

Penalties - Overview of the information provided by Member States

State of play - as of 19th of February 2010

Country	Penalties			Main characteristics
	Article 41 (general)	Article 30(6) (CE-marking)	Language	
EU-27				
Austria				
Belgium				
Bulgaria		x	English	Art. 30: penalties relating to the CE marking are <u>monetary fines between fixed ranges</u> of up to ca. € 5.000 (higher ranges depending on whether the CE marking was incorrectly affixed, not affixed at all or affixed without the required conformity assessment); the <u>registration of the CE marking</u> as a Community mark would entail the possibility of imprisonment and the setting of sanctions by the Court; <u>a revision of the relevant legislation is considered</u>
Cyprus				
Czech Republic		x	English	Art. 30: penalties relating to the CE marking are <u>monetary fines with an upper limit</u> of ca. € 2 million; the <u>registration of the CE marking</u> as a Community mark would entail the possibility of imprisonment and the setting of sanctions by the Court
Denmark		x	English	Art. 30: penalties relating to the CE marking are regulated in the sector specific legislation, but <u>new horizontal legislation</u> with general provisions for penalties is <u>expected to come into force in Jan 2010</u> ; the existing penalties mostly foresee <u>monetary fines (no indication of amount)</u> , but also provide for imprisonment
Estonia	x	x	English	Art. 41: based on 3 different legal texts, penalties are <u>fixed amount of fine units</u> (= base monetary value), <u>increasable</u> to a maximum of ca. € 3.200 <u>if committed by a legal person</u> ; <u>imprisonment</u> (of natural persons) <u>possible</u> in case of "danger to human life or health or to the environment" Art. 30: <u>legislation to be revised</u> - penalties relating to the CE marking will change with the implementation of the Product Conformity Act in 2010 (until now: <u>monetary fines with upper limits</u> , to be <u>set in Court, higher limits for legal persons</u>); the <u>registration of the CE marking</u> as a Community mark would entail the possibility of imprisonment!
Finland	x	x	English	Art. 41: only reference to CE marking Art. 30: <u>legislation to be revised</u> - the current Act on CE marking will be revised in 2010, including penalties; for the revision, <u>monetary fines</u> are foreseen, to be <u>set in Court</u> according to the severity of the offence (repetition adds to severity); in the sector specific laws, administrative sanctions (e.g. withdrawal of products from the market) are foreseen for CE marking infringements
France		x	French	Art. 30: penalties relating to the CE marking are <u>monetary fines with upper limits</u> of - depending on the legislation applicable - € 3.000 (sectoral legislation), € 37.500 (deception under the Consumer Act) or double the value of the merchandise (Customs Code), under the Consumer Act and the Customs Code <u>imprisonment</u> is also possible
Germany	x	x	German	Art. 41: understood as referring to Art. 19 of the Regulation; the relevant German horizontal law (GPSG) provides for <u>monetary fines with an upper limit</u> of € 3.000 in case of non-cooperation (or false or late information) of economic operators Art. 30: for CE marking infringements, <u>monetary fines with an upper limit of € 3.000</u> are foreseen in the same horizontal law (GPSG)
Greece				
Hungary				
Ireland		x	English	Art. 30: penalties relating to the CE marking are provided for in the sectoral legislation, where both <u>monetary fines with upper limits</u> of up to € 20.000 (in the case of explosives) and <u>imprisonment</u> are foreseen; <u>a revision of the current legislation with regard to penalties is considered</u>
Italy				
Latvia		x	English	Art. 30: penalties relating to the CE marking are <u>monetary fines with an upper limit</u> of ca. € 4.200 for legal persons (€ 350 for natural persons)
Lithuania	x	x	Lithuanian	? (no translated version available as yet)
Luxembourg				
Malta				
Netherlands		x	Dutch, English summary	Art. 30: the incorrect marking of goods and thus penalties relating to the CE marking are found in the Criminal Code (Art. 219), where such offences are punishable by <u>imprisonment not exceeding two years or a monetary fine of the fifth category</u> (= max. € 74.000)
Poland		x	English	Art. 30: penalties relating to the CE marking are regulated in chapter 7 of the Act on Conformity Assessment System adopted in 2002 - However, this <u>Act is under revision and any changes are possible</u> . Currently, <u>monetary fines are set by the courts on a case-by-case basis</u> .
Portugal		x	English	Art. 30: penalties relating to the CE marking are currently <u>minor monetary fines</u> (no indication of amount); however, <u>major penalties are to be introduced</u> , including the abuse of a registered mark
Romania	x	x	Romanian, CE in English	Art. 41: ? (no translated version available as yet) Art. 30: laid down in the horizontal law on product conformity assessment, the penalties relating to the CE marking include - apart from administrative sanctions - a <u>monetary fine between a fixed range</u> of up to ca. € 1.200; in addition, there is a general provision stipulating "material, civil and contraventional or criminal liability" in the case of violations of the horizontal law
Slovakia		x	English	Art. 30: penalties relating to the CE marking are laid down in the relevant horizontal Act; <u>monetary fines with an upper limit</u> of ca. € 167.000 are foreseen; these fines can be <u>doubled if the abuse is repeated</u> ; the <u>registration of the CE marking</u> as a Community mark would enable criminal sanctions under a new Act on Community trade marks in force since 1 January 2010, criminal sanctions under the Slovak Penal Code are currently only applicable to natural persons; however, there is a firm intention to change that and make the Code applicable to legal persons as well
Slovenia				
Spain				
Sweden	x	x	Swedish, CE also in English	Art. 41: penalties for infringement beyond the CE marking are found in the sectoral legislation Art. 30: <u>legislation was revised</u> - the Act on CE marking, which is the general legislation providing for penalties relating to CE marking, was (?) revised in 2009; in sector specific legislation administrative sanctions, which can be combined with a default monetary fine (no indication of amount), are provided for

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	Article 41 (general)	Article 30(6) (CE-marking)	Language	
United Kingdom	x	x	English	Art. 41: reference to the general NMSP: "Successful prosecutions can result in monetary penalties or, in the most extreme cases, imprisonment." Art. 30: penalties relating to the CE marking are found in the sector specific legislation and should be "proportionate and dissuasive"; the <u>registration of the CE marking</u> would entail civil sanctions (infringement action as set by the Court) and criminal sanctions (a maximum of 10 years imprisonment and/or a fine on conviction on indictment)
Sum EU-27	7	17		
EFTA				
Iceland				
Liechtenstein				
Norway				

"x"= information provided

