

# Review and assessment of the functioning of market surveillance activities pursuant to Article 18(6) of Regulation (EC) No 765/2008-2010-2013

## [Republic of Cyprus]

### Explanations for using this template

The template foresees a review and assessment of the functioning of market surveillance at different levels:

- an aggregate level (“Overview of general market surveillance activities) that allows a snapshot of overall organisation and resources of market surveillance in Member States.
- a sector specific level.

For each of these levels the template organises the information in two sections.

**Section A** is meant to include some basic ‘facts’ on the infrastructure in place or activities carried out, which can be used as basis for the evaluation of the functioning of market surveillance. This information is expected to complement - avoiding duplication - information already provided in the National Market Surveillance Programmes for the 2010-2013 period. Please take note of a few important remarks:

- The information indicated in section A can and should be accompanied by any **additional (quantitative or qualitative) explanations** that allows the meaning of the figures provided to be fully appreciated and to prevent their possible misinterpretation
- If the **information indicated in the template is not available but can be estimated**, Member States are invited to provide estimates (but are asked to specify that this is the case).
- **If the information indicated in the template is not available and cannot be estimated**, yet Member States collect analogous information in a different format, they are invited to indicate ‘n.a.’ (=not available) and to add the information they possess, together with the explanations needed for its correct interpretation.
- The information indicated in the template is meant to be a **‘common minimum denominator’ that can be complemented with additional information that a Member State may wish to include to provide the appropriate picture on the activities carried out, such as qualitative information on how MSAs have carried out their activities, any trends or key issues that are worth highlighting, legislative initiatives undertaken etc.**

**Section B** contains a Member State's exclusive assessment of its own activities. For this reason, the template does not suggest a specific format. However the assessment should be based on the information provided in Section A, as well on information provided in the National Market Surveillance Programmes for the 2010-2013 period.

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## Overview of general market surveillance activities

### A. Overview of general market surveillance activities

**Information on the general market surveillance organisation and infrastructures in place for the 2010-2013 period**

*The general 2014 market surveillance programme is posted on the following Web page:*

*[http://ec.europa.eu/enterprise/policies/single-market-goods/Internal-market-for-products/market-surveillance/Index\\_en.htm](http://ec.europa.eu/enterprise/policies/single-market-goods/Internal-market-for-products/market-surveillance/Index_en.htm)*

### A1. Overview of general market surveillance activities

**(Relating to sector 1 - medical devices)**

**Information on the general market surveillance organisation and infrastructures in place for the 2010-2013 period**

In the period from January 2010 to August 2013, the Medical Devices Competent Authority only carried out market checks and inspections on the market when complaints were filed. From early September to late 2013, scheduled weekly market surveillance activities were carried out.

**Information on total resources available for market surveillance activities (subject to availability)**

[This section should contain information on total resources allocated to market surveillance authorities by a Member State for all necessary activities (enforcement, communications) at either general or sectoral level.

		2010	2011	2012	2013
1.1	Budget available to market surveillance authorities in nominal terms (€)	N/A	N/A	N/A	5 000
1.2	Budget available to market surveillance authorities in relative terms (% of total national budget)	N/A	N/A	N/A	N/A
2	Staff available to market surveillance authorities (full-time equivalent units)	1	4	2	4
3	Number of inspectors available to market surveillance authorities (full-time equivalent units)	1	4	2	4

## ***B1. Assessment of the functioning of market surveillance activities***

[This section contains a Member State's exclusive assessment of the information provided in Section A. It could point, among others things, to horizontal difficulties, if any, encountered by authorities in carrying out their activities (e.g. lack of traceability information, problems with distribution of competences, lack of resources, insufficient deterrence of penalties, etc.)].

The conformity assessment of medical devices is carried out mainly by checking the relevant documentation and conducting physical checks.

It is difficult to perform laboratory testing as there are no reference laboratories capable of conducting suitable tests and analyses for assessing the conformity of medical devices.

## **A2. Overview of general market surveillance activities**

***(relating to sectors 4, 7, 9, 10, 13)***

### **Information on the general market surveillance organisation and infrastructures in place for the 2010-2013 period**

The Department of Labour Inspection of the Ministry of Labour, Welfare and Social Insurance supervises the implementation of the harmonisation legislation on lifts, machinery, personal protective equipment, simple pressure vessels, pressure equipment and equipment and protective systems intended for use in potentially explosive atmospheres. Market surveillance is carried out across Cyprus by authorised inspectors, on the basis of the National Market Surveillance Programme, information exchanged between competent authorities in the Republic of Cyprus, information received via RAPEX on non-conforming products, targeted campaigns for specific products as part of the administrative cooperation between Member States (AdCo Working Groups).

