

MINISTRY OF ECONOMIC AFFAIRS AND COMMUNICATIONS

**MARKET SURVEILLANCE PROGRAMME
2016
ESTONIA**

On 9 July 2008 the European Parliament and the Council adopted Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (hereinafter 'Regulation 765/2008').

Article 18(5) of Regulation 765/2008 states that: 'Member States shall establish, implement and periodically update their market surveillance programmes. Member States shall draw up either a general market surveillance programme or sector specific programmes, covering the sectors in which they conduct market surveillance, communicate those programmes to the other Member States and the Commission and make them available to the public by way of electronic communication and, where appropriate, by other means. The first such communication shall be effected by 1 January 2010.'

This document has been drawn up to meet the obligation laid down in Article 18(5).

The document has been drawn up by the Ministry of Economic Affairs and Communications in cooperation with the Consumer Protection Board, the Technical Surveillance Authority, the Maritime Administration, the Health Board, the Labour Inspectorate, the Environmental Inspectorate and the Agricultural Board.

Table of contents

1.	GENERAL MARKET SURVEILLANCE ORGANISATION AND INFRASTRUCTURE	6
1.1.	IDENTIFICATION AND RESPONSIBILITIES OF NATIONAL MARKET SURVEILLANCE AUTHORITIES	6
1.2.	COORDINATION AND COOPERATION MECHANISMS BETWEEN NATIONAL MARKET SURVEILLANCE AUTHORITIES	12
1.3.	COOPERATION BETWEEN NATIONAL MARKET SURVEILLANCE AUTHORITIES AND CUSTOMS	13
1.4.	RAPID INFORMATION EXCHANGE SYSTEM — RAPEX	16
1.5.	ICSMS INFORMATION SYSTEM	18
1.6.	GENERAL DESCRIPTION OF MARKET SURVEILLANCE ACTIVITIES AND RELEVANT PROCEDURES	19
1.7.	GENERAL FRAMEWORK OF COOPERATION WITH OTHER MEMBER STATES AND NON-MEMBER STATES	26
1.8.	EVALUATION OF MARKET SURVEILLANCE ACTIONS AND REPORTING	28
1.9.	HORIZONTAL ACTIVITIES PLANNED FOR 2016	29
2.	MARKET SURVEILLANCE IN SPECIFIC SECTORS	30
2.1.	MEDICAL DEVICES	30
2.1.1.	<i>Responsible authority and contact details</i>	<i>30</i>
2.1.2.	<i>Market surveillance procedures and strategy</i>	<i>30</i>
2.1.3.	<i>Report on activities carried out in the previous planning period</i>	<i>31</i>
2.2.	COSMETICS	32
2.2.1.	<i>Responsible authority and contact details</i>	<i>32</i>
2.2.2.	<i>Market surveillance procedures and strategy</i>	<i>33</i>
2.2.3.	<i>Report on activities carried out in the previous planning period</i>	<i>34</i>
2.3.	TOYS	36
2.3.1.	<i>Responsible authority and contact details</i>	<i>36</i>
2.3.2.	<i>Market surveillance procedures and strategy</i>	<i>37</i>
2.3.3.	<i>Report on activities carried out in the previous planning period</i>	<i>37</i>
2.4.	CHEMICAL SUBSTANCES UNDER THE REACH AND CLP REGULATIONS	40
2.4.1.	<i>Responsible authority and contact details</i>	<i>40</i>
2.4.2.	<i>Market surveillance procedures and strategy</i>	<i>41</i>
2.4.3.	<i>Report on activities carried out in the previous planning period</i>	<i>42</i>
2.5.	OTHER CHEMICALS (DETERGENTS, PAINTS, PERSISTENT ORGANIC POLLUTANTS, FLUORINATED GREENHOUSE GASES, OZONE DEPLETING SUBSTANCES, ETC.)	43
2.5.1.	<i>Responsible authority and contact details</i>	<i>43</i>
2.5.2.	<i>Market surveillance procedures and strategy</i>	<i>44</i>
2.5.3.	<i>Report on activities carried out in the previous planning period</i>	<i>45</i>
2.6.	BIOCIDES	47
2.6.1.	<i>Responsible authority and contact details</i>	<i>47</i>
2.6.2.	<i>Market surveillance procedures and strategy</i>	<i>47</i>
2.6.3.	<i>Report on activities carried out in the previous planning period</i>	<i>48</i>
2.7.	ELECTRICAL AND ELECTRONIC EQUIPMENT UNDER THE RESTRICTION OF HAZARDOUS SUBSTANCES DIRECTIVE AND THE WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT DIRECTIVE AND BATTERIES (PROBLEM PRODUCTS)	50
2.7.1.	<i>Responsible authority and contact details</i>	<i>50</i>
2.7.2.	<i>Market surveillance procedures and strategy</i>	<i>50</i>
2.7.3.	<i>Report on activities carried out in the previous planning period</i>	<i>51</i>
2.8.	PERSONAL PROTECTIVE EQUIPMENT	51
2.8.1.	<i>Responsible authority and contact details</i>	<i>51</i>
2.8.2.	<i>Market surveillance procedures and strategy</i>	<i>52</i>

2.8.3. Report on activities carried out in the previous planning period	53
2.9. TYRE LABELLING	54
2.9.1. Responsible authority and contact details	54
2.9.2. Market surveillance procedures and strategy.....	54
2.9.3. Report on activities carried out in the previous planning period	54
2.10. RECREATIONAL CRAFT.....	55
2.10.1. Responsible authority and contact details	55
2.10.2. Market surveillance procedures and strategy.....	55
2.10.3. Report on activities carried out in the previous planning period	55
2.11. FERTILISERS.....	56
2.11.1. Responsible authority and contact details	56
2.11.2. Market surveillance procedures and strategy.....	56
2.11.3. Report on activities carried out in the previous planning period	57
2.12. PYROTECHNICS	58
2.12.1. Responsible authority and contact details	58
2.12.2. Market surveillance procedures and strategy.....	58
2.12.3. Report on activities carried out in the previous planning period	58
2.13. TEXTILES.....	60
2.13.1. Responsible authority and contact details	60
2.13.2. Market surveillance procedures and strategy.....	60
2.13.3. Report on activities carried out in the previous planning period	60
2.14. ELECTRICAL APPLIANCES AND EQUIPMENT	61
2.14.1. Responsible authority and contact details	61
2.14.2. Market surveillance procedures and strategy.....	62
2.14.3. Report on activities carried out in the previous planning period	62
2.15. CHILDCARE PRODUCTS	63
2.15.1. Responsible authority and contact details	63
2.15.2. Market surveillance procedures and strategy.....	63
2.15.3. Report on activities carried out in the previous planning period	63
2.16. CANDLES	65
2.16.1. Responsible authority and contact details	65
2.16.2. Market surveillance procedures and strategy.....	65
2.16.3. Report on activities carried out in the previous planning period	65
2.17. CHILDREN'S CLOTHING (CORDS, DRAWSTRINGS)	66
2.17.1. Responsible authority and contact details	66
2.17.2. Market surveillance procedures and strategy.....	66
2.17.3. Report on activities carried out in the previous planning period	66
2.18. LIGHTERS	67
2.18.1. Responsible authority and contact details	67
2.18.2. Market surveillance procedures and strategy.....	67
2.18.3. Report on activities carried out in the previous planning period	68
2.19. USED CARS.....	69
2.19.1. Responsible authority and contact details	69
2.19.2. Market surveillance procedures and strategy.....	69
2.19.3. Report on activities carried out in the previous planning period	69
2.20. RADIO AND TELECOM EQUIPMENT.....	71
2.20.1. Responsible authority and contact details	71
2.20.2. Market surveillance procedures and strategy.....	71
2.20.3. Report on activities carried out in the previous planning period	71
2.21. MACHINERY AND EQUIPMENT AND PROTECTIVE SYSTEMS INTENDED FOR USE IN POTENTIALLY EXPLOSIVE ATMOSPHERES.....	75
2.21.1. Responsible authority and contact details	75

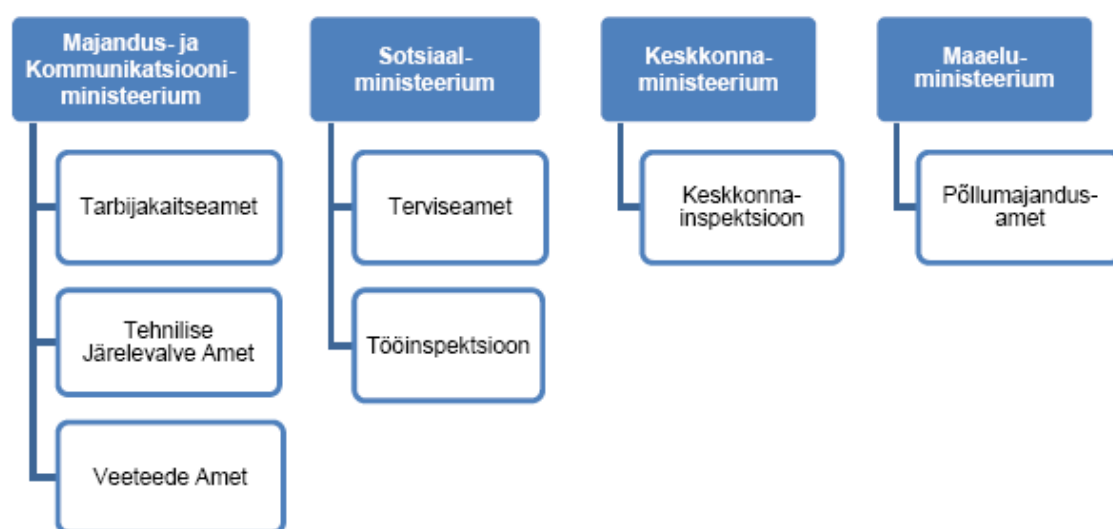
2.21.2. Market surveillance procedures and strategy.....	75
2.21.3. Report on activities carried out in the previous planning period	76
2.22. PRESSURE EQUIPMENT	78
2.22.1. Responsible authority and contact details	78
2.22.2. Market surveillance procedures and strategy.....	78
2.22.3. Report on activities carried out in the previous planning period	78
2.23. APPLIANCES BURNING GASEOUS FUELS.....	80
2.23.1. Responsible authority and contact details	80
2.23.2. Market surveillance procedures and strategy.....	80
2.23.3. Report on activities carried out in the previous planning period	80
2.24. MEASURING INSTRUMENTS, NON-AUTOMATIC WEIGHING INSTRUMENTS AND E- MARKED PRE-PACKAGED PRODUCTS.....	82
2.24.1. Responsible authority and contact details	82
2.24.2. Market surveillance procedures and strategy.....	82
2.24.3. Report on activities carried out in the previous planning period	82
2.25. CONSTRUCTION PRODUCTS	83
2.25.1. Responsible authority and contact details	83
2.25.2. Market surveillance procedures and strategy.....	83
2.25.3. Report on activities carried out in the previous planning period	83
2.26. LIFTS AND CABLEWAYS.....	84
2.26.1. Responsible authority and contact details	84
2.26.2. Market surveillance procedures and strategy.....	84

1. GENERAL MARKET SURVEILLANCE ORGANISATION AND INFRASTRUCTURE

1.1. IDENTIFICATION AND RESPONSIBILITIES OF NATIONAL MARKET SURVEILLANCE AUTHORITIES

The principles of market surveillance in relation to the marketing of products are set out in [Regulation \(EC\) No 765/2008](#) and the [Product Conformity Act](#)¹. Market surveillance authorities and the allocation of functions of the authorities are established by law, to which cooperation agreements between the authorities themselves are added. Surveillance is carried out on a sectoral basis in Estonia. The market surveillance of products is carried out by 7 authorities in Estonia: the Consumer Protection Board, the Health Board, the Technical Surveillance Authority, the Labour Inspectorate, the Maritime Administration, the Environmental Inspectorate and the Agricultural Board.

Market surveillance authorities by the areas of government of ministries are the following:



ET	EN
Majandus- ja Kommunikatsiooniministeerium	Ministry of Economic Affairs and Communications
Sotsiaalministeerium	Ministry of Social Affairs
Keskkonnaministeerium	Ministry of the Environment
Maaeluministeerium	Ministry of Rural Affairs
Tarbijakaitseamet	Consumer Protection Board
Terviseamet	Health Board
Keskkonnainspeksioon	Environmental Inspectorate
Põllumajandusamet	Agricultural Board
Tehnilise Järelevalve Amet	Technical Surveillance Authority

¹ Market surveillance is a type of state supervision and is also subject to the Administrative Procedure Act, the Law Enforcement Act, etc.

Tööinspeksioon	Labour Inspectorate
Veeteede Amet	Maritime Administration

CONSUMER PROTECTION BOARD

The [Consumer Protection Board](#) is a government authority operating under the jurisdiction of the Ministry of Economic Affairs and Communications. It has management functions, conducts state surveillance on the consumer market and exercises the enforcement powers of the state on the bases and to the extent laid down by law.

The mission of the Consumer Protection Board is to harness the law and awareness in order to protect consumers' interests.

The main functions of the Consumer Protection Board are:

- to conduct market surveillance on the consumer market in order to ensure that the goods and services sold are safe and to protect consumers' economic interests by strengthening their position on the market;
- to advise consumers and economic operators together with raising their awareness by organising training and drawing up and distributing information material;
- to resolve consumer complaints with the involvement of the various parties and ensuring the impartiality of the procedure.

The bases for the operations and competence of the Consumer Protection Board are Section 17 of the [Consumer Protection Act](#), the Statutes of the Consumer Protection Board, and the surveillance obligations and the rights of a body conducting extra-judicial proceedings, as laid down in the appropriate Acts.

The aim of the market surveillance conducted by the Consumer Protection Board is a well-functioning consumer market where safe goods and services are sold to consumers for their intended use, where there is healthy competition and where economic operators take account of consumers' lawful economic interests in their operations.

The main function of the Market Surveillance Department of the Consumer Protection Board is to conduct surveillance and checks of goods and services sold on consumer markets in respect of the requirements arising from the legislation regulating the field of consumer protection, to review and assess from the consumer's perspective the terms and conditions of standard contracts concluded with consumers, to advise consumers and economic operators, to make proposals for legislation to be adopted or amended, to participate in cooperation at both the national and international level, etc.

The Department is divided into three divisions: the Trade Division, the Services Division and the Customer Service Division. In addition to the head of the Department and the four heads of divisions, the Department also employs 10 senior inspectors, 3 lawyers/sectoral managers, 24 lawyers, 2 experts/sectoral managers, 4 experts and 1 chief specialist.

In the most general terms, the surveillance carried out by the Consumer Protection Board is targeted at the products and services sold on the consumer market, both their safety and conformity to the terms and conditions of the contract (quality), the information provided about the goods and services, including information about the price, and advertising and marketing measures in general. In addition to carrying out surveillance to verify that the requirements laid down in the Consumer Protection Act, the Product Conformity Act, the [Trading Act](#) and the [Law of Obligations Act](#) are met,

the Consumer Protection Board also monitors compliance with the requirements laid down in the [Tourism Act](#), the [Metrology Act](#), the [Tobacco Act](#), the [Packaging Act](#), etc.

The compliance, of goods and services, including their safety, is the responsibility of the Trade Division of the Market Surveillance Department. The personnel of the Trade Division is the following:

- head of division — 1;
- experts/sectoral managers — 2;
- lawyers/sectoral managers — 1;
- lawyers — 7;
- experts — 4;
- chief inspectors — 9.

Regular market surveillance is based on a work programme drawn up for each year. The input for preparing the work programme consists of the requirements for market surveillance arising from legal acts, complaints lodged with the Board, information about dangerous products received through RAPEX, the outcome of joint projects, the results of market inspection, the results of product tests, etc. Each year, a report is prepared on the implementation of the work programme, and this in turn provides input for topics to be included in the work programme for the following year.

The Consumer Protection Agency is the Estonian contact point and competent authority for the rapid alert system for dangerous goods, RAPEX.

The 2016 budget of the Consumer Protection Board is approximately EUR 1.88 m. The estimated annual expenditure on wages per employee of the Trade Division is approximately EUR 19 705. The planned testing costs for 2016 are EUR 15 000.

TECHNICAL SURVEILLANCE AUTHORITY

[The Technical Surveillance Authority](#) is a government authority within the area of government of the Ministry of Economic Affairs and Communications. It has management functions, conducts state surveillance and exercises the enforcement powers of the state on the bases and to the extent laid down by law.

The Technical Surveillance Authority carries out market surveillance primarily to verify compliance with the requirements laid down for the following products and equipment:

- construction products;
- radio equipment and telecom terminal equipment;
- electrical equipment;
- appliances burning gaseous fuels;
- machinery;
- measuring instruments;
- pressure equipment, aerosol dispensers;
- lifts, cableways;
- explosives for civil uses, pyrotechnics.

The Technical Surveillance Authority also carries out market surveillance in respect of compliance with the following requirements:

- hazardous substance content in electrical and electronic equipment;
- noise emissions for outdoor equipment;
- equipment and protective systems intended for use in potentially explosive atmospheres;

- eco-design of energy-related products;
- energy labelling of equipment.

An important element in a surveillance procedure is ceasing the offering for sale of non-compliant products and the withdrawal of the products from the market. In a surveillance procedure, the Technical Surveillance Authority has the right to issue a precept, impose a penalty payment or impose a monetary fine under a misdemeanour procedure.

Market surveillance is carried out on the basis of an annual work programme that takes account of the existing resources and needs. The work programme is prepared on the basis of the complaints received by the Board, the results of laboratory tests from previous years, information about dangerous products received through the RAPEX and ICSMS systems, the outcomes of joint projects, the results of previous market surveillance inspections, etc.

In 2015, market surveillance was carried out by 10 officials with an average monthly gross salary of EUR 1 435 (EUR 1 920 before taxes).

Table 1. The operational expenditure of the Technical Surveillance Authority in 2015.	
Personnel costs	EUR 2 395 779.34
Management costs	EUR 411 000
Total operating costs	EUR 2 806 779.34

MARITIME ADMINISTRATION

The Maritime Administration is a government authority within the area of government of the Ministry of Economic Affairs and Communications. It has management functions, conducts state surveillance and exercises the enforcement powers of the state on the bases and to the extent laid down by law.

The Maritime Administration has the rights and responsibilities of a market surveillance authority in respect of products regulated by the Product Conformity Act and the Maritime Safety Act:

- recreational craft;
- partly completed recreational craft;
- components.

The objective of market surveillance carried out by the Maritime Administration is to ensure that the recreational craft put into use are compliant with the relevant safety, health, environmental and consumer protection requirements as well as to ensure the protection of the internal market.

HEALTH BOARD

The [Health Board](#) is a government authority within the area of government of the Ministry of Social Affairs. It has management functions, conducts state supervision and exercises the enforcement powers of the state on the bases and to the extent laid down by law.

The objective of the Health Board's operations is to implement public health policy aimed at developing a healthy living and learning environment and focusing on high-quality health protection and healthcare services in the healthcare, health protection, chemical safety and medical devices sectors.

The main function of the Board is to perform, within the scope of its legal functions, a management function and carry out state supervision to verify the fulfilment of the requirements of the legal acts that regulate the areas of activity of the Board and to exercise the enforcement powers of the state where these requirements are violated.

The areas of activity of the Board are the following: healthcare; the monitoring and epidemic control of infectious diseases; environmental health; chemical safety; and medical device safety.

The Health Board is the competent authority in the following sectors:

- chemical safety;
- biocides;
- cosmetics;
- medical device safety.

The main tasks of the Chemical Safety Department are to fulfil the functions of the competent authority for chemicals, including biocides and detergents, and cosmetics, to organise activities related to product safety and to plan and coordinate relevant state surveillance.

The main tasks of the Department are to restrict or suspend the distribution or use of non-compliant medical devices; to maintain a database of medical devices, parties that place medical devices on the market and risk events; to process risk events; to resolve disputes related to the classification of medical devices; to specify products; to analyse the information collected about medical devices; and to assess the safety of medical devices.

The main tasks of the Surveillance Department are to coordinate and perform surveillance in all areas of activity of the Health Board. The Department exercises state surveillance in the chemical safety, biocides, cosmetics and medical devices sectors.

The structure of the Health Board includes the Central Laboratory (comprised of the Laboratory of Communicable Diseases, the Laboratory of Chemistry and the Laboratory of Physics), the Tartu Laboratory and the Kohtla-Järve Laboratory. The main tasks of the laboratories are bacteriological, virological, chemical and physical testing.

The number of employees in the Health Board, including the number of specialists directly involved in market surveillance and the number of inspectors, is provided in Table 2. The Health Board has 5 employees working in the medical devices sector, including 2 surveillance inspectors, and 10 employees in the chemicals and product safety sector, including 5 surveillance inspectors.

Table 2. Human resources	2015
Number of specialists directly involved in market surveillance in the medical devices sector	5
Number of inspectors of market surveillance of medical devices	2
Number of specialists directly involved in market surveillance in the chemicals and product safety sector	5
Number of inspectors of market surveillance of chemicals and product safety	5
Total	17

The budget of the Health Board was EUR 4 238 755.00 in 2015. The estimated annual expenditure on wages per inspector is approximately EUR 18 069.41. The Board plans to spend EUR 24 489.00 (0.57 % of its budget) on laboratory tests in the chemicals and product safety sector in 2016.

LABOUR INSPECTORATE

The [Labour Inspectorate](#) is a government authority within the area of government of the Ministry of Social Affairs. It has management functions, conducts state surveillance and exercises the enforcement powers of the state on the bases and to the extent laid down by law.

The main functions of the Inspectorate are the implementation of working environment policy; state supervision of the fulfilment, in the working environment, of the requirements of legal acts providing for occupational health and safety and labour relations; informing the public, employees and employers of hazards in the working environment; and the resolution of individual labour disputes in an extra-judicial labour dispute resolution body.

