**Template for drafting a national market surveillance programme pursuant to Article 18(5) of Regulation (EC) No 765/2008**

***NATIONAL MARKET SURVEILLANCE PROGRAMME***

***2015***

***Spain – Consumer affairs***

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# General market surveillance organisation and infrastructure

*This market surveillance programme refers to authorities with competence for products addressed to consumers.*

## Identification and responsibilities of national market surveillance authorities

*The organisation of the Spanish State in Autonomous Communities means that it is the latter that are primarily competent for market surveillance.*

*As regards competence for market surveillance in the field of consumer products, it is the Autonomous Community authorities that have executive powers.*

*The main task of the State authority, the Agencia Española de Consumo, Seguridad Alimentaria y Nutrición (AECOSAN – Spanish Agency for Consumer Affairs, Food Safety and Nutrition) is to coordinate and provide technical support to the Autonomous Community authorities. It has no executive powers.*

*It acts as a market surveillance authority only in cases where the customs authorities ask for support on the basis of Articles 27-29 of Regulation (EC) No 765/2008.*

*Other authorities in other sectors may be organised centrally. The list of national authorities by sector has been forwarded to the Commission.*

*Likewise, contact details for the Autonomous Community authorities responsible for consumer affairs have been forwarded.*

## Coordination and cooperation mechanisms between national market surveillance authorities

*This section explains how the coordination between market surveillance authorities is ensured in the relevant Member State. For instance:*

* *There is no permanent or ad hoc body for coordination between the national market surveillance authorities.*

*With regard to the consumer affairs authorities, there are various coordination bodies at different levels:*

***– The Interministerial Consumer Affairs Committee****: this is made up of representatives of the various ministries and chaired by the Ministry of Health, Social Services and Equality to which AECOSAN belongs.*

*–* ***Sectoral Consumer Affairs Conference****: this is chaired by the Secretary of State for Health and Consumer Affairs and is made up of the Autonomous Community consumer affairs ministers.*

***Consumer Affairs Cooperation Conference****: this is a body at the lowest level of the Autonomous Community consumer affairs authorities chaired by the Executive Director of AECOSAN.*

*These groups generally take decisions on the basis of input from working groups made up of technicians from the Autonomous Communities and the central administration: Standards Group, Market Surveillance Group. Generally the decisions are taken by consensus.*

*These working groups meet every 40 to 60 days to coordinate their activities and establish criteria for market surveillance.*

*Likewise, there is a procedure for interpreting standards when there are doubts, in which the Autonomous Communities and the central administration affected are involved in order to arrive at a common interpretation and to apply it in a uniform manner throughout Spain.*

*There are procedures in place for selecting national monitoring campaigns. These are campaigns in which more than one Autonomous Community participates.*

*The Autonomous Communities may decide to conduct campaigns themselves.*

## Cooperation between national market surveillance authorities and customs

*Arrangements for cooperation between the customs authorities and the consumer affairs authorities, especially with regard to the application of Articles 27-29 of Regulation (EC) No 765/2008, are in place and are implemented systematically.*

*In such cases, AECOSAN acts as a market surveillance authority, taking action whenever the customs authorities so request.*

*In Spain there is another border control body: SOIVRE. It comes under External Trade and monitors a series of products before they reach the customs offices. It conducts surveillance activities with regard to documents, inspections and testing. For the sectors of products, toys, textiles, shoes, some personal protective equipment, some electrical products and wood products and their derivatives, a safety certificate must be obtained in advance from SOIVRE so that customs can release them for free circulation.*

*The interaction between AECOSAN and this organisation is ongoing and flexible.*

*AECOSAN has a laboratory for testing consumer products (CICC) which lends technical support and conducts testing for border control bodies as well as working for the Autonomous Communities’ consumer affairs authorities.*

## Rapid information exchange system - RAPEX

*AECOSAN is the contact point for RAPEX at national level.*

*It receives communications from the market surveillance authorities, from producers and from SOIVRE.*

*The RAPEX team processes these communications and forwards them to the Commission after studying them.*

*Procedures are in place to conduct these activities.*

*There is an internal communication system between the Autonomous Communities and AECOSAN which mirrors the SIRI system at European level,.*

## ICSMS information system

AECOSAN is the national contact point for the ICSMS system.

AECOSAN has conducted courses for all sectoral authorities at national level and for the Autonomous Community consumer affairs authorities.

In principle all product areas should be covered. However, application of the system is progressing slowly because the existing databases are not compatible with ICSMS and work is being duplicated, which is not an incentive to use ICSMS.

