Ministry of Economic Affairs and Communications

MARKET SURVEILLANCE PROGRAMME 2014

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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.

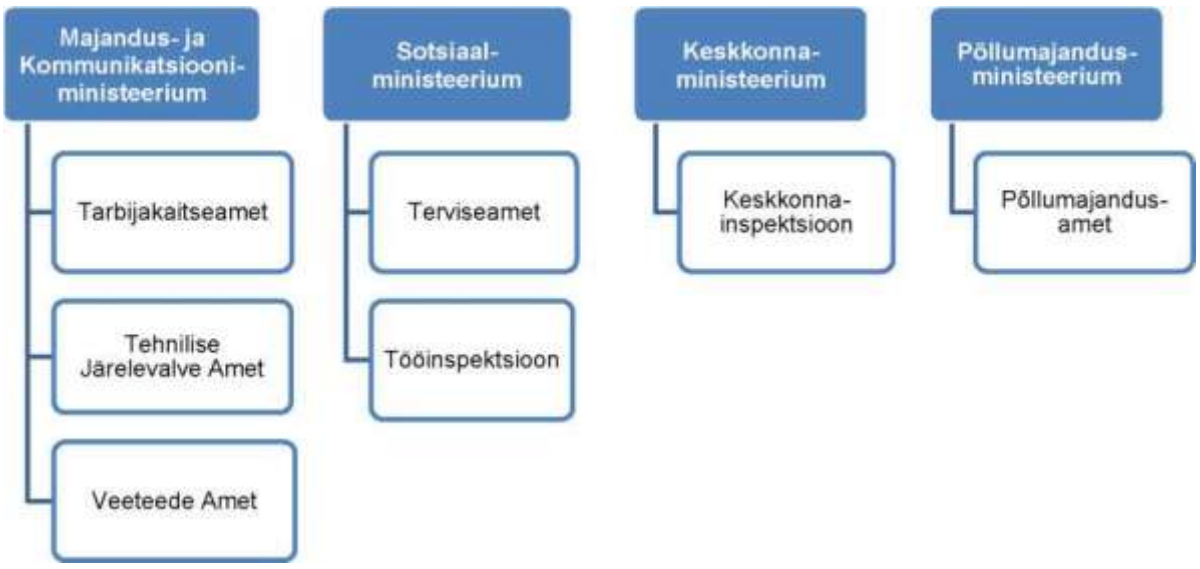
GENERAL MARKET SURVEILLANCE PROGRAMME

Market surveillance is defined in Regulation 765/2008 as the activities carried out and measures taken by public authorities to ensure that products comply with the requirements set out in the relevant Community harmonisation legislation and do not endanger health, safety or any other aspect of public interest protection. The Community market surveillance framework set out in the Regulation applies to **products covered by Community harmonisation legislation.** As a result this document, which has been drawn up to fulfil the obligation laid down in Article 18(5) of the Regulation, deals with aspects relating to the surveillance of those products.

'**Product**' means a substance, preparation or good produced through a manufacturing process, other than food, feed, living animals or plants, or products of human, plant or animal origin that are linked to their future reproduction.

The aim of the framework for the market surveillance of products set out in the Regulation is to ensure that those products meet the requirements guaranteeing a high level of protection of public interests: human health and safety, occupational health and safety, consumer protection, 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 carried out by market surveillance authorities. The market surveillance authorities, and the ministries under whose jurisdiction they operate, are as follows:



Key to diagram:

Majandus- ja kommunikatsiooniministeerium	Ministry of Economic Affairs and Communications
Tarbijakaitseamet	Consumer Protection Board
Tehnilise Järelevalve Amet	Technical Surveillance Authority
Veeteede Amet	Maritime Administration
Sotsiaalministeerium	Ministry of Social Affairs
Terviseamet	Health Board
Tööinspektsioon	Labour Inspectorate
Keskkonnaministeerium	Ministry of the Environment
Keskkonnainspektsioon	Environmental Inspectorate
Põllumajandusministeerium	Ministry of Agriculture
Põllumajandusamet	Agricultural Board

In order to promote cooperation and the exchange of information between the authorities involved in market surveillance, a market surveillance council has been set up at the Ministry of Economic Affairs and Communications. The market surveillance council is made up of representatives from all the authorities involved in market surveillance, including the Tax and Customs Board, and from the ministries under whose jurisdiction they operate. The functions of the market surveillance council include making proposals in respect of setting the strategic goals for market surveillance, formulating the priorities for action and promoting cooperation between the market surveillance authorities and the Tax and Customs Board.

