerns vital functions of administration in the economy.

Studies which analyze cooperation within the network of authorities and collaboration with entities outside its structures – which are engaged in public tasks – emphasize that its scope is constantly expanded to include spheres of activity that, being crucial from the standpoint of the state as well as the European space, have hitherto been reserved for public administration. Exercising regulatory, surveillance, control and rationing prerogatives represent those areas in which cooperation is not merely important – it is

² On cooperation see e.g. Mączyński 2014, 29-30 and the literature cited there.

³ On public management see e.g. Hausner 2008, 48; Gow and Dofour 2000, 578-79; Hofmann and Türk 2009, 1.

indispensable and integral to the performance of complex tasks.⁴ Still, it should be noted that it takes place within the framework of tight (collaboration) or relatively loose organizational ties (cooperation), which involve both authoritative and non-authoritative forms of cooperation: consents, opinions, exchange of information, consultations. For this reason, it seems that special attention in the analyses of cooperative modalities should be paid to coordination, which not only exemplifies a cooperative relationship but also serves to organize and structure the activities of the collaborating entities, which is also evident in the analyzed product safety system that operates within a network of entities.

In research on cooperation, coordination of the activities of public administration bodies – or, more broadly, administering entities – appears easier to capture from a structural point of view than other modalities whose nature is not so “distinctive”. Even so, it must be stressed that the concept of coordination is not unambiguous, and the views formulated on this form of cooperation, including the legal construction of coordination, offer no conclusive solutions [Rudnicki and Skoczny 1971, 798-808; Sobczak 1971, 298; Weiss 1975, 25-46]. This is because coordination and acts of coordination are equated with cooperation and collaboration. T. Kotarbiński defines coordination as working together to eliminate conflict [Kotarbiński 1965, 15]. According to O. Lange, coordination means gearing individual activities in a concerted manner towards a common goal [Lange 1966, 47]. The underlined element of “achieving a common goal” in the course of performing public tasks may describe the essence of coordination, but it is also a component in “cooperation” and “collaboration”. Thus, distinguishing between the concepts is fairly problematic. The semantic demarcation of cooperation, collaboration and coordination also proves difficult because the legal instruments and their assigned legal forms of action are often the same or structurally similar, while their catalogue is not finite.

Coordination serves public administration bodies whose spheres of competence “intersect” to resolve common problems or to accomplish common objectives, but as the legal relationship of coordination is shaped, one entity (the coordinator) exerts an influence on another entity (the coordinated). Importantly, the participants in this relationship are unable to optimally fulfil the task (accomplish the objective) on their own due to the scope of respective tasks and competences. This means that the lawmaker introduces the relationship of coordination when cooperation within the coordinative modality serves to harmonize and integrate the actions of certain organizational structures by aligning the interests of the coordinating entity with those of the coordinated entity; specifically, this is the public interest whose

⁴ On the state functions in the economy see Popowska 2006.

exponent is the coordinating entity. At this point, one might ask about the interdependencies occurring between the entities in the coordinative relationship, including the nature of the relations between them. These interdependencies may be considered on multiple levels: is it a relationship of equality or subordination; can one of the entities intervene authoritatively in the activities of the other entity of the relationship, thus determining its substance and, moreover, can the entity with respect to which certain actions are taken (as part of cooperation) evade taking actions that ultimately serve to shape that relationship? [Kokocińska 2018, 65-78]. This is decided by the normatively formulated structure of the legal relationship, including the competences, the position of an authority in the hierarchy of public administration, the scope of its tasks and the employed cooperation instruments.

In the coordinative arrangement, which should be regarded as a qualified form of cooperation, the activities of the coordinating entity have an indirect impact on the actions of the coordinated entity, whereby the coordinating entity does not take over the competences of the coordinated entity, but influences how they are used by the coordinated entity. Therefore, the resulting organizational and competence arrangement may be seen as a “type of relationship of superiority” of the coordinating entity over the coordinated entity, which does not derive from the competence arrangement. In a coordinative setup, the organizational independence of the cooperating entities whose activities are to be harmonized is preserved, as demonstrated in the analysis of the product safety system later on. It should be noted that coordinative arrangements are permanent, and the relations linking the entities involved are peculiar and unlike other organizational arrangements, as their legal grounds are distinct in material and formal terms [Chełmoński 1980, 476-77]. The fact that coordination relies on a separate normative basis and constitutes a distinct legal institution distinguishes this formula of cooperation from others. Another special feature of coordination is its complementary nature, in the sense that it serves to accomplish public objectives as part of other functions of the state performed by public administration bodies (surveillance in the economy in this particular case) by way of harmonizing and integrating activities, or establishing uniform positions.

