

## **Proposed template for the review and assessment of the functioning of market surveillance activities pursuant to Article 18(6) of Regulation (EC) No 765/2008**

### **Contents**

Overview of market surveillance activities .....	2
A. Review of the functioning of market surveillance activities .....	2
B. Assessment of the functioning of market surveillance activities .....	3
Market surveillance activities in specific sectors .....	4
Sector [Number and Name from Annex, e.g. Sector 1 Medical Devices].....	4
1.A. Review of the functioning of market surveillance activities in the sector .....	4
1.B. Assessment of the functioning of market surveillance activities in the sector .....	4
Sector [Number and Name from Annex, e.g. 2 Cosmetics].....	5
2.A. Review of the functioning of market surveillance activities in the sector .....	5
2.B. Assessment of the functioning of market surveillance activities in the sector .....	5
Sector [Number and Name from Annex, e.g. 3 Toys].....	6

## **Overview of market surveillance activities**

[This section concerns market surveillance activities for all products falling under harmonisation legislation. A non-exhaustive list of sectors concerned is annexed to this template.

Member States are invited to indicate: 1) whether certain sectors are expressly excluded from the review and assessment, and, 2) whether additional sectors are included]

### **A. Review of the functioning of market surveillance activities**

[This section should contain a factual review of activities carried out. The main focus is expected to be on enforcement activities. However, Member States could also add information on other types of market surveillance activities (e.g. communication), as appropriate.]

		2010	2011	2012	2013
1.1	Budget <sup>1</sup> available to market surveillance authorities in nominal terms (€)	155,478	148,350	183,452	167,089
1.2	Budget available to market surveillance authorities in relative terms (%age of total national budget)	0.005	0.005	0.005	0.005
2	Staff available (full-time equivalent units )	5	5	5	5
3	Number of investigations (total number)	1308	989	1266	1231
3.1	%age of investigations prompted by complaints	5	10	10	9
3.2	%age of investigations prompted by accidents or incidents	1	0	1	1
3.3	%age of self-initiated inspections	45	35	26	34
3.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	49	54	64	56
4	Number of test performed in laboratories	166	178	203	158
5	Number of investigations resulting in:				
5.1	finding of compliance	1036	720	997	990
5.2	corrective action <sup>2</sup> taken by economic operators upon request of market surveillance authorities	252	249	238	226

<sup>1</sup> The budget figure should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with consumer product safety laws.

These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of consumer product safety laws should be excluded from the calculation.

5.3	restrictive measures <sup>3</sup> taken by market surveillance authorities.	19	18	21	15
6	Amount of sanctions/penalties imposed (actual figures or best estimates)	NA	NA	NA	NA

Notes:

1. Item 4 contains also information on testing under Regulation 396/2005/EC.

## **B. Assessment of the functioning of market surveillance activities**

With the current resources available to the Market Surveillance Directorate within the Technical Regulations Division of the Malta Competition and Consumer Affairs Authority (MCCAA), including human, financial, technical and time based - monitoring and enforcement operations have to be prioritized, according to use of the product groups as well as the vulnerability of consumers. Hence, toys, plant protection products and electrical appliances are given the highest priority due to the widespread distribution of all three kinds of products, coupled with the vulnerability of children and/or untrained consumers as well as the fact that plant protection products are consumed in foods. Other product categories falling under the GPSD or the New Approach Directives are given a secondary level of priority with less emphasis on proactive enforcement.

Problems encountered during enforcement and monitoring operations include lack of traceability to the manufacturer/importer of the product due to the fact that a large number of imported products, which make up the vast majority of products on the market, are imported from outside the EU and brought from Italy or Sicily to Malta through an intermediate economic operator. This also gives rise to the problem of lack of documentation such as the Declarations of Conformity owing to a breakdown in communication between the operator in Malta and the manufacturer.

A lack of clarity of certain standards which give presumption of conformity to the applicable EU Directives leaves room for different interpretation which are hardly enforceable

The current challenges arising from inadequate testing facilities so far hindering possible enforcement measures should be mitigated in future as the MCCAA is embarking on an exercise which should provide basic Market Surveillance screening equipment for toys, LVD, child care articles as well as to a lesser extent other directives.

---

<sup>2</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. This is action prompted by requests from market surveillance authorities', but undertaken by economic operators (cooperative action).

<sup>3</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators have not followed up on previous requests of market surveillance authorities or where authorities have had to intervene urgently.

## **Market surveillance activities in specific sectors**

### **Sector 3. Toys**

#### **3.A. Review of the functioning of market surveillance activities in the sector**

		2010	2011	2012	2013
1.	Number of investigations (total number)	149	127	159	162
1.1	%age of investigations prompted by complaints	12	10	4	3
1.2	%age of investigations prompted by accidents or incidents	3	2	3	2
1.3	%age of self-initiated inspections	68	72	46	37
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	17	16	47	58
2.	Number of investigations resulting in:				
2.1	finding of compliance	89	84	108	112
2.2	corrective action <sup>4</sup> taken by economic operators upon request of market surveillance authorities	33	37	44	43
2.3	restrictive measures <sup>5</sup> taken by market surveillance authorities.	27	6	7	7

#### **3.B. Assessment of the functioning of market surveillance activities in the sector**

Toys are one of the priority product groups for the Market Surveillance Authority in Malta. Hence, these products feature prominently in the national market surveillance's annual programme. After an initial period of around 3 years in which economic operators were not fully aware of the operations of the market surveillance authority in Malta, and which resulted in a lack of action from the part of the operators to respond to findings by the surveillance authority, an increase in voluntary measures was encountered as awareness increased.

<sup>4</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>5</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 18. Electrical appliances and equipment under LVD

### 18.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	178	192	128	155
1.1	%age of investigations prompted by complaints	15	14	18	11
1.2	%age of investigations prompted by accidents or incidents	4	3	5	2
1.3	%age of self-initiated inspections	57	60	58	58
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	24	23	19	29
2.	Number of investigations resulting in:				
2.1	finding of compliance	132	141	97	111
2.2	corrective action <sup>6</sup> taken by economic operators upon request of market surveillance authorities	34	35	25	38
2.3	restrictive measures <sup>7</sup> taken by market surveillance authorities.	12	16	6	6

### 18.B. Assessment of the functioning of market surveillance activities in the sector

Electrical products are also a priority group for the market surveillance authority in Malta and hence they are also very common product groups in our programme. This is due to the widespread use of these products as well as the possibility that such products are used by vulnerable or very vulnerable consumers.

<sup>6</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>7</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 1. Medical devices (including In vitro diagnostic medical devices and Active implantable medical devices)

### 1.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	NA	NA	110	112
1.1	%age of investigations prompted by complaints	NA	NA	1	2
1.2	%age of investigations prompted by accidents or incidents	NA	NA	5	5
1.3	%age of self-initiated inspections	NA	NA	0	0
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	NA	NA	94	93
2.	Number of investigations resulting in:				
2.1	finding of compliance	NA	NA	104	104
2.2	corrective action <sup>8</sup> taken by economic operators upon request of market surveillance authorities	NA	NA	5	7
2.3	restrictive measures <sup>9</sup> taken by market surveillance authorities.	NA	NA	1	1

### 1.B. Assessment of the functioning of market surveillance activities in the sector

Medical devices are dealt with on a reactive basis, due to a lack of manpower and knowledge within the market surveillance authority.

<sup>8</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>9</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 2. Cosmetics

### 2.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	80	62	109	84
1.1	%age of investigations prompted by complaints	10	14	17	16
1.2	%age of investigations prompted by accidents or incidents	6	9	11	8
1.3	%age of self-initiated inspections	69	64	61	67
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	15	13	13	9
2.	Number of investigations resulting in:				
2.1	finding of compliance	57	51	88	62
2.2	corrective action <sup>10</sup> taken by economic operators upon request of market surveillance authorities	16	8	13	16
2.3	restrictive measures <sup>11</sup> taken by market surveillance authorities.	7	3	8	6

### 2.B. Assessment of the functioning of market surveillance activities in the sector

Reaction to complaints on cosmetic products have increased during this period, probably due to an increased awareness by consumers and the general public of the market surveillance authority's operations.