Below, an account is presented of the activities of each of the market surveillance authorities conducting surveillance of products covered by Regulation 765/2008.

1. Consumer Protection Board

The Consumer Protection Board is a government body operating under the jurisdiction of the Ministry of Economic Affairs and Communications. It has management functions, it conducts state surveillance on the consumer market and it 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 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 raise 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 in their operations of consumers' lawful economic interests.

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 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 national and international level, etc.

In addition to the head of department and the 4 heads of the divisions, there are 21 senior inspectors, 19 lawyers, 2 experts and 1 senior specialist working in the Market Surveillance Department. The Market Surveillance Department is divided into four divisions: the Trade Division, the Finance and Communications Division, the Tourism and Advertising Division and the Consumer Service Division.

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 their 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.

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

In the field of product safety, the Consumer Protection Board acts on the basis of the provisions of the following:

- Regulation 765/2008;
- Directive 2001/95/EC;
- Decision 768/2008/EC;
- the Product Conformity Act;
- Government of the Republic Regulation No 122 of 26 August 2010 on the procedure for informing the European Commission of restrictions imposed on placing products on the market.

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 Board is also the Estonian contact point and competent authority for the rapid alert system for dangerous goods RAPEX.

The rights and obligations of the Consumer Protection Board's senior inspectors when carrying out market surveillance are set out in both the Product Conformity Act and the Consumer Protection Act. During surveillance, the Board's inspectors inspect goods sold by retailers, checking their labelling and the documentation about the products. Where necessary, samples are taken for testing and, after assessing the results of the laboratory tests, a decision is taken about the product's compliance with the requirements. Where necessary, an order is issued for dangerous products to be withdrawn from the market.

The Consumer Protection Board has the right to issue press releases or articles to warn consumers about buying and using hazardous products. It also engages in active cooperation at a horizontal level with other market surveillance authorities (the Health Board, the Technical Surveillance Authority, the Tax and Customs Board, etc.), including the regular exchange of relevant information with key partners. To obtain better results, cooperation agreements have been signed with other market surveillance authorities, and responsible contact persons have been designated.

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

At the recommendation of the General Product Safety Directive Committee, the Consumer Protection Board has taken part in a number of product-specific **joint projects** (regarding candles, lighters, etc.) between the Member States. In addition, the Board has taken part in the PROSAFE-led EMARS (Enhancing Market Surveillance through Best Practice) I and EMARS II

projects, the objectives of which are to protect consumers through effective and coherent market surveillance, to enhance and harmonise market surveillance in the Member States and to carry out joint activities and projects.

In 2014 the Consumer Protection Board will also take part in the product safety cooperation project led by PROSAFE. The project will focus on drawstrings in children's clothing, childcare products and cosmetics.

2. Technical Surveillance Authority

The Technical Surveillance Authority is a government body operating under the jurisdiction of the Ministry of Economic Affairs and Communications. It has management functions, it conducts state surveillance and it 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 in respect of compliance with the requirements set for the following products and equipment:

- construction products;
- terminal equipment and radio equipment in electronic communications networks;
- electrical equipment;
- gas equipment;
- machinery;
- measuring instruments;
- pressure equipment, aerosol dispensers;
- lifts, cableways;
- explosives for civil uses, pyrotechnic products.

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 emitted by equipment used outdoors;
- equipment and protective systems used in potentially explosive atmospheres;
- ecodesign of energy-related products;
- energy labelling of equipment.

The aim of market surveillance is to ensure that products sold to consumers are safe to use, are reliable, do not harm the environment and are compatible with existing products and systems. An important function here is keeping the EU internal market in good order.

Surveillance operations include visual checks that the products are technically safe and complete, that the required documentation exists (the declaration of conformity, and 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 ascertain conformity to the requirements are commissioned from an accredited laboratory. Products that do not meet the requirements may not be released onto the market before it has been proven that they do meet the requirements. Any non-conforming products on the market are withdrawn.