Coordination is vital for the functioning of the surveillance system in the product market, but one cannot fail to note the increasing importance – particularly underscored in the EU regulations – of another mode of cooperation, in which public administration bodies team up with private entities. The inclusion of private actors in public administration tasks is essentially based on collaboration. The tendency to “shift the delivery of public tasks” to entities outside The Structure of public administration has been noticeable for many years, resulting from the implementation of e.g. the principle

of partnership or the concept of civil society. The cooperation between public and private entities gives rise to a number of highly complex issues, such as the legal nature of the relationship, the type of relationship between the private entity which carries out a public task and the citizen, the legal forms of cooperation or the scope of responsibility. These questions require detailed legal analyses as the cooperative purview of the administration involved in product market surveillance sees constant expansion.

2. THE NORMATIVE PREMISES UNDERLYING PRODUCT SAFETY SYSTEM WITHIN A NETWORK STRUCTURE

In the normative aspect, product market surveillance is a component in the broadly defined legal system of product safety, which comprises: legal measures (product requirements, essential or otherwise) product standards and technical specifications, rules and standards which inform the competence of conformity assessment bodies, rules of granting accreditation, conformity assessment procedures (modules and rules for CE marking), legal institutions (market surveillance, including controls of products from third countries), administrative surveillance structures (surveillance authorities)⁵ as well as organizational and technical tools (information systems for dangerous product properties). In EU legislation, the essential premises, objectives, institutions and legal measures of such a system are specified in Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93,⁶ as well as in Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008.⁷ The rules of market surveillance rules are governed under Regulation 2019/1020 EU of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011.⁸

Market surveillance has been introduced with a view to safeguarding legally protected values such as health and human life, and protect the environment from hazards that may be caused by products that fail to comply

⁵ More broadly on the premises of the compliance system: Commission notice – The ‘Blue Guide’ on the implementation of EU product rules 2022, (2022/C 247/01), OJEU C 247/1 of 29.6.2022; Kieres, Borkowski, Kiczka et al. 2009, 228-47; Żywicka 2018, 283-91; Fisher 2017, 234-40.

⁶ OJUE L 218/30 of 13 August 2008, consolidated text of 16 July 2021.

⁷ OJUE L/91 of 23 March 2019.

⁸ OJEU L 169/1 of 25 June 2019.

with the normative requirements. The majority of non-food products placed on the internal market (irrespective of the distribution channel) are currently subject to market surveillance, in order to assess whether they meet the requirements set out in harmonized standards.⁹

With the efficient functioning of the economy in mind, the importance and the need for a networked market surveillance is well evinced in what is essential to the compliance verification process [Żywicka 2023, 127-42]. The chief premise of the conformity assessment system (and more broadly: the normative system of product safety) is that Member States shall recognize harmonized products that have been obligatorily checked prior to being marketed in the EU and have met the requirements set out in the European harmonized standards. Compliance with these requirements is attested by the CE marking attached to the product by the economic operator. The object of regulation in the system's harmonized standards is in fact expressed in specific, precisely defined requirements for products. The obligation to demonstrate that these requirements are met rests with the manufacturer or importer of products, which are verified in the course of applicable procedures. At the same time, it should be emphasized that the so-called "new approach" in technical harmonization presumes that a product is safe when it satisfies the essential requirements only (as defined in the technical standards), whereas failure to meet other, non-essential requirements, i.e. those not included in the standards, cannot result in restrictions on the marketing of the product on the internal market [Idem 2018, 433-34].¹⁰

Another reason to have a networked market surveillance in place is that public administration also outsources tasks (privatization of public tasks) relating to product compliance verification. These tasks are mainly performed by private entities (accredited notified bodies) [Idem 2020, 138-39], or in fact entrepreneurs engaged in conformity assessment business. Provision of such services is a commercial undertaking, and takes place in accordance with the rules of competition which, among other things, means that these entities compete in terms of speed of delivery or the fee they charge for the services. The commercial nature of the tasks transferred to the private sphere may raise concerns about their reliability, especially since it is the entrepreneur (manufacturer, distributor, importer of products) who has

⁹ Regulation 2019/1020 EU applies to several dozen types of non-food products, the requirements for which are specified in more than 70 regulations and directives listed in Annex I to the Regulation.

