

TRANSPORT STYRELSEN (Swedish Transport Agency)

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Transport Agency's market surveillance plan for roads, 2016

Objective and scope

Several pieces of legislation require the authorities to establish, implement and follow-up on market surveillance plans. Even if there are no such legal requirements, in practice activities need to be planned and followed up. The Government and the various directorates of the European Commission request a wide range of information and statistics on market surveillance, for a variety of purposes. It is also important to provide information to the public and industry about the various market surveillance activities.

General market surveillance objectives

Market surveillance means that the competent authorities monitor whether products made available on the market or put into service meet the relevant requirements, and take measures against economic operators whose products do not meet those requirements. The market surveillance carried out in this field in the Transport Agency is intended to ensure the safety and health of the public and protect the environment. It is also intended to ensure that the conditions of competition under which companies operate are not distorted by products placed on the market which do not comply with current legislation in the field.

Legal basis

Under the *förordning (2008:1300) med instruktion för Transportstyrelsen* [Ordinance (2008:1300) with instructions for the Swedish Transport Agency], the Transport Agency's main task is to be responsible for regulations, licensing and supervision in the field of transport. The Agency is also required to ensure that the aims of transport policy are achieved. In carrying out its supervisory duties, the Agency must comply with the rules which apply in the road transport system.

The EU's general product safety directive (2001/95/EC) contains provisions on market surveillance. This directive was transposed in Sweden by the *produktsäkerhetslag (2004:451)* [Product Safety Act] and the *produktsäkerhetsförordning (2004:469)* [Product Safety Ordinance]. The Swedish *förordning (2014:1039) om marknadskontroll av varor och annan närliggande tillsyn* [Ordinance on market surveillance for goods and other related supervisory activities] also contains provisions which identify the Transport Agency as a market surveillance authority.

Both the Market Surveillance Ordinance and the Product Safety Ordinance require market surveillance plans to be drawn up.

Reasons for the choice of products

All choices have to be based on a risk assessment and comply with the requirements of the various pieces of legislation. The choice of products also takes into account notifications from members of the public and from industry, and reports in the Commission's system for the exchange of information on dangerous products (RAPEX). In addition, information is gathered in various ways from intelligence in the field.

Market surveillance planned for 2016

In accordance with the *lag (1998:1707) om åtgärder mot buller och avgaser från mobila maskiner* [Act on measures to counteract noise and exhaust gases from mobile machinery] and the *förordning (2001:1084)*

om buller från viss utomhusutrustning [Ordinance on noise from certain outdoor equipment], there will be a review of whether the products concerned comply with current legislation.

In accordance with the *avgasreningslag (2011:318)* [Emission Control Act] and the *avgasreningsförordning (2011:345)* [Emission Control Ordinance], a feasibility study will be conducted of emission control equipment on cars.

In accordance with the *drivmedelslag (2011:319)* [Fuel Act] and the *drivmedelsförordning (2011:346)* [Fuel Ordinance], fuels will be subjected to quality control.

In accordance with the *fordonslag (2002:574)* [Road Vehicles Act], the Product Safety Act and the Product Safety Ordinance, market surveillance will be conducted as required.

Surveillance methods

For the purposes of the feasibility study of emission control equipment and [the quality control of] fuels, the products will be tested. As regards noise from outdoor equipment, documentation will be reviewed, as will the labelling of the products. If the need arises in other areas, surveillance will in the first instance take the form of administrative measures, but tests will also be carried out if necessary.

Anders Sileborg

Head, Technology and Traffic Unit