<sup>10</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>11</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 4. Personal protective equipment

### 4.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	71	44	64	51
1.1	%age of investigations prompted by complaints	6	5	5	2
1.2	%age of investigations prompted by accidents or incidents	1	0	2	0
1.3	%age of self-initiated inspections	87	90	83	90
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	6	5	10	8
2.	Number of investigations resulting in:				
2.1	finding of compliance	62	39	56	45
2.2	corrective action <sup>12</sup> taken by economic operators upon request of market surveillance authorities	5	3	4	5
2.3	restrictive measures <sup>13</sup> taken by market surveillance authorities.	4	2	4	1

### 4.B. Assessment of the functioning of market surveillance activities in the sector

A large percentage of PPEs placed on the market in Malta were found to be compliant during inspections. Hence these product groups are not given a higher priority than their continued surveillance, responding to complaints and inspections when carrying out market monitoring of other products.

<sup>12</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>13</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.



## Sector 5. Construction products

### 5.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	10	7	8	7
1.1	% age of investigations prompted by complaints	20	15	24	15
1.2	% age of investigations prompted by accidents or incidents	10	15	0	15
1.3	% age of self-initiated inspections	50	45	39	45
1.4	% age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	20	30	37	30
2.	Number of investigations resulting in:				
2.1	finding of compliance	8	5	8	6
2.2	corrective action <sup>14</sup> taken by economic operators upon request of market surveillance authorities	2	1	0	1
2.3	restrictive measures <sup>15</sup> taken by market surveillance authorities.	0	1	0	0

### 5.B. Assessment of the functioning of market surveillance activities in the sector

Due to resource constraints, action on construction products is limited to one programmed action per year for this product group along with any actions as required following complaints and/or accidents reported.

<sup>14</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>15</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 6. Aerosol dispensers, Simple pressure vessels and Pressure equipment

### 6.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	157	130	65	37
1.1	%age of investigations prompted by complaints	82	93	100	100
1.2	%age of investigations prompted by accidents or incidents	1	1	0	0
1.3	%age of self-initiated inspections	17	6	0	0
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	88	85	38	16
2.2	corrective action <sup>16</sup> taken by economic operators upon request of market surveillance authorities	46	33	18	12
2.3	restrictive measures <sup>17</sup> taken by market surveillance authorities.	0	0	0	0

### 6.B. Assessment of the functioning of market surveillance activities in the sector

Major market monitoring, enforcement and consumer awareness campaigns were carried out in 2009, 2010 and 2011 aimed at addressing the reports of faulty LPG cylinders and valves. Action was also taken in response to reports made by consumers.

<sup>16</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>17</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 7. Transportable pressure equipment

### 7.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	8	9	7	15
1.1	% age of investigations prompted by complaints	75	67	72	49
1.2	% age of investigations prompted by accidents or incidents	0	0	0	0
1.3	% age of self-initiated inspections	25	33	28	51
1.4	% age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	6	8	7	7
2.2	corrective action <sup>18</sup> taken by economic operators upon request of market surveillance authorities	2	1	0	8
2.3	restrictive measures <sup>19</sup> taken by market surveillance authorities.	0	0	0	0

### 7.B. Assessment of the functioning of market surveillance activities in the sector

Due to resource constraints, action on TPED products is taken only in response to any reports received.

<sup>18</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>19</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 8. Machinery

### 8.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	10	11	25	22
1.1	%age of investigations prompted by complaints	50	45	20	22
1.2	%age of investigations prompted by accidents or incidents	30	18	20	18
1.3	%age of self-initiated inspections	10	27	48	50
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	10	10	12	10
2.	Number of investigations resulting in:				
2.1	finding of compliance	8	8	21	18
2.2	corrective action <sup>20</sup> taken by economic operators upon request of market surveillance authorities	2	2	3	3
2.3	restrictive measures <sup>21</sup> taken by market surveillance authorities.	0	1	1	0

### 8.B. Assessment of the functioning of market surveillance activities in the sector

Due to resource constraints, machinery products were not included in the NMSP before 2011. Since then, the number of self-initiated inspections carried out has increased, although the percentage of operations following accident or complaint has also been considerable.

<sup>20</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>21</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 9. Lifts

### 9.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	183	118	64	51
1.1	%age of investigations prompted by complaints	39	56	64	81
1.2	%age of investigations prompted by accidents or incidents	3	5	7	4
1.3	%age of self-initiated inspections	58	39	29	15
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	106	86	46	38
2.2	corrective action <sup>22</sup> taken by economic operators upon request of market surveillance authorities	72	30	11	9
2.3	restrictive measures <sup>23</sup> taken by market surveillance authorities.	5	2	7	4

### 9.B. Assessment of the functioning of market surveillance activities in the sector

Lifts were the subject of a major operation in 2009 and 2010, during which a large number of self-initiated inspections were carried out in an effort to raise awareness amongst economic operators and consumers on the need to ensure that lifts are fully compliant with requirements. During the last 3 years, action has been more reactive in response to complaints received by consumers.

<sup>22</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>23</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 10. Cableways

### 10.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	0	0	0	0
1.1	%age of investigations prompted by complaints	0	0	0	0
1.2	%age of investigations prompted by accidents or incidents	0	0	0	0
1.3	%age of self-initiated inspections	0	0	0	0
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	0	0	0	0
2.2	corrective action <sup>24</sup> taken by economic operators upon request of market surveillance authorities	0	0	0	0
2.3	restrictive measures <sup>25</sup> taken by market surveillance authorities.	0	0	0	0

### 10.B. Assessment of the functioning of market surveillance activities in the sector

Malta has no cableway installations.

<sup>24</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>25</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 11. Noise emissions for outdoor equipment

### 11.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	0	0	0	0
1.1	%age of investigations prompted by complaints	0	0	0	0
1.2	%age of investigations prompted by accidents or incidents	0	0	0	0
1.3	%age of self-initiated inspections	0	0	0	0
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	0	0	0	0
2.2	corrective action <sup>26</sup> taken by economic operators upon request of market surveillance authorities	0	0	0	0
2.3	restrictive measures <sup>27</sup> taken by market surveillance authorities.	0	0	0	0

### 11.B. Assessment of the functioning of market surveillance activities in the sector

No operations on these aspects are carried out by the Market Surveillance directorate in Malta as this is not considered to be a priority area and no complaints have been received by the Market Surveillance Directorate on such equipment.

<sup>26</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>27</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 12. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres

### 12.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	0	0	0	0
1.1	% age of investigations prompted by complaints	0	0	0	0
1.2	% age of investigations prompted by accidents or incidents	0	0	0	0
1.3	% age of self-initiated inspections	0	0	0	0
1.4	% age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	0	0	0	0
2.2	corrective action <sup>28</sup> taken by economic operators upon request of market surveillance authorities	0	0	0	0
2.3	restrictive measures <sup>29</sup> taken by market surveillance authorities.	0	0	0	0

### 12.B. Assessment of the functioning of market surveillance activities in the sector

No operations on these products and systems are carried out by the Market Surveillance directorate in Malta due to lack of resources.

<sup>28</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>29</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.



## Sector 13. Pyrotechnics

### 13.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	0	0	0	6
1.1	%age of investigations prompted by complaints	0	0	0	0
1.2	%age of investigations prompted by accidents or incidents	0	0	0	17
1.3	%age of self-initiated inspections	0	0	0	83
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	0	0	0	3
2.2	corrective action <sup>30</sup> taken by economic operators upon request of market surveillance authorities	0	0	0	1
2.3	restrictive measures <sup>31</sup> taken by market surveillance authorities.	0	0	0	2

### 13.B. Assessment of the functioning of market surveillance activities in the sector

Operations on pyrotechnics were carried out under a Prosafe Joint Action in 2012 involving these products.

<sup>30</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>31</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 14. Explosives for civil uses

### 14.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	0	0	0	0
1.1	%age of investigations prompted by complaints	0	0	0	0
1.2	%age of investigations prompted by accidents or incidents	0	0	0	0
1.3	%age of self-initiated inspections	0	0	0	0
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	0	0	0	0
2.2	corrective action <sup>32</sup> taken by economic operators upon request of market surveillance authorities	0	0	0	0
2.3	restrictive measures <sup>33</sup> taken by market surveillance authorities.	0	0	0	0

<sup>32</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>33</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## 14.B. Assessment of the functioning of market surveillance activities in the sector

Due to lack of resources no operations on these products and systems are carried out by the Market Surveillance directorate in Malta and no complaints have been received on these products.

## Sector 15. Appliances burning gaseous fuels

### 15.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	0	0	11	13
1.1	%age of investigations prompted by complaints	0	0	9	23
1.2	%age of investigations prompted by accidents or incidents	0	0	0	0
1.3	%age of self-initiated inspections	0	0	91	77
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	0	0	100	85
2.2	corrective action <sup>34</sup> taken by economic operators upon request of market surveillance authorities	0	0	0	15
2.3	restrictive measures <sup>35</sup> taken by market surveillance authorities.	0	0	0	0

### 15.B. Assessment of the functioning of market surveillance activities in the sector

Due to lack of resources operations on gaseous appliances only started being carried out in 2012.

<sup>34</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>35</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 16. Measuring instruments, Non-automatic weighing instruments and Pre-packaged products

### 16.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	0	0	0	0
1.1	%age of investigations prompted by complaints	0	0	0	2
1.2	%age of investigations prompted by accidents or incidents	0	0	0	0
1.3	%age of self-initiated inspections	0	111	615	629
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	0	0	0	0
2.2	corrective action <sup>36</sup> taken by economic operators upon request of market surveillance authorities	0	0	0	0
2.3	restrictive measures <sup>37</sup> taken by market surveillance authorities.	0	0	0	0

### 16.B. Assessment of the functioning of market surveillance activities in the sector

Operations on these products and systems are carried out by the Metrology Directorate in Malta.

<sup>36</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>37</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 17. Radio and telecom equipment under EMC and RTTE

### 17.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	13	21	34	28
1.1	%age of investigations prompted by complaints	33	19	10	11
1.2	%age of investigations prompted by accidents or incidents	0	0	0	0
1.3	%age of self-initiated inspections	67	81	90	89
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	11	19	31	27
2.2	corrective action <sup>38</sup> taken by economic operators upon request of market surveillance authorities	1	1	2	1
2.3	restrictive measures <sup>39</sup> taken by market surveillance authorities.	1	1	1	0

### 17.B. Assessment of the functioning of market surveillance activities in the sector

Operations on EMC and R+TTE products are carried out in conjunction with the EMC Adco and R+TTE Adco joint actions mainly owing to testing of these products by Germany. Also, enforcement on these products is coordinated with the Malta Communications Authority.

<sup>38</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>39</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Sector 19. Electrical and electronic equipment under RoHS and WEEE and batteries

### 19.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	178	192	128	155
1.1	%age of investigations prompted by complaints	0	0	0	0
1.2	%age of investigations prompted by accidents or incidents	0	0	0	0
1.3	%age of self-initiated inspections	100	100	100	100
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	178	141	97	111
2.2	corrective action <sup>40</sup> taken by economic operators upon request of market surveillance authorities	0	0	0	0
2.3	restrictive measures <sup>41</sup> taken by market surveillance authorities.	0	0	0	0

<sup>40</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>41</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## 19.B. Assessment of the functioning of market surveillance activities in the sector

Operations on these products are carried out in conjunction with the products inspected for LVD. No market surveillance operations are carried out on WEEE.

## Sector 20. Chemical substance under REACH (Annex XVII)

### 20.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	4	1	10	10
1.1	% age of investigations prompted by complaints	0	0	0	0
1.2	% age of investigations prompted by accidents or incidents	0	0	0	0
1.3	% age of self-initiated inspections	100	100	100	100
1.4	% age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	3	0	7	8
2.2	corrective action <sup>42</sup> taken by economic operators upon request of market surveillance authorities	1	0	3	2
2.3	restrictive measures <sup>43</sup> taken by market surveillance authorities.	0	0	0	0

<sup>42</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>43</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## 20.B. Assessment of the functioning of market surveillance activities in the sector

Operations on these products are carried out in conjunction with the ECHA Forum REACH Enforce project 2 and 3.

## Sector 21. Other chemicals (Detergents, Classification and Labelling, Paints)

### 21.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	126	58	109	87
1.1	%age of investigations prompted by complaints	15	22	9	9
1.2	%age of investigations prompted by accidents or incidents	9	6	5	6
1.3	%age of self-initiated inspections	74	69	84	83
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	2	3	2	2
2.	Number of investigations resulting in:				
2.1	finding of compliance	88	41	92	76
2.2	corrective action <sup>44</sup> taken by economic operators upon request of market surveillance authorities	32	14	15	10
2.3	restrictive measures <sup>45</sup> taken by market surveillance authorities.	6	3	2	1

<sup>44</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>45</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.



## 21.B. Assessment of the functioning of market surveillance activities in the sector

These products were high on the priority list in 2009 and 2010 due to a large degree of non-conformance. During the past 3 years, their importance has been reduced, although that of paints has increased in 2012.

## Sector 22. Eco-design and Energy related products (labelling)

### 22.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	25	31	37	35
1.1	%age of investigations prompted by complaints	4	7	5	5
1.2	%age of investigations prompted by accidents or incidents	0	0	0	0
1.3	%age of self-initiated inspections	92	90	92	92
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	4	3	3	3
2.	Number of investigations resulting in:				
2.1	finding of compliance	8	11	15	17
2.2	corrective action <sup>46</sup> taken by economic operators upon request of market surveillance authorities	16	19	20	18
2.3	restrictive measures <sup>47</sup> taken by market surveillance authorities.	1	1	2	0

<sup>46</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>47</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## 22.B. Assessment of the functioning of market surveillance activities in the sector

Products falling under these directives are inspected along with LVD and electrical products. After some time following the start of investigations in earlier years, during which operators could not be persuaded to comply, the situation has now improved as both economic operators and consumers are more aware of requirements.

## Sector 23. Recreational craft

### 23.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	0	18	18	11
1.1	% age of investigations prompted by complaints	0	11	17	18
1.2	% age of investigations prompted by accidents or incidents	0	6	6	0
1.3	% age of self-initiated inspections	0	83	77	82
1.4	% age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	0	17	12	11
2.2	corrective action <sup>48</sup> taken by economic operators upon request of market surveillance authorities	0	0	6	0
2.3	restrictive measures <sup>49</sup> taken by market surveillance authorities.	0	1	0	0

<sup>48</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>49</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## 23.B. Assessment of the functioning of market surveillance activities in the sector

Recreational craft is not a high priority product for the Market Surveillance Directorate in Malta although operations are always coordinated with Transport Malta.

## Sector 24. Marine equipment

### 24.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	0	1	0	0
1.1	% age of investigations prompted by complaints	0	0	0	0
1.2	% age of investigations prompted by accidents or incidents	0	0	0	0
1.3	% age of self-initiated inspections	0	100	0	0
1.4	% age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	0	1	0	0
2.2	corrective action <sup>50</sup> taken by economic operators upon request of market surveillance authorities	0	0	0	0
2.3	restrictive measures <sup>51</sup> taken by market surveillance authorities.	0	0	0	0

<sup>50</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>51</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## 24.B. Assessment of the functioning of market surveillance activities in the sector

Marine equipment is not a high priority product for the Market Surveillance Directorate in Malta.

## Sector 25. Motor vehicles and tyres

### 25.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	0	14	27	59
1.1	%age of investigations prompted by complaints	0	0	4	25
1.2	%age of investigations prompted by accidents or incidents	0	0	0	0
1.3	%age of self-initiated inspections	0	0	37	32
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	100	59	43
2.	Number of investigations resulting in:				
2.1	finding of compliance	0	0	5	28
2.2	corrective action <sup>52</sup> taken by economic operators upon request of market surveillance authorities	0	12	21	22
2.3	restrictive measures <sup>53</sup> taken by market surveillance authorities.	0	2	0	9

<sup>52</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>53</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## 25.B. Assessment of the functioning of market surveillance activities in the sector

MSD relies heavily on notifications by importers and other member states for enforcement operations on motor vehicles.

## Sector 26. Biocides and Pesticides

### 26.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	108	114	96	73
1.1	%age of investigations prompted by complaints	45	53	30	24
1.2	%age of investigations prompted by accidents or incidents	0	0	0	0
1.3	%age of self-initiated inspections	55	47	70	76
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:				
2.1	finding of compliance	36	43	59	42
2.2	corrective action <sup>54</sup> taken by economic operators upon request of market surveillance authorities	65	61	34	8
2.3	restrictive measures <sup>55</sup> taken by market surveillance authorities.	7	9	3	3

<sup>54</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

<sup>55</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## 26.B. Assessment of the functioning of market surveillance activities in the sector

The substantial enforcement operations carried out in 2009 enabled economic operators, comprising importers, vendors and farmers, to be made more aware of the importance that compliance for these products is assured.