¹⁰ The identification of other hazardous characteristics of a product (not covered by standardisation) does not release the manufacturer or importer from liability; the principles which apply in such cases are set out in Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety, OJEU L 011, 15.01.2002, P. 0004-0017. Recital 66, Regulation 2019/1020 EU.

the right to choose a notified body to have their products checked for compliance [Idem 2016, 53-62]. Furthermore, the entrepreneur may opt to have the procedure carried out by a notified body based in any EU country. The reliability of compliance verification services is guaranteed by administrative-legal regulations which set out detailed, stringent requirements for entities seeking accreditation (notified body status) and benchmarks of efficient market surveillance by public authorities.

3. NETWORK STRUCTURE OF PRODUCT MARKET SURVEILLANCE IN THE EU

From the standpoint of the issue discussed here, it is fundamentally important that the organization of administrative market surveillance structures – i.e. procedures, means of surveillance and applicable sanctions – remains within the purview of the Member States (in line with the principle of respecting national identity of the states), which regulate it within their own administrative structures and according to their own legal orders; simultaneously, the national market surveillance authorities are integrated with the European surveillance structure as part of the administrative network. This is what I. Lipowicz describes as Europeanization of administrative structures in the structural layer [Lipowicz 2008, 5-12]. Given the very broad extent of surveillance and international flows of goods, having such competences concentrated in the hands of a single authority (be it only at the national level) would, considering efficiency and effective enforcement, be difficult to say the least [Żywicka 2019, 434]. In the light of Article 10 of Regulation 2019/1020 EU, each Member State appoints at least one surveillance authority and a single liaison office. Member States are further required to provide budgetary, personnel and organizational resources to efficiently carry out market surveillance of products provided via all distribution channels, carry out controls of products, organize their activities and ensure coordination among themselves at the national level, as well as engage in cooperation across the EU. Each Member State therefore establishes an internal organizational framework for market surveillance, which bears the main responsibility for carrying out surveillance duties and organizing procedures in the country. While being part of the domestic administrative structures, this arrangement is equipped with prerogatives to enforce EU product safety law.

In order to maintain consistency in the application and enforcement of law at EU level, the following have been regulated: uniform conditions for inspections, criteria for determining the frequency of controls and the number of samples to be inspected for specific products or categories of products, procedures for designating Union testing bodies, benchmarks

and control techniques on the basis of a common risk analysis at Union level, particulars concerning statistical data from controls carried out by appointed authorities in relation to products subject to EU law, details of arrangements for the implementation of information and communication system, particulars of data that customs authorities submit to have products undergo the customs procedure known as “release for free circulation” procedure as well as the approval of individual pre-export product-related control systems and withdrawal of such approval.¹¹ Executive powers in this respect have been granted to the European Commission; other market surveillance bodies at EU level include the Union Product Compliance Network and the Administrative Cooperation Groups (ADCOs).

This arrangement of competences results in a two-tier network organization of administrative market surveillance structures, consisting of the European Commission, the Union Product Compliance Network and the Administrative Cooperation Groups (ADCOs) at EU level, and the national market surveillance authorities (including single liaison offices) in the Member States at the national level. By defining the organizational and functional relationships between authorities, normative regulations align mutual interactions so that they remain coherent both internally and as part of the network. Still, this arrangement translates into the competences of the individual bodies involved in market surveillance (lawmaking, product controls, administrative proceedings). Legislation specifies the scopes of action of the authorities, including the competence of certain bodies to influence others.

Thus, market surveillance authorities actively identify and eliminate the risk to the life and health of users presented by products, prioritize surveillance activities and carry out coordinated enforcement in the internal market and domestic markets, which requires close cooperation at EU level. In order to enhance this cooperation and coordination, Regulation 2019/1020 EU established the Union Product Compliance Network, a structure composed of representatives of all entities involved in market surveillance (Article 30 of the Regulation).