## General description of market surveillance activities and relevant procedures

*Activities in the consumer products sector are summarised in the attached table.*

## General framework of cooperation with other Member States and non-member states

* *partnering Member State(s) and/or other countries;*
* *cooperation mechanisms;*
* *scope and timeline of cooperation.*

*To avoid duplication, this section should refer to horizontal forms of cooperation if any, while sector-specific forms of cooperation should be covered under section 2.1.2 (and analogous sections 2.2.2, 2.3.2, etc.) below.*

## Evaluation of market surveillance actions and reporting

* *Market surveillance activities are published on both the AECOSAN website and those of the various Autonomous Communities.*
* *They are accessible to the public as a whole.*

## Horizontal activities planned for the relevant period

*No structural changes in market surveillance are planned.*

*The main activity is coordinating the national authorities by sector in order to avoid duplicating activities.*

*The authorities participate on an ongoing basis in the surveillance activities organised by the EU, primarily the campaigns managed by PROSAFE.*

*This year the authorities will participate in the campaign on tyres and efficiency labelling.*

*They will also participate in the product traceability exercise.*

*They participated in the sweep operations organised by the OECD.*

# Market surveillance in specific sectors

## Sector [Name from Annex 2, e.g.: Medical Devices]

### Responsible authority and contact details

### Market surveillance procedures and strategy

### Report from activities carried out under the previous planning period

## Sector [e.g.: Cosmetics]

*[…]*

Annex: Reference list of product sectors

|  |  |
| --- | --- |
| **Product sectors** | **Relevant legislation[[1]](#footnote-1) [[2]](#footnote-2)** |
| 1. Medical devices (including in vitro diagnostic medical devices and active implantable medical devices) | Directives 93/42/EEC, 98/79/EC and 90/385/EEC |
| 1. Cosmetics | Regulation (EC) No 1223/2009 |
| 1. Toys | Directive 2009/48/EC |
| 1. Personal protective equipment | Directive 89/686/EEC |
| 1. Construction products | Regulation (EU) 305/2011 |
| 1. Aerosol dispensers | Directive 75/324/EEC, |
| 1. Simple pressure vessels and pressure equipment | Directives 2009/105/EC and 97/23/EC |
| 1. Transportable pressure equipment | Directive 2010/35/EU |
| 1. Machinery | Directive 2006/42/EC |
| 1. Lifts | Directive 1995/16/EC |
| 1. Cableways | Directive 2000/9/EC |
| 1. Noise emissions for outdoor equipment | Directive 2000/14/EC |
| 1. Equipment and protective systems intended for use in potentially explosive atmospheres | Directive 1994/9/EC |
| 1. Pyrotechnics | Directive 2007/23/EC |
| 1. Explosives for civil uses | Directive 93/15/EEC |
| 1. Appliances burning gaseous fuels | Directive 2009/142/EC |
| 1. Measuring instruments, non-automatic weighing instruments and pre-packaged products | Directives 2004/22/EC, 2009/23/EC and 2007/45/EC |
| 1. Electrical equipment under EMC | Directive 2004/108/EC |
| 1. Radio and telecom equipment under RTTE | Directive 1999/5/EC |
| 1. Electrical appliances and equipment under LVD | Directive 2006/95/EC |
| 1. Electrical and electronic equipment under RoHS and WEEE and batteries | Directives 2011/65/EU, 2002/96/EC and 2006/66/EC |
| 22./A Chemical substances under REACH and Classification and Labelling Regulations | Regulations (EC) Nos 1907/2006 and 1272/2008 |
| 1. /B Other chemicals (detergents, paints, persistent organic pollutants, fluorinated greenhouse gases, ozone Depleting Substances, etc.) | Regulation (EC) No 648/2004, Directive 2004/42/EC, Regulations (EC) Nos 850/2004, 842/2006, 517/2014 and 1005/2009 |
| 1. Eco-design and energy labelling; Efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels | Directives 2009/125/EC and 2010/30/EU; Directive 1992/42/EEC |
| 1. Tyre labelling | Regulation (EC) No 1222/2009 |
| 1. Recreational crafts | Directive 1994/25/EC |
| 1. Marine equipment | Directive 96/98/EC |
| 1. Motor vehicles | Directives 2002/24/EC and 2007/46/EC |
| 1. Non-road mobile machinery | Directive 97/68/EC |
| 1. Fertilisers | Regulation (EC) No 2003/2003 |
| 1. Other consumer products under GPSD (optional) | Directive 2001/95/EC |
| 1. Biocides | Regulation (EU) No 2012/528 |
| 1. Textile labelling | Regulation (EC) No 1007/2011 |
| 1. …. (Additional sectors – please specify) |  |

1. For ease of reference this table indicates established EU legislation. New legislation replacing that listed in the table should also be taken into account for the relevant period in which it is applicable. [↑](#footnote-ref-1)
2. For ease of reference in some cases (e. g. eco-design, energy labelling), this table only indicates EU framework legislation, but is intended to cover also product-specific EU legislative acts. [↑](#footnote-ref-2)