The checks are conducted both proactively and reactively, i.e. after an accident or a complaint being received, on the establishments of manufacturers, importers and distributors of the above products, as well as on lift installers (establishments and facilities in which lifts are installed). Checks are also conducted at points of entry to the Republic of Cyprus (ports and airports), in cooperation with the customs authorities.

Market surveillance activities are carried out mainly by inspectors in the District Labour Inspection Offices, as well as by officers who work at the Department's Head Office and who provide inspectors with support and expertise.

### **Information on total resources available for market surveillance activities (subject to availability)**

[This section should contain information on total resources allocated to market surveillance authorities by a Member State for all necessary activities (enforcement, communications) at either general or sectoral level.

	2010	2011	2012	2013

1.1	Budget available to market surveillance authorities in nominal terms (€)	n.a.	n.a.	n.a.	n.a.
1.2	Budget available to market surveillance authorities in relative terms (% of total national budget)	n.a.	n.a.	n.a.	n.a.
2	Staff available to market surveillance authorities (full-time equivalent units)	8	7	6	6
3	Number of inspectors available to market surveillance authorities (full-time equivalent units)	6	5	4	4

## ***B2. Assessment of the functioning of market surveillance activities***

Given that there are specific points of entry to the Republic of Cyprus, the market surveillance checks performed on products from third countries are considered to be satisfactory. This does not mean that there are no difficulties associated with the checks conducted. Most of the difficulties faced by the market surveillance competent authorities include missing documentation that should accompany each product, the lack of sufficient traceability information for the product concerned and the mis-match between the information used by the customs authorities to designate certain products, such as machinery, and the nomenclature used by the market surveillance competent authorities. The latter difficulty may lead to a product being released as the customs authority did not recognise the product concerned (e.g. a piece of machinery) and to it being allowed entry into the Republic of Cyprus when entry should have been denied and the competent authority should have been asked for an opinion.

Other difficulties include the lack of sufficient financial resources to conduct scientific checks and tests at suitable laboratories, and the time-consuming procedure used to impose penalties. Another significant problem is caused by the huge amount of specialised information required by the EU for this procedure. This results in the inspector's role being focused on the collection and recording of that information, instead of the essential market surveillance task.

### **Market surveillance activities in specific sectors (relating to sectors 4, 7, 9, 10, 13)**

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

**Information on enforcement activities carried out in the 2010-2013 period**

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints				
2.	Number of substantiated complaints by industry concerning unfair competition				
3.	Number of inspections (total number) Machinery	38	93	124	28
	Number of inspections (total number) Lifts	29	49	48	49
	Number of inspections (total number) Pressure equipment	141	538	45	26
	Number of inspections (total number) Simple pressure vessels	4	0	8	4
	Number of inspections (total number) Personal protective equipment	19	8	44	12
	Number of inspections (total number) ATEX equipment	0	0	0	1
3.1	number of reactive inspections				
3.2	number of self-initiated inspections				
3.3	number of inspections prompted by the customs				
4	Number of inspections based on:				
4.1	tests performed in laboratories	0	4	0	0
4.2	physical checks of products				
5	Number of inspections resulting in:				
5.1	finding of non-compliance				
5.2	corrective actions taken by economic operators ("voluntary measures")				
5.3	restrictive measures taken by market surveillance authorities	1	1	33	0
5.4	application of sanctions/penalties	0	0	0	0
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

## Market surveillance activities in specific sectors

### Sector 1 - Medical devices

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

##### Information on enforcement activities carried out in the 2010-2013 period

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	8	7	8	13
2.	Number of substantiated complaints by industry concerning unfair competition	0	0	0	0
3.	Number of inspections (total number)	8	13	12	50
3.1	number of reactive inspections	5	9	10	0
3.2	number of self-initiated inspections	N/A	N/A	N/A	50
3.3	number of inspections prompted by the customs	3	4	2	3
4	Number of inspections based on:				
4.1	tests performed in laboratories	0	0	0	1
4.2	physical checks of products	8	13	12	500
5	Number of inspections resulting in:				
5.1	finding of non-compliance	3	4	2	34
5.2	corrective actions taken by economic operators ("voluntary measures")	2	4	2	31
5.3	restrictive measures taken by market surveillance authorities	1	0	0	3
5.4	application of sanctions/penalties	0	0	0	0
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

##### Information on communication activities carried out in the 2010-2013 period (optional)

As part of market surveillance activities, surveillance officers also provide relevant information to wholesale and retail distributors on the risks and rules that apply to

medical devices.