The activities of market surveillance authorities are based on administrative coordination, collaboration and cooperation, also with third countries. However, the coordination setup adopted in Regulation 2019/1020 does not allow a single coordinating entity to be clearly and easily identified. In fact, two centres coordinating the activities of this network administration appear to be in evidence. In the organizational, formal and financial terms, the coordinating body is the Commission; it is vested with executive powers while its tasks include ensuring smooth functioning of the information

¹¹ Recital 66, Regulation 2019/1020 EU.

and communication systems at EU level and use of administrative cooperation instruments. On the other hand, the Union Product Compliance Network is responsible for the substantive aspects of surveillance, since its activities are to ensure coordination and cooperation between Member State enforcement authorities and the Commission; it is also expected to optimize EU market surveillance practices and increase their effectiveness (Article 31 of the Regulation). However, the coordination prerogatives of the two entities are not disjunctive but derive from one another and, being complementary, necessitate close interaction between the Commission and the Union Product Compliance Network in the field of market surveillance (Articles 31 and 33 of Regulation 2019/1020).

In this organizational arrangement, the role of the Administrative Cooperation Groups (ADCOs) is also quite relevant. Being sectoral, they deal with specific market surveillance issues relying on sector-specific directives and regulations that lay down requirements for specific product groups. All ADCO groups have the status of coordinated entities, just as the national market surveillance authorities. It should be stressed that both coordinating and coordinated bodies are composed not only of representatives of the Commission, but also representatives of each Member State, including representatives of each single liaison office and, optionally, national experts. Consequently, countries are actively involved in the decision-making process while particular features of the trade in goods in any national economy may be taken into account when determining prospective action. However, it would be difficult to disagree with a problem identified by I. Lipowicz, namely that – on a European scale – the responsibility for taking decisions on the detected infringements may become blurred with administration networked in this fashion [Lipowicz 2008, 7].

The efficiency and compatibility of EU market surveillance at Union and national level are to be ensured by the single liaison offices. Established in each Member State, the latter bridge the EU and national structures. They are responsible for representing a coordinated position of the domestic market surveillance and customs authorities – including those which carry out controls of products entering the Union market – and for providing information on national market development strategies. Very often, such offices act as coordinating entities with respect to the domestic network structure of market surveillance.

4. LEGAL FORMS AND MEANS FOR ORGANIZING THE ACTIVITIES OF THE NETWORKED MARKET SURVEILLANCE ADMINISTRATION IN THE EU AND COOPERATION WITH ECONOMIC OPERATORS

In an internal market “without borders” with its highly dynamic influx of goods, product safety necessitates coordinated action, such as formulating common control plans, or having joint or sequential controls carried out by the administrative authorities of different countries. Hence, their positions need to be continually confronted (from the various standpoints dictated by their location in the network structure) while issues that may arise have to be solved jointly. This problem has long been recognized by the EU lawmaker, therefore coordination and administrative cooperation has been opted for as a form of organizing market surveillance activities, enabling the stakeholders to arrive at common positions and uniform policies in a shared area of interest (ensuring product safety). The network of links and adopted coordination arrangements makes it possible to undertake prompt action. The network administration is normatively obliged to engage in cooperation while specific authorities (solely on material grounds) are equipped with coordinative competences.

Market surveillance system relies on traditional acts to organize the activities of the network administration: market surveillance strategies (Article 13) surveillance plans and programmes (Article 12(2)), agreements, positions, opinions, peer reviews and endorsement of best practices (Article 12(1)) as well as ongoing exchange of information between the surveillance authorities in all coordination arrangements. Regulation 2019/1020 comprehensively sets out the relevant responsibilities of the authorities at EU and national level. These forms are intended to ensure coherent action, consistent application of law and surveillance conducted in line with uniform rules. The measures listed above facilitate accomplishing the objectives set for this structure, which fall within the purview of respective authorities involved.

In parallel with coordination of market surveillance, one develops administrative cooperation or so-called “joint activities to promote compliance”, involving not only the administering authorities but also the administered entities participating in the product supply chains. Article 9 of the Regulation imposes a legal obligation for both the network administration and individual market surveillance authorities in the Member States to cooperate. This cooperation may be pursued through agreements, exchange of information as well as requests for enforcement submitted to another country when correcting product non-compliance requires legal measures within the jurisdiction of another Member State. Increasing the effectiveness of market

surveillance of products originating from third countries and marketed as a result of direct and remote transactions requires intensified international cooperation with third-country regulatory authorities and international organizations to exchange product-related information. International cooperation takes place on a reciprocal basis, under the existing agreements. In this respect, one also takes advantage of pre-export product control systems (approved by the Commission) operating in a given third country, which thus verifies products immediately prior to their being exported to the Union.

Importantly, the EU lawmaker recognizes that it would be impossible to ensure an effective product safety regime without interfacing with both economic operators involved in goods trade and end-users. This takes place through cooperation and may be considered to constitute the third tier of the networked market surveillance structure, although it formally transcends that framework. Here, cooperation consists in information exchange and agreements. Chapter III of the Regulation introduces a legal obligation for market surveillance authorities to assist and cooperate with economic operators. It stipulates that information on the implementation of national and EU harmonization legislation applicable to products be provided free of charge and affirms the need to conclude agreements with organizations which represent economic operators and end-users. Furthermore, Article 7 of the Regulation obligates economic operators and information society service providers to cooperate with market surveillance authorities with regard to actions that may eliminate or mitigate the risks posed by products that said operators make available on the market.

The dynamic development of e-commerce, online platforms and offers targeting prospective purchasers in the EU, requires surveillance verification of products available online. Therefore, to enhance the effectiveness of online surveillance, it was also necessary to significantly remodel the operation of surveillance authorities in organizational and technical terms, increase the use of IT technologies and tools to enable rapid exchange of information between the networked authorities (the ICSMS information and communication platform) and facilitate subsequent transfer of information to users (Rapid Exchange of Information System – RAPEX).¹² National market surveillance authorities have a legal obligation to enter data on detected non-compliances into the system (Article 34). In fact, it may be argued that it is the information and the speed of its exchange and transmission which largely determines the effectiveness of market surveillance especially where digital trade in goods is concerned.

¹² The RAPEX system was created to ensure high protection of consumer health and safety in the European single market. The legal basis of the system is provided under Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety, OJEU L 11/4 of 3 December 2002.

CONCLUSIONS

The EU law which regulates networked organization of market surveillance affects how the national legal orders are shaped, with particular impact on how the performance of public tasks in this field is organized, whether in structural terms or with respect to activities as part of the network relationships. This analysis demonstrates that the EU lawmaker does establish bodies and provides for particular types of relations that arise between the institutions and bodies of the EU and the national structures, as well as for the relations of such authorities with entities outside the administrative structure, with a view to ensuring effective and efficient performance of the tasks entrusted to them. Such an approach produces an elaborate framework of “networked” connections that bring together EU institutions and administration, public administration in individual member states and private entities that deliver an array of tasks as part of product surveillance system. The actors within this networked structure cooperate and collaborate but, since their activities need to be coherent, the legislator has introduced the formula of interaction based on coordination, defining the scope of competence of some entities to “influence” others within the coordinative arrangement.

Shaped in this manner by normative instruments, the institutional arrangement of network administration required suitable legal forms of interaction. In the product surveillance system, the latter constitute ancillary and complementary acts, primarily involving agreements, expressed positions, opinions, market surveillance strategies, understandings, requests for mutual assistance and exchange of information. They serve to accomplish the designated common objectives that remain within the shared scopes of action of such entities, which is why network administration means cooperative administration. The obligation to cooperate, joint problem-solving and formulation of uniform policies would not be possible without cooperation based on coordination.

However, ongoing structural changes in the movement of goods in the EU internal market require continuous improvement of the forms of cooperation between the entities tasked with safety surveillance of products entering the EU internal market. Hence, the legal mechanisms of action employed within the network structures needs to be constantly reviewed and updated. Even so, it may be concluded that market surveillance organized as an administrative network and coordinated activities of surveillance authorities ensure adequate and uniform degree of product safety in the EU.

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