The Labour Inspectorate conducts market surveillance to verify that the safety and protective properties of the personal protective equipment used in the workplace are ensured in the production and sale of the equipment.

The objective of the market surveillance is to prevent personal protective equipment that does not meet the requirements from being placed on the market or put into use. The basis for conducting surveillance is the Product Conformity Act and Minister of Social Affairs [Regulation No 64](#) of 29 September 2010 concerning safety requirements for personal protective equipment and the procedure for verifying conformity.

ENVIRONMENTAL INSPECTORATE

The [Environmental Inspectorate](#) is a government authority within the area of government of the Ministry of the Environment. It coordinates and conducts surveillance relating to the use of the natural environment and natural resources, exercising the enforcement powers of the state in the cases laid down by law.

The main legal acts regulating environmental surveillance are the [Environmental Supervision Act](#) and the [Law Enforcement Act](#). The legal provisions regarding the environment are laid down in the specific acts covering each particular sector, such as the [Waste Act](#), the [Ambient Air Protection Act](#) and the [Chemicals Act](#).

The Environmental Inspectorate conducts market surveillance regarding dangerous substances in problem products (batteries, motor vehicles and motor vehicle parts, electrical and electronic equipment and parts) and the labelling of tyres.

AGRICULTURAL BOARD

The [Agricultural Board](#) is a government authority within the area of government of the Ministry of Agriculture. It has management functions, conducts state surveillance and administrative surveillance, and carries out verifications of conformity in the course of processing notices of economic activities, operating licences and other authorisations within its competence. The Agricultural Board maintains national registers and carries out state supervision in the following sectors: horticultural products, the handling of genetically modified crops, land improvement, organic farming, seed and plant propagating material, plant protection, plant health, the control of

wild oats and fertilisers. Alongside plant protection, the main functions of the Plant Protection and Fertilisers Department of the Board are the following: organising the operation of the register of fertilisers; organising state supervision to verify compliance with the requirements for the handling of fertilisers; and processing applications, notifications and authorisations and carrying out other administrative procedures in the fertilisers sector.

Under Section 2(6) of the [Fertilisers Act](#), the Agricultural Board is the competent authority for the purposes of Article 27 of [Regulation \(EC\) No 2003/2003](#) relating to fertilisers (referred to below as *Regulation 2003/2003*). These legal acts set out the fundamental principles for regulating the fertilisers sector and they apply to fertilisers designated as 'EC fertilisers' and to the handling of such fertilisers. The market surveillance of EC fertilisers is carried out in accordance with Regulation 765/2008.

1.2. COORDINATION AND COOPERATION MECHANISMS BETWEEN NATIONAL MARKET SURVEILLANCE AUTHORITIES

A **Market Surveillance Council** has been formed under the Ministry of Economic Affairs and Communications to promote cooperation and the exchange of information between the authorities involved in market surveillance. The Council is composed of the representatives of all the authorities engaged in market surveillance, including the Tax and Customs Board, and the ministries of the respective areas of government. Some of the tasks of the Council are to make proposals regarding the strategic objectives for market surveillance, the development of activity priorities and the promotion of cooperation between the market surveillance authorities and the Tax and Customs Board.

Cooperation between the market surveillance authorities is based on cooperation agreements and other agreements as well as the efforts of the Market Surveillance Council. The **Health Board** and the **Consumer Protection Board** have concluded a cooperation agreement to improve the results of controlling products on the internal market and to implement Regulation 765/2008. The cooperation agreement specifies the tasks, rights and obligations and provides the contact lists of responsible officials and the procedures for information exchange of both bodies. Information is exchanged on an ongoing basis all year round, and solutions to problems arising during inspections are discussed in meetings in order to improve cooperation, if necessary.

Furthermore, an expert working group for borderline products has been set up under the Health Board; the working group is composed of the representatives of various authorities (the **State Agency of Medicines**, the **Veterinary and Food Board**, the **Agricultural Board** and the **Consumer Protection Board**). The operation of the working group is organised according to the 'rules of procedure for the expert working group for borderline products'. Agreements on the specifying of products are reached by email or by organising meetings if necessary. In the first nine months of 2015, a consensus was reached on the identification of approximately 23 products.

The **Agricultural Board** cooperates with the **Agricultural Research Centre**, which as an approved laboratory under Section 34(2) of the Fertilisers Act and Article 30 of Regulation (EC) No 2003/2003 conducts laboratory studies required for surveillance. The **Agricultural Board** also cooperates with the **Consumer Protection Board**, which is involved at the level of retail sale in ensuring state supervision over compliance with the requirements established for the packaging of fertilisers distributed to consumers and the labelling thereof in accordance with the Consumer Protection Act and Section 29(3) of the Fertilisers Act.

A cooperation protocol has been signed between the **Consumer Protection Board** and the **Technical Surveillance Authority**; the protocol defines the responsibilities and activities of the Board and the Authority in the areas of overlapping surveillance competence to ensure the protection of the public from non-compliant products and services with maximum efficiency. Cooperation between the authorities must ensure more coordinated and efficient surveillance and promote the development of a common surveillance culture in overlapping areas. The areas of competence of the Technical Surveillance Authority and the Consumer Protection Board overlap in areas of telecommunications, construction and electrical safety, energy efficiency, pyrotechnics, machinery safety, legal metrology and railway. Given that the powers of the Authority and the Board for exercising state supervision in these areas lack a precise definition on some points, the two bodies have agreed on a division of functions in the areas where their competences have not been given a precise definition.

The **Consumer Protection Board** has a close and effective cooperative relationship based on professional assistance with the **Tax and Customs Board**, the **Road Administration** and the **Police and Border Guard Board**, with which the Board has initiated a joint effort to organise the used cars sector. The **Consumer Protection Board** has a similar cooperative relationship for controlling areas of overlap with the **Rescue Board** (fireplaces, pyrotechnics and sky lanterns), the **Environmental Inspectorate** (tyres, waste equipment, etc.) and the **Labour Inspectorate** (personal protective equipment for consumers).

The **Technical Surveillance Authority** cooperates with the **Consumer Protection Board** for the market surveillance of various products (e.g. pyrotechnics, electrical equipment and machinery) The **Technical Surveillance Authority** cooperates with the **Labour Inspectorate** in accident investigations. Its most important cooperation partner for the construction sector is the **Rescue Board**. The **Technical Surveillance Authority** also cooperates with the **Environmental Inspectorate** and the **Estonian Association of Electrical Enterprises** in respect of the hazardous substances in electrical and electronic equipment. As a rule, no special agreements have been concluded between the surveillance authorities and the sectoral cooperation in surveillance is carried out on the basis of and in accordance with the procedure provided by law. Information is often exchanged during regularly held information days and the exchange of emails on an ad-hoc basis. Information requests are submitted to receive information as necessary.

In addition to the above, the **Labour Inspectorate** also cooperates with the **Health Board** in market surveillance.

The **Maritime Administration** cooperates effectively with the **Road Administration**, which manages the registration of recreational craft and acts as the registrar of recreational craft in Estonia. In the event of suspected non-compliances during vehicle registration, the Road Administration forwards the relevant information to the Maritime Administration, which determines the shortcomings and issues precepts requiring the removal of the non-compliances. Cooperation between the authorities often consists in information exchange and consultation.

1.3. COOPERATION BETWEEN NATIONAL MARKET SURVEILLANCE AUTHORITIES AND CUSTOMS

Consumer Protection Board

In order to implement Regulation 765/2008, the Consumer Protection Board has concluded a cooperation agreement with the Tax and Customs Board to improve the effectiveness of controls to establish the safety of goods. The cooperation agreement specifies the tasks, rights and obligations

and provides a contact list of responsible officials and a list of products to be checked for both bodies.

The cooperation agreement is accompanied by a Guide for Customs Checks of Product Safety in Cooperation with Market Surveillance Authorities, which is annexed to the agreement. The guide describes in detail the requirements, procedure and form of information exchange and the methods, processes, proceedings and elements of cooperation. Information is exchanged on an ongoing basis all year round and solutions to problems that arise during inspections are discussed in annual meetings of the surveillance authorities and the Tax and Customs Board in order to improve cooperation where necessary.

The Consumer Protection Board and the Tax and Customs Board exchange information concerning the following goods:

- childcare products;
- toys;
- clothing and textile products;
- footwear;
- personal protective equipment for leisure purposes.

The Consumer Protection Board has the right to request information about the importing of goods in the above categories. The requests are based on the codes of the combined nomenclature (CN). All customs officials always have the right to consult the appropriate contact person in the Consumer Protection Board when customs formalities give rise to suspicions about the compliance of a product. The Consumer Protection Board informs the Tax and Customs Board, where necessary, about particular enterprises and CN codes that require more thorough checks before releasing the goods for free circulation.

If customs releases for free circulation goods that require more thorough checks or customs formalities give rise to suspicions about the compliance of a product, customs implements control measures according to Regulation (EC) No 765/2008. The Consumer Protection Board is immediately informed about the implementation of such measures. In the event of goods or cases that require more thorough checks, the objective of the check is separately agreed between the contact persons.

At the Consumer Protection Board, inquiries are made by the officials specified in the cooperation agreement. Information is exchanged in accordance with the 'Guide for Customs Checks of Product Safety in Cooperation with Market Surveillance Authorities' prepared by the Tax and Customs Board. Information is generally exchanged by email.

An official of the Tax and Customs Board consults with the contact person at the Consumer Protection Board by phone or email. Notices of checks are written on the form provided in the cooperation agreement and sent to the email address of the contact person of the Consumer Protection Board or the general email address of the Board.

In the first 11 months of 2015, the Consumer Protection Board received 62 notices of checks concerning the following goods withheld by customs:

- toys (29);
- recreation and sports goods (4);
- personal protective equipment (22);
- other manufactured goods (7).

In total, the notices concerned 187 946 products.

In 38 cases, the Consumer Protection Board decided to release the goods for free circulation and in 23 cases denied permission to release the goods for free circulation; in 6 cases, the Board was not competent to make a decision on the goods specified in the customs notices. The main reason for not allowing goods on the market was the absence of a required mark of conformity.

Technical Surveillance Authority

The Technical Surveillance Authority cooperates with the Tax and Customs Board in the control of products to be released for free circulation. Inquiries made on the basis of risk analysis and the exchange of information on product categories that belong in risk groups between the Authority and the Board are used, on a case-by-case basis, as input for targeted market surveillance if customs have identified significant or frequent shortcomings in a specific product category.

Health Board

In order to implement Regulation 765/2008, the Health Board has concluded a cooperation agreement with the Tax and Customs Board aimed at carrying out controls at the EU border. The object of the cooperation agreement between the Health Board and the Tax and Customs Board is the exchange of information in market surveillance with the aim of improving the effectiveness of controls to verify the safety of goods.

Information on the following goods is exchanged:

- chemicals;
- biocides;
- toys;
- cosmetics;
- detergents;
- medical devices.

The Health Board has the right to request information about the importing of goods related to the categories of chemicals and product safety. The requests are based on the codes of the combined nomenclature (CN) of goods. All customs officials always have the right to consult the appropriate contact person in the Health Board when customs formalities give rise to suspicions about the compliance of a product. The Health Board informs the Tax and Customs Board, where necessary, about particular enterprises and CN codes that require more thorough checks before releasing the goods for free circulation.

If customs releases for free circulation goods that require more thorough checks or customs formalities give rise to suspicions about the compliance of a product, customs implements control measures according to Regulation (EC) No 765/2008. The Health Board is immediately informed about the implementation of such measures. In the event of goods or cases that require more thorough checks, the objective of the check is separately agreed between the contact persons.

In the Health Board, inquiries are made by the officials specified in the cooperation agreement. Information is exchanged in accordance with the 'Guide for Customs Checks of Product Safety in Cooperation with Market Surveillance Authorities' prepared by the Tax and Customs Board. Information is generally exchanged by email. An official of the Tax and Customs Board consults with the contact person at the Health Board by phone or email. Notices of checks are written on the form provided in the cooperation agreement and sent to the email address of the contact person of the Health Board or the general email address of the Board.

In the first 11 months of 2015, the Health Board received:

- 37 notices of checks in the chemicals and product safety sector, concerning 56 articles of goods in total, 31 of which were released for free circulation and 25 were non-compliant and were not released for free circulation (18 484 products in total);
- 40 notices of checks in the medical devices sector, concerning 86 articles of goods in total, 12 of which were released for free circulation (2 412 products) and 60 were not released for free circulation (13 954 products) and 14 did not qualify as medical devices (1 365 products).

Environmental Inspectorate

A cooperation agreement has been concluded between the Environmental Inspectorate and the Tax and Customs Board. According to the cooperation agreement, information is exchanged for the purposes of risk analysis and the expert assessment of products submitted for customs inspection. There are no agreed procedures for information exchange.

Maritime Administration

The Maritime Administration and the Tax and Customs Board cooperate where necessary. No separate cooperation agreement has been concluded between the two authorities.

Agricultural Board

Cooperation between the Tax and Customs Board and the Agricultural Board is regulated by a cooperation agreement that entered into force on 28 January 2015; Sections 4.1 and 4.2 of the agreement provide for the following:

- 4.1 When releasing goods for free circulation, a customs officer checks on the website of the Agricultural Board whether the fertiliser being imported is in the list of fertilisers entered in the register of fertilisers.
- 4.2 20. A customs official does not release for free circulation products that are not in the list referred to in Section
- 4.1 and informs the fertilisers sector coordinator at the Agricultural Board (contact information available at <http://www.pma.agri.ee/index.php?id=105&sub=264#3200>) about the facts of the case.

Labour Inspectorate

The Tax and Customs Board also cooperates with the Labour Inspectorate in market surveillance.

1.4. RAPID INFORMATION EXCHANGE SYSTEM — RAPEX

The **Consumer Protection Board** is the Estonian contact point and one of the competent authorities for the RAPEX rapid alert system.

The RAPEX contact person at the Consumer Protection Board is: Milvi Paidra, Rahukohtu 2, Tallinn 10130, phone: +372 620 1712, email: milvi.paidra@tarbijakaitseamet.ee

The Consumer Protection Board is responsible for notifying the European Commission about any restrictions to the placing on the market of a product, about the measures taken (or intended) and special conditions prescribed by the measures. All market surveillance authorities are required to regularly exchange information with each other about dangerous products identified by them. This information must also be immediately forwarded to the Consumer Protection Board. The Health Board, the Technical Surveillance Authority and the Tax and Customs Board have appointed contact persons for this purpose. Information received from the European Commission is passed through these persons to a competent authority and a response is later received as feedback according to a defined time schedule.

For each notification received, a check is carried out to verify if the dangerous goods described are commercially available or not and the European Commission is notified of the results upon the expiry of an agreed deadline. If dangerous goods have been detected on the market, the sanctions and measures implemented in the given case must also be notified.

The Consumer Protection Board verifies the existence of the dangerous products described in the RAPEX reports on the Estonian market within its competence and in accordance with the guidelines for checking dangerous products based on RAPEX alerts.

The guidelines require the employees of the Market Surveillance Department of the Consumer Protection Board to regularly examine the alerts and check the commercial availability of dangerous goods (toys, Category I and II personal protective equipment, clothing, cosmetics, furniture, childcare products, lighters, lasers, etc.) in the process of conducting market surveillance. In the first 11 months of 2015, the officials of the Consumer Protection Board checked the availability on the Estonian market of products notified in 1 575 RAPEX notifications on a total 635 occasions.

In the first 11 months of 2015, the European Commission notified:

- 1 885 products requiring urgent measures (under Article 12 of [Directive 2001/95/EC](#) on general product safety);
- 102 instances of products that did not present a serious risk but with regard to which Member States had taken measures to restrict their placing on the market (under Article 11 of the Directive); and
- 234 informative notifications were received through RAPEX.

Alerts were received regarding toys, clothing and footwear, vehicles, electrical goods, childcare products, hobby and recreational goods, lighters, laser pointers, etc. Of the notified goods, 25 products were found on the Estonian market.

Estonia in turn submitted 20 alerts during the 11 months:

- 13 notifications on dangerous toys;
- 3 notifications on footwear;
- 3 notifications on earrings; and
- 1 notification on leather gloves.

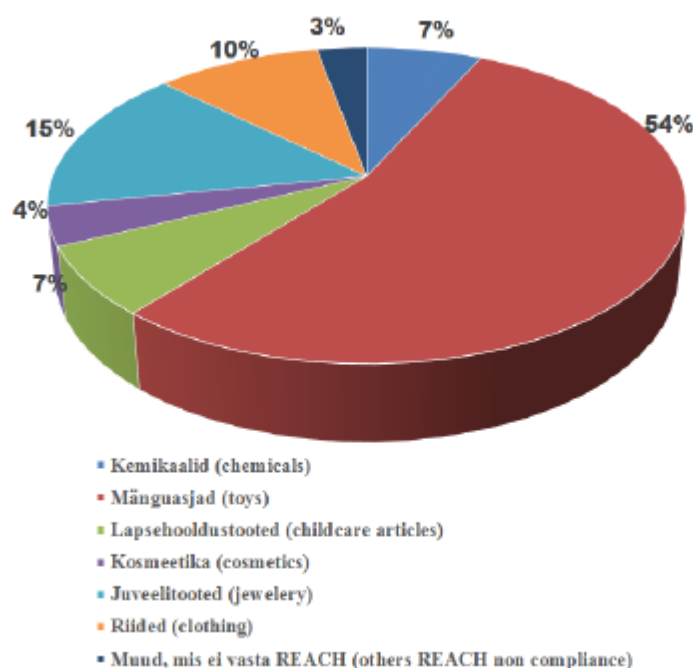
The Health Board discovered 8 and the Consumer Protection Board 12 of the 20 products notified. The toys, consumer goods and other products that were notified were declared dangerous by the Health Board and the traders were required by precept of the Health Board or Consumer Protection Board to withdraw the dangerous products from the market and to inform consumers about the risks of using the products and the possibility of returning them to the point of sale.

The **Health Board** immediately notifies the RAPEX contact point of any dangerous product discovered in the course of market surveillance in accordance with the deadlines laid down in Part IV of Commission Decision 2010/15/EU of 16 December 2009. The notifications within the area of competence of the Health Board are sorted based on a notice received from other Member States, and the Health Board surveillance inspectors check the availability of the dangerous products on the Estonian market. The RAPEX contact point is informed about the results and a reaction to the European Commission is prepared.

The RAPEX contact point in the Health Board is the Head of the Chemicals and Product Safety Bureau of the Board. Contact details: Marina Karro, Paldiski mnt 81, 10617 Tallinn, phone: +372 6943530, email: Marina.Karro@terviseamet.ee.

In the first 9 months of 2015, the Health Board processed 588 notifications received through RAPEX. Figure 1 shows a breakdown of the notifications by type.

Figure 1. A breakdown of the RAPEX notification processed by the Health Board, by product category-



The **Technical Surveillance Authority** uses information from RAPEX, where necessary.

1.5. ICSMS INFORMATION SYSTEM

At national level, all market surveillance authorities in Estonia, except the Agricultural Board, have joined ICSMS (Internet-Supported Information and Communication System) and have access to it with data entry capability. Each market surveillance authority is responsible for data entry into ICSMS within its areas of competence.

The functions of the ICSMS national contact point are fulfilled by the **Ministry of Economic Affairs and Communications** (contact person: Ingrid Teinemaa, ingrid.teinemaa@mkm.ee, +372 6256460). The ICSMS national administrator (user account administrator) is based at the **Technical Surveillance Authority** (Richard Saarman, Richard.Saarman@tja.ee).

The **Consumer Protection Board** has been using the ICSMS system as an additional source of information on possibly dangerous products. The supervisory officials at the Board keep track of the products published on the ICSMS website in order to obtain information necessary for carrying out surveillance. The Board has also used ICSMS for entering data on the products taken to be tested in 2015. Data on a total of 33 products have been entered in the system.

The **Technical Surveillance Authority** has the most extensive experience in using ICSMS (approximately 10 years). At the Technical Surveillance Authority, data entry in a particular sector is the responsibility of the department competent to carry out surveillance of the products in that sector. The Authority primarily uses ICSMS as a means of gathering information.

At the **Health Board**, ICSMS training events have been organised and user accounts created for inspectors. ICSMS has so far been used for notifying of cosmetics products with serious undesirable effects and the RAPEX system has been used for entering information on dangerous products. In 2015, the Health Board fully introduced ICSMS.

The **Environmental Board** has the user rights to ICSMS. All the control data of the Environmental Board are also entered in the national register (OKAS). Although the use of ICSMS is not required by the internal rules of the Board, all control results are entered in ICSMS pursuant to an agreement between the Market Surveillance Council and the RohS Enforcement Network working group. The contact person at the Environmental Board is Chief Inspector Rene Rajasalu rene.rajasalu@kki.ee.

The **Maritime Administration** is planning to introduce ICSMS in 2016 after the relevant training is completed.

1.6. GENERAL DESCRIPTION OF MARKET SURVEILLANCE ACTIVITIES AND RELEVANT PROCEDURES

Consumer Protection Board

Regular market surveillance activities are based on an annual work plan, which takes into account the existing resources and needs. The work plan is prepared according to the obligations arising from legal acts and the principles of conducting market surveillance, the complaints received by the Board, the results of laboratory tests from previous years, information about cases of intoxication, information about dangerous products received through RAPEX and information about dangerous and non-compliant products published in ICSMS, joint projects being planned, the results of previous market surveillance inspections, etc.

The Consumer Protection Board therefore conducts its market surveillance activities based primarily on danger prognoses arrived at as a result of mapping its areas of competence and on the need for checks arising from the prognoses; another basis is the need for checks arising from complaints.

Various measures are implemented for market surveillance, depending on the nature of and need for checks. The inspectors check products by visual observation (e.g. taking into account both the odour and the physical properties) and check the mandatory documentation concerning the products; they take products to be tested, assess the results of laboratory tests, decide on compliance or non-compliance with legal acts; they issue precepts requiring the removal of defects, the bringing into compliance of products and the informing of consumers, as necessary, or apply legal sanctions if the precepts are not met. The Consumer Protection Board also cooperates with the other market surveillance authorities: the Health Board, the Labour Inspectorate, the Technical Surveillance Authority, the Agency of Medicines, the Environmental Inspectorate, and the Tax and Customs Board.

The Consumer Protection Board informs the population about dangerous products withdrawn from the market on an ongoing basis through its website or Facebook account. Appropriate press releases and articles are prepared, as necessary.

The Board regularly organises training days for businesses under the 'Suunanäitaja' trademark and, where necessary, also round tables and seminars for businesses and umbrella organisations to address particular shortcomings in surveillance.

The penalties for misdemeanours (administrative penalties) are set out in the Product Conformity Act. The market surveillance authorities may also exercise administrative coercion (precepts, penalty payments and substitutive enforcement), which qualifies as public administration.

The only kind of penalty that can be imposed for a misdemeanour is a fine. The highest penalty for a misdemeanour is a fine of EUR 1 200 for a natural person and EUR 3 200 for a legal entity. Penalties are prescribed for violating the conditions of placing a product on the market and making it available on the market, for failure to inform about the dangers of a product and for misuse of a conformity mark.

The following principles are followed in imposing penalties:

- the principle of legality requiring that the activities of all officials have a legal basis;
- the principle of publicity requiring that the law enforcement system function as transparently as possible;
- the principle of information requiring that the persons concerned be informed about ongoing proceedings;
- the principle of economy requiring a balance between expenses and results and the optimal use of resources.

Technical Surveillance Authority

The objective of the market surveillance conducted by the Technical Surveillance Authority is to ensure that the products placed on the market meet the requirements that guarantee the protection of the interests of the public at a high level: the health and safety of people, occupational health and safety, consumer and environmental protection and security. Market surveillance must ensure that products covered by Community harmonisation legislation which, when used in accordance with their intended purpose or under conditions that can be reasonably foreseen and when properly installed and maintained, are liable to compromise the health or safety of users or which do not conform in some other manner to the applicable requirements set out in Community harmonisation legislation are withdrawn from the market or their being made available to the public is prohibited or restricted and that the public, the Commission and the other Member States are informed accordingly.

Market surveillance is conducted on the basis of approved internal prognoses of danger. The prognoses of danger are prepared by taking into account the country of origin of the product, its availability/distribution, accidents that have occurred, technical defects discovered, the target group and other factors of importance from a surveillance point of view.

Surveillance operations include visual checks that the products are technically safe and complete, that the required documentation exists (the declaration of conformity; installation guides, user manuals and maintenance instructions in Estonian) and that the labelling (including warning texts in Estonian) meets the requirements. Where necessary, tests to verify compliance with the requirements are commissioned from an accredited laboratory. Non-compliant products are not allowed to be placed on the market until their compliance is verified. Any non-compliant products on the market are withdrawn.

Complaints received are entered in the document management system and processed according to the requirements laid down by law. Complaints may be submitted electronically or on paper.

The circumstances of an accident are determined by initiating an appropriate investigation procedure. Information is collected by carrying out an on-the-spot inspection and questioning witnesses. National information systems (the map server of the Land Board, the Business Register, etc.) are also used for acquiring information. Internal cooperation is used where necessary to investigate accidents that involve different sectors. There is also information exchange with other authorities, such as the Police and Border Guard Board and the Labour Inspectorate. Accidents are investigated in close cooperation with the alarm centre of the Rescue Board, which provides information about accidents. The Technical Surveillance Authority initiates, where necessary, an investigation procedure based on the information received from the alarm centre.

Dangerous products are notified on the website of the Authority, in local media (newspapers, television, radio and the Internet) and using special information campaigns (informative brochures, hoardings etc. as well as mass media).

A penalty payment of up to EUR 9 000 can be imposed under an administrative procedure. A misdemeanour procedure allows legal and natural persons to be penalised within the limits set out in special laws. The Technical Surveillance Authority is not authorised to carry out criminal procedures. The monetary penalty rates are between EUR 50 and EUR 32 000.

Information days, special meetings and consultations are organised as necessary. Guidance material is available all the time in the information portal at <http://www.ohutus.ee/>

Health Board

A market surveillance authority may apply the special state supervision measures specified in Sections 30, 31, 32, 49, 50, 51 and 52 of the Law Enforcement Act in order to exercise state supervision provided for by law on the basis of and pursuant to the procedure established by the Act.

Regular market surveillance activities are based on an annual work plan, which takes into account the existing resources and needs. The work plan is prepared according to the obligations arising from legal acts and the principles of conducting market surveillance, the complaints received by the Board, the results of laboratory tests from previous years, information about cases of intoxication, information about dangerous products received through RAPEX and information about dangerous and non-compliant products published in ICSMS, joint projects being planned, the results of previous market surveillance inspections, etc.

Various measures are implemented for market surveillance, depending on the nature of and need for checks. Inspectors carry out visual inspections of products organoleptically; they check the mandatory documentation concerning the products, take products for testing, assess laboratory test results, make decisions regarding conformity with or violations of legal acts; they issue precepts requiring the removal of defects, the bringing into compliance of products or the notification of consumers about dangerous products where necessary, or apply legal sanctions if the precepts are not met. The Board prepares press releases regarding its surveillance and other operations and publishes articles in the media to warn consumers against purchasing, using or storing dangerous products. The Health Board also cooperates with other market surveillance authorities: the Consumer Protection Board, the Labour Inspectorate, the State Medicines Agency, the Environmental Inspectorate and the Tax and Customs Board.

The Health Board informs the population about dangerous products withdrawn from the market on the website of the Board at least once in every quarter; from the website the information moves on

into the media. Information on dangerous products withdrawn from the market is available on the information page at:

<http://www.terviseamet.ee/kemikaaliohutus/toodete-%20ohutus/turult-korvaldatud-ohklikud-tooted.html>.

Each year, the Health Board organises various information days and seminars engaging all interest groups. Representatives of different state authorities as well as those of domestic and foreign enterprises attend the information days.

Penalties for misdemeanours (administrative penalties) are set out in the Product Conformity Act. The market surveillance authorities may also exercise administrative coercion (precepts, penalty payments and substitutive enforcement), which qualifies as public administration. The maximum penalty payment for a failure to comply with a precept is EUR 9 600.

The only kind of penalty that can be imposed for a misdemeanour is a fine. The highest penalty for a misdemeanour is a fine of EUR 1 200 for a natural person and EUR 3 200 for a legal entity. Penalties are prescribed for violating the conditions of placing a product on the market and making it available on the market, for the failure to inform about the dangers of a product and for the misuse of a conformity mark.

A monetary penalty for a criminal offence is 30-500 daily rates. The daily rate for a financial penalty is determined by the court on the basis of the average daily income of the convicted person. The court may reduce the daily rate in exceptional circumstances or increase it on the basis of the convicted person's standard of living. The calculated daily rate may be no less than the minimum daily rate. The minimum daily rate is EUR 3.20. The court may impose a monetary penalty ranging from EUR 3 200 to EUR 16 000 000 on a legal entity.

Misdemeanour procedures are conducted in accordance with the General Part of the Penal Code and the Code of Misdemeanour Procedure. Offences referred to in Section 409 of the Penal Code are investigated through criminal procedures led by the Prosecutor's Office. Penalties are determined by a court.

Environmental Inspectorate

Checks are carried out according to a work plan approved by the Director-General of the Inspectorate. Risk analysis is used in the preparation of the work plan and the risk analysis is integrated with that carried out for the control of producer liability. Information is also acquired by using the surveillance information of other countries in the RoHS Enforcement Network. Goods seized in customs control and submitted by the Tax and Customs Board are also checked. No complaint procedure has been laid down as no direct complaints are received in this sector. There is no need to develop or implement specific measures for withdrawing prohibited goods from the market, because no non-compliant products have been discovered to date.

Complaints can be submitted to the Inspectorate by emailing at valve@kki.ee or calling 1313. The phone line works twenty-four hours a day, seven days a week. The Inspectorate is required to verify within 14 days whether the reported incident shows elements of a misdemeanour and to reply to the complainant within 30 days. All complaints are registered in the document management system or the OKAS object inspection database system.

The Inspectorate is authorised to initiate a misdemeanour procedure under the Waste Act (in the field of RoHS) and the Ambient Air Protection Act (the labelling of tyres) and impose a fine of up to EUR 32 000 on an enterprise. The Inspectorate is also authorised to confiscate prohibited products

under a misdemeanour procedure. In such cases, the procedure is carried out under Government of the Republic Regulation No 263.

Maritime Administration

The main function of the Administration is the verification of compliance of recreational craft imported to and produced in Estonia. The persons who produce recreational craft in Estonia must hold an operating licence in the relevant sector.

The main surveillance activity is the verification of the conformity of documents according to the following principles:

- verification is carried out at points of sale, premises of producers and boat fairs on the basis of a customs control notice, and in the form of random checks;
- the compliance of products is verified using technical documentation if non-compliance is suspected;
- where necessary, the authenticity of a document (certificate) is checked with the issuer (the notified body); in the event of counterfeiting, the Member States are informed through the CIRCABC system;
- if a low-risk non-compliance is identified, an opportunity is first granted to bring the product into compliance in accordance with the precept issued;
- if a high-risk non-compliance is identified, a precept is issued pursuant to Article 7 of [Directive 94/25/EC](#);
- if the producer has failed to fulfil its obligations relating to conformity assessment, the party that places the product on the market must organise a post-construction conformity assessment of the product.

The most problematic product group in the category of recreational craft is that of inflatable boats and second-hand launches imported from third countries. Products are inspected in accordance with Regulation (EC) No 765/2008 in cooperation with the Tax and Customs Board. Innovative water craft represent a new trend for which it is difficult to determine whether they do or do not fall within the scope of the harmonisation legislation.

A written precept with a warning of a penalty payment has proven effective when a non-compliance is discovered.

Labour Inspectorate

Surveillance to verify the compliance of personal protective equipment is generally carried out at the premises of the importer or distributor of the equipment, i.e. in shops. In the course of surveillance, the compliance of the labelling of the personal protective equipment sold is verified, the product documentation presented is checked and product compliance is assessed visually. Tests to verify conformity with the requirements are commissioned from a competent laboratory if non-compliance is suspected. If a danger product is discovered in the course of surveillance, its withdrawal from the market is demanded or a precept is issued compliance with which ensures the safety of the personal protective equipment being sold. In addition to issuing precepts, penalty payments are imposed where necessary. All surveillance results are entered in the information system of the Inspectorate (the ITI system). Information on personal protective equipment withdrawn from the market as a result of surveillance is published in the ICSMS database.

The scope and amount of market surveillance is set out in the Labour Inspectorate's annual plan. The annual plan is based on the results of risk assessment and information collected previously (the results of the surveillance activities of the last 3 years) and on an ongoing basis (complaints/tip-offs received), and it takes into account the existing resources. One input for assessing the need for

surveillance at wholesalers and retailers are the results of inspections of the working environment (e.g. construction sites), during which checks are made of whether the personal protective equipment used by employees meets the safety requirements and the appropriateness of the equipment for the environment in which it is used is assessed.

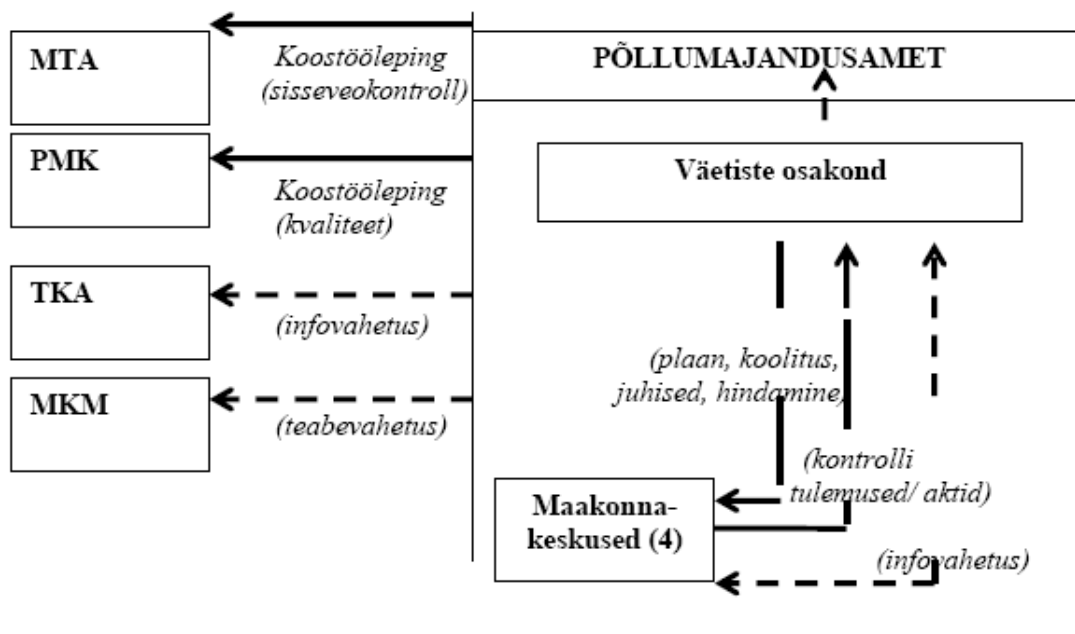
Agricultural Board

The main functions of the Fertilisers Department of the Agricultural Board are the following:

- organising surveillance of fertilisers and marketing thereof;
- maintaining the national register of fertilisers;
- identifying risks and planning surveillance in the sector;
- ensuring that inspectors are provided with work instructions for carrying out control activities;
- organising the in-service training of inspectors and assessing the carrying out of control activities;
- preparing documents and guidance material on the organisation of work;
- assessing the compliance and effectiveness of surveillance carried out and planning measures to improve the control system;
- participating in the work of the Market Surveillance Council.

The Department registers fertilisers and handlers of fertilisers and carries out other official activities provided for by law; it also carries out state supervision in the sector. The supervision covers control over the marketing-orientated production, packaging, labelling, transporting to Estonia and marketing of fertilisers as well as the taking of samples to determine the quality and verify the compliance of fertilisers. Official control activities in the course of supervision are generally carried by the inspectors of the centres in the counties of Harjumaa, Pärnumaa, Tartumaa and Lääne-Virumaa.

The work instructions for inspectors are provided in the inspection handbook for the fertilisers sector (last updated on 11 February 2015). An overview of the control system for the fertilisers sector is provided by Figure 2.



ET	EN
MTA	Tax and Customs Board

PMK	Agricultural Research Centre
TKA	Consumer Protection Board
MKM	Ministry of Economic Affairs and Communications
Koostööleping (sisseveokontroll)	Cooperation agreement (control of import)
Koostööleping (kvaliteet)	Cooperation agreement (quality)
(infovahetus)	(information exchange)
(infovahetus)	(information exchange)
PÕLLUMAJANDUSAMET	AGRICULTURAL BOARD
Väetiste osakond	Fertilisers Department
(plaan, koolitus, juhised, hindamine)	(plan, training, instructions, evaluation)
Maakonnakeskused (4)	County centres (4)
(kontrolli tulemused/ aktid)	(control results/reports)
(infovahetus)	(information exchange)

Figure 2. The control system for the fertilisers sector.

Risks and control priorities

The types and volumes of fertilisers marketed or produced by an enterprise as well as the functioning and effectiveness of the control system used in the previous work period are taken into account in risk assessment, in setting control priorities and in carrying out control activities. Previous violations are also taken into account and the frequency of inspections is increased in the case of operators with a higher risk level, if necessary. Detonable ammonium nitrate fertilisers of high nitrogen content make up a separate risk group.

By placing a large quantity of non-compliant fertiliser on the market, a wholesaler may cause economic damage to agricultural producers and a threat to the environment. The same kind of damage may be caused by a discrepancy between the content shown on a product label and the actual active substance content, which is among the most frequently identified violations.

A manufacturer must have a production process in place as a result of which only compliant fertilisers are marketed. A manufacturer must check product compliance regularly. The in-house check system described above ensures the stable quality and compliance of the fertilisers produced, which in turn reduces fertiliser quality-related risks to the end consumer.

Risk level 3 — handlers of ammonium nitrate fertilisers of high nitrogen content; large wholesalers importing fertilisers from third countries to Estonia; producers of lime (ash).

Risk level 2 — handlers and producers of fertilisers with the 'EC FERTILISER' marking. Risk level 1 — retailers of small quantities of fertiliser placed on the market in compliance with the requirements.

Control priorities:

- the marketing of ammonium nitrate fertilisers of high nitrogen content;
- lime;
- the correspondence of fertiliser composition to package labelling;
- the compliance of fertiliser composition with the applicable requirements;
- the existence of a registry entry or 'EC FERTILISER' marking on the fertiliser;
- the performance of producer in-house check obligations, the preservation of the required data and the implementation of measures to prevent a non-compliant fertiliser from being placed on the market.

1.7. GENERAL FRAMEWORK OF COOPERATION WITH OTHER MEMBER STATES AND NON-MEMBER STATES

Consumer Protection Board

The Consumer Protection Board actively participates in the activities of the ICPEN (International Consumer Protection and Enforcement Network) and PROSAFE (Product Safety Enforcement Forum of Europe) international cooperation networks.

A representative of the Board is also a member of the GPSD (General Product Safety Directive) Committee and participates in the work of the CSN (Consumer Safety Network) cooperation network.

The Board is the Estonian contact point and one of the competent authorities for the RAPEX rapid alert system.

In addition to the above, the Consumer Protection Board is both the Estonian liaison office for [Regulation \(EC\) No 2006/2004](#) (on consumer protection cooperation) and the competent authority for the majority of the Directives covered by the Regulation.

The consumer protection boards of the Baltic states meet regularly (once a year). Cooperation is based on consumer protection cooperation agreements signed between the Estonian, Latvian and Lithuanian consumer protection boards. The annual meetings discuss consumer protection-related questions currently relevant for all participants and shared cross-border cases; an overview of the most important events and activities of the preceding period is given and possibilities for more effective cooperation are sought. The meetings usually divide into two blocks, one of which mainly discusses topics related to the economic interests of consumers, consumer contracts, advertisement and commercial practices and the other focuses more on market surveillance and product/service safety.

International co-operation in 2015

I In 2015, the Consumer Protection Board participated in the JA2014 surveillance cooperation project organised by PROSAFE and financed by the European Commission in respect of toys, which focuses on the sound pressure level in the products.

II A representative of the Board participated as the Estonian representative in the work of the 'Safety of products sold in e-commerce' sub-working group of the CSN, the objective of which is to prepare a guidance document on the surveillance of e-commerce for market surveillance authorities.

III Officials of the Board have also participated in exchange of officials programmes financed by the European Commission; this year, the officials visited market surveillance authorities in the Hungary to exchange experiences under the programme.

International cooperation in 2016 — plans

Participation in the following cooperation projects:

- the toys sub-working group of PROSAFE and the EU cooperation project (JA2014); horizontal activities, CIMS Review (observation);
- the toys sub-working group of PROSAFE and the EU cooperation project (JA2014); horizontal activities, CIMS Review (observation); and impact improvement working group;
- ECHA — a project on presenting information about chemicals in e-commerce;

- ECHA — a project for child-resistant fastenings of chemicals.

The international sectoral cooperation mechanisms created for information exchange and cooperation are also described under sectoral cooperation.

Technical Surveillance Authority

The Technical Surveillance Authority cooperates with the surveillance authorities of all Member States, where necessary. The Board also participates in sectoral ADCO working groups of the European Commission. A regular meeting of the market surveillance authorities of the Baltic states is held once a year. Direct contacts for information exchange have been established with the market surveillance authorities of Finland and Sweden. Joint market surveillance projects are carried out and coordinated with the other Baltic states, where necessary (e.g. the conformity checking of nuts and bolts in the construction sector, which is planned for 2016). Coordinated market surveillance projects are also carried out with the Finnish supervisory authorities. The Authority also attends the regular and special meetings of ADCO working groups.

Health Board

International cooperation between the Member States is being enhanced, including participation in joint projects through the ECHA Forum, PEMSAC (Platform of European Market Surveillance Authorities for Cosmetics) and CLEEN (Chemicals Legislation European Enforcement Network) networks. In the medical devices sector, attention is increasingly focused on joint programmes, such as the inspection of notified bodies (in 2016 inspector training will be added to this in order to harmonise the bases and principles for the inspection/auditing of manufacturer in all Member States). This is supplemented by joint market surveillance programmes designed to achieve a more unified market.

Information on dangerous products is exchanged through RAPEX and ICSMS. Information on cosmetics placed on the market is available through the Cosmetic Products Notification Portal (CPNP), which is continually used for surveillance purposes. Two systems are used for exchanging information on non-compliant products in the medical devices sector. The safety monitoring system is used when a product is involved in an incident. When a non-compliant product (inaccurate definition, wrong risk class, counterfeiting, etc.) is identified, the information is forwarded using the COEN 2B form.

Environmental Inspectorate

The Inspectorate cooperates with other Member States through the RohS Enforcement Network and under [Regulation \(EC\) No 1222/2009](#) ADCO (regular meetings are held once and twice a year, respectively).

Maritime Administration

Along with other EU Member States, the Maritime Administration participates in the Recreational Craft Directive Advisory Committee (RCD ADCO) Working Group. Joint random checks of products in the relevant sector are carried out at boat shows in cooperation with colleagues from neighbouring countries (2008 — Finland, 2009 — Latvia, 2011 — Finland and 2012 — Tallinn). Information on the market surveillance of recreational craft is exchanged with other Member States through the CIRCABC system. Separate annual meetings with the market surveillance representatives in the recreational craft sector of all three Baltic states have been held since 2012. International professional trade fairs hold an important place in the recreational craft sector; in addition to seeing new product ranges, participants can meet with the representatives of market surveillance authorities, manufacturers and conformity assessment bodies from the Member States.

1.8. EVALUATION OF MARKET SURVEILLANCE ACTIONS AND REPORTING

Consumer Protection Board: The Consumer Protection Board prepares a half year report, an 11 months report and a yearbook on the results of its work. The yearbook is published in full on the website of the Board. The reports and the yearbook describe both the activities in the work plan and outside it and provide assessments of the functioning of the various sectors as well as the changing of the situation compared to the previous reporting period. The main surveillance indicator is the extent of implementation of the work plan.

Technical Surveillance Authority: Market surveillance statistics are collected and analysed once a year. The results are forwarded to the Ministry of Economic Affairs and Communications. The information provided in the report of surveillance results serves as a basis for the planning of future surveillance and selecting of targeted surveillance projects. In analysing surveillance results and statistics, accidents, the total number and dangerousness of non-compliances and the frequency of shortcomings in each product group is taken into account. The number and nature of the complaints received is also taken into account. The surveillance results are published on the [Authority's website](#) and in its yearbook.

Health Board: Surveillance results are made available on the [Health Board's website](#) annually. The surveillance indicator is the extent of implementation of the work plan and the success rate of ad hoc studies.

Maritime Administration: Market surveillance measures and reports have been evaluated on the basis of the market surveillance programme reports.

Environmental Inspectorate: Measures are evaluated by the Environmental Protection Department of the Inspectorate; the Department is responsible for the quality control of the work of the environmental inspectors.

Labour Inspectorate: Market surveillance results are analysed once a year (twice a year until 2015) and published on the website of the Inspectorate in an annual overview of the working environment.

Agricultural Board: At the beginning of each year, a report on the implementation of the surveillance plan is prepared (the report is available at <http://www.pma.agri.ee/index.php?id=102&sub=94&sub2=120>). Much attention is focused on the assessment of inspectors as well as activities.²

² The assessment of the effectiveness of work is organised by the head of the department responsible for the sector. The assessment covers the following: the evaluation of knowledge acquired after the completion of training; the assessment of control activities at least once every three years and in the two first years of work of a new inspector, by observing the inspector perform control activities on the spot; the organisation of a re-check at the same enterprise immediately after inspection; written tests, the resolution of sample cases, etc.

1.9. HORIZONTAL ACTIVITIES PLANNED FOR 2016

No reforms of the structure or organisation of market surveillance are planned for 2016 nor are there any other planned cross-sectoral activities to change or develop the functioning of market surveillance.

2. MARKET SURVEILLANCE IN SPECIFIC SECTORS

2.1. MEDICAL DEVICES

2.1.1. Responsible authority and contact details

Health Board, Medical Devices Department, Põllu 1a, 50303 Tartu, Eesti email: mso@terviseamet.ee, www.terviseamet.ee

Contact persons:

Tagne Ratassepp, Head of Department, phone: +372 7447409, email:

tagne.ratassepp@terviseamet.ee

Kristina Kübar, Chief Specialist, COEN 2B forms, phone: +372 7447400, email:

kristina.kubar@terviseamet.ee

Sofia Ratusnaja, Chief Specialist, safety surveillance, phone: +372 7447425, email:

sofia.ratusnaja@terviseamet.ee

Kadri Tõnisson, Chief Specialist, initial evaluation of devices to be placed on the market, put into service or distributed (Medical Devices Database), phone: +372 7447421, email:

kadri.tonnisson@terviseamet.ee

Keiti Parik, Chief Specialist, definition of medical devices, coordination of market surveillance

programmes for medical devices in Estonia, phone: +372 7447409, email: keiti.parik@terviseamet.ee

The organisation and execution of surveillance in the medical devices sector is carried out by two chief specialists and two surveillance inspectors (2.0 FTE) at the Health Board. The Health Board's budget and expenditure on wages per inspector are provided in Section 1.1.

Pursuant to the [Medical Devices Act](#), other legislation enacted on the basis of it and EU legislation, the Health Board carries out surveillance of the following:

- medical devices placed on the market (market surveillance);
- the fulfilment of the requirements laid down for notified bodies and manufacturers in the Medical Devices Act and the legislation enacted on the basis thereof;
- the notification and investigation of risk events;
- the organisation of clinical trials;
- in the event of a dispute over the categorisation or definition of a medical device between a manufacturer and a notified body;
- the fulfilment of the requirements laid down for health care providers regarding the professional use of a medical device;
- the fulfilment of the requirements laid down under the Product Conformity Act for the manufacturers and distributors of medical devices and parties that put medical devices into service;
- the requirements laid down in the [Advertising Act](#).

The organisation and execution of surveillance in the medical devices sector is carried out by four chief specialists, one head of department and two surveillance inspectors (2.0 FTE) at the Health Board. The Health Board's budget and expenditure on wages per inspector are provided in Section 1.1.

2.1.2. Market surveillance procedures and strategy

The Medical Devices Department is the leading, coordinating and advisory unit for the medical devices sector in the Health Board. The activities of the Department are directly related to current developments in the world and Europe in particular and amount to the organisation of medical devices-related market surveillance. The Department carries out market surveillance of the compliance with the requirements laid down in the Medical Devices Act and sub-acts thereof, the Advertising Act and the Product Conformity Act. The Department aims to ensure that only compliant medical devices are present on the European market thereby providing better protection of the health of the people of Estonia. The Department has been carrying out audits at the manufacturers and authorised distributors of medical devices produced in Estonia or placed on the EU market through Estonia since 2015, in cooperation with the Surveillance Department. The Surveillance Department of the Board carries out inspection-based surveillance and processes medical devices-related complaints. Complaints that may involve a risk event or reflect a risk tendency are also addressed by the Medical Devices Department.

In 2016, the Medical Devices Department will continue to carry out the programme that was laid down for 2015. The implementation of the programme fell behind schedule in 2015 due to a lack of resources; the hiring of a new chief specialist took significantly longer than planned. The objective of the market surveillance programme is to verify that the glucometers made available on the Estonian market and the reactive strips of the glucometers comply with the applicable requirements. To this end, an overview of the devices on the Estonian market (devices that have been made available) must be acquired; samples obtained (from distributors for a reasonable price or for free); the existence of harmonised standards and requirements therein studied; cooperation partners among laboratories sought and devices tested according to the requirements laid down in the standard; and the resulting information assessed against the relevant requirements of Directive 98/79/EC on in vitro diagnostic medical devices.

2.1.3. Report on activities carried out in the previous planning period

The 2014 medical devices market surveillance programme focused on verifying the existence of clinical evaluations of medical devices produced in Estonia or made available on the European market through Estonia and the compliance of the evaluations with the applicable requirements. As a result of the programme, the Health Board gave the manufacturers and authorised distributors located in Estonia time to bring their technical documentation in line with the requirements and prepare clinical evaluations.

The programme revealed that most devices did not have a clinical evaluation. As a result, the Health Board actively provided consultation to manufacturers in 2015 and drew up a plan for the auditing of manufacturers. In preparing the audit plan, the Board took into account the risk level, the time of the last inspection and the results of the 2014 programme. Manufacturers are considered to have a higher risk level if complaints have been received about them, if they have failed to respond to the programme or if their products are in some way financed by the state (either products on the Estonian Health Insurance Fund list or products compensated for through the National Social Insurance Board). The initial plan for 2015 was to audit 10 operators. One of the operators notified that it was no longer manufacturing medical devices and another requested the audit to be moved to January 2016. The audits carried out at the manufacturers showed that one of them inaccurately identified itself as a manufacturer. Another operator was issued a precept requiring it to terminate the distribution of products. The other audited operators were given instructions for remedying shortcomings. The remaining manufacturer and authorised distributors will be audited by the end of 2018 in accordance with the audit plan.

The specific surveillance activities of the Health Board in the medical devices sector are shown in Table 3. The Tax and Customs Board submitted notices about 36 medical devices, 12 of which were not released for free circulation. Between 1 January and 30 September 2015, 45 products manufactured in Estonia or placed on the EU market through Estonia were entered in the Medical Devices Database. A total of 646 devices distributed were notified and the required documentation on them submitted.

Table 3. Surveillance results in the medical devices sector (Directives 93/42/EEC, 98/79/EC and 90/385/EEC) for 9 months in 2015	
Total number of inspections	51
Number of notices issued by the Tax and Customs Board	36
Total number of products inspected	473
Total number of enterprises inspected	51
Number of products tested	0
Number of non-compliant products	17
Number of products posing a serious risk	12
Number of memos issued	19
Number of precepts issued	1
Number and total amount of penalty payments imposed	0
Number of substitutive enforcements implemented	0
Number of misdemeanour procedures	0
Number of fines imposed as part of a misdemeanour procedure	0
Number of articles/products withdrawn from the market	17
Number of products recalled from consumers	N/A
Number of voluntary measures taken by operators	-

2.2. COSMETICS

2.2.1. Responsible authority and contact details

In accordance with the Public Health Act and the competences of market surveillance authorities laid down in the cooperation agreement, the surveillance of cosmetic products is carried out by the **Health Board** and the **Consumer Protection Board**. The Health Board carries out inspections at the premises of responsible persons (manufacturers/importers) and verifies the compliance of wholesale cosmetics. The Consumer Protection Board carries out surveillance of retail and verifies the compliance of labelling at service enterprises selling cosmetics to consumers.

Health Board, Paldiski tee 81, 10617 Tallinn, Eesti, email: kesk@terviseamet.ee, www.terviseamet.ee
Contact person: Natali Promet — Chief Specialist, phone: +372 6943533, email: natali.promet@terviseamet.ee

Tarbijakaitseamet, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee,
www.tarbijakaitseamet.ee

Contact person: Jana Baljutis-Kütt — Chief Expert of Surveillance and Coordination, phone: +372 6201711, email: jana.baljutis-kytt@tarbijakaitseamet.ee

Health Board

The scope of competence of the Health Board in the cosmetics sector is published on the website of the European Commission at:

ec.europa.eu/consumers/safety/cosmetics/cooperation_and_trade/eu_level/docs/national_authorities_contacts-cosmetics_en.pdf

In the 2015 budget, EUR 12 624.20 was allocated for the testing of cosmetics. Tests were carried out by the Tartu Laboratory of the Health Board; information is available at:

<http://www.terviseamet.ee/laborid/tartu-labor.html>

The organisation and execution of surveillance in the cosmetics sector is carried out by one chief specialist and two surveillance inspectors (2.0 FTE) at the Health Board. The Health Board's budget and expenditure on wages per inspector are provided in Section 1.1.

Consumer Protection Board

The organisation and execution of surveillance in the cosmetics sector is carried out by one expert/sector head, one lawyer and three chief surveillance inspectors (1.5 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.2.2. Market surveillance procedures and strategy

Health Board

In the course of surveillance, the Board checks the implementation of requirements laid down in [Regulation \(EC\) No 1223/2009](#) of the European Parliament and of the Council on cosmetic products and [Commission Regulation \(EU\) No 655/2013](#) laying down common criteria for the justification of claims used in relation to cosmetic products. Among other things, the fulfilment of the obligation to notify of cosmetic products in the CPNP system, the meeting of the requirements for product files, including the existence of a safety report, fulfilment of the obligation to notify of a serious undesirable effect and the compliance of products with the applicable requirements for labelling and components, including the requirements on preservative, colourant and other restricted substance content are checked. Cosmetic products are laboratory tested if necessary, taking into account the possibilities and resources of laboratories.

Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products provides a basis for a unified approach in the European Community to notifying serious undesirable effects resulting from the use of cosmetic products. Data about serious undesirable effects and undesirable effects are part of a report on a cosmetic product. In the event of serious undesirable effects, the responsible person and distributors must notify without delay the effect and any corrective measures taken to the competent authority of the Member State where the serious undesirable effects occurred. A web-based form for notifying of a serious undesirable effect resulting from the use of a cosmetic product is provided on the website of the Health Board at <http://www.terviseamet.ee/kemikaaliohutus/toodete-ohutus.html>

In 2015 (9 months), one case of an undesirable effect was processed; as it was not qualified as a case of a serious undesirable effect, no ICSMS notification was issued.

In 2016, the Health Board will be involved in the following priority activities in the cosmetics sector in accordance with the 2016/2017 PEMSAC Work Programme:

- identifying cosmetic products with serious undesirable effects on the market, the withdrawal of such products from the market and notification through the RAPEX and ICSMS;
- the control of cosmetics for children under the PEMSAC joint project;
- participation in the PEMSAC joint project in terms of the verification of cosmetic product claims on the basis of Regulation (EU) No 655/2013;
- continued cooperation with the Consumer Protection Board and Tax and Customs Board in the enforcement of Regulation 765/2008 in accordance with the cooperation agreements.

The Tartu Laboratory of the Health Board introduced additional investigations of preservatives in 2015 and is planning to test the compliance of the following preservatives found in cosmetics: benzyl alcohol, 2-phenoxyethanol, 1-phenoxy-2-propanol, methylparaben, ethylparaben, propylparaben, isopropylparaben, butylparaben, isobutylparaben, benzylparaben, 3-iodo-2-propynyl butylcarbamate (IPBC), methylisothiazolinone, methylchloroisothiazolinone/methylisothiazolinone, benzoic acid, sorbic acid and salicylic acid and their salts.

Consumer Protection Board

In the course of surveillance, the Board checks the compliance of cosmetic products with the requirements laid down in Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products and Commission Regulation (EU) No 655/2013 laying down common criteria for the justification of claims used in relation to cosmetic products. Cosmetic products are laboratory tested if necessary, taking into account the possibilities and resources of the Board. The surveillance of e-shops selling cosmetic products is also performed. No laboratory investigations were carried out in the sector during the reporting period.

The highest priority activities in the cosmetic products sector in 2016 are the following:

- control of the labelling of cosmetic products, focusing, among other things, on natural and eco products;
- control of the presentation of misleading and false information on cosmetic products;
- continued cooperation with the Health Board in accordance with the cooperation agreement;
- cooperation with the Health Board and the Tax and Customs Board for preparing a guidance document of cosmetic products.

Laboratory investigations of cosmetic products are carried out in accordance with the danger prognosis and work plan of the Board.

2.2.3. Report on activities carried out in the previous planning period

Health Board

The specific surveillance activities carried out by the Health Board in the cosmetics sector are shown in Table 4. There are a total of 208 objects, of which 88 were checked. The total number of checks was 102. A total of 21 manufacturers, 22 importers and 45 distributors were checked. In the course of market surveillance, 1 756 cosmetic products were inspected, 147 of which were produced in Estonia. Laboratory testing was performed on 90 cosmetic products; no non-compliances were detected. A total of 19 memoranda were issued in the cosmetics sector.

Table 4. Surveillance results in the cosmetics	
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sector (Regulations (EC) No 1223/2009 and (EU) No 655/2013) for 9 months in 2015	
Total number of inspections	102
Number of notices issued by the Tax and Customs Board	25
Total number of products inspected	756
Number of products tested	90
Number of non-compliant products	58
Number of products posing a serious risk	0
Number of memos issued	19
Number of precepts issued	0
Number and total amount of penalty payments imposed	0
Number of substitutive enforcements implemented	0
Number of misdemeanour procedures	0
Fines imposed as part of a misdemeanour procedure	0
Number of articles/products withdrawn from the market	0
Number of products recalled from consumers	0
Number of voluntary measures taken by operators	0

Consumer Protection Board

The specific surveillance activities carried out by the Consumer Protection Board in the cosmetics sector as at 1 December 2015 are shown in Table 5. A total of 260 checks were carried out, 22.7 % of which identified various violations. The most frequent violations were related to non-compliant labelling and Estonian-language information, the presentation of unit prices and misleading information about cosmetic products.

In the second half of 2015, the use of misleading health claims in the product characteristics and/or sales information of colloidal silver became prominent in the cosmetics sector. The Consumer Protection Board carried out inspections of 51 shops, including 13 e-shops and 38 retail shops. The Board identified 22 instances of sale of colloidal silver in e-shops and retail shops (43 % of the inspections), including 17 cases of products with misleading claims, which means that 77.2 % of the cases of sale of colloidal silver involved misleading commercial practices within the meaning of the Consumer Protection Act. For all the violations identified, the operators were required to immediately remove the misleading claims or temporarily withdraw the product from sale.

In cooperation with the Health Board, the Federation of Estonian Chemical Industries and other market participants, the Consumer Protection Board also prepared an annex to the guidance document for e-traders, 'Sale of cosmetic products', which has been published on the website of the Board.

Table 5. Surveillance results in the cosmetics sector (Regulations (EC) No 1223/2009 and (EU) No 655/2013) for 11 months in 2015	
Total number of inspections	260

Percentage of inspections identifying violations	22.7 %
Number of products tested	0
Number of non-compliant products	0
Number of products posing a serious risk	0
Number of memos issued	1
Number of notices of administrative procedures issued	1
Number of precepts issued	1
Number of misdemeanour procedures	0
Amounts of fines imposed as part of a misdemeanour procedure	0
Number of complaints from consumers	17
Number of inquiries from consumers/economic operators	71
Number of consultations over the consumer information line	213

2.3. TOYS

2.3.1. Responsible authority and contact details

The surveillance of toys is carried out by the **Health Board** and the **Consumer Protection Board**. Pursuant to the Product Conformity Act and the competences of the surveillance authorities laid down in the cooperation agreement, the Health Board carries out the surveillance of the compliance of toys at manufacturers, importers and wholesale warehouses, while the Consumer Protection Board carries out the surveillance of retail.

Health Board, Paldiski tee 81, 10617 Tallinn, Eesti, email: kesk@terviseamet.ee, www.terviseamet.ee

Contact person: Kristiina Rand — Chief Specialist, phone: +372 4894907, email:

kristiina.rand@terviseamet.ee

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee,

www.tarbijakaitseamet.ee

Contact person: Angela Priks, Expert/Sectoral Manager, phone: +372,620 1718, email:

angela.priks@tarbijakaitseamet.ee

Health Board

In 2016, EUR 6 652.00 of the budget of the Board is allocated for the testing of toys. The mechanical, physical and chemical properties of toys are determined at the Chemistry Laboratory and the Physics Laboratory of the Health Board. The organisation and execution of surveillance in the toys sector is carried out by one chief specialists (1.0 FTE) and one surveillance inspector (0.5 FTE) at the Health Board. The Health Board's budget and expenditure on wages per inspector are provided in Section 1.1.

Consumer Protection Board

The organisation and execution of surveillance in the toys sector is carried out by one expert/sector head, one lawyer and three chief surveillance inspectors (2.0 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.3.2. Market surveillance procedures and strategy

Health Board

The plans for the coming year concerning the safety of toys are made based on the content of complaints received and the surveillance results. RAPEX and ICSMS notifications and surveillance results of other Member States are also taken into account in planning. In 2016, the Board plans to continue the ad hoc investigation of the phthalate content in toys and childcare products and controls of the health security of babies' dummies and childcare products. The Board also plans to verify the compliance of the mechanical and physical properties and sound pressure levels of toys and to determine perfumes and pathogenic microbes.

Consumer Protection Board

In the course of surveillance, the compliance of toys with the requirements set out in Minister of Economic Affairs and Communications [Regulation No 57](#) of 3 September 2010 'Safety Requirements for Toys and Procedure for Conformity Attestation of Toys' adopted in accordance with Section 5(4) of the Product Conformity Act is verified. Additionally, laboratory tests are performed according to the Board's danger prognosis, while taking into account the possibilities and resources of the Board. The surveillance of toys sold in e-shops is also carried out.

The highest priority activities in the toys sector in 2016 are the following:

- the inspection of the labelling and Estonian-language information on toys, focusing on toy bicycles, skateboards, scooters, and trampolines for domestic use, as well as the labelling of toys for children under 3 years of age;
- the testing of toys for phthalate content, mechanical/physical properties (toys for children under 3) and sound pressure levels. If necessary, testing based on complaints from consumers, information received through RAPEX or the media;
- participation in the PROSAFE JA2014 (toys) product safety programme. The project began in 2015 and focuses on the sound pressure levels in toys. The main project activities (sampling, supervision, processing) will be carried out in 2016.

2.3.3. Report on activities carried out in the previous planning period

Health Board

The specific surveillance activities carried out by the Health Board in the toys sector are shown in Table 6. There were a total of 36 objects in the safety of toys sector, 21 of which were checked. A total of 22 inspections were carried out. The number of objects checked in the course of monitoring (RAPEX notification, media or other information) was 21, including 1 producer, 2 importers and 18 distributors. In the course of market surveillance, 215 toys were inspected, 15 of which were produced in Estonia. Laboratory testing was performed on 18 toys, one of which was non-compliant. A notification on one dangerous toy was entered in the RAPEX system. The toy was deemed dangerous due to its mechanical and physical properties. A total of 398 toys were withdrawn.

On the basis of the RAPEX notifications received, inquiries were issued to 4 enterprises relating to 5 toy articles. A total of 576 toys were withdrawn on the basis of the notification received. The toys were non-compliant in respect of chemical parameters and mechanical and physical properties.

There were a total of 13 objects in the safety of children's dummies sector, 7 of which were checked in 2015. The number of objects checked in the course of monitoring (RAPEX notification, media or other information) was 7, all of which were distributors. A total of 53 childcare products were

checked in the course of market surveillance; one of the products was non-compliant in terms of labelling.

Table 6. Surveillance results in the toys sector (Directives 2009/48/EC and 2001/95/EC and Regulation (EC) No 1907/2006) for 9 months in 2015	
Total number of inspections	22
Number of notices issued by the Tax and Customs Board	0
Total number of products inspected	215
Total number of businesses inspected	21
Number of products tested	18
Number of non-compliant products	1
Number of products posing a serious risk	1
Number of memos issued	1
Number of precepts issued	0
Number and total amount of penalty payments imposed	0
Number of substitutive enforcements implemented	0
Number of misdemeanour procedures	0
Number of fines imposed as part of a misdemeanour procedure	0
Number of articles/products withdrawn from the market	1/398
Number of articles/products withdrawn based on a RAPEX notification received	4/576
Number of products recalled from consumers	N/A

Consumer Protection Board

The specific surveillance activities carried out by the Consumer Protection Board in the toys sector as at 1 December 2015 are shown in Table 7. A total of 244 inspections were carried out, 68 % of which identified various violations. The main violations were the non-compliance of labelling, the absence of a user manual in Estonian and the sale of toys without the CE marking. A total of 28 toys were tested, 12 of which were shown to be dangerous (9 due to the phthalate content and 3 due to the fact that they released small parts). In 2015, toys were tested for phthalate content, mechanical and physical properties and element migration (lead, chromium and cadmium). The products that were shown to be dangerous have been withdrawn from the market as a result of the activities of the Board and have been notified to other Member States through RAPEX. The Board has issued press releases on the dangerous products and informed consumers on its Facebook page.

Table 7. Surveillance results in the toys sector for 11 months in 2015.	
Total number of inspections	244
Percentage of inspections identifying violations	68
Number of products tested	28
Number of non-compliant products	1
Number of products posing a serious risk	12

Number of memos issued	12
Number of notices of administrative procedures issued	21
Number of precepts issued	2
Number of misdemeanour procedures (in force)	1
Amounts of fines imposed as part of a misdemeanour procedure	€ 800
Number of complaints from consumers	5
Number of inquiries from consumers/economic operators	68

2.4. CHEMICAL SUBSTANCES UNDER THE REACH AND CLP REGULATIONS

2.4.1. Responsible authority and contact details

The Health Board is the authority coordinating the surveillance to verify compliance with the requirements of [Regulation \(EC\) No 1907/2006](#) (the REACH Regulation) and [Regulation \(EC\) No 1272/2008](#) (the CLP Regulation) in Estonia. A report on the REACH and CLP Regulations will be submitted to the European Commission separately from this report. At the request of the Health Board, the law enforcement bodies that carry out surveillance to verify compliance with the REACH and CLP Regulations submit to the Health Board the data specified in Article 127 of the REACH Regulation so that the report specified in Article 117 of the Regulation can be prepared and the data so that the report specified in Article 46 of the CLP Regulation can be prepared. The Health Board submits a report to the European Commission on the official controls carried out and other measures taken to enforce the REACH and CLP Regulations. State supervision of the substances and mixtures regulated by the REACH and CLP Regulations is carried out by the Health Board, the Environmental Inspectorate, the Consumer Protection Board and the Labour Inspectorate.

Health Board, Tartu mnt 85, 10115 Tallinn, email: kesk@terviseamet.ee

Contact person: Aljona Honga — Chief Specialist, phone: +372 6943512, email: aljona.honga@terviseamet.ee

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee, www.tarbijakaitseamet.ee

Contact person: Jana Baljutis-Kütt — Chief Surveillance Coordination Expert, phone: +372 6201711, email: jana.baljutis-kytt@tarbijakaitseamet.ee

Health Board

The sphere of competence of the Health Board includes carrying out surveillance of the following:

- (1) fulfilment of the obligations and requirements imposed by the REACH and CLP Regulations on manufacturers and importers of substances and mixtures and on manufacturers of products and the requirements for substances, mixtures and products at the premises of manufacturers and importers and in wholesale trade;
- (2) fulfilment of the requirements imposed by the Detergents Regulation on the placing on the market of detergents;
- (3) fulfilment of the obligations imposed by the PIC Regulation on exporters and importers, and of the use category and intended use of imported chemicals;
- (4) record-keeping in respect of hazardous chemicals.

The organisation and execution of surveillance in the chemicals sector is carried out by one chief specialist and one surveillance inspector (1.0 FTE) at the Health Board. The Health Board's budget and expenditure on wages per inspector are provided in Section 1.1.

Consumer Protection Board: The organisation and execution of surveillance of compliance with the requirements of the REACH and CLP Regulations is carried out by one expert/sector head, one expert, one lawyer and three chief surveillance inspectors (1 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.4.2. Market surveillance procedures and strategy

Health Board

The Board continues to participate actively in the work of the ECHA Forum in order to improve the effectiveness of surveillance activities. The ECHA Forum coordinates the activities of the network of Member State authorities responsible for enforcement of the REACH Regulation in order to facilitate the effective functioning of the system established by the REACH Regulation and to ensure good enforcement-related cooperation, coordination and exchange of information between the Member States, the ECHA and the Commission.

Attention is focused on verifying compliance with the requirements for the compilation of chemicals safety data sheets established by the REACH Regulation and the requirements for classification, labelling and packaging established by the CLP Regulation.

Participating in the REF-4 international enforcement project organised by the ECHA Forum, the Board verifies compliance with the restrictions of Annex XVII of the REACH Regulation by testing products for certain substances: the phthalate concentration in toys and childcare products, the migration of nickel from jewellery and the chromium (VI) content of leather products.

The Board continues to gain experience in the authorisation of substances. For this purpose, it participates in an authorisation-related international pilot project organised by the ECHA Forum; the aim of the project is to verify and ensure that manufacturers, importers and downstream users meet their authorisation obligations. The substances checked are those for which the sunset date specified in Annex XIV of the REACH Regulation was in 2015.

Chemical laboratory tests are carried out by the Chemistry Laboratory of the Health Board, which meets the requirements of EVS-EN ISO/IEC 17025:2006 as a testing laboratory in the areas of water, air, materials and foodstuffs testing.

Consumer Protection Board

In the course of surveillance, the Board checks the compliance of products with the requirements of the REACH and CLP Regulations within its sphere of competence and in accordance with the danger prognosis and work plan. Particular attention is focused on the labelling of the products. The Board also checks the retail sale of prohibited substances/mixtures to consumers in e-commerce on the basis of signals and tip-offs received.

In 2016, the highest priority activities in the sector regulated by the REACH and CLP Regulations are the following:

- continued cooperation with the Health Board under the cooperation agreement and in accordance with the danger prognosis and work plan of the Consumer Protection Board;
- continued participation in the ECHA Forum project on child-resistant fastenings;
- participation in the second half of 2016 in the ECHA Forum project on presenting information about chemicals in e-commerce;
- laboratory investigations of chemicals in accordance with the Board's work plan.

In light of the Board's danger prognosis, surveillance to verify the compliance of chemicals with the requirements of the REACH and CLP Regulations will not be carried out on a regular basis in 2016. Surveillance will only be carried out on the basis of signals/tip-offs received and where directly necessary, and on the basis of taking products to be tested as part of laboratory investigations.

2.4.3. Report on activities carried out in the previous planning period

Health Board

The Health Board participated in an ECHA Forum pilot project on authorisation focused on testing for MDA and musk xylene and in a CLP-related pilot project for checking child-resistant safety fastenings.

The following ad hoc investigations relating to the restrictions of Annex XVII of the REACH Regulation were conducted: phthalate content of children's products, dimethyl fumarate content of products and chromium (VI) content of leather products. Attention was focused on checking compliance with the requirements on the labelling and packaging of mixtures in connection with the transition period in the application of the requirements of the CLP Regulation.

Chemical laboratory tests were carried out by the Chemistry Laboratory of the Health Board, which meets the requirements of EVS-EN ISO/IEC 17025:2006 as a testing laboratory in the areas of water, air, materials and foodstuffs testing.

The specific surveillance activities performed by the Health Board under the REACH and CLP Regulations in the first 9 months of 2015 are shown in Table 8. There were a total of 131 objects, of which 78 were inspected. A total of 86 inspections were carried out: 381 chemicals were checked, including 198 chemicals produced in Estonia. Laboratory testing was performed on 18 products, 6 of which were non-compliant. The non-compliant products were withdrawn from the market and notified to the other Member States through RAPEX. A total of 28 memoranda were issued.

Table 8. Surveillance results in the chemicals sector (excluding biocides, detergents, paints and toys) (REACH and CLP Regulations) for 9 months in 2015	
Total number of inspections	86
Number of notices issued by the Tax and Customs Board	9
Total number of products inspected	381
Number of products tested	18
Number of non-compliant products	69
Number of products posing a serious risk	6
Number of memos issued	28
Number of precepts issued	0
Number and total amount of penalty payments imposed	0
Number of substitutive enforcements implemented	0
Number of misdemeanour procedures	0
Number of fines imposed as part of a misdemeanour procedure	0
Number of articles/products withdrawn from the market	6/728
Number of products recalled from consumers	N/A
Number of voluntary measures taken by operators	6

As at 1 December 2015, the **Consumer Protection Board** had carried out 81 inspections under the REACH and CLP Regulations, 29.6 % of which identified various violations. The violations mainly concerned the presentation of unit prices and information in Estonian. No memoranda, precepts or notices of misdemeanour procedures were issued and no misdemeanour procedures were conducted in the sector. No laboratory investigations were carried out in the sector during the reporting period.

In 2015, a representative of the Consumer Protection Board participated as an expert in an ECHA Forum pilot project focusing on child-resistant fastenings. The object of inspection was packaging containing a substance or mixture that meets the requirements in Section 3.1.1 of Annex II of the CLP Regulation (child-resistant fastening). During the year, meetings of experts were held, in the course of which material and documents necessary for carrying out surveillance were prepared for the project.

The Consumer Protection Board also participated in an OECD information campaign focused on washing gel capsules dangerous for children. Information material was published on the Board's website and on Facebook as part of the campaign.

2.5. OTHER CHEMICALS (DETERGENTS, PAINTS, PERSISTENT ORGANIC POLLUTANTS, FLUORINATED GREENHOUSE GASES, OZONE DEPLETING SUBSTANCES, ETC.)

2.5.1. Responsible authority and contact details

Pursuant to the Chemicals Act and the competences of the surveillance authorities laid down in the cooperation agreement, the **Consumer Protection Board** carries out surveillance of compliance with the requirements for the marketing of detergents in retail trade. The **Health Board** carries out the surveillance of responsible persons (producers/importers) and wholesale.

Pursuant to the Ambient Air Protection Act, state supervision of the fulfilment of the requirement applicable to paints, varnishes and vehicle refinishing products containing volatile organic compounds is carried out by the Environmental Inspectorate, the Tax and Customs Board, the **Consumer Protection Board** and the **Health Board**. The Consumer Protection Board carries out surveillance of the fulfilment of the requirement applicable to paints, varnishes and vehicle refinishing products containing volatile organic compounds in retail. The Health Board carries out surveillance of the fulfilment of the requirement applicable to paints, varnishes and vehicle refinishing products containing volatile organic compounds in wholesale.

Health Board, Tartu mnt 85, 10617 Tallinn, email: kesk@terviseamet.ee

Contact person: Marina Karro — Head of Bureau, phone: +372 6943512, email: Marina.Karro@terviseamet.ee.

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee, www.tarbijakaitseamet.ee

Contact person: Jana Baljutis-Kütt — Chief Expert of Surveillance and Coordination, phone: +372 6201711, email: jana.baljutis-kytt@tarbijakaitseamet.ee

Health Board: The organisation and execution of the surveillance of detergents and volatile organic compounds in paints, varnishes and vehicle refinishing products is carried out by one chief specialist and one surveillance inspector (0.5 FTE) at the Health Board. The Health Board's budget and expenditure on wages per inspector are provided in Section 1.1.

Consumer Protection Board: The organisation and execution of the surveillance of other chemicals is carried out by one expert/sector head, one expert, one lawyer and three chief surveillance inspectors (0.5 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.5.2. Market surveillance procedures and strategy

Detergents ([Regulation \(EC\) 648/2004](#))

Health Board

In 2016, checks will be carried out regularly according to the work plan. The Health Board follows the requirements of Regulation (EC) No 648/2004 of the European Parliament and of the Council in checking detergents. The checks cover the following: the biodegradability of surfactants (primary and ultimate) as reported in the test results provided by the producer of a detergent; the submission of an ingredient data sheet compliant with Annex VII C of Regulation (EC) No 648/2004 to the Poison Information Centre; the meeting of restrictions on phosphates and other phosphorous compounds in household laundry detergents and household dishwasher detergents; and the fulfilment of the general requirements on chemicals arising from the REACH and CLP Regulations (safety data sheets, classification, packaging and labelling, taking into account the specifications regarding labelling in the Detergents Regulation). In the course of surveillance, attention is paid to the possible applicability of legislation on biocides where disinfectants are concerned. Thanks to participating in a [EuroDeter](#) project (CLEEN; 2011-2013), the Board uses a methodology for carrying out checks in its everyday work that was developed under the project.

Regarding detergents, the Board is also planning to conduct an ad hoc investigation to identify and map detergents containing phosphorus (phosphate compounds) on the market.

Consumer Protection Board

The compliance of detergents with Regulation (EC) No 648/2004 is checked according to the work plan, paying special attention to labelling. The Board has carried out no tests in the detergents sector. Compliance with requirements is checked in the course of regular surveillance.

Volatile organic compounds in paints, varnishes and vehicle refinishing products ([Directive 2004/42/CE](#))

Health Board

In 2016, checks will be carried out regularly according to the annual plan. Checks of volatile organic compounds in paints, varnishes and vehicle refinishing products mainly focus on checking the labelling and compliance with the general requirements on chemicals arising from the REACH and CLP Regulations (registration, safety data sheets, classification, packaging and labelling). Thanks to the ad hoc study 'Volatile organic compounds' conducted under a Ministry of the Environment project in 2012, a common [surveillance database](#) of volatile organic compounds is now used for entering surveillance results and reporting to the Commission.

Consumer Protection Board

The volatile organic compounds in paints, varnishes and vehicle refinishing products are checked to verify compliance with Regulation No 67 (Limit values of volatile organic compounds in paints, varnishes and vehicle refinishing products) established on the basis of Section 31(1) of the Ambient Air Protection Act.

The planned activities for 2016 include surveillance of the labelling of detergents focusing, among other things, on natural or eco-detergents. In light of the Board's danger prognosis, surveillance of

volatile organic compounds in paints, varnishes and vehicle refinishing products will not be carried out on a regular basis in 2016. Surveillance will only be carried out on the basis of signals/tip-offs received or where necessary.

2.5.3. Report on activities carried out in the previous planning period

The specific surveillance activities carried out by the **Health Board** in the detergents and paints sector are shown in Table 9. There were a total of 87 objects in the detergents and VOCs sector, 43 of which were inspected in 2015 (9 months). A total of 55 inspections were carried out. In the course of market surveillance, 441 products were checked, 102 of which were produced in Estonia. Detergents were laboratory tested for odoriferous substances (19 components). Tests for allergenic odoriferous substances were carried out on 8 samples, all of which were compliant (the same allergenic odoriferous substances were shown on the label). A total of 26 memoranda were issued.

Table 9. Surveillance results in the detergents (Regulation (EC) No 648/2004, the REACH and CLP Regulations), paints, varnishes and vehicle refinishing products sector (Directive 2004/42/CE and the REACH and CLP Regulations) for 9 months in 2015	
Total number of inspections	55
Number of notices issued by the Tax and Customs Board	0
Total number of products inspected	441
Number of products tested	8
Number of non-compliant products	95
Number of products posing a serious risk	0
Number of memos issued	26
Number of precepts issued	0
Number and total amount of penalty payments imposed	0
Number of substitutive enforcements implemented	0
Number of misdemeanour procedures	0
Number of fines imposed as part of a misdemeanour procedure	0
Number of articles/products withdrawn from the market	0
Number of products recalled from consumers	0
Total number of inspections	55
Number of voluntary measures taken by operators	0

Consumer Protection Board

A total of 163 inspections of detergents had been carried out as at 1 December 2015, 14.7 % of which identified various violations. The violations mainly concerned the presentation of unit prices and information in Estonian. Due to the small number of violations found in 2014 and the fact that this is not a high-priority sector for the Consumer Protection Board, the Board did not carry out surveillance

of volatile organic compounds in 2015. No laboratory investigations were carried out in the sector during the reporting period.

2.6. BIOCIDES

2.6.1. Responsible authority and contact details

State supervision of the fulfilment of the requirements applicable to biocides and products containing biocides as well as the making available on the market of these under the [Biocidal Products Act](#) and the legislation enacted on the basis thereof and under [Regulation \(EU\) No 528/2012](#) of the European Parliament and of the Council is carried out by the following authorities:

- **Health Board** — surveillance of the fulfilment of the requirements applicable to the making available of a biocide or a product treated with a biocide by the manufacturer or importer of the biocide and in the wholesale of products; surveillance of the fulfilment of the requirements applicable to biocides and the use of biocides by professional pest control service providers and in the sectors regulated by the Public Health Act and the Health Care Services Organisation Act;
- **Consumer Protection Board** — surveillance of the fulfilment of the requirements applicable to the making available of a biocide or a product treated with a biocide in retail.

The more specific details of surveillance in the biocides sector are provided in the cooperation agreements signed between the above authorities (the Health Board and the Consumer Protection Board; the Health Board and the Tax and Customs Board).

Health Board, Paldiski tee 81, 10617 Tallinn, Eesti, email: kesk@terviseamet.ee

Contact person: Annemari Linno — Chief Specialist, phone: +372 6943519 email: annemari.linno@terviseamet.ee

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee
www.tarbijakaitseamet.ee

Contact person: Jana Baljutis-Kütt — Chief Expert in Surveillance and Coordination, phone: +372 6201711, email: jana.baljutis-kytt@tarbijakaitseamet.ee

Health Board: The organisation and execution of surveillance of biocides is carried out by one chief specialist (1.0 FTE) and one surveillance inspectors (0.5 FTE) at the Health Board. The Health Board's budget and expenditure on wages per inspector are provided in Section 1.1.

Consumer Protection Board: The organisation and execution of the surveillance of the biocides sector is carried out by one expert/sector head, one expert, one lawyer and three chief surveillance inspectors (0.5 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.6.2. Market surveillance procedures and strategy

Health Board

The Health Board works in close cooperation with the competent authority of the biocides sector in carrying out market surveillance. It also cooperates with other surveillance and control authorities on the basis of cooperation agreements.

In the biocides sector, compliance with the requirements laid down in the Biocidal Products Act and Regulation (EU) No 528/2012 of the European Parliament and of the Council is checked, including the existence of certificates of registration/permits, the use of active substances in accordance with their

intended use, the existence of information on cases of poisoning and the general requirements for chemicals under the REACH and CLP Regulations (safety data sheets, classification, packaging and labelling, taking into account the special requirements for the labelling of biocides laid down in the relevant legislation).

Pest control service providers are checked on the spot to verify the existence of a notice of economic activities for pest control, the appropriate professional qualifications of the responsible specialist and the documentation of pest control.

In 2016 and 2017, the Health Board is planning to participate in the Eurobiocides IV project of the Chemical Legislation European Enforcement Network. The objective of the project is to check products treated with a biocide at the premises of producers or importers and in wholesale, while at the same time raising awareness about their obligations among the parties active in the supply chain (the products being focused on are materials containing biocides used in the façades of buildings).

The Board is also planning to conduct two ad hoc studies in the biocides sector. One of the studies will look at the fulfilment of the labelling requirements and user manual requirements for wood treated with a biocide and the other one will look at the fulfilment of requirements in the provision of pest control services.

Consumer Protection Board

In carrying out market surveillance, the Consumer Protection Board cooperates with the Health Board in terms of exchanging information on the basis of the cooperation agreement. In the biocides sector, the labelling of products sold to consumers, the existence of registration numbers and compliance with other requirements arising from the Biocidal Products Act and other relevant legislation are checked. In 2016, surveillance will only be carried out on the basis of inquiries and tip-offs or where necessary, because this is not a high-priority sector for the Board.

2.6.3. Report on activities carried out in the previous planning period

The specific surveillance activities carried out by the **Health Board** in the biocides sector are shown in Table 10. There were a total of 84 objects in the biocides sector, 31 of which were checked. A total of 33 inspections were carried out. In the course of market surveillance, 82 products were checked, 8 of which were produced in Estonia. A total of 7 memoranda were issued. The Tax and Customs Board issued notices about 10 biocides, 7 of which were not allowed into circulation. In the course of market surveillance in the biocides sector, 12 products were checked, 2 of which were produced in Estonia. One memorandum was issued. Dimethyl fumarate (DMF) content was checked in 7 products; all samples were compliant.

Table 10. Surveillance results in the biocides sector (Regulation (EC) No 528/2012 and the REACH and CLP Regulations) for 9 months in 2015	
Total number of inspections	45
Number of notices issued by the Tax and Customs Board	3
Total number of products inspected	94
Number of products tested	7
Number of non-compliant products	26

Number of products posing a serious risk	0
Number of memos issued	8
Number of precepts issued	0
Number and total amount of penalty payments imposed	0
Number of substitutive enforcements implemented	0
Number of misdemeanour procedures	0
Number of fines imposed as part of a misdemeanour procedure	0

The **Consumer Protection Board** had carried out a total of 91 inspections as at 1 December 2015, 12.1 % of which identified various violations. The violations mainly concerned the inadequate presentation of unit prices and information in Estonian. No laboratory investigations were carried out in the sector in 2015.

2.7. ELECTRICAL AND ELECTRONIC EQUIPMENT UNDER THE RESTRICTION OF HAZARDOUS SUBSTANCES DIRECTIVE AND THE WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT DIRECTIVE AND BATTERIES (PROBLEM PRODUCTS)

2.7.1. Responsible authority and contact details

The control of problem products is carried out by the **Environmental Inspectorate**, the **Technical Surveillance Authority** and the **Consumer Protection Board**.

Environmental Inspectorate: Kopli 76, 10416 Tallinn, phone:+372 6962236, fax: +372 696 2237

email: valve@kki.ee www.kki.ee

Contact person: Rene Rajasalu, Chief Inspector, phone: +372 6814939, email: rene.rajasalu@kki.ee

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee

www.tarbijakaitseamet.ee

Contact person: Angela Priks, Expert/Sectoral Manager, phone: +372 6201718, email:

angela.priks@tarbijakaitseamet.ee

Environmental Inspectorate: At the Environmental Inspectorate, market surveillance is the responsibility of a working group on producer responsibility, which consists of five inspectors and the head of the working group, six members in total. At the same time, market surveillance is part of the verification of the fulfilment of producer responsibility requirements, which includes verifying the fulfilment of market surveillance requirements. In 2015, the annual expenditure per inspector was approximately EUR 25 000, which consisted of EUR 19 296 of expenditure on wages and EUR 4 786 of administrative expenditure. The exact figures for 2016 cannot be submitted because the budget has not been approved yet. The technical equipment available to the Inspectorate includes an XRF device of the laboratory of the Estonian Environmental Research Centre, which allows non-destructive tests to be carried out. The XRF device essentially provides provisional results, for deciding whether to subject a product to destructive testing at a laboratory. However, there is currently no capability for destructive testing in Estonia. Although the Estonian Environmental Research Centre does carry out analyses, its method does not have accreditation and the results cannot, therefore, be used in subsequent procedures. The nearest laboratories are in Finland and Sweden. The budget of the Environmental Inspectorate includes approximately EUR 1 400 for testing for RoHS compliance.

Consumer Protection Board: The organisation and execution of surveillance of problem products is carried out by one expert/sector head, one expert, one lawyer and three chief surveillance inspectors (0.25 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.7.2. Market surveillance procedures and strategy

Environmental Inspectorate

The objects and products subject to surveillance in 2015 will be agreed in cooperation with the Ministry of the Environment. The sector to be monitored will be determined on the basis of the information received at the RoHS Enforcement Network meeting. In 2016, the focus will continue to be mainly on IT equipment and other small electronic equipment (USB cables and batteries). As regards the placing on the market of a prohibited product, the Inspectorate will initiate a procedure concerning a violation of the Waste Act. The Inspectorate will continue to cooperate with the Tax

and Customs Board with regard to the importers of electrical and electronic equipment and batteries.

In 2016, the Inspectorate is planning to issue a memorandum addressed to importers (the sector will be determined in the first quarter of 2016) reminding them of the requirements for the labelling of electronic equipment and the producer responsibilities arising from the Waste Act.

Consumer Protection Board

In the course of surveillance, toys will be taken for testing from retail stores; the electronic components and batteries in the toys will be tested for metals: lead, mercury, cadmium and hexavalent chromium. The fulfilment of the requirements for the presentation of information to consumers under the Waste Act will also be checked.

In the Board's initial estimation, the highest priority activities in the problem products sector in 2016 are the following:

- the testing of electronic components and batteries in battery-powered toys (problem products) for metals (lead, mercury, cadmium and hexavalent chromium) where necessary and as agreed between the competent authorities;
- information provided to consumers about the returning of problem products is to be checked where necessary, when a complaint or other inquiry is received.

2.7.3. Report on activities carried out in the previous planning period

Environmental Inspectorate

In 2014, on-the-spot checks were carried out at the premises of 15 manufacturers (importers) whose area of activity is the import and sale of electrical and electronic equipment. Document checks were carried out. As an additional, positive measure, a memorandum was sent to 34 importers of e-cigarettes to point out the requirements applicable to the sector. A total of 5 products were sent to a laboratory and tested for dangerous substances using XRF. No violations were found.

In 2015, producer responsibility organisations that discharge the producer responsibility requirements for importers of electrical and electronic equipment were checked. Document checks were carried out. As an additional, positive measure, memoranda were sent to 177 importers of electrical and electronic equipment and batteries drawing their attention to the requirements applicable to the sector. A total of 5 products were sent to a laboratory and tested for dangerous substances using XRF. The analytical results will be available at the beginning of 2016.

The **Consumer Protection Board** had carried out a total of 33 inspections of problem products as at 1 December 2015, 6 % of which identified various violations. In 2015, the Board also tested 12 battery-powered toys (including the testing of the batteries in the toys), 6 of which (including 1 battery) were shown to be non-compliant. The main problem was the lead and chromium content in the electronic components. The products that were shown to be dangerous have been withdrawn from the market as a result of the activities of the Board.

2.8. PERSONAL PROTECTIVE EQUIPMENT

2.8.1. Responsible authority and contact details

According to the Product Conformity Act, the surveillance of personal protective equipment for professional use is carried out by the **Labour Inspectorate** and the surveillance of non-professional personal protective equipment in retail by the **Consumer Protection Board**.

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee
www.tarbijakaitseamet.ee

Contact person: Angela Priks, Expert/Sectoral Head, phone: +372 6201718, email: angela.priks@tarbijakaitseamet.ee

Labour Inspectorate, Gonsiori 29, 10147 Tallinn, email ti@ti.ee, www.ti.ee

Contact person: Apo Oja, Deputy Director-General in the inspection of occupational safety, phone: +372 6269402, +372 56875449, email: apo.oja@ti.ee.

The organisation and execution of the surveillance of PPEs is carried out by one expert/sector head, one expert, one lawyer and three chief surveillance inspectors (0.75 FTE) at the **Consumer Protection Board**. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

At the **Consumer Protection Board**, one deputy director-general and eight surveillance inspectors (of the trade and service sector) organise and execute the surveillance of PPEs for professional use, alongside their other professional duties.

2.8.2. Market surveillance procedures and strategy

Consumer Protection Board

In the course of surveillance, the compliance of PPEs with the requirements set out in Minister of Social Affairs Regulation No 64 of 29 September 2010 'Safety Requirements for Personal Protective Equipment and Procedure for Conformity Attestation of Personal Protective Equipment' adopted in accordance with Section 5(4) of the Product Conformity Act is checked. In 2016, surveillance in the PPEs sector will be carried out on the basis of inquiries, signals and complaints.

Labour Inspectorate

Surveillance to verify the compliance of personal protective equipment is generally carried out at the premises of the importer or distributor. In the course of surveillance, the compliance of the labelling of the personal protective equipment is verified, the product documentation presented is checked and product compliance is assessed visually.

The scope and volume of market surveillance to be carried out is set out in the Inspectorate's annual plan, which is based on the results of risk assessment and information collected previously (the results of the surveillance activities of the last 3 years) and on an ongoing basis (complaints/tip-offs received), and it takes into account the existing resources. One input for assessing the need for surveillance at wholesalers and retailers are the results of inspections of the working environment (e.g. construction sites), during which checks are made of whether the personal protective equipment used by employees meets the safety requirements and the appropriateness of the equipment for the environment in which it is used is assessed.

In 2016, the priority in the surveillance of PPEs for professional use will be verifying the compliance for PPEs for hearing, eyes and respiration and working gloves at retailers.

2.8.3. Report on activities carried out in the previous planning period

Consumer Protection Board

The specific surveillance activities carried out by the Consumer Protection Board in the PPEs sector as at 1 December 2015 are shown in Table 11 in this section. A total of 50 checks of helmets and protective gear were carried out, 64 % of which identified various violations. The main violations were the absence of a user manual in Estonian and the absence of appropriate labelling. A total of 46 checks of safety reflectors and reflective vests were carried out, 20 % of which identified various violations. The main violations were the absence of a user manual in Estonian and the absence of appropriate labelling (including conformity marking).

No PPEs were tested in 2015.

Table 11. Surveillance results in the personal protective equipment sector for 11 months in 2015	
Total number of inspections	107
Percentage of inspections identifying violations	42 %
Number of products tested	0
Number of non-compliant products	0
Number of products posing a serious risk	0
Number of memos issued	0
Number of notices of administrative procedures issued	2
Number of precepts issued	0
Number of misdemeanour procedures (in force)	0
Amounts of fines imposed as part of a misdemeanour procedure	€ 0

Labour Inspectorate

In 2015, the Labour Inspectorate did not carry out any surveillance procedures for the conformity assessment of PPEs for professional use. The Inspectorate did, however, give the Tax and Customs Board expert opinions on the compliance of PPEs for professional use withheld by customs.

2.9. TYRE LABELLING

2.9.1. Responsible authority and contact details

Surveillance of the labelling of tyres is carried out by the **Environmental Inspectorate** in cooperation with the Consumer Protection Board.

Environmental Inspectorate, Kopli 76, 10416 Tallinn, phone: +372 6962236, fax: +372 6962237, email: valve@kki.ee www.kki.ee

Contact person: Rene Rajasalu, phone: +372 6814939, email: rene.rajasalu@kki.ee

Environmental Inspectorate: At the Environmental Inspectorate, market surveillance is the responsibility of a working group on producer responsibility, which consists of five inspectors and the head of the working group, six members in total. At the same, market surveillance is part of the verification of the fulfilment of producer responsibility requirements, which includes verifying the fulfilment of market surveillance requirements. In 2015, the annual expenditure per inspector was approximately EUR 25 000, including EUR 19 296 of expenditure on wages and EUR 4 786 of administrative expenditure. The exact figures for 2016 cannot be submitted because the budget has not been approved yet. There was no separate budget line for the testing of tyres in the budget of the Inspectorate. There are no laboratories that measure the compliance of tyre labelling in Estonia. The nearest laboratories are in Finland and Sweden. The Environmental Inspectorate will participate in the MSTYR15 project under ProSafe. The project will be launched in February and will last two years. The project will involve on-the-spot inspections and tyre testing.

2.9.2. Market surveillance procedures and strategy

The importers of tyres are producers for the purposes of the Waste Act. The Waste Act lays down a series of requirements that a producer must meet. Most producers have joined a producer responsibility organisation in order to meet these requirements. The Environmental Inspectorate is required to check the activities of the producer responsibility organisation once a year. The producers who have joined the organisation are also checked as part of this annual check. The Inspectorate also requires the organisation to inform such producers as have joined the organisation about the requirements for the marking of tyres.

2.9.3. Report on activities carried out in the previous planning period

In 2015, the Environmental Inspectorate checked one producer responsibility organisation, carrying out the surveillance of 21 importers/distributors of tyres through the organisation. No violations of the requirements for the marking of tyres were found. The organisation had, however, failed to carry out the information activities required by the Waste Act.

2.10. RECREATIONAL CRAFT

2.10.1. *Responsible authority and contact details*

The state supervision of recreational craft is carried out by the **Maritime Administration**.

Maritime Administration — Valge tn 4, Tallinn 11413, eva@vta.ee, www.vta.ee

Contact person: Andres Kõnd, Head of Recreational Craft and Inland Vessels Department, phone: +372 620

5750, +372 53447681, email: andres.kond@vta.ee

2.10.2. *Market surveillance procedures and strategy*

For recreational craft and water craft, the most important parameter is seaworthiness.

Seaworthiness is assessed by checking the conformity attestation of a product. Also, a significant part of the surveillance activities in the sector is carried out in the form of so-called advisory surveillance. This mainly concerns persons acting in the sector under an operating licence. To a large extent, the surveillance process also relied on the water craft registration procedure, where all recreational craft to be entered in the register must pass a pre-registration survey.

Recreational craft as products may be of very different sizes and complexity of use. Here the user manual accompanying a product has an important role; the manual must contain the general product data, explanations about normal operation and detailed information on preventing possible hazards (danger of overturning, fire hazard, overload, etc.).

2.10.3. *Report on activities carried out in the previous planning period*

Surveillance activities in numbers:

- the number of checks of products sold on the Internet: 1;
- the number of notices issued by the Tax and Customs Board: 25;
- the total number of products checked: 380, including products in the notices of checks as well as products checked during pre-registration inspections;
- the number of products tested: 0.

Measures

- the number of memoranda issued: the proposals and observations related to compliance with legislation made by the Maritime Administration have mainly been oral, particularly concerning the products displayed at the Tallinn International Boat Show (Meremess), and the shortcomings have been remedied immediately or information has added to the effect that the given product is a sample and the products sold have the CE marking;
- the number of precepts issued: 1.

Outstandingly positive changes have been made as a result of the market surveillance activities. Close cooperation with the relevant structural units of the Tax and Customs Board and the Road Administration has definitely played a significant role. The Maritime Administration is also developing a more constructive cooperative relationship with its Latvian and Lithuanian counterparts in order to ensure a more harmonised approach in the market surveillance activities of the neighbouring countries.

2.11. FERTILISERS

2.11.1. *Responsible authority and contact details*

State supervision of the fulfilment of the requirements laid down in EU legislation, the Fertilisers Act and the legal acts regarding the handling of fertilisers adopted on the basis of the Fertilisers Act is carried out by the Agricultural Board. The Consumer Protection Board carries out surveillance of the fulfilment of the requirements applicable to the packaging and labelling of fertilisers sold to consumers. State supervision of the requirements for the handling of fertilisers to verify their compliance with customs rules within the meaning of the Customs Act is carried out by the Tax and Customs Board.

Agricultural Board — Teaduse 2, Saku, 75501, Harjumaa, phone: +372 671 2602, fax + 372 6712604, email: pma@pma.agri.ee, vaetis@pma.agri.ee.

Contact persons: Marika Arula, in the capacity of Chief Specialist, phone: + 372 671 2613, email: marika.arula@pma.agri.ee; Katrin Kikkas, Head of Control Bureau, phone: +372 6712644, email: katrin.kikkas@pma.agri.ee.

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee
www.tarbijakaitseamet.ee

Contact person: Jana Baljutis-Kütt — Chief Expert in Surveillance and Coordination, phone: +372 6201711, email: jana.baljutis-kytt@tarbijakaitseamet.ee

Agricultural Board

The organisation and execution of surveillance in the fertilisers sector is carried out by two specialists (1.0 FTE) at the Agricultural Board centre that is responsible and four specialists (2.0 FTE) at the county centres of the Board. Laboratory services are used and ordered from the Agricultural Research Centre under a cooperation agreement.

Consumer Protection Board

The organisation and execution of the surveillance of the fertilisers sector is carried out by one expert/sectoral manager, one expert, one lawyer and three chief surveillance inspectors (0.1 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.11.2. *Market surveillance procedures and strategy*

Agricultural Board

The aim of surveillance is to ensure that the fertilisers that reach consumers:

- are, if used correctly, safe to human and animal life and health and to property and the environment;
- meet the requirements for the constituents of fertilisers;
- are labelled as required.

The aim of Regulation 2003/2003 is to ensure the quality and safety of fertilisers, the free movement of fertilisers in the internal market and the consolidation of Community law in respect of fertilisers. The Regulation lays down requirements for placing fertilisers on the market, for labelling them, for their quality, for determining their quality, and for taking samples and analysing them. It is applicable only to mineral fertilisers that are placed on the market and labelled as 'EC fertilisers'. Fertilisers

labelled as 'EC fertilisers' are in free circulation in the Community. This means that the Member States may not use any of the provisions of Regulation 2003/2003 concerning constituents, identification, labelling or packaging or any other provisions to ban, restrict or prevent a fertiliser that meets the requirements laid down in the Regulation and is labelled as an 'EC fertiliser' from being placed on the market.

The conformity of fertilisers to the requirements is inspected at the premises of the manufacturer, packer, importer or marketer in accordance with the annual surveillance plan for the sector. The surveillance plan is drawn up on the basis of the registered fertiliser handlers that have provided notification of their operations, the obligations arising from legislation, the results of surveillance conducted in previous years and a risk assessment. The main surveillance measures are checking the compliance of the labelling on the packaging of fertilisers, taking samples of fertilisers and sending them to the Agricultural Research Centre for analysis, assessing laboratory test results and, where necessary, issuing precepts requiring the elimination of shortcomings and processing misdemeanours.

Consumer Protection Board

In the fertilisers sector, the Consumer Protection Board carries out regular surveillance to check the labelling of the products sold to consumers. In 2016, surveillance will only be carried out on the basis of inquiries received or where directly necessary, because this is not a high-priority sector for the Board.

2.11.3. Report on activities carried out in the previous planning period

Agricultural Board

In the first 11 months of 2015, the Agricultural Board carried out 196 inspections, including 77 instances of laboratory analysis of fertiliser samples. A total of 5 precepts were issued. Problems have mainly occurred in connection with the requirements for package labelling and also with the timely registration of fertilisers in the national register of fertilisers.

Consumer Protection Board

A total of 15 inspections had been carried out as at 1 December 2015, 26.6 % of which identified various violations (4 violations). In all cases, the main problem was the non-compliant presentation of unit prices. No laboratory investigations were carried out in the sector in 2015.

2.12. PYROTECHNICS

2.12.1. *Responsible authority and contact details*

The market surveillance of pyrotechnics is carried out by the **Technical Surveillance Authority** and the **Consumer Protection Board**. The Consumer Protection Board carries out state supervision of the fulfilment of the requirements for the retail sale of pyrotechnics.

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee
www.tarbijakaitseamet.ee

Contact person: Kristel Huvila, Expert/Sectoral Manager, phone: +372 6201735, email: kristel.huvila@tarbijakaitseamet.ee

Technical Surveillance Authority, Sõle 23A, Tallinn 10614, email: info@tja.ee, www.tja.ee

Contact person: Merike Ring, phone: +372 6672186, email: merike.ring@tja.ee

At the **Consumer Protection Board**, the organisation and execution of the surveillance of the pyrotechnics sector is carried out by one expert, one lawyer and three chief surveillance inspectors (0.5 FTE). The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

At the **Technical Surveillance Authority**, the organisation and execution of the surveillance of the pyrotechnics sector is carried out by one official, pursuant to the Product Conformity Act and other legislation adopted on the basis of it (Directive 2007/23/EC). The Technical Surveillance Authority's budget and expenditure on wages per official are provided in Section 1.1.

2.12.2. *Market surveillance procedures and strategy*

Consumer Protection Board

In the course of surveillance, the compliance of pyrotechnics with the [Explosives Act](#) is verified. The Consumer Protection Board carries out surveillance within its area of competence to check whether products comply with the requirements arising from legal acts, and are supplied with the required information and labelling and a user manual. In the last two years, the Consumer Protection Board has also cooperated with the Rescue Board in the form of joint inspections as well as participating in meetings organised by the Technical Surveillance Authority. In 2016, the Consumer Protection Board is planning to carry out regular surveillance and continue to cooperate with other authorities.

Technical Surveillance Authority

The Technical Surveillance Authority carries out state supervision of explosives placed on the market, the activities of the operators in the explosives sector and operators handling pyrotechnics, and compliance with the requirements for the handling of explosives and pyrotechnics and the objects involved in the handling of explosives. Market surveillance is part of general conformity supervision and mainly consists in checks of conformity documents and marking at warehouses and points of sale. The 2016 market surveillance plan for pyrotechnic and construction articles provides for the seasonal checking of the conformity marking of pyrotechnics.

2.12.3. *Report on activities carried out in the previous planning period*

Consumer Protection Board

The specific surveillance activities carried out by the Consumer Protection Board in the pyrotechnics sector in 2014 are shown in Table 12 in this section. The surveillance data for 2015 are not available due to ongoing inspections.

Table 12. Surveillance results in the pyrotechnics sector for 2015.	
Total number of inspections	35
Percentage of inspections identifying violations	31
Number of products tested	0
Number of non-compliant products	0
Number of products posing a serious risk	0
Number of memos issued	0
Number of complaints from consumers	0
Number of inquiries from consumers/economic operators	3
Number of consultations over the consumer information line	29

Technical Surveillance Authority

The Technical Surveillance Authority carried out 6 surveillance procedures for pyrotechnics, covering approximately 200 products. In addition to that, pyrotechnics from third countries and other Member States were also checked at retail stage. Operators are required to present CE type-examination certificates and conformity declarations upon the import of products. Due to the seasonal use of pyrotechnics, most of the procedures are conducted in December and some of the procedures conducted in 2015 are therefore not included in this report.

2.13. TEXTILES

2.13.1. *Responsible authority and contact details*

State supervision of the fulfilment of the requirements for the labelling of clothing and textile products established on the basis of the Trading Act is carried out by the Consumer Protection Board. The requirements laid down in [Regulation \(EU\) No 1007/2011](#) of the European Parliament and of the Council on textile fibre names and related labelling and marking of the fibre composition of textile products (referred to below as the Textile Regulation) is applicable to the labelling of the fibre composition of textile products.

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee
www.tarbijakaitseamet.ee

Contact person: Angela Priks, Expert/Sectoral Manager, phone: +372 6201718, email: angela.priks@tarbijakaitseamet.ee

The organisation and execution of surveillance of textiles is carried out by one expert/sectoral manager, one expert, one lawyer and three chief surveillance inspectors (0.3 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.13.2. *Market surveillance procedures and strategy*

In the course of surveillance, the fulfilment of the requirements for the labelling of, or other methods of providing information on, textile clothing and other textile products offered or sold to consumers is checked. With the expiry 9 November 2014 of the transition period provided for in the Textile Regulation on, it is relevant to acquire an overview of the implementation of the requirements of the Regulation and to verify that the information provided to consumers is accurate and adequate. The surveillance of e-shops selling clothing is also carried out. The supply of unlabelled or irregularly labelled clothing will be reduced and consumers will be provided with relevant information for making an informed purchase as a result of the surveillance activities. In 2016, surveillance will only be carried out on the basis of inquiries received or where directly necessary, because this is not a high-priority sector for the Board.

2.13.3. *Report on activities carried out in the previous planning period*

The specific surveillance activities carried out by the Consumer Protection Board regarding the labelling of clothing are shown in Table 13. Inspections of the labelling of clothing were carried out on a total of 257 articles; 62.3 % of the inspections identified violations. The Board has also processed complaints and requests for explanation from consumers regarding clothing damaged or inadequately cleaned during dry cleaning due to a misleading or missing care label.

Table 13. Surveillance results in the textiles labelling sector for 11 months in 2015	
Total number of inspections	257
Percentage of inspections identifying violations	62.3 %
Number of memos issued	3

Number of notices of administrative procedures issued	9
Number of precepts issued	0
Number of misdemeanour procedures (in force)	0
Amounts of fines imposed as part of a misdemeanour procedure	€0
Number of complaints from consumers	49
Number of inquiries from consumers/economic operators	79

2.14. ELECTRICAL APPLIANCES AND EQUIPMENT

2.14.1. *Responsible authority and contact details*

Pursuant to the Product Conformity Act, the [Equipment Safety Act](#) and the legislation enacted on the basis thereof, the **Technical Surveillance Authority** carries out market surveillance of electrical and electronic equipment in respect of the requirements of the Low Voltage Directive ([2006/95/EC](#); new version: [2014/35/EU](#)), the Electromagnetic Compatibility Directive (2004/108/EC; new version: 2014/30/EU), [Directive 2010/30/EU](#) on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products, [Directive 2009/125/EC](#) establishing a framework for the setting of eco-design requirements for energy-related products and [Directive 2011/65/EU](#) on the restriction of the use of certain hazardous substances in electrical and electronic equipment.

The Technical Surveillance Authority carries out surveillance in the electrical equipment sector as follows:

- surveillance of compliance with the safety requirements for electrical equipment (market surveillance);
- surveillance of electrical equipment regarding the existence of energy labelling and compliance with energy-efficiency and eco-design requirements;
- surveillance of compliance with the electromagnetic compatibility requirements for electrical equipment;
- surveillance of compliance with the requirements for hazardous substances in electrical and electronic equipment;
- determination of the causes of electrical accidents and planning of preventive measures on the basis of these where necessary.

Technical Surveillance Authority, Sõle 23A, Tallinn 10614, email: +372 6672000, fax: +372 6672001, email: info@tja.ee

Contact persons:

Taavi Lentso, phone: +372 6672164, email: taavi.lentso@tja.ee

Tanel Vinkel, phone: +372 6672090, email: tanel.vinkel@tja.ee

At the Technical Surveillance Authority, the organisation and execution of surveillance in the electrical equipment sector is carried out by two officials in accordance with the Product Conformity Act, the Equipment Safety Act and the legislation enacted on the basis thereof and with Directives 2004/108/EC, 2006/95/EC, 2009/125/EC, 2010/30/EU and 2011/65/EU. The Technical Surveillance Authority's budget and expenditure on wages per official are provided in Section 1.1.

2.14.2. *Market surveillance procedures and strategy*

Surveillance to verify compliance is planned according to the Authority's danger prognosis and certain priorities, which include regions, businesses, the hazard levels of electrical equipment and the statistics on complaints and accidents. In 2016, the Authority plans to check the compliance of LED lighting fittings with the requirements for safety, electromagnetic compatibility and energy efficiency (Directives 2009/125/EC, 2010/30/EU, 2014/30/EU and 2014/35/EU) in cooperation with the Tax and Customs Board. The Authority will also carry out surveillance projects to verify the compliance of installation materials with safety requirements (Directive 2006/95/EC) and the compliance of lighting fittings, vacuum cleaners and television sets with the requirements for energy labelling and eco-design (Directives 2010/30/EU and 2009/125/EC).

2.14.3. *Report on activities carried out in the previous planning period*

In 2015, the Technical Surveillance Authority conducted 156 procedures relating to electrical equipment. A total of 33 precepts were issued requiring the removal of shortcomings. An additional 134 procedures were conducted on the basis of customs notices. Three devices were tested; non-hazardous shortcomings were identified in two of them.

2.15. CHILDCARE PRODUCTS

2.15.1. *Responsible authority and contact details*

Pursuant to the Product Conformity Act and the competences of the surveillance authorities laid down in the cooperation agreement, surveillance to verify the safety of childcare products and babies' dummies is carried out by the Health Board (at the premises of importers, wholesale warehouses and pharmacies) and the Consumer Protection Board (in retail trade).

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee, www.tarbijakaitseamet.ee

Contact person: Angela Priks, Expert/Sectoral Manager, phone: +372 6201718, email: angela.priks@tarbijakaitseamet.ee

The organisation and execution of surveillance of childcare products is carried out by one expert/sectoral manager, one expert, one lawyer and three chief surveillance inspectors (0.5 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.15.2. *Market surveillance procedures and strategy*

In the course of surveillance, the compliance of childcare products with the requirements of the Product Conformity Act is verified.

The highest priority activities in the childcare products sector in 2016 are the following:

- verification of the existence of Estonian-language labelling and of user manuals for childcare products and the correspondence of the Estonian-language information to the foreign-language information.
- in 2016, attention will mainly be focused on pushchairs and prams, high chairs, cribs and cradles.

No tests are planned for 2016, and tests will only be carried out where necessary, including when complaints or other signals are received.

2.15.3. *Report on activities carried out in the previous planning period*

The specific surveillance activities carried out by the Consumer Protection Board in the childcare products sector as at 1 December 2015 are shown in Table 14. A total of 84 inspections were carried out, 54 % of which identified various violations. The main violations were the absence of a user manual or labelling in Estonian and the non-conformity of the Estonian-language manual to the foreign-language manual.

Table 14. Surveillance results in the childcare product sector for 11 months in 2015	
Total number of inspections	84
Percentage of inspections identifying violations	%

Number of products tested	0
Number of non-compliant products	0
Number of products posing a serious risk	0
Number of memos issued	1
Number of notices of administrative procedures issued	1
Number of precepts issued	0
Number of misdemeanour procedures (in force)	0
Amounts of fines imposed as part of a misdemeanour procedure	0
Number of complaints from consumers	19
Number of inquiries from consumers/economic operators	24
Number of consultations over the consumer information line	115

2.16. CANDLES

2.16.1. Responsible authority and contact details

State supervision under the Product Conformity Act and the Consumer Protection Act to verify the safety of candles sold or offered to consumers is carried out by the Consumer Protection Board. According to Article 3 of Directive 2001/95/EC of the European Parliament and of the Council on general product safety, producers must only place safe products on the market. A product is presumed safe as far as the risks and risk categories covered by the relevant national standards are concerned when it conforms to the voluntary national standards transposing European standards, the references of which have been published by the Commission in the Official Journal of the European Communities in accordance with Article 4. The safety requirements for candles are laid down in standards EN 15493:2007 'Candles. Specification for fire safety'; EN 15494:2007 'Candles. Product safety labels'; and EN 15426:2007 'Candles. Specification for soothing behaviour'. The Consumer Protection Board verifies that candles sold in retail are provided with safety instructions.

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee
www.tarbijakaitseamet.ee

Contact person: Angela Priks, Expert/Sectoral Manager, phone: +372 6201718, email: angela.priks@tarbijakaitseamet.ee

The organisation and execution of the surveillance of the candles sector is carried out by one expert/sectoral manager, one expert, one lawyer and three chief surveillance inspectors (0.1 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.16.2. Market surveillance procedures and strategy

In the course of surveillance, the supplying of candles with the necessary information, including information on the intended purpose of the candle, and safety instructions is checked. The minimal recommended safety instructions are provided in the relevant standard. The safety information must be shown either on the product or on the packaging as text or in pictograms. Warnings in a foreign language must be shown in Estonian. Council Directive [87/357/EEC](#) on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers must be taken into account when offering specially shaped candles. Products that appear to be other than they are may be confused with foodstuffs, especially by children, and placed in the mouth, sucked or ingested, which might be dangerous and cause physical harm. Providing information and warnings to consumers is very important in this sector, because it helps to avoid causes of fires and accidents.

In 2016, the labelling of candles will be checked where necessary, including when complaints or other signals are received.

2.16.3. Report on activities carried out in the previous planning period

The Consumer Protection Board had carried out only 6 inspections in the safety of candles sector by 1 December 2015, 17 % of which identified various violations, because there was no scheduled surveillance and the sector was only taken into focus in 2015.

2.17. CHILDREN'S CLOTHING (CORDS, DRAWSTRINGS)

2.17.1. *Responsible authority and contact details*

State supervision under the Product Conformity Act and the Consumer Protection Act to verify the safety of children's clothing is carried out by the Consumer Protection Board. Article 3 of Directive 2001/95/EC of the European Parliament and of the Council on general product safety requires producers to only place safe products on the market. A product is presumed safe as far as the risks and risk categories covered by the relevant national standards are concerned when it conforms to the voluntary national standards transposing European standards, the references of which have been published by the Commission in the Official Journal of the European Communities in accordance with Article 4. The safety requirements for children's clothing are provided in standard EN 14682:2007 'Safety of children's clothing. Cords and drawstrings on children's clothing. Specifications.'

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee, www.tarbijakaitseamet.ee

Contact person: Angela Priks, Expert/Sectoral Manager, phone: +372 6201718, email: angela.priks@tarbijakaitseamet.ee

The organisation and execution of the surveillance in the safety of children's clothing sector is carried out by one expert/sectoral manager, one expert, one lawyer and three chief surveillance inspectors (0.75 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.17.2. *Market surveillance procedures and strategy*

In the course of surveillance, the safety of children's clothing is checked with respect to cords and drawstrings. The article of inspection is clothing for children of up to 7 years of age and up to 134 centimetres in height and clothing for children aged 7 to 14 (boys 134 to 182 centimetres and girls 134 to 176 centimetres in height) fitted with cords or drawstrings. Special attention is focused on clothing for infants. A large number of RAPEX alerts have been received regarding such clothing. The results of the preceding period, the experience gained from participation in the international project for the safety of children's clothing and RAPEX alerts are taken into account in carrying out surveillance. In 2016, the Consumer Protection Board is planning to carry out scheduled surveillance in the sector.

2.17.3. *Report on activities carried out in the previous planning period*

The Consumer Protection Board's surveillance results as regards the safety of children's clothing as at 1 December 2015 are provided in Table 15. A total of 130 inspections were carried out, 55 % of which identified various violations. The most frequent type of violations was the presence of cords or drawstrings in the hood and neck area of children's clothing.

Table 15. Surveillance results in the safety of children's clothing sector for 11 months in 2015	
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Total number of inspections	130
Percentage of inspections identifying violations	55 %
Number of memos issued	0
Number of notices of administrative procedures issued	6
Number of precepts issued	0
Number of misdemeanour procedures (in force)	0
Amounts of fines imposed as part of a misdemeanour procedure	€ 0

2.18. LIGHTERS

2.18.1. *Responsible authority and contact details*

In accordance with Article 13 of Directive 2001/95/EC of the European Parliament and of the Council on general product safety, Commission Decision [2006/502/EC](#) has been adopted requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters.

State supervision of the fulfilment of the safety requirements for lighters applicable under the Product Conformity Act and of conformity attestation is carried out by the Consumer Protection Board. Under a cooperation agreement, the Consumer Protection Board cooperates with the Tax and Customs Board in the prevention of novelty lighters and lighters without a child-resistance mechanism being placed on the market.

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee, www.tarbijakaitseamet.ee

Contact person: Angela Priks, Expert/Sectoral Manager, phone: +372 6201718, email: angela.priks@tarbijakaitseamet.ee

The organisation and execution of the surveillance of the lighters sector is carried out by one expert/sectoral manager, one expert, one lawyer and three chief surveillance inspectors (0.2 FTE) at the Consumer Protection Board. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.18.2. *Market surveillance procedures and strategy*

In the course of surveillance, compliance with safety requirements of lighters offered or sold to consumers, the supplying of lighters with safety information and the supplying of luxury and semi-luxury lighters with the necessary documents is checked. If surveillance activities give rise to suspicion, a document check is carried out and, if necessary, laboratory tests of lighters are ordered to verify compliance with safety requirements and child-resistance.

The results of the preceding period, RAPEX alerts and the experience gained from participation in the international project for the safety of lighters are taken into account in carrying out surveillance. In 2016, the lighters will be checked where necessary, including when complaints or other signals are received.

2.18.3. Report on activities carried out in the previous planning period

The Consumer Protection Board's surveillance results in the lighters sector as at 1 December 2015 are provided in Table 16. A total of 48 inspections were carried out, 54 % of which identified various violations. The violations mainly concerned safety (63 %), labelling (8.4 %) and the absence of information in Estonian (40 %). A total of 15 instances of sale of novelty lighters were identified.

Table 16. Surveillance results in the lighters sector for 11 months in 2015	
Total number of inspections	48
Percentage of inspections identifying violations	54 %
Number of products tested	0
Number of non-compliant products	0
Number of products posing a serious risk	0
Number of memos issued	0
Number of notices of administrative procedures issued	4
Number of precepts issued	1
Number of misdemeanour procedures (in force)	0
Amounts of fines imposed as part of a misdemeanour procedure	0

2.19. USED CARS

2.19.1. *Responsible authority and contact details*

Pursuant to the Consumer Protection Act, the Trading Act and the Product Conformity Act, the Consumer Protection Board carries out surveillance to verify compliance with legal requirements.

Consumer Protection Board, Rahukohtu 2, 10130 Tallinn, email: info@tarbijakaitseamet.ee, www.tarbijakaitseamet.ee

Contact person: Kristel Huvila, Expert/Sectoral Manager, phone: +372 6201735, email: kristel.huvila@tarbijakaitseamet.ee

The organisation and execution of surveillance in the used cars sector is carried out by one expert, one lawyer and three chief surveillance inspectors (1.5 FTE) at the Consumer Protection Board. Additional human resources are brought in where necessary. The Consumer Protection Board's budget and expenditure on wages per official are provided in Section 1.1.

2.19.2. *Market surveillance procedures and strategy*

In the course of surveillance, checks are carried out concerning the accuracy of the information provided to consumers, the marking of points of sale, the accuracy of advertisements for passenger cars, misleading commercial practices, and the fulfilment of other legal requirements. A misdemeanour procedure is initiated, if necessary. Various guidance materials for enterprises and consumers have been prepared.

Verification of the compliance of the retail sale of used cars is not planned as a separate focus sector in the of the Consumer Protection Board's activities in 2016. Surveillance of a specific product group will continue as part of the coordinated activities under the joint project on used cars, and the Board's activities in assessing compliance with sales requirements will be mainly focused on identifying possible violations of the prohibition on using unfair commercial practices.

2.19.3. *Report on activities carried out in the previous planning period*

The Consumer Protection Board's surveillance results in the used cars sector as at 1 December 2015 are shown in Table 17. The joint project for the organisation of the used cars market has reached a stage where the whole country has been covered by the inspections carried out in cooperation between the different authorities. Instead of mass violations, a few problematic points remain and the general situation is satisfactory. The most problematic points continue to be the failure to distinguish between commission sales contracts and agency sale and issues relating to odometer tampering, i.e. the use of an unfair commercial practice. There are currently no significant shortcomings relating to the marking of points of sale or the dissemination of information to consumers. Consumers are definitely better aware of what to check and keep in mind when buying a used car. Consumers are focusing more attention on running a background check before buying a vehicle and the authorities are receiving more inquiries.

Table 17. Surveillance results in the used cars sector for 11 months in 2015	
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Total number of inspections	44
Percentage of inspections identifying violations	18
Number of memos issued	1
Number of notices of administrative procedures issued	6
Number of precepts issued	0
Number of misdemeanour procedures (in force)	1
Amounts of fines imposed as part of a misdemeanour procedure	€ 1 600
Number of complaints from consumers	57
Number of inquiries from consumers/economic operators	171
Number of consultations over the consumer information line	920

2.20. RADIO AND TELECOM EQUIPMENT

2.20.1. Responsible authority and contact details

The Technical Surveillance Authority carries out the state supervision of radio and telecom equipment (communications equipment), including verifying the electromagnetic compatibility of the equipment, in accordance with the [Electronic Communications Act](#) and other legislation enacted on the basis thereof ([Directive 1999/5/EC](#)).

Technical Surveillance Authority, Sõle 23A, Tallinn 10614, email: info@tja.ee, www.tja.ee

Contact persons:

Tanel Vinkel, Deputy Head, phone: +372 6672090, email: tanel.vinkel@tja.ee

Ursula Oraby, Chief Specialist, phone: +372 6672095, email: ursula.oraby@tja.ee

Risto Vainlo, Chief Specialist, phone: +372 6672091, email: risto.vainla@tja.ee

The organisation and execution of surveillance in the communications equipment sector is carried out by three officials at the Technical Surveillance Authority. The Technical Surveillance Authority's budget and expenditure on wages per official are provided in Section 1.1.

2.20.2. Market surveillance procedures and strategy

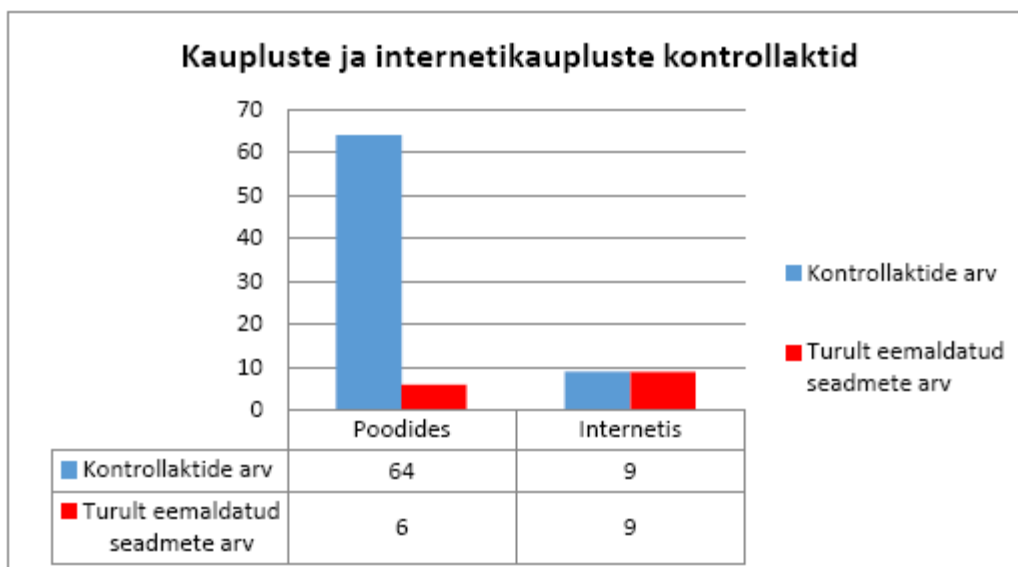
Surveillance covers the following:

- surveillance of communications equipment about to be placed on the market or already placed on the market (market surveillance);
- updating the requirements for the use of radio equipment and ensuring conformity;
- issuing frequency authorisations for using radio frequencies;
- ensuring that radio frequency channels used for providing emergency assistance and for national security are free of interference, processing notifications concerning radio interference and verifying the legality of the use of radio frequencies;
- monitoring radio frequencies to detect any illegal use of radio frequencies and verify compliance with the conditions of authorisation.

The Technical Surveillance Authority as the national standardisation body is a full member of the European Telecommunications Standards Institute (ETSI). In the course of market surveillance, the compliance of communications equipment with the electrical safety, health protection and electromagnetic compatibility requirements is verified. In addition to the above, the Authority verifies that radio equipment to be placed on the market is manufactured in a manner that prevents the occurrence of radio interference and guarantees the effective use of radio frequencies and satellite orbital positions.

2.20.3. Report on activities carried out in the previous planning period

In the **first quarter** of 2015, the Technical Surveillance Authority carried out 75 conformity checks on equipment (in accordance with Directives 1999/5/EC and 2004/108/EC). Shortcomings were found in 29 cases; 117 devices were not allowed into the country and 15 devices were withdrawn from shops. A total of 73 inspection reports were drawn up as a result of inspections of shops (including online shops). Various shortcomings were detected in 18 devices.

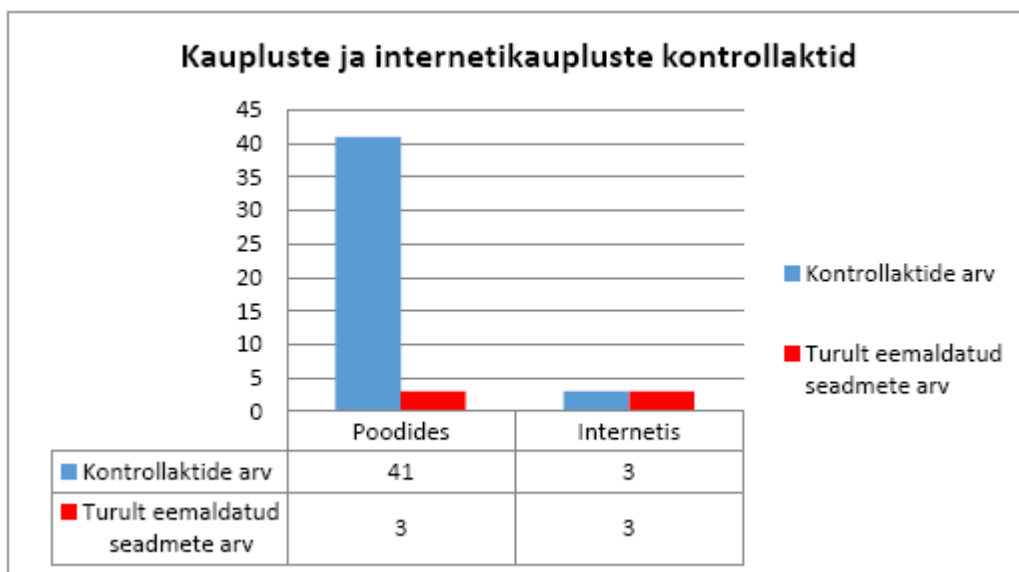


ET	EN
Kaupluste ja internetikaupluste kontrollaktid	Inspection reports on shops and online shops
Kontrollaktide arv	Number of inspection reports
Turult eemaldatud seadmete arv	Number of devices withdrawn from the market
Poodides	In shops
Internetis	Online

Figure 3. Inspections of shops and online shops in the first quarter.

In the first quarter, the Tax and Customs Board submitted 17 inquiries to the Technical Surveillance Authority requesting conformity checks in respect of 1 840 devices.

In the **second quarter** of 2015, the Technical Surveillance Authority carried out 49 conformity checks on equipment. Shortcomings were found in 10 cases; 280 devices were not allowed into the country and 6 devices were withdrawn from shops. Under the European market surveillance campaign, the Authority sent 1 radio controlled helicopter to be tested for the purposes of conformity assessment. Confirmation of the conformity of 1 device was received from the testing laboratory.



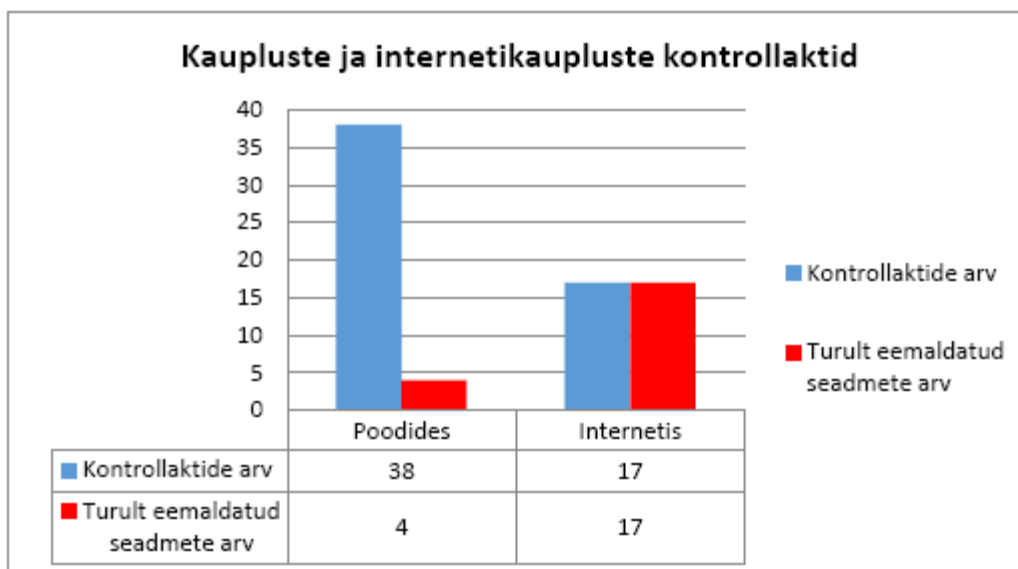
ET	EN
Kaupluste ja internetikaupluste kontrollaktid	Inspection reports on shops and online shops
Kontrollaktide arv	Number of inspection reports
Turult eemaldatud seadmete arv	Number of devices withdrawn from the market
Poodides	In shops
Internetis	Online

Figure 4. Inspections of shops and online shops in the second quarter.

In the second quarter, the Tax and Customs Board submitted 17 inquiries to the Technical Surveillance Authority requesting conformity checks in respect of 3 330 devices.

In the **third quarter** of 2015, the Technical Surveillance Authority carried out 70 conformity checks on equipment. Shortcomings were found in 34 cases; 524 devices were not allowed into the country and 21 devices were withdrawn from shops.

A total of 55 inspection reports were drawn up as a result of inspections of shops (including online shops). Various shortcomings were detected in 24 devices.



ET	EN
Kaupluste ja internetikaupluste kontrollaktid	Inspection reports on shops and online shops
Kontrollaktide arv	Number of inspection reports
Turult eemaldatud seadmete arv	Number of devices withdrawn from the market
Poodides	In shops
Internetis	Online

Figure 5. Inspections of shops and online shops in the third quarter.

In the third quarter, the Tax and Customs Board submitted 20 inquiries to the Technical Surveillance Authority requesting conformity checks in respect of 1 305 devices.

A total of 177 inspection reports were drawn up as a result of inspections of shops (including online shops). Various shortcomings were detected in 73 devices. The total of procedures conducted and devices withdrawn from the market was 42 (including 29 devices from online shops). The Tax and Customs Board submitted 54 inquiries to the Technical Surveillance Authority requesting conformity checks in respect of 6 475 devices. Of these, 804 devices were not allowed into the country.

2.21. MACHINERY AND EQUIPMENT AND PROTECTIVE SYSTEMS INTENDED FOR USE IN POTENTIALLY EXPLOSIVE ATMOSPHERES

2.21.1. Responsible authority and contact details

State supervision of machinery, including equipment and protective systems intended for use in potentially explosive atmospheres (ATEX), is carried out by the **Technical Surveillance Authority** in accordance with the Equipment Safety Act and the legislation enacted on the basis thereof (Directives [2006/42/EC](#); [1994/9/EC](#), [2000/14/EC](#)).

Technical Surveillance Authority, Sõle 23A, Tallinn 10614, email: info@tja.ee, www.tja.ee

Contact persons:

Andrus Rumm, Chief Specialist, email: andrus.rumm@tja.ee, phone: +372 6672195

Richard Saarman, Chief Specialist, email: richard.saarman@tja.ee, phone: +372 6672175

The organisation and execution of surveillance in the machinery sector, including equipment and protective systems intended for use in potentially explosive atmospheres (ATEX), is carried out by two chief specialists at the Technical Surveillance Authority. The Technical Surveillance Authority's budget and expenditure on wages per official are provided in Section 1.1.

2.21.2. Market surveillance procedures and strategy

The Technical Surveillance Authority carries out surveillance covering the following:

- surveillance of machinery about to be placed on the market or already placed on the market (market surveillance);
- surveillance of machinery put into service;
- surveillance to verify compliance with and enforcement of the requirements set for the sectors;
- determining the causes of accidents and implementing measures to prevent accidents where necessary;
- control of the activities of enterprises, notified bodies, technical inspection bodies and personnel certification bodies;
- surveillance to verify compliance with the requirements for machinery for potentially explosive atmospheres (ATEX) and noise emission requirements is carried out as part of the market surveillance of machinery.

Surveillance to verify compliance is planned according to certain priorities, which include regions, businesses, the hazard levels of articles and the statistics on complaints and accidents.

The surveillance of equipment intended for use in potentially explosive atmospheres is carried out as part of the market surveillance of machinery, taking into account the experience from previous surveillance of the placing on the market of such equipment and risk assessment.

In 2016, the Technical Surveillance Authority will continue to carry out targeted surveillance of interchangeable equipment (crushers, mowers, earth augers, log splitters, etc.) driven by a power take-off shaft on a tractor or maintenance machine. In the course of surveillance in 2015, the

Authority found machinery that may pose a threat to human health and life because of non-compliant design or the poor quality of assembly.

The relatively high prices of such equipment on the European market creates strong pressure to import it from third countries. The increasing import of used interchangeable equipment and interchangeable equipment of questionable technical quality is a serious challenge for the Authority.

In addition to the targeted inspections of interchangeable equipment, the Authority is planning to carry out controls of the placing on the market of stationary circular saws, focusing attention on the existence of emergency stopping devices and the ergonomic properties of such equipment in particular. This kind of targeted surveillance is motivated by the shortcomings in stationary circular saws found in the course of surveillance in 2015.

The Authority will also carry out additional controls of automatic electric doors in 2016, as there were accidents involving such doors in 2015 and complaints were received relating to the poor safety level of such doors. The surveillance priority will be to verify that the technical solutions used for the automation of doors are suitable for eliminating or minimising the dangers identified by the risk analysis for each specific type of door.

In addition to the controls on the placing on the market of the above equipment, the Authority also plans to carry out surveillance to verify the conformity of machinery produced in Estonia in 2016; such surveillance will allow possible irregularities to be identified at an early stage of production, thereby preventing the placing on the market of non-compliant machinery. Surveillance to verify compliance with noise emission requirements is carried out as part of the market surveillance of machinery. In the surveillance to verify compliance with noise emission requirements in 2016, special attention will be focused on diesel fan heaters, generators, hand-held demolition hammers and picks and concrete mixers, because significant shortcomings have previously been found in such equipment in the course of surveillance.

2.21.3. Report on activities carried out in the previous planning period

The **Technical Surveillance Authority** carried out 55 surveillance procedures in 2015, identifying shortcomings on 31 occasions. A total of 151 machines were checked; shortcomings were found in 61.

The shortcomings divided as follows:

- dangerous products — 4;
- absence of the mark of conformity (CE) — 34;
- absence of manufacturer details — 31;
- absence of an indication of the guaranteed sound power level (Lwa) — 20;
- absence of warnings of residual risks or translations thereof — 31;
- absence of the manufacturer's declaration of conformity — 5;
- absence of a user manual in Estonian — 9.

A total of 18 customs notices were issued relating to 250 machines.

No separate inspections of ATEX machinery were carried out in 2015, as this type machinery was inspected under the market surveillance project in 2014, which showed that all ATEX machinery met the applicable requirements.

Market surveillance projects relating to machinery

Interchangeable equipment (PTO driven or other): 7 procedures conducted, 5 of which identified shortcomings; 14 interchangeable devices checked, 3 of which had shortcomings.

The shortcomings divided as follows:

- absence of the mark of conformity (CE) — 2;
- absence of manufacturer's details — 2;
- absence of warnings of residual risks or translations thereof — 3;
- absence of a user manual in Estonian — 1.

Chainsaws: 7 procedures conducted, 1 of which identified shortcomings; 10 interchangeable devices checked, 1 of which had shortcomings (absence of an indication of the guaranteed sound power level (Lwa)).

Surveillance showed that the proportion of the products without the required mark of conformity is increasing: 34 of the 151 machines checked in 2015 did not have the CE conformity mark (22.5 % of all products checked). The absence of manufacturer details (including information allowing identification) on machinery imported from third countries is remarkably frequent (manufacturer details were absent from 21 % of the equipment checked). The absence of an indication of the guaranteed sound power level (Lwa) is also increasingly frequent. Dangerous machinery mainly included machines posing a threat due to non-compliance with ergonomic requirements (the emergency stopping devices were not visible and accessible). The number of dangerous machines identified in the course of market surveillance was smaller than in 2014.

2.22. PRESSURE EQUIPMENT

2.22.1. *Responsible authority and contact details*

State supervision in the pressure equipment sector, including aerosols, simple pressure equipment and vessels and transportable pressure equipment, is carried out by the **Technical Surveillance Authority** in accordance with the Equipment Safety Act and the legislation enacted on the basis thereof (Directives [75/324/EEC](#), [2009/105/EC](#), [97/23/EC](#)).

Technical Surveillance Authority, Sõle 23A, Tallinn 10614, email: info@tja.ee, www.tja.ee
Contact person: Andrus Rumm, Chief Specialist, email: andrus.rumm@tja.ee, phone: +372 6672195

The organisation and execution of surveillance in the pressure equipment sector is carried out by one chief specialist at the Technical Surveillance Authority. The Technical Surveillance Authority's budget and expenditure on wages per official are provided in Section 1.1. The service of competent laboratories are used due to the absence of the necessary technology.

2.22.2. *Market surveillance procedures and strategy*

The Technical Surveillance Authority carries out market surveillance on the basis of an annual work plan that takes into account the existing resources and needs. The work plan is prepared on the basis of the complaints received by the Authority, the information on non-compliant products received through ICSMS, joint projects, public interest and the surveillance results from the previous period. The following product groups will be subject to surveillance under the 2016 surveillance project: 10- to 20-litre water heaters, different types of pressure regulators and aerosol cans. Small water heaters are widely used in households and products of unknown origin and without labelling have previously been found in the course of surveillance. Accidents with pressure equipment and problems that arose in the implementation of new technologies during the previous period were taken into account in preparing the surveillance plan. Compliance with the requirements for the placing on the market of pressure equipment will be checked in the course of the surveillance project. Surveillance to verify compliance is planned according to certain priorities, which include regions, businesses, the hazard levels of pressure equipment and the statistics on complaints and accidents.

2.22.3. *Report on activities carried out in the previous planning period*

In 2015, surveillance in the pressure equipment sector focused on water heaters. As at 1 December 2015, 19 market surveillance procedures had been conducted, 5 of which had identified shortcomings; 39 pressure devices had been checked, 12 of which had shortcomings. The shortcomings divided as follows: dangerous products — 0; absence of the mark of conformity (CE) — 4; absence of manufacturer details — 2; absence of the number of the notified body — 1; and absence of the manufacturer's declaration of conformity — 4.

Market surveillance projects relating to pressure equipment

Water heaters with volumes between 10 and 20 litres: 13 market surveillance procedures conducted, 7 of which identified shortcomings; 28 pressure devices checked, 8 of which had shortcomings.

The shortcomings in the small water heaters checked divided as follows: absence of the mark of conformity (CE) — 6; absence of the manufacturer's declaration of conformity — 2. A surveillance

result that should be highlighted is the relatively large number of products for which the seller was unable to produce a manufacturer's declaration of conformity (4 instances out of 25 different product models, i.e. 16 % of the models checked). The products in question were water heaters imported from Russia.

2.23. APPLIANCES BURNING GASEOUS FUELS

2.23.1. Responsible authority and contact details

Pursuant to the Equipment Safety Act and the legislation adopted on the basis of it ([Directive 2009/142/EC](#)), surveillance of the safety of appliances burning gaseous fuels is carried out by the **Technical Surveillance Authority**.

Technical Surveillance Authority, Sõle 23A, Tallinn 10614, email: info@tja.ee, www.tja.ee
Contact person: Andrus Rumm, Chief Specialist, email: andrus.rumm@tja.ee, phone: +372 6672195

The organisation and execution of surveillance of appliances burning gaseous fuels is carried out by one chief specialist at the Technical Surveillance Authority. The Technical Surveillance Authority's budget and expenditure on wages per official are provided in Section 1.1.

2.23.2. Market surveillance procedures and strategy

Under the market surveillance of gas appliances, the compliance of the appliances burning gaseous fuels sold in Estonia is verified; the verifications include checking the compliance of the appliances and their labelling and the presence of installation, user and maintenance guides in Estonian.

Market surveillance is carried out on the basis of an annual work programme that takes account of the existing resources and needs. The work plan is prepared on the basis of the complaints received by the Authority, the information on non-compliant products received through ICSMS, information on dangerous gas appliances received from the GAD ADCO working group, joint projects, increased public interest and the surveillance results from the previous period.

Under the 2016 surveillance project, compliance with the requirements for the placing on the market of appliances burning gaseous fuels (radiators, fireplaces, portable stoves and water heaters) used in direct sales on a daily basis is checked. An indoor environment (in a residential building, summer house or tent) may not meet the requirements for the use of the above appliances burning gaseous fuels. In the course of surveillance, items of unknown origin and without labelling or documentation have been found. There have been several accidents with portable stoves and water heaters burning gas and the use of such products involves an increased risk.

2.23.3. Report on activities carried out in the previous planning period

In 2015, 9 surveillance procedures for appliances burning gaseous fuels were conducted, 6 of which identified shortcomings. A total of 17 gas appliances were checked, 5 of which had shortcomings.

The shortcomings divided as follows:

- absence of the mark of conformity (CE) — 4;
- absence of manufacturer's details — 3;
- absence of the number of the notified body — 4;
- absence of warnings of residual risks or translations thereof — 4;
- absence of the manufacturer's declaration of conformity — 1.

Market surveillance projects relating to gas appliances

Radiators burning gaseous fuel: 7 market surveillance procedures conducted, 3 of which had identified shortcomings; 13 gas appliances checked, 5 of which had shortcomings.

The shortcomings divided as follows:

- absence of the mark of conformity (CE) — 3;
- absence of manufacturer's details — 2;
- absence of warnings of residual risks or translations thereof — 2;
- absence of the manufacturer's declaration of conformity — 1.

In the course of surveillance, it was found that the labelling of a significant number of the gas appliances checked did not include the number of the notified body (23.5 % of all appliances), the CE conformity mark (23 %) and important warnings of residual risks.

2.24. MEASURING INSTRUMENTS, NON-AUTOMATIC WEIGHING INSTRUMENTS AND E-MARKED PRE-PACKAGED PRODUCTS

2.24.1. Responsible authority and contact details

Pursuant to the Product Conformity Act and the Metrology Act, the **Technical Surveillance Authority** carries out surveillance to verify compliance with the legal requirements applicable to measuring instruments, non-automatic weighing instruments and pre-packaged products.

Technical Surveillance Authority, Sõle 23A, Tallinn 10614, email: info@tja.ee, www.tja.ee

Contact persons:

Andrus Rumm, Chief Specialist, email: andrus.rumm@tja.ee, phone: +372 6672195

Toomas Tamm, Chief Specialist, email: toomas.tamm@tja.ee; phone: +372,667 2196

The organisation and execution of surveillance to verify the compliance of measuring instruments and pre-packaged products is carried out by two chief specialists at the Technical Surveillance Authority. The Technical Surveillance Authority's budget and expenditure on wages per official are provided in Section 1.1. The services of competent laboratories are used due to the absence of the necessary technology.

2.24.2. Market surveillance procedures and strategy

Market surveillance is carried out on the basis of an annual work programme that takes account of the existing resources and needs. The work plan is prepared on the basis of the complaints received by the Authority, the information on non-compliant products received through ICSMS, joint projects, public interest and the surveillance results from the previous period.

Due to increased public interest, compliance with the requirements for the placing on the market of non-automatic weighing instruments used in direct sales on a daily basis is checked under the surveillance project. The verification of compliance with the requirements for the placing on the market of meters for liquids intended for use in the food industry is planned for the next period. Inspections of the handling of e-marked pre-packaged products will be continued in the same volumes, because the procedures conducted to date have shown that there are instances of unauthorised use of the e-mark on pre-packaged products.

2.24.3. Report on activities carried out in the previous planning period

In the metrology sector, attention was focused on non-automatic weighing instruments, utility measuring instruments and pre-packaged products in 2015. As at 1 December 2015, 30 market surveillance procedures had been conducted, including 3 in the measuring instruments sector (10 measuring instruments were checked) and 5 in the pre-packaged products sector. Of these, 2 procedures identified shortcomings (1 non-compliance in the placing on the market of a measuring instrument and 1 instance of unauthorised use of the e-mark).

2.25. CONSTRUCTION PRODUCTS

2.25.1. Responsible authority and contact details

Pursuant to the Product Conformity Act, the **Technical Surveillance Authority** carries out surveillance to verify compliance with the requirements of [Regulation \(EU\) No 305/2011](#) of the European Parliament and of the Council.

The Authority carried out the following surveillance activities in the construction sector:

- verifying compliance with the requirements established by the Building Code, above all verifying whether the building is safe to use and occupy;
- verifying the compliance of communications installations, buildings in public water bodies that have a permanent connection to the shore, buildings serving national defence purposes and the buildings of security authorities;
- verifying the compliance of structures built on the basis of a national special spatial plan with the national special spatial plan and with other requirements;
- verifying compliance with the requirements for the energy performance of buildings, energy performance certificates and energy audits;
- verifying compliance with the requirements applicable to undertakings and competent persons;
- verifying the compliance of construction products (market surveillance).

Technical Surveillance Authority, Sõle 23A, Tallinn 10614, email: info@tja.ee, www.tja.ee
Contact person: Sten Luide, Chief Specialist, phone: +372 6672062, email: sten.luide@tja.ee

At the Technical Surveillance Authority, the organisation and execution of surveillance in the construction products sector is carried out by one chief specialist in accordance with the Product Conformity Act and the legislation adopted on the basis of it. The Technical Surveillance Authority's budget and expenditure on wages per official are provided in Section 1.1.

2.25.2. Market surveillance procedures and strategy

Surveillance to verify compliance is planned according to certain priorities, which include regions, businesses, the hazard levels of construction products and the statistics on complaints and accidents. In 2016, the Technical Surveillance Authority is planning to carry out project-based conformity checks of EPS products, bolts, fasteners and septic tanks, because significant shortcomings have been found in these product groups. The projects will be carried out simultaneously and in cooperation with similar surveillance projects in Latvia and Lithuania.

2.25.3. Report on activities carried out in the previous planning period

In 2015, the Technical Surveillance Authority conducted 13 procedures relating to construction products, in the course of which 20 construction products were checked. A total of 4 non-compliant products were identified. The persons subject to procedures have been informed about the non-compliances and the necessary measures have been taken voluntarily.

2.26. LIFTS AND CABLEWAYS

2.26.1. *Responsible authority and contact details*

Pursuant to the Product Conformity Act, the **Technical Surveillance Authority** carries out surveillance to verify compliance with the requirements applicable to lifts.

Technical Surveillance Authority, Sõle 23A, Tallinn 10614, email: info@tja.ee, www.tja.ee
Contact person: Reino Bürkland, Chief Specialist, phone: +372 6672173, email: reino.burkland@tja.ee

2.26.2. *Market surveillance procedures and strategy*

Due to the specifics of the sale and use of lifts and cableways, the Technical Surveillance Authority does not carry out usual market surveillance at the premises of sellers or at the points of sale. Surveillance of the lifts and cableways placed on the market is carried out in the course of a pre-use audits and surveillance during use.