## Sector 27. Fertilisers

### 27.A. Review of the functioning of market surveillance activities in the sector

		2010	2011	2012	2013
1.	Number of investigations (total number)	0	0	1	0
1.1	%age of investigations prompted by complaints	0	0	100	0
1.2	%age of investigations prompted by accidents or incidents	0	0	0	0
1.3	%age of self-initiated inspections	0	0	0	0
1.4	%age of investigations prompted by information from other Member State authorities ( e.g. via RAPEX notifications)	0	0	0	0
2.	Number of investigations resulting in:	0	0		0
2.1	finding of compliance	0	0	1	0
2.2	corrective action <sup>56</sup> taken by economic operators upon request of market surveillance authorities	0	0	0	0
2.3	restrictive measures <sup>57</sup> taken by market surveillance authorities.	0	0	0	0

<sup>56</sup> Corrective action to bring the product into compliance or to end to a formal non-compliance. These measures are prompted by market surveillance authorities' request, but are based on the cooperation of economic operators.

## **26.B. Assessment of the functioning of market surveillance activities in the sector**

Only EC fertilizers, fall under the remit of the Market Surveillance Directorate for which operations on these products are only carried out in response to complaints received.

---

<sup>57</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities or where authorities have to intervene urgently.

## Annex 1: Reference list of sectors

<b>Product sectors</b>	<b>Relevant legislation<sup>5859</sup></b>
1. Medical devices (including In vitro diagnostic medical devices and Active implantable medical devices)	Directives 93/42/EEC, 98/79/EC and 90/385/EEC
2. Cosmetics	Regulation 2023/2009
3. Toys	Directive 2009/48/EC
4. Personal protective equipment	Directive 89/686/EEC
5. Construction products	Regulation 305/2011
6. Aerosol dispensers, Simple pressure vessels and Pressure equipment	Directives 75/324/EEC, 2009/105/EC and 97/23/EC
7. Transportable pressure equipment	Directive 2010/35/EC
8. Machinery	Directive 2006/42/EC
9. Lifts	Directive 1995/16/EC
10. Cableways	Directive 2000/9/CE
11. Noise emissions for outdoor equipment	Directive 2000/14/EC
12. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres	Directive 2008/47/EC
13. Pyrotechnics	Directive 2007/23/EC
14. Explosives for civil uses	Directive 93/15/EEC
15. Appliances burning gaseous fuels	Directive 2009/142/EC
16. Measuring instruments, Non-automatic weighing instruments and Pre-packaged products	Directives 2004/22/EC, 2009/23/EC and 2007/45/EC
17. Radio and telecom equipment under EMC and RTTE	Directives 2004/108/EC and 1999/5/EC
18. Electrical appliances and equipment under LVD	Directive 2006/95/EC
19. Electrical and electronic equipment under RoHS and WEEE and batteries	Directives 2011/65/EU, 2002/96/EU and 2006/66/EC
20. Chemical substance under REACH (Annex XVII)	Regulation 1907/2006/EC
21. Other chemicals (Detergents, Classification and Labelling, Paints)	Regulations 648/2004 and 1272/2008, and Directive 2004/42/EC
22. Eco-design and Energy related products (labelling)	Directives 2009/125/EC and 2010/30/EU
23. Recreational craft	Directive 1994/25/EC
24. Marine equipment	Directive 96/98/EC
25. Motor vehicles and tyres	Directives 2002/24/EC and 2007/46/EC, and Regulation (EC) No 1222/2009
26. Biocides and Pesticides	Regulation 2012/528 and Directive 2009/128/EC
27. Fertilisers	Regulation 2003/2003

<sup>58</sup> For ease of reference this table indicates established EU legislation. New legislation having replaced the one listed in the table should be also taken into account for the relevant period in which it is applicable.

<sup>59</sup> For ease of reference in some cases (e. g. eco-design, energy labelling), this table only indicates EU framework legislation, but intends to cover also product specific EU legislative acts.