To make optimum use of the available resources, **operations are planned** taking into account the principle of territorial coverage, the results of previous inspections, the properties and locations of the equipment and installations to be inspected, and the information obtained. Inspections are also carried out by organising campaigns focusing on various product groups (e.g. seasonal goods). In order to obtain relevant information, the flow of information from ICSMS (the European Information and Communication System on Market Surveillance) and RAPEX is monitored.

In accordance with Regulation 765/2008, the Technical Surveillance Authority cooperates with the Tax and Customs Board when inspecting products released for free circulation. Market

surveillance of some products (e.g. pyrotechnic products, electrical equipment and machinery) is carried out in cooperation with the Consumer Protection Board. There is also cooperation with the Environmental Inspectorate in respect of the hazardous-substance content in electrical and electronic equipment.

3. Maritime Administration

The objective of market surveillance carried out by the Maritime Administration is to ensure that recreational craft which are put into service meet important safety, health, environmental protection and consumer protection requirements and to ensure the protection of the internal market.

The Maritime Administration has the rights and responsibilities of a market surveillance authority in respect of products governed by the Product Conformity Act and the Maritime Safety Act: recreational craft, partly completed recreational craft, and components of recreational craft.

The field of market surveillance covers checking the compliance of recreational craft, both imported recreational craft and those produced in Estonia. Entities producing recreational craft in Estonia must be recognised by the Maritime Administration in the relevant field of activity.

The most problematic product group in the category of recreational craft is that of inflatable boats and used launches that are imported from third countries. These products are inspected in accordance with Regulation No 765/2008/EC in cooperation with the Tax and Customs Board.

The primary **surveillance measure** is checking the compliance of the documentation under the following principles:

- Checks take place at points of sale, at producers' facilities, at boat shows and during random checks.
- If it is suspected that a product may be non-compliant, its compliance is checked using technical documentation.
- 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 CIRCA system.
- If low-risk non-compliance is identified, an opportunity is first granted to bring the product into compliance in accordance with the order issued.
- If high-risk non-compliance is identified, an order is issued pursuant to Article 7 of Directive 94/25.
- After the order has been complied with, the product undergoes a follow-up check (in both cases).

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 CIRCA system.

When checking user manuals in Estonian, we continue to focus particularly on the contents concerning use and risk-prevention. The need for reporting over a multiannual period arises from the fact that surveillance has revealed many shortcomings in Estonian user manuals. In many cases, the Estonian translation of user manuals produced by a manufacturer has been superficial and has not enabled the consumer to understand all the possibilities regarding risk-prevention and safe operation of the product. Thus, the focus of the campaign is on checking the compliance of the content of user manuals.

4. Health Board

The Health Board is a government body operating under the jurisdiction of the Ministry of Social Affairs. It has management functions, it conducts state surveillance and it 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 fields of healthcare, health protection, chemical safety and medical devices.

The areas in which the Health Board operates are:
1) healthcare;
2) monitoring, prevention and control of infectious diseases;
3) environmental health;
4) chemical safety;
5) medical device safety.

4.1. Surveillance of chemicals and products

The **focus of the surveillance activities** of the Health Board **in 2014** is on toys, childcare products, chemicals, biocides, detergents and cosmetic products.

As regards toys, there are plans to test the mechanical and physical properties of rattles, since such toys are intended for children under three years of age and may choke or injure individuals in this most vulnerable and weak target group. It is also planned to study the phthalate content of soft toys and childcare products, as phthalates are reproductive toxicants and may cause fertility problems in the long term.

The Health Board is the competent authority and surveillance coordinator with respect to Regulations (EC) Nos 1907/2006 (REACH) and 1272/2008 (CLP) in Estonia. Part of the European Chemicals Agency (ECHA) is the Forum — a cooperative body set up to exchange and harmonise information regarding the enforcement of legislation in EU Member States. The members include a representative of the Health Board. The Forum coordinates the enforcement of the REACH Regulation in the Member States, and in 2014 the REACH-EN-Force 3 working group will undertake a follow-up project on enforcement of the requirements for manufacturers, importers and sole representatives to register. This will involve close cooperation with the Tax and Customs Board.

Where necessary, the Health Board also carries out various laboratory tests in respect of the restrictions on the manufacture, placing on the market and use of certain dangerous substances, preparations and articles laid down in Annex XVII to the REACH Regulation (incl. dimethylfumarate, nickel, Cr(6), phthalates, toluene, benzene, cadmium, etc.).

Inspections of chemicals and biocides proceed on the basis of the need to verify conformity to the requirements for safety data sheets, classification, packaging, labelling and registration of substances, and the need to check that the European Chemicals Agency has been notified and that other requirements have been met. For detergents, checks are performed on the technical data sheets and safety data sheets of the ingredients and concerning conformity to the requirements of

Regulation (EC) No 648/2004.

As far as cosmetic products are concerned, checks are carried out to verify whether the requirements laid down in Regulation No 1223/2009/EC of the European Parliament and of the Council on cosmetic products have been implemented, including the notification obligation in the CPNP system, the requirements for product files, incl. the existence of a safety report, the notification requirement concerning serious undesirable effects, current product labelling requirements and the requirements concerning the ingredients of products, such as preservatives, colouring agents and other restricted-use substances. Where necessary, laboratory tests of samples are conducted in these sectors, taking into consideration the capacity of the laboratories and their current resources.

It is planned to further develop and improve the cooperation between various inspectorates and competent authorities both in Estonia and within the framework of the EU, as the entire European Union shares a single market.

When assessing risk, the Health Board acts on the basis of Commission Decision 2010/15/EU of 16 December 2009 and other risk assessment guidelines developed by the European Union. Above all, the potential danger of various product categories to human health, based on their intended use, are taken into account. The risks include hazards to health, the environment and property. There are a number of different ways in which a product can pose an environmental and health hazard, which may be the result of the natural characteristics of the substances or the manner in which they are handled or, in the case of limited natural resources, caused by human activity. Ordinarily the Health Board has a group of three to five specialists who conduct risk assessment procedures: they use risk-assessment methods to analyse the data gathered and draw up the Health Board's final opinion regarding each specific case.

The basis for regular market surveillance is an annual work programme that takes account of existing resources and needs. The bases for preparing the work programme are the obligations arising from legal acts and the grounds for carrying out market surveillance, complaints lodged with the Board, the results of laboratory tests from previous years, information about dangerous products received through the RAPEX and ICSMS systems, the outcome of joint projects, previous market surveillance inspection results, etc.

Various measures are in place to conduct market surveillance, depending on the nature of and need for checks. Inspectors conduct organoleptic inspections of products, take products for testing, assess laboratory test results, make decisions regarding conformity with or violations of legal acts, when required issue orders to eliminate faults and resolve non-conformities to the requirements, notify consumers of dangerous products or apply statutory sanctions set out in legal acts in the event of failure to comply with orders. 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.

In order to implement Regulation 765/2008, the Health Board concluded a cooperation agreement with the Tax and Customs Board in 2010 to make inspections more efficient when determining safety. The cooperation agreement sets out the rights, obligations and functions of each authority, a list of products to be checked and a contact list of officials in charge. Guidelines on cooperation between the customs and market surveillance authorities in checking product safety are included in an annex to the cooperation agreement. The guidelines describe in detail the conditions,

procedure and format for the exchange of information and the methods, processes, procedures and elements of the cooperation. Information is exchanged on a continuous basis throughout the year, and solutions to problems arising in the course of the checks which could be considered as ways of improving the cooperation are discussed at the annual joint meetings of the surveillance authorities and the Tax and Customs Board.

In order to achieve better surveillance results when checking products in the internal market and to implement Regulation 765/2008, the Health Board concluded a cooperation agreement with the Consumer Protection Board. The cooperation agreement sets out the functions, rights and obligations of each surveillance authority, a contact list of officials in charge and the procedure for exchanging information.

International cooperation between the Member States is developing, including participating in joint projects through the ECHA (European Chemicals Agency), PEMSAC (Platform of European Market Surveillance Authorities for Cosmetics) and CLEEN (Chemicals Legislation European Enforcement Network) networks.

4.2 Surveillance of medical devices

The Medical Devices Department conducts market surveillance in respect of compliance with the requirements of the Medical Devices Act and acts enacted under it. It organises the investigation of cases of risk relating to medical devices and the restriction or suspension of distribution or use of non-conforming medical devices. It is also responsible for maintaining a database of medical devices, parties that place medical devices on the market, and risk events. Inspection and surveillance of professional users (except natural persons), distributors and local manufacturers of medical devices is the task of the Health Board's Surveillance Department.