Moreover, all the parties concerned can find relevant information about the legislative framework for medical devices on the competent authority's website. Safety notifications on specific products are also posted on the site to inform users and health professionals and thus reduce the risk of bodily injuries or other types of damage.

### Information on resources (subject to availability)

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)	22 000	88 000	44 000	94 000
7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)	N/A	N/A	N/A	N/A
8	Staff available to market surveillance authorities (full-time equivalent units)	1	4	2	4
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)	1	4	2	4

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

The following companies are based in the Republic of Cyprus:

- 8 medical device manufacturers
- 163 wholesale distributors
- 492 retail distributors

These are considered as comprising the national market in these products.

## Sector 3 - Toys

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

#### Information on enforcement activities carried out in the 2010-2013 period

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	0	0	0	0
2.	Number of substantiated complaints by industry concerning unfair competition	0	0	0	0
3.	Number of inspections (total number)	1257	962	834	785
3.1	number of reactive inspections	9	8	4	3

3.2	number of self-initiated inspections	n.a.	n.a.	21	8
3.3	number of inspections prompted by the customs	0	11	0	5
4	Number of inspections based on:				
4.1	tests performed in laboratories	74	69	59	43
4.2	physical checks of products	1183	893	775	742
5	Number of inspections resulting in:				
5.1	finding of non-compliance	n.a.	27	52	85
5.2	corrective actions taken by economic operators ("voluntary measures")	0	0	0	0
5.3	restrictive measures taken by market surveillance authorities	33	19	17	27
5.4	application of sanctions/penalties	0	2	0	2
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

**Information on communication activities carried out in the 2010-2013 period (optional)**

*Information sheets are sent to toy importers, informing them of their obligations and giving them advice and instructions. Furthermore, regular visits are paid to distributors and importers, during which they are given oral information and submitted to inspection. In addition, information material on the implementation of the Toy Safety Directive has been printed (30 000 copies) and will be distributed to importers, distributors and consumer organisations. Moreover, all the communications from the department relating to toys are notified to consumer organisations and associations of economic operators.*

*A seminary-workshop was held on 22 September 2011 as part of the pan-European campaign for the CE marking. The seminar was intended primarily for economic operators, as well as consumers. The new Toy Safety Directive was presented as part of that seminar. The department also took part in the Christmas pan-European toy safety campaign (December 2011).*

**Information on resources (subject to availability)**

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)				

7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)				
8	Staff available to market surveillance authorities (full-time equivalent units)				
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)				

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

*Market surveillance activities in relation to toys are being carried out almost on a daily basis, throughout the territory of Cyprus. In particular, inspectors carry out inspections on the basis of the RAPEX weekly report (which includes toys), and at the same time they conduct visual and physical inspections of toys.*

*In addition, samples of toys are taken and examined twice a year. Usually, the first sampling (2<sup>nd</sup> quarter of the year) includes 30 toy samples, the physical and mechanical properties (EN71-1) of which are examined, and the second sampling (4<sup>th</sup> quarter of the year) includes 30 toy samples which are tested for the migration of heavy metals (EN71-3). All laboratory tests are performed by the State General Laboratory. The exact sampling schedule is established in agreement between the two parties at the beginning of each year. Other laboratory tests may be conducted in the context of our participation in EU programmes, e.g. PROSAFE.*

*Finally, inspection campaigns are being carried out with respect to specific toy categories (e.g. inflatable toys, skates, projectile toys) or in specific sales premises of toys (e.g. open-air markets).*

*Inspection methodology:*

*Conducting visual and physical inspection of toys. These inspections are usually performed on own initiative and/or on the basis of the RAPEX notification. In some cases, these inspections are performed following consumer complaints.*

*The actions/procedures followed are:*

- checking the CE marking;*
- checking the warnings that should be affixed on toys;*
- assessing the compliance of toys with the basic safety requirements of the applicable national legislation;*
- physical inspection of toys for children under the age of 3 for detachable small parts, sharp points, laces, liquids, etc.;*
- if there are doubts about any toy, all relevant information and documentation in relation to the product are requested from the economic operator;*
- conducting sample checks on products and carrying out laboratory tests on them;*
- taking measures when it is found that toys do not comply with the safety*

requirements of the applicable national legislation.

**The specific market framework on which the surveillance scheme is carried out:**

- Assumptions as to the size of the national market: n.a.
- Number of manufacturers: 1
- Number of importers: 68
- Number of distributors: 397
- Import volume (third countries): EUR 16 459 997.00

## **Sector 4 - Personal protective equipment pursuant to Directive 89/686/EEC**

Market surveