

## **Market surveillance programme 2014–2017 covering EMC and R&TTE**

This document describes the market surveillance programme for the period from 2014 to 2017 for legislation which falls within the remit of the *Bundesnetzagentur* [Federal Network Agency], i.e. the Act on the Electromagnetic Compatibility of Equipment [*Gesetz über die elektromagnetische Verträglichkeit von Betriebsmitteln* (EMVG)] and the Act on Radio Equipment and Telecommunications Terminal Equipment [*Gesetz über Funkanlagen und Telekommunikationsendeinrichtungen* (FTEG)]. They serve to transpose Article 18(5) of Regulation (EC) No 765/2008 in the relevant areas of law.

### **Scope of the market surveillance programme**

The programme applies to market surveillance in the areas covered by the Act on the Electromagnetic Compatibility of Equipment (EMVG) and the Act on Radio Equipment and Telecommunications Terminal Equipment (FTEG), which transpose the Directive on electromagnetic compatibility (Directive 2004/108/EC) and the Directive on radio equipment and telecommunications terminal equipment (Directive 1999/5/EC) into German law.

The rules laid down in these Acts, in particular the provisions on the powers and duties of the market surveillance authorities, apply to all the products covered by the aforementioned Directives.

### **Priorities for market surveillance for the period from 2014 to 2017**

In order to ensure that the action decided upon by the Federal Network Agency every year is kept within a clear framework, priority areas will be identified on the basis of risk, resulting in the following action areas with appropriate objectives and proposals for possible action:

#### **1. Uniform application of the RAPEX guidelines**

##### **FOUNDATIONS**

The RAPEX guidelines form the basis of market surveillance within the EU and are generally applicable. Uniform application of the guidelines in Germany will be improved, where necessary. Of particular relevance here is the harmonisation of the process of risk assessment.

##### **OBJECTIVE**

To ensure that product assessments are accepted as tenable so that the authorities act in a uniform manner during the process of market surveillance.

##### **Possible action**

Imparting knowledge, organising workshops and regular discussions, also across different *Länder*, regarding the RAPEX guidelines.

#### **2. Cooperation with the customs authorities**

##### **FOUNDATIONS**

Cooperation with the customs authorities still needs to be improved. There is currently a lack of legal certainty regarding the performance of tasks within the various institutions (because the instructions/description in the Regulation(s) are unclear).

The Federal Network Agency dealt with 5 400 control notifications in 2013. Given the rate at which the number of these notifications are increasing, around 8 500 – 9 000 such notifications are expected to be received every year (relating to the four risk profiles currently agreed with the customs authorities).

### **OBJECTIVE**

To promote the reciprocal exchange of information on a permanent basis; to establish a system for providing tailor-made information to the customs authorities on products and categories of products which have a relevance to risk; to optimise the processes used when drawing up and implementing risk profiles.

### **Possible action**

Implementing market surveillance operations at different local levels, where appropriate in addition to annual market surveillance operations/campaigns.

## **3. Electronic sales**

### **GROUND**

The sale of goods over the Internet is gaining ground. Market surveillance is needed in order to prevent distortions of competition vis-à-vis traditional trading.

### **OBJECTIVE**

To improve opportunities for action in the context of market surveillance, to display and make available products which comply with the law.

### **Possible action**

Implementing market surveillance operations/campaigns covering products sold online, with the focus not on the number of checks carried out, but rather on the acquisition of information about product flows and suppliers and on the processing of that information.

## **4. Risk of electrical accidents**

### **GROUND**

According to information from the Federal Institute for Occupational Safety and Health [*Bundesanstalt für Arbeitsschutz und Arbeitsmedizin (BAuA)*] (assessment of accident reports / press reports), the number of accidents in this area is significant. This product area has seen a particularly sharp increase in the use of radio applications over the last few years (e.g. radio applications used in household products, toys, models, electronic entertainment).

## **OBJECTIVE**

To improve the level of safety.

## **Possible action**

Processing the information available at the BAuA, laying down assessment criteria, stepping up market surveillance of hazardous product groups.

## **5. Safety of products for children**

### **FOUNDATIONS**

Society puts a premium on the safety of children. Assessments conducted via the ICSMS show that a large number of products have safety defects. It must also be noted that there is no longer a clear distinction between models and toys and that there has been a higher-than-average expansion of radio applications in this area too.

### **OBJECTIVE**

To identify critical product groups; to step up market surveillance of specific product groups; to improve information for parents; to identify what action needs to be taken regarding standards, given the lack of clarity which surrounds the question of whether a product is being used in a toy or a model

### **Possible action**

Assessing RAPEX and ICSMS notifications and similar sources (e.g. accident reports and newspaper articles, notifications from the BAuA).

## **6. Mass products**

### **FOUNDATIONS**

Following assessments carried out via the ICSMS, some of these products have been found to have serious safety defects. Those responsible for placing them on the market sometimes do not see any need to improve their products. They pay the fines, but save themselves the expense of making improvements.

### **OBJECTIVE**

To prevent hazardous products from the categories in question from being placed on the market, while ensuring that the measures taken are sustainable.

### **Possible action**

Market surveillance operations targeted at particular product categories; the emphasis is on assessment/reporting:

Number of unsafe products / number of tested products for Germany and non-EU countries; if necessary, developing ways of improving imported products in a sustainable manner

## **7. Market surveillance at trade fairs**

### **GROUNDS**

A large number of products from different economic operators, including from non-EU countries, are exhibited at trade fairs and exhibitions (goods are often sold off cheaply at the end of a trade fair). These events give market surveillance authorities the opportunity to carry out targeted checks and thus exert their regulatory influence effectively and efficiently before a product is placed on the market. Inter-regional trade fairs and exhibitions also offer an opportunity for the transfer of know-how between various sectors with regard to new developments, technologies and product innovations. This knowledge is helpful when assessing the technical safety of products.

### **OBJECTIVE**

To check whether exhibited products comply with the law and take steps to ensure that any remedial measures necessary are taken before products are placed on the market.

### **Possible action**

Carrying out product-specific market surveillance operations at inter-regional trade fairs within particular sectors of industry, including the leading trade fairs within the sector.