2014 is expected to be a landmark year in the world of medical devices — the current Directives are to be replaced by Regulations, which are directly applicable. It is also intended for a single market surveillance programme to be drawn up in 2014 on the existence of clinical evaluations, but this would cover products that are not manufactured in Estonia. Consequently, we decided to turn our attention in 2014 to checking the conformity of the documentation of medical devices manufactured in Estonia and placed on the EU market via Estonia, i.e. to the part concerning the clinical evaluation.

According to the preliminary plan, the following questions will be put to workers and authorised representatives in Estonia:
1) a list of the products manufactured (authorised representative of what);
2) has a clinical evaluation of the products been made? If not, please explain;
3) which method was used when drawing up the clinical evaluation?;
4) in which way has it been ensured that the clinical evaluation will be kept up to date? A description of the strategy and an implementation plan.

In the single market it is important for the national programme to be aligned with similar programmes in other Member States. Since it is known that the clinical evaluation and post-marketing surveillance constitute constraints on manufacturers, attention should also be focused on them. A start should be made on determining the extent of the problem in Estonia, and it should be possible to ensure that at least Estonian manufacturers meet the requirements.

5. Labour Inspectorate

The Labour Inspectorate conducts state surveillance in respect of compliance with the requirements established for personal protective equipment used in the workplace. **The objective of surveillance** is to prevent personal protective equipment that does not meet the requirements from being placed on the market and put into service. The basis for conducting surveillance is the Product Conformity Act and Regulation No 64 of the Minister for Social Affairs of 29 September 2010 concerning safety requirements for personal protective equipment and the procedure for verifying conformity.

Surveillance of the conformity of personal protective equipment is generally carried out on the premises of the importer or distributor. The scope and amount of surveillance is set out in the Labour Inspectorate's annual plan. The results of surveillance are analysed annually.

One input when **assessing surveillance needs** consists of the results of working environment inspections, during which checks are made of whether the personal protective equipment used by employees meets the safety requirements and the performance of the equipment is assessed with regard to the environment in which it is used.

If a dangerous product is identified during surveillance, instructions are issued for it to be withdrawn from the market or requirements are put in place to ensure the safety of the personal protective equipment that is being sold. In addition to issuing orders, penalty payment are also imposed where necessary. Information about personal protective equipment withdrawn from the market during surveillance may be provided in the ICSMS database.

The Labour Inspectorate is planning to develop its cooperation with the Consumer Protection Board and to organise joint surveillance on the premises of retailers of personal protective equipment. It is also planning to develop the exchange of information with the Tax and Customs Board when inspecting products entering the Community market. Where necessary, there will also be cooperation with other local market surveillance authorities.

6. Environmental Inspectorate

The Environmental Inspectorate is a government body operating under the jurisdiction of the Ministry of the Environment. It coordinates and conducts surveillance relating to 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 act regulating environmental surveillance is the Environmental Supervision Act. Legal provisions regarding the environment are laid down in the specific Acts covering each particular field, such as the Waste Act, the Ambient Air Protection Act, the Chemicals Act, the Earth's Crust Act, the Radiation Act, etc.

The Environmental Inspectorate:

- applies the measures laid down in law to combat illegal operations and to implement obligatory environmental protection measures;
- suspends any operations that harm or endanger the environment, or any legitimate activity relating to the use of natural resources if this jeopardises human life, health or property.

In the field of market surveillance, the Environmental Inspectorate's **objective** is to enforce the requirements arising from Section 27 of the Waste Act, which lays down prohibitions and restrictions on the placing on the market of problem products in the European Economic Area. The specific list of hazardous substances prohibited in problem products and the prohibitions and restrictions applicable to problem products are set out in Government of the Republic Regulation No 154 of 6 July 2006. Problem products in this field are:

- batteries and accumulators;
- motor vehicles and motor vehicle parts;
- electrical and electronic equipment and parts thereof.

Pursuant to Section 119 of the Waste Act, surveillance is conducted in accordance with the rules laid down in the Environmental Supervision Act.

The Environmental Inspectorate also monitors the requirements of Regulation (EC) No 1222/2009 of the European Parliament and of the Council, under which C1, C2 and C3 tyres which are manufactured after June 2012 and sold in the EU as of November 2012 must bear a sticker displaying a special label or that label must be shown to the buyer when purchasing tyres. With regard to importers of tyres, the Environmental Inspectorate inspects importers of tyres and their branches and online shops at random as part of Community inspections.

In order to assess risks, information collected in advance and on an ongoing basis is used. All inspections and findings are recorded in an electronic information system. Subsequently, when selecting objects, the information entered in the system is used. The problem areas identified under the Estonian-Austrian Twinning Light project to set up a surveillance system for hazardous substances that are problem products are one source: those problem areas are electronics, and the product liability system in respect of motor vehicles.

The priority area for 2014 is to check hazardous substances in batteries and accumulators. The principal **surveillance measures** that are planned are on-the-spot inspections on the premises of manufacturers (importers) of electrical and electronic equipment and batteries. First of all checks are carried out to see that the required documents exist and that they are accurate, and then a decision

will be taken as to whether it is necessary to carry out tests with an XRF device. Of the softer surveillance measures, the notification letter method is still used. Economic operators in the sector are selected following a risk analysis, and they are sent a notification letter concerning compliance with the requirements. The feedback to the letter is analysed to determine whether further inspection is necessary.

Laboratory analyses are planned to be funded from the body's budget. The Estonian Environmental Research Centre has two mobile XRF devices, and in addition there is a laboratory with chemical analysis equipment. There is also a plan to submit a proposal to the Estonian Environmental Investment Centre concerning a project to identify hazardous substances in electrical equipment and batteries.

The Environmental Inspectorate and the Ministry of the Environment take part in the work of the RoHS (Restriction of Hazardous Substances) Enforcement Network and also in the joint inspections carried out in the framework of IMPEL (the European Union Network for the Implementation and Enforcement of Environmental Law) cooperation, during which adherence to the RoHS requirements will also be inspected.

The Environmental Inspectorate intends to continue notifying importers and resellers of the RoHS requirements.

At national level, the Environmental Inspectorate cooperates with the authorities that have surveillance rights under the Waste Act: the Consumer Protection Board and the Tax and Customs Board. This cooperation consists primarily of exchanging information, but there is also a desire to use the Tax and Customs Board's risk analysis with regard to market surveillance.

7. Agricultural Board

The Agricultural Board is a government body operating under the jurisdiction of the Ministry of Agriculture. It has management functions, and it conducts state surveillance and exercises the enforcement powers of the State on the bases and to the extent laid down by law in the fields of land improvement, plant protection, plant health, plant variety rights, seeds and plant propagating material, organic agriculture, fertilisers and horticultural products.

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 (hereinafter 'Regulation 2003/2003'). These legal acts set out the fundamental bases for regulating the field of fertilisers and they apply to fertilisers designated as 'EC fertilisers' and to the handling of such fertilisers. Market surveillance of EC fertilisers is carried out in accordance with Regulation 765/2008.

Surveillance in respect of the requirements laid down in the Fertilisers Act and in the relevant EU legislation is organised by the Agricultural Board's Fertilisers Department. The main functions of the Department are to organise and conduct state surveillance concerning the production and marketing of fertilisers, to take the decisions referred to in the Act, to assess and analyse the effectiveness of the surveillance, and to design and implement measures to update the inspection system, including:

- processing registration applications and taking the decisions referred to in the Act;
- training inspectors conducting surveillance in this field;
- administering the national fertilisers register.

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** on the premises of the manufacturer, packer, importer or marketer in accordance with the annual surveillance plan for the field. The surveillance plan is drawn up on the basis of the registered fertiliser handlers which have provided notification of their operations, the obligations arising from legislation, the results of surveillance conducted in preceding years, and a risk assessment. The principal **surveillance measures** are checking that the labelling on the packaging of a fertiliser meets the requirements, taking samples of fertilisers and sending them to the Agricultural Research Centre for analysis, assessing laboratory results, and where necessary issuing orders to eliminate shortcomings and

processing misdemeanours.

The Agricultural Board cooperates with the Tax and Customs Board when inspecting fertilisers to be released for free circulation.