

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

***NATIONAL MARKET SURVEILLANCE
PROGRAMME***

Year 2016

Italy

Contents

1. GENERAL MARKET SURVEILLANCE ORGANISATION AND INFRASTRUCTURE	3
1.1. Identification and responsibilities of national market surveillance authorities.	3
1.2. Coordination and cooperation mechanisms between national market surveillance authorities.....	4
1.3. Cooperation between national market surveillance authorities and customs ...	5
1.4. Rapid information exchange system - RAPEX.....	6
1.5. ICSMS information system.....	6
1.6. General description of market surveillance activities and relevant procedures	6
1.7. General framework of cooperation with other Member States and non-member states	7
1.8. Evaluation of market surveillance actions and reporting	7
1.9. Horizontal activities planned for the relevant period.....	7
2. MARKET SURVEILLANCE IN SPECIFIC SECTORS.....	7
2.1. Sector 12 Noise emission in the environment by equipment for use outdoors.	7
2.1.1. Responsible authority and contact details	7
2.1.2. Market surveillance procedures and strategy	8
2.1.3. Report from activities carried out under the previous planning period	8
2.2. Sector 14 Pyrotechnic articles - Directive 2013/29/EC	10
2.2.1. Responsible authority and contact details	10
2.2.2. Market surveillance procedures and strategy	10
2.2.3. Report from activities carried out under the previous planning period	11
2.3. Sector 15 Explosives for civil use - Directive 93/15/EEC.....	12
2.3.1. Responsible authority and contact details	12
2.3.2. Market surveillance procedures and strategy	12
2.3.3. Report from activities carried out under the previous planning period	13
2.4 Sector 25 Recreational craft.....	13
2.5 Sector 32 Labelling of textile products - Regulation (EC) No 1007/2011	14
2.5.1 Responsible authority and contact details	14
2.5.2 Market surveillance procedures and strategy	14

1. GENERAL MARKET SURVEILLANCE ORGANISATION AND INFRASTRUCTURE

Following the entry into force of Regulation (EC) No 765/2008, since 2009 each Member State has been required to draft a national market surveillance programme to provide a higher level of consumer protection and ensure a transparent and competitive market for enterprises.

In Italy, the national market surveillance authority is the Ministry of Economic Development, which is supported by several control bodies, including the Chambers of Commerce, for the performance of inspections across the national territory.

To comply with the EU requirement to schedule checks, from 2009 to the present the Ministry and the network of Chambers of Commerce have signed several agreements which have enabled the Chambers of Commerce to build significant surveillance experience in the sectors of product safety (toys, electrical products and electromagnetic compatibility, personal protective equipment, energy-related products, generic products referred to in the Consumer Code), fashion (textiles and footwear) and legal metrology (petrol pumps, scales and gas, water, heat and electricity meters).

Under these agreements, Unioncamere has a management and coordination role, while the Chambers of Commerce are tasked with increasing the number of checks at local level, comprising the following:

- visual checks, to verify the presence of the CE marking and of the accompanying documents required by sectoral rules;
- document checks, to verify the presence of the technical documents and EC declaration of conformity;
- sample testing, to verify the product's material conformity and safety.

As a rule, checks are scheduled on the basis of an annual calendar. Therefore, this report concerns the year 2016.

1.1. Identification and responsibilities of national market surveillance authorities

The Ministry of Economic Development, which is the national market surveillance authority, is structured as follows:

- It is a central administration, which acts at local level through several control bodies (e.g. Financial Police; Chambers of Commerce, Customs offices).
- For the two-year period 2015 - 2016 the Ministry of Economic Development designed with the Chambers of Commerce a Surveillance Plan comprising 748 inspections, to be carried out by the participating Chambers of Commerce, divided as follows:
 - PPE: 120 inspections; 36 document checks; 25 tests on samples

- Toys: 300 inspections; 121 document checks; 90 tests on samples
- Electrical products and electromagnetic compatibility: 287 inspections; 121 document checks; 69 tests on samples
- Generic products: 41 inspections; 16 tests on samples

The budget available for the checks amounts to EUR 700 000.00 and will be used to perform visual checks, document checks and tests on samples.

These activities are performed by the surveillance office of each Chamber of Commerce, which as a rule is staffed by two people. Performance of document and physical checks is entrusted to external laboratories.

1.2. Coordination and cooperation mechanisms between national market surveillance authorities

In the field of administrative cooperation, the Ministry of Economic Development cooperates with the Financial Police - Special Unit for the Protection of Intellectual Property. The strategies for using the Financial Police's operational resources are established each year by the Ministry of the Economy and Finance in its 'General Guidelines for Administrative Action and Management' which address the tasks of protecting the market in goods and services through activities designed to combat counterfeiting, piracy and infringements relating to product safety and misuse of the 'Made in Italy' mark.

The Financial Police's general action plans also include the allocation of targeted resources to this activity, but they do not specify the number of operations to be carried out. This is because these activities (in line with the economic and financial police duties of this Corps) start with financial checks within individual provinces, which provide the initial input for inspections involving visits, checks and investigations at the premises of economic operators identified as (and/or suspected of) having committed irregularities on the basis of the information and reports obtained through the previous intelligence operations.

Accordingly, and on the basis of Article 3 of Legislative Decree No 68 of 19 March 2001 and Article 107 of Legislative Decree No 206/2005, the Special Unit provides *inter alia* constant operational cooperation to product safety authorities, in particular to the Ministry of Economic Development.

The Financial Police is engaged in the surveillance of product safety and conformity through a network of local and special units, specifically:

- a. the local units comprise about 700 'ordinary' departments, consisting of the Fiscal Police Units (with their teams for 'Protection of the Market, Goods and Services', which gather together the best-trained investigators in each Province), and the Groups, Companies, Lieutenancies and Brigades which constitute the backbone of the Financial Police's operations;
- b. the special component is under the Special Unit Command, which is in charge of the Special Task Force for the Protection of Intellectual Property.

This Special Task Force:

- carries out risk analysis by cross-checking internal and external databases, studying fraud schemes, devising operational methodologies and providing technical and specialist

- support for regional offices, including through the preparation of broad-based inspection plans aimed at specially selected individuals;
- through its local offices, it monitors the correct enforcement of restrictions issued by the Ministry of Economic Development (import bans, notices to render a product compliant, marketing bans, withdrawals from the market, etc.).

1.3. Cooperation between national market surveillance authorities and customs

Constructive forms of cooperation have been established between the Customs Offices and the Chambers of Commerce located near ports and airports.

Pursuant to the current legislation, (Articles 27, 28 and 29 of Regulation (EC) No 765/2008), the Customs Authorities, when performing the checks under their competence, before releasing goods into free circulation, in the presence of the conditions laid down in EU legislation shall perform checks on the compliance of the products with technical conformity standards, to protect the market and consumer safety.

These activities are carried out in close coordination with the Ministry of Economic Development, which is the national Market Surveillance Authority, in accordance with Legislative Decree No 206 of 6 September 2005, the Consumer Code.

In the cases laid down in the EU rules, contacts are established between the authorities to verify the products' compliance with sectoral legislation.

The checks are performed in line with the 'Handbook of Procedures for Customs Checks in the Sector of General Product Safety', adopted jointly in February 2005 and last updated by the Interdepartmental Conference of 28 October 2009.

The Handbook of Procedures is currently being revised again, with updating of regulatory and organisational references and of procedures in line with the EU's 'Guidelines for Import Controls in the Area of Product Safety and Compliance' - drawn up with input from the Italian authorities. These Guidelines were distributed to all Customs offices in 2012 and are published in a dedicated section of the Intranet page of the Customs and Monopolies Agency.

Cooperation between the Customs and Monopolies Agency and the Ministry of Economic Development has intensified significantly in recent years through strengthened control projects designed to step up surveillance of certain products (mainly toys and low-voltage electrical articles) which might affect consumers' health and safety. These initiatives have been carried out with the technical support (for testing) of the *Istituto Superiore di Sanità* (National Institute of Health) and other notified bodies (IMQ and CSI Testing), which carried out laboratory tests - funded by the Ministry of Economic Development - to identify any products not complying with the sectoral technical standards.

In 2015 the validity of the initiative '*Convenzione Giocattolo Sicuro* - Safe Toy Convention' 2013-2014 was extended with some important amendments, including enlargement of its scope, which now also covers the risks linked to toy flammability (in addition to electrical risk, the risk from small components or parts, from phthalates and from heavy metals in paint coatings) especially as concerns wearable toys (including headpieces), toys which children can enter and soft toys.

In 2016 the Customs Authorities and the Market Surveillance Authority will plan additional strengthened control activities, to monitor more closely the compliance of imported toys and/or other types of imported products.

This is because past control campaigns have often found high rates of non-compliance: this confirms the need to maintain a strong focus on consumer protection, in particular when those

consumers are children. These actions also help improve the dissemination of information to public and private stakeholders as to the specific risks of the products subject to checks, and favour the placing on the market of safe products.

1.4. Rapid information exchange system - RAPEX

The Special Unit of the Financial Police for the Protection of Intellectual Property cooperates with the RAPEX national contact point at the Ministry of Economic Development. The Special Unit is equipped with two 'MS creator' stations, which it uses to upload onto GRAS-RAPEX (General Rapid Alert System for dangerous non-food products) the information supplied by the Financial Police Units on the dangerous goods found in the national territory and to monitor any releases of dangerous products into the market.

1.5. ICSMS information system

The Special Unit for the Protection of Intellectual Property of the Financial Police, which cooperates with the Ministry of Economic Development, is the entity tasked with inputting data directly into the EU's ICSMS information system which, unlike Rapex, does not require intermediate validation entities. This system also allows each local unit to disseminate information and documents on any product checked and, conversely, to consult any information already available on the information system (seizures, laboratory tests, restrictions, etc.)

1.6. General description of market surveillance activities and relevant procedures

The Chambers of Commerce plan their checks applying the following parameters:

- national-level planning (Agreement Ministry of Economic Development-Unioncamere)
- local planning
- detailed and factual reports from consumers and consumers' or industry associations.

There is no standard procedure agreed with the Ministry for the handling of complaints.

There is no standard procedure agreed with the Ministry for the handling of injuries.

There are no standard procedures agreed with the Ministry for alerting consumers. However, Unioncamere has created a website (vigilanzamercato.unioncamere.it) in which it occasionally publishes alerts already disseminated at national level.

As to administrative sanctions, Chambers of Commerce are required to apply the general criteria laid down in Law No 689/81 as amended and supplemented.

To better standardise national-level response, in 2014 a working group of the Chambers of Commerce designed an operational procedure for uniform application of sanctions.

Coordination of the parties involved is the responsibility of the Surveillance Authority.

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

1.8. Evaluation of market surveillance actions and reporting

1.9. Horizontal activities planned for the relevant period

Training courses on the subject of product safety and legal metrology are currently being delivered to Chamber of Commerce staff under the MoU between the Ministry of Economic Development and Unioncamere.

In the light of its strong track record in the area of market surveillance, in 2015 Unioncamere was accepted as a partner in an EU project for the strengthening of market surveillance, coordinated by PRO SAFE, together with other 37 European market surveillance authorities.

Unioncamere's role in the project includes management, coordination, the sharing of good practices and the delivery of e-learning on product safety.

2. MARKET SURVEILLANCE IN SPECIFIC SECTORS

2.1. Sector 12 Noise emission in the environment by equipment for use outdoors

2.1.1. Responsible authority and contact details

— The Italian market surveillance authority for this sector, designated pursuant to Article 5 of Directive 2000/14/EC, is ISPRA- Higher Institute for Environmental Protection and Research. Specifically, by letter of appointment DSA-2007-0010771 of 12 April 2007, the Ministry of the Environment and Protection of Land and Sea appointed as Head of Market Surveillance Mr Salvatore Curcuruto of ISPRA.

— The contact details of the Market Surveillance Authority are:

Ing. Salvatore Curcuruto, c/o ISPRA, via Vitaliano Brancati, 48 – 00144 Roma (Italy).

e-mail: salvatore.curcuruto@isprambiente.it

Tel: +39 0650072356.

— The funding available to the Authority is not earmarked specifically but is taken from ISPRA's general budget for inspection activities relating to Directive 2000/14/EC. The annual allocation for this activity is of EUR 2 500.00.

The staff available, expressed as full-time equivalent units, numbers five units.

As to technical means available for market surveillance, ISPRA has an in-house testing laboratory with the following equipment:

- No 7 Class-1 high-accuracy integrating sound level meters (one channel);
- No 2 Class-1 high-accuracy integrating sound level meters (two channels);
- No 1 Class-1 portable multichannel integrating sound level meter on multimedia platform;
- No 8 Calibrators (class 1);

- No 2 Weather stations for measuring atmospheric pressure, air temperature and moisture content, rainfall, and wind speed and direction;
- No 1 Thermo-hygrometer to measure air temperature and moisture;
- No 1 Wind speed meter to measure wind speed or pressure.
- No 1 Mobile lab for outdoor noise monitoring.

2.1.2. *Market surveillance procedures and strategy*

- The procedures for performing market surveillance activities are based on specific national legislation pursuant to the Decree of the Ministry of the Environment of 4 October 2011, 'Laying down the criteria for the technical checks for market surveillance referred to in Article 4 of Legislative Decree No 262/2002, concerning the noise emission in the environment of equipment for use outdoors.'. In particular, market control is based on the following procedures:
 - the company which placed the machines on the market, be it manufacturer, agent or simple retailer, must have complied with the requirements of Legislative Decree No 262/2002, which transposed in Italy Directive 2000/14/EC;
 - the checks are performed solely on machines which are complete for their intended use, whether or not already placed on the EU market, but always before their first use;
 - the machines must be accompanied by the EC declaration of conformity containing the particulars listed in Annex II to Legislative Decree No 262/2002;
 - the copies of the EC declaration of conformity and of the technical documents of the machines must be kept for at least 10 years after production of the last machine they refer to, as required by Legislative Decree No 262/2002;
 - each machine must bear a marking containing the elements shown in Annex IV to Legislative Decree No 262/2002 (Model of the CE marking of conformity and indication of the guaranteed sound power level);
 - in the case of machines subject to noise limits, the guaranteed sound power level must not exceed the applicable noise limit, in accordance with Legislative Decree No 262/2002;
 - review of the technical documentation must confirm that the appropriate conformity assessment procedure has been carried out on the machines, pursuant to the Annexes to Legislative Decree No 262/2002.
- Market surveillance is carried out using sampling criteria appropriate to the different types of product, in order to cover the broadest range of the products included in the scope of Directive 2000/14/EC. This applies both to document checks and to planned inspection at the manufacturers' premises. The latter are in limited number, owing to limited funding.

2.1.3. *Report from activities carried out under the previous planning period*

The market surveillance activities performed by ISPRA in 2014 covered the following aspects:

- Formal requests to manufacturers selected by the Institute, to verify their compliance with the provisions of Directive 2000/14/EC;
 - The companies that replied to the Institute's request to provide documentation numbered 133. Of these, 124 cases (93%) have been fully assessed, while 9 (7%) are still being examined.

- On-the-spot inspections at trade fairs and at manufacturers' premises;
 - In 2014 ISPRA carried out on-site inspections at the main national trade fairs, collecting information, verifying the CE marking of the machines on display and collecting the particulars of the exhibiting companies, to be followed up where appropriate by formal request for copies of the EC declarations of conformity.
- On-the-spot inspections at the manufacturers' premises;
 - In 2014, ISPRA made 10 on-the-spot inspections at manufacturers' premises. One situation of non-compliance was found and reported to the Ministry of the Environment, which started an infringement procedure pursuant to national law.
- Dissemination of information on legal obligations and market surveillance activity;
 - ISPRA performed awareness-raising activity by updating the following dedicated web pages:
<http://www.agentifisici.isprambiente.it/rumore-37/macchine-e-attrezzature-funzionanti-allaperto.html>,

<http://www.agentifisici.isprambiente.it/MacchineAperto/statistiche.php>

It also held annual meetings with the main manufacturers' associations and with the Notified Bodies operating in Italy under Directive 2000/14/EC.
- Inputting of data onto the 'MARA' database;
 - The MARA Database (*Macchine e Attrezzature Rumorose funzionanti all'Aperto* – Noise-emitting equipment for use outdoors) has been implemented to support the market surveillance activity carried out by ISPRA. This system provides access to details of Italian manufacturers/authorised representatives of the equipment listed in Annex I to Directive 2000/14/EC. The database currently includes the details of 587 companies and the documentation on the equipment they deal in (more than 3 175 declarations of conformity).
- Use of the ICSMS platform for the exchange of information between European Market Surveillance Authorities;
 - ISPRA has been using ICSMS routinely, uploading information from its market surveillance activities; specifically, the outcomes of inspections performed have been uploaded, with emphasis on any non-compliant findings.
- Chairing of the Noise AdCo Working Group.
 - Italy, represented by ISPRA, took over the chair of the NOISE AdCo WG in 2013; this position has been confirmed for 2014 as well. The main activities carried out included:
 - sharing homogeneous criteria and procedures for market surveillance including on the basis of queries raised by manufacturers;
 - promoting the use of the ICSMS Platform to facilitate the exchange of information with other countries;
 - submitting opinions to the European Commission concerning Directive 2000/14/EC.

The last meeting of the NOISE AdCo WG was held in Rome on 21 and 22 October 2014.

2.2. Sector 14 Pyrotechnic articles - Directive 2013/29/EC

2.2.1. Responsible authority and contact details

- The Market Surveillance Authorities in the sector of pyrotechnic articles are the Prefectures of the Republic, the Government Commissioners of the Autonomous Provinces of Bolzano and Trento and the President of the Autonomous Region of Valle d'Aosta. These authorities are coordinated by the Ministry of the Interior, Department of Public Security, Office for General Affairs, with office in Rome, Piazza del Viminale 1, cap. 00184, which also liaises with the European Commission.
- The person in charge of National Coordination is the current Director of the Office for General Administration - Affairs of the Administrative and Social Police. Contact details: Tel. +39.06.465.46020 - polam.armi@interno.it
- The Market Surveillance Authorities do not have a dedicated budget. Thus they do not submit a financial report and rely on the staff of the Civil Administration of the Ministry of the Interior and on officers of the various law enforcement agencies who, however, are not assigned on an exclusive and ongoing basis to surveillance activities. Market surveillance tasks were assigned to the Prefects of the Republic, the Government Commissioners of the Autonomous Provinces of Bolzano and Trento and the President of the Valle d'Aosta Region (in total to 105 territorial branches of Government) by Article 29 of Legislative Decree No 123 of 29 July 2015 entitled: 'Implementation of Directive 2013/29/EU on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (which entered into force on 13 August 2015). Thus, at local level, market surveillance is performed, under the direction of the competent branch of central government, by the local law enforcement agencies (Police, Carabinieri, Financial Police) and by the administrative staff of the Ministry of the Interior employed at the Prefectures. One difficulty encountered by market surveillance in the sector of explosives (both pyrotechnic articles and explosives for civil use) is that of finding suitable laboratories for performing tests to ascertain the products' conformity. The National Authority does not have its own testing facilities, and the external laboratories contacted have pointed out that there are costs to be borne. The lack of national funds earmarked for these activities prevents full implementation of the checks. Action by the EU, including in the form of funding, would be welcome.

2.2.2. Market surveillance procedures and strategy

- The overall procedures concerning management of market surveillance for pyrotechnic products are already in operation: they are subject to ongoing updating to improve their efficiency and quality. In particular, as concerns the monitoring of the import into the national market of pyrotechnic products with CE marking, a system is already in place for the collection and analysis of the data supplied to the Ministry of the Interior by local public agencies, pursuant to Article 6-bis of Legislative Decree No 176 of 25 September 2012, as amended by Article 16 of Law No 123/2015. These data, which concern the import of products with the CE marking from non-EU countries, have been collected in the report for 2014, described in detail in paragraph 2.1.3.

Other information on pyrotechnic articles which has a bearing on market surveillance proper comes from the nationwide monitoring data on accidents caused by fireworks (due to malfunctioning or improper use by private individuals and/or professional users or which

occur in manufacturing plants, warehouses etc.); damage to property and personal injuries resulting from these accidents; seizures of pyrotechnic products made for various reasons by law enforcement agencies (e.g. for failure to comply with quantitative limits by licence holders, illegal products not bearing the CE marking or not recognised and classified by the Ministry etc.); administrative checks carried out in shops, warehouses and factories of pyrotechnic articles and any other relevant information reported to the National Coordination Office. This type of information is processed and selected in the framework of market surveillance. All the above information is also computerised and processed to provide general and specific reports facilitating surveillance of the whole sector.

- Market surveillance activity requires the participation and cooperation of several entities. For clarity of exposition we shall distinguish national from international cooperation. At national level, the main entities cooperating with the Ministry of the Interior are the 105 territorial branches of Government (Prefectures, Government Commissioners of the Autonomous Provinces of Bolzano and Trento and the President of the Valle d'Aosta Region). The Customs Authorities at road, railway and port border points are another key component of the surveillance network. Daily cooperation and exchange of information is in place with the territorial branches of Government, through circulars, letters and phone calls. As to the Customs Authorities, the feasibility of setting up an annual plan of sample checks on consignments of pyrotechnic products imported into Italy is currently being examined. The main obstacle, as mentioned, is the difficulty of finding, at national level, a laboratory for the qualitative and quantitative testing of such samples. For the time being, document checks will be intensified. Coming to international cooperation, this is mainly pursued through the ever closer contacts, meetings and exchanges of information and suggestions with the members of the 'AdCo' working group set up at the European Commission, currently covering pyrotechnic articles and from next December explosives for civil use as well. International cooperation is pursued both with direct meetings with the representatives of the 28 EU Member States and via the European Commission portal CIRCA BC, set up as a communication and information resource base for authorities, businesses and citizens.
- The main strategy followed to date in surveillance of the pyrotechnic product market in Italy has focused on risk analysis. Priority is given to those products known to sector experts as being the most dangerous, namely rockets, firecrackers and products for professional use only (especially F4 – P2 – T2). Currently, technical and legislative solutions are being assessed, also with the support of the other European AdCo members, to prevent as much as possible such highly hazardous articles from becoming available to unqualified or inexperienced persons, even less to children (possible avenues include tackling production and online sales and/or even banning production). Currently, the only checks on products with CE marking which the competent authorities are able to perform are document checks, owing to the lack of testing laboratories. However, other solutions are being studied, to help the competent bodies in the territory to perform more in-depth and targeted checks to verify the conformity of the products with CE marking present in Italy with the documentation and technical sheets issued by the competent Notified Bodies. Lastly, a first training cycle for sector operators will be launched in November, to improve their knowledge of the documentation accompanying the products and of the control procedures to be applied during checks.

2.2.3. Report from activities carried out under the previous planning period

In the course of 2014, a total of **126** checks were carried out, as stated in point 2.1.2. The number of inspection increased markedly on the previous year (65). These are regular inspection visits and ordinary document checks, carried out by the Prefectures whenever pyrotechnic products with

CE marking are imported into Italy from non-EU countries. These checks cover the documents accompanying whole consignments of fireworks with CE marking which enter the EU through Italy, including those which transited across other EU Member States. Each time the Prefectures are notified of a consignment by the importers (pursuant to Article 6-bis of Legislative Decree No 58/2010), they forward to the Ministry of the Interior information on the quantity and type of products with CE marking which are being introduced into the Italian territory. This enables constant monitoring of the inflow of pyrotechnic products into the national market. Note that these inspections are purely documentary and cover all the categories of products and economic operators; thus they are not focused specifically on any suspicion of non-compliance. In the light of these remarks, and with the warning that the data might contain some minor errors, the figures on the import of pyrotechnic products with CE marking into Italy are shown in the following table:

Pyrotechnic products with CE marking imported in Italy in YEAR 2014								
TOTAL KG of active mass	F1	F2	F3	F4*	P1	P2*	T1	T2*
445 256.833	27 591. ⁷⁰⁸	254 762. ³⁶⁷	59 498. ⁸	97 972. ²²⁷	4. ⁴⁹⁴	937. ¹	746. ²⁷⁷	3 743. ⁸⁶

*Product for professional use only

2.3. Sector 15 Explosives for civil use - Directive 93/15/EEC

2.3.1. Responsible authority and contact details

- The Market Surveillance Authority in the sector of explosives for civil use is established within the Ministry of the Interior – Central Directorate for General Administration - Administrative and Social Police Affairs, which cooperates closely with the Ministry of Economic Development – Directorate-General for Mining and Energy Resources.
- The contacts of the national coordination officer at the Ministry of the Interior are: Tel. +39.06.465.46020 - polam.armi@interno.it

2.3.2. Market surveillance procedures and strategy

- The control mechanisms in the sector of explosives for civil use have benefited from implementation of the rule which prohibits the manufacturing and placing on the market of explosives not classified by the Ministry of the Interior and not bearing the CE marking. Registration in Annex A to the Regulation implementing the Consolidated Law of Public Security (TULPS) of all the explosives for civil use on the market, coupled with checks carried out at the warehouses and factories holding the required permit set the framework for the current surveillance activity.
- International market surveillance cooperation in the sector of explosives for civil use is mainly pursued through meetings and exchanges of information with the other Member States in the Working Group on explosives for civil use and in the forthcoming AdCo

(Administrative Cooperation Group for the exchange of good practices). International cooperation is also furthered through the exchange of information on the European Commission's portal CIRCA BC and on other European data platforms (European Bomb Data System).

- Since the relevant parties in this sector are mainly professional operators, market surveillance strategies also rely on close cooperation with sector businesses, which were already alert to the previous legal requirements¹, and which are directly involved in training programmes for implementation of the new EU rules.

2.3.3. Report from activities carried out under the previous planning period

In 2014, the Central Advisory Committee on explosives examined **13** applications submitted by manufacturers and/or warehouses of explosives for civil use. This involved prior inspection of the applicants' facilities by the Provincial Technical Committees.

Again in 2014, following checks on documents issued by the Notified Bodies for authorisation to apply the CE marking, the Office of the Market Surveillance Authority made **28** entries in Annex A to the Consolidated Law on Public Security (TULPS).

2.4 Sector 25 Recreational craft

Directive 94/25/EC, transposed by Legislative Decree No 436 of 14 August 1996, amended by Directive 2003/44/EC transposed by Legislative Decree No 171 of 18 July 2005 (Code on Recreational Craft), will be repealed on 18 January 2016 by the entry into force of the new RCD Directive 53/2013 /EU, currently being transposed into national law.

Article 11(1) Legislative Decree No 171 of 18 July 2005 states that market surveillance of recreational craft must be carried out, jointly and according to their respective areas of competence, by the Ministry of Infrastructure and Transport and the Ministry of Economic Development. This arrangement will be confirmed in the forthcoming Legislative Decree transposing the new RCD Directive.

In compliance with the legislative framework, and pending transposition of the new RCD Directive 2013/53/EC, the market surveillance duties of the Ministry of Economic Development in the recreational craft sector are managed by Division 7 of the Department for Transport, Navigation, General Matters and Personnel – Directorate-General for Surveillance of Port Authorities, Port Infrastructure and Maritime Transport and for Inland Waterways.

The duties of Division 7 consist in verifying the conformity of recreational vessels, personal water craft and their components with the requirements of the above-mentioned Legislative Decree, by means of specific checks and targeted inspections of the market and of the economic operators concerned, both by random sampling (Article 4(1)) and by examining the technical documentation, as referred to in Annex IX to the Legislative Decree, which the manufacturer or its authorised representative within the European Union are required to keep at the disposal of the market surveillance authorities for 10 years (Article 11(5)).

¹ The earlier rules were set out in Presidential Decree No 128/1959, Title VIII, and in Legislative Decree No 624 of 25 November 1996 (Articles 10, 35, 36, 73). While these rules focus in principle on ensuring safety in the use of explosives in mining, they also involve control functions: on the type of explosives, on the quantities needed for mining operations, on the storage of explosives at mining sites, on their use in mining and on the disposal of unused explosives.

Division 7 carries out checks, inspections and controls of: manufacturers of recreational vessels from 2.4 to 24 m in length, personal water craft or components (Article 4(1)); the manufacturers' secondary warehouses; wholesalers, importers, retailers and users.

In 2016, Division 7 will continue its surveillance activity, within the scope of the budget and staff available, to verify that the products in question meet the essential requirements in terms of safety, health, and environmental and consumer protection (Article 6(1)).

Moreover, in agreement with the competent office of the Ministry of Economic Development and in cooperation with the Customs Agency, a procedure is being designed to regulate surveillance activity at the borders based on a 'check-list' covering product documentation.

Following its participation in the 32nd and 33rd RCD AdCo Meetings respectively in Brussels and Riga, Division 7 intends to continue to cooperate within the sectoral working groups coordinated by the European Commission, participating in the scheduled meetings.

The following audits are planned for 2016, through both on-site inspections and document checks after a preliminary investigation:

- checks on around eight Italian manufacturers ranging in size and type from large boatyards to small individual firms and producers specialising in individual boats to manufacturers of inflatable dinghies, personal water craft or components;
- checks on around eight vessels of various economic operators in the recreational vessels market, manufactured in Italy, in the EU or in third countries;
- several product checks and inspections, whose number cannot be planned in advance since they will be based on non-compliance complaints from members of the public, legal disputes, or reports from the agencies responsible for monitoring safety at sea;
- around four inspections at specialist trade fairs and boat shows;
- participation, with a public information stand, in two specialist trade fairs or boat shows, subject to the availability of funds.

2.5 Sector 32 Labelling of textile products - Regulation (EC) No 1007/2011

2.5.1 Responsible authority and contact details

The Market Surveillance Authority for this sector is the Ministry of Economic Development – Directorate General for Industrial Policy, Competitiveness and SMEs – Division VIII.

The Head of Division VIII is Ms Gabriella Pecorini, while the contact person is Ms Antonella Tomassi.

Surveillance activities are carried out by the Chambers of Commerce, under the coordination, assistance and consultancy of Unioncamere, the Association of Chambers of Commerce, with which the Ministry cooperates to ensure nationwide uniformity of the Chambers' surveillance activities.

2.5.2 Market surveillance procedures and strategy

The Ministry of Economic Development is the market surveillance authority; it performs checks on the conformity of the fibre composition of textile products, in line with Regulation (EC) No 1007/2011. The Ministry also performs safety checks on textiles placed on the market pursuant

to Legislative Decree No, 206/2005, with the support of the bodies having specific competence, namely the Chambers of Commerce.

Recently, the cooperation between the Ministry of Economic Development as surveillance authority and Unioncamere has been strengthened through operational coordination and training initiatives for inspectors and control offices.

Surveillance activities are carried out by the Chambers of Commerce both in response to complaints and on the basis of a national-level or local plan of checks, with random extraction from lists of the operators to be checked, but also selection based on objective criteria set out in the control programmes, including the results of prior checks and risk analysis principles.

It should be noted that in order to be freely marketed in the single market, textile products and footwear must bear labels complying with specific legal requirements.

The details provided on labels must ensure that consumers are properly informed and reduce the risk of fraud for consumers and economic operators alike.

Therefore, market surveillance is essential to ensure proper functioning of the market: only safe and properly labelled products must be allowed to circulate. Product safety relates to its characteristics, **in particular to its composition**, packaging and mode of assembly.

Surveillance on textiles

The surveillance activity on textile products involves checks on:

- the presence of the label and of information on composition of the textile;
- whether the manufacturer put in place appropriate safety measures having regard to product characteristics pursuant to the Consumer Code (Article 102 et seq.).

Surveillance activity includes the following types of checks:

- visual and documentary checks;
- taking and testing of samples.

The Chambers of Commerce carry out checks at the premises of manufacturers, importers, manufacturers' representatives and product sellers at production, storage and distribution facilities, without giving prior notice.

For each check, an inspection report is drawn up and signed by both parties. A copy of the report is given to the inspected company, another is filed by the Chamber of Commerce and, where necessary, another is sent to the competent authorities for appropriate follow-up.

During each inspection, the products can undergo visual and/or documentary checks, based on a random selection made by the inspecting officer, to verify formal compliance aspects.

In addition to documentary checks, product compliance checks can be performed by means of laboratory tests in accordance with the current legislation. The activity carried out during inspections is described in detail and documented in the inspection reports which may be of different types (surveillance report, sample taking report, seizure report, etc....).

If a product is found to be non-compliant, the Chamber of Commerce must send to the Ministry of Economic Development the case file with the main documents relating to the finding, including the laboratory test report, together with details of the follow-up action taken by the Chamber and information for follow-up action by the Ministry.

In some case, infringement of the applicable legislation on the composition of textiles triggers the issue of sanctions. The system of penalties concerning the mislabelling of the composition of textile products is currently laid out in three connected acts: Law No 883 of 26 November 1973, Law No 689 of 24 November 1981 and Legislative Decree No 194 of 22 May 1999.

In the event of product safety concerns (lack of identification details of the product and/or manufacturer, obvious product non-compliance) the product can be seized and, in some case, penalties may be issued. Such cases are classified as administrative infringements pursuant to Part IV, Safety and Quality, Articles 102 et seq. of the Consumer Code.

Surveillance on footwear

The surveillance activity includes checks on:

- the presence and formal correctness of the information for consumers;
- actual versus declared product composition;
- whether the manufacturer put in place appropriate safety measures having regard to product characteristics pursuant to the Consumer Code (Article 102 et seq.).

The surveillance activity which can be carried out at the premises of the manufacturer, distributor or retailer includes the following types of checks:

- visual checks to verify product composition, namely:
 - the presence and completeness of the label;
 - the presence of a sign explaining the symbols on the label (this only for checks at retailers' premises);
- taking and testing of samples.

The Chambers of Commerce carry out checks at the premises of manufacturers, importers, manufacturers' representatives and product sellers at production, storage and distribution facilities, without giving prior notice.

For each check, an inspection report is drawn up and signed by both parties. A copy of the report is given to the inspected company, another is filed by the Chamber of Commerce and, where necessary, a third copy is sent to the competent authorities for appropriate follow-up.

During each inspection, the products can undergo visual and/or documentary checks, based on a random selection made by the inspecting officer, to verify formal compliance aspects.

In addition to documentary checks, product-compliance checks can be performed by means of laboratory tests in accordance with the current legislation. The activity carried out during inspections is described in detail and documented in the inspection reports, which may be of different types (surveillance report, sample-taking report, seizure report, etc....).

If a product is found to be non-compliant, the Chamber of Commerce must send to the Ministry of Economic Development the complete case file containing the main documents relating to the finding, together with information on the appropriate follow-up action taken by the Chamber as well as information enabling the Ministry to take further action as appropriate. The Chamber must include in the case file forwarded to the Ministry the laboratory's test report.

Infringement of the applicable legislation on the composition of footwear does not trigger the application of sanctions.

In general, if the label with product composition is missing or incomplete, sale of the product will be suspended and a time limit will be set for regularising the label. If the non-compliance is not remedied by the deadline, the non-compliant product is withdrawn from the market.

In the event of product-safety concerns (lack of identification details of the product and/or manufacturer, obvious product non-compliance) the product can be seized and, in some cases, penalties may be issued. Such cases are classified as administrative infringements pursuant to Part IV, Safety and Quality, Articles 102 et seq. of the Consumer Code.

Initiatives for 2016

The Ministry also replies to users on the implementation of the relevant legislation via its certified e-mail system.

The planned initiatives on market control and surveillance for 2016 in the textile product sector include an information campaign targeting sector operators through distribution of information material, a copy of which is enclosed, prepared for this purpose in 2015 by Unioncamere in cooperation with the Ministry of Economic Development.

The Chambers of Commerce have also prepared a plan of checks on textile products and footwear, summarised below.

**PLANNING OF SURVEILLANCE ON TEXTILE PRODUCTS AND FOOTWEAR
FOR 2016**

INSPECTIONS PLANNED BY THE MARKET SURVEILLANCE OFFICES

	TEXTILE PRODUCTS	FOOTWEAR
Number of inspections to be performed	163	76

INSPECTIONS PLANNED BY TYPE OF ECONOMIC OPERATOR

	TEXTILE PRODUCTS	FOOTWEAR
Manufacturer	20	2
Importer	3	1
Distributor	9	6
Retailer	131	67

INSPECTIONS PLANED JOINTLY WITH OTHER SURVEILLANCE BODIES

	TEXTILE PRODUCTS	FOOTWEAR
Financial Police	6	0
Customs Agency	0	0
NAS (Anti-adulteration units)	2	0
Municipal Police	4	0
Other Chamber of Commerce	0	0

ESTIMATED No OF PRODUCTS THAT WILL UNDERGO VISUAL INSPECTION

	TEXTILE PRODUCTS	FOOTWEAR
Number of products to be checked	1617	613

**ESTIMATED No OF PRODUCTS THAT WILL UNDERGO DOCUMENTARY
CHECKS PURSUANT TO PART IV OF THE CONSUMER CODE**

	TEXTILE PRODUCTS	FOOTWEAR
Number of products that will undergo documentary checks	162	85

ESTIMATED No OF PRODUCTS THAT WILL UNDERGO SAMPLE TESTING

	TEXTILE PRODUCTS	FOOTWEAR
Number of products subjected to laboratory tests	33	14

ESTIMATED No OF CHECKS ON PRODUCTS SOLD ONLINE

Number of checks 54

ANNEX: REFERENCE LIST OF PRODUCT SECTORS

Product sectors	Relevant legislation ^{2 3}
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
2. Cosmetics	Regulation (EC) 1223/2009
3. Toys	Directive 2009/48/EC
4. Personal protective equipment	Directive 89/686/EEC
5. Construction products	Regulation (EU) 305/2011
6. Aerosol dispensers	Directive 75/324/EEC,
7. Simple pressure vessels and Pressure equipment	Directives 2009/105/EC and 97/23/EC
8. Transportable pressure equipment	Directive 2010/35/EU
9. Machinery	Directive 2006/42/EC
10. Lifts	Directive 1995/16/EC
11. Cableways	Directive 2000/9/EC
12. Noise emissions for outdoor equipment	Directive 2000/14/EC
13. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres	Directive 1994/9/EC
14. Pyrotechnics	Directive 2007/23/EC
15. Explosives for civil uses	Directive 93/15/EEC
16. Appliances burning gaseous fuels	Directive 2009/142/EC
17. Measuring instruments, Non-automatic weighing instruments and Pre-packaged products	Directives 2004/22/EC, 2009/23/EC and 2007/45/EC
18. Electrical equipment under EMC	Directive 2004/108/EC
19. Radio and telecom equipment under RTTE	Directive 1999/5/EC
20. Electrical appliances and equipment under LVD	Directive 2006/95/EC
21. 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	Regulations (EC) 1907/2006 and

² For ease of reference this table indicates established EU legislation. New legislation replacing that listed in the table should be also taken into account for the relevant period in which it is applicable.

³ 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.

and Classification and Labelling Regulations	1272/2008/EC
22. /B Other chemicals (Detergents, Paints, Persistent Organic Pollutants, Fluorinated greenhouse gases, Ozone Depleting Substances, etc.)	Regulation (EC) 648/2004, Directive 2004/42/EC, Regulation (EC) 850/2004, Regulation (EC) 842/2006 and Regulation (EU) 517/2014, Regulation (EC) 1005/2009
23. Eco-design and Energy Labelling; Efficiency requirements for hot-boilers fired with liquid or gaseous fuels	Directives 2009/125/EC and 2010/30/EU; Directive 1992/42/EEC
24. Tyre labelling	Regulation (EC) 1222/2009
25. Recreational crafts	Directive 1994/25/EC
26. Marine equipment	Directive 96/98/EC
27. Motor vehicles	Directives 2002/24/EC and 2007/46/EC
28. Non-road mobile machinery	Directive 97/68/EC
29. Fertilisers	Regulation (EC) 2003/2003
30. Other consumer products under GPSD (optional)	Directive 2001/95/EC
31. Biocides	Regulation (EU) 2012/528
32. Textile labelling	Regulation (EC) 1007/2011
33. (Additional sectors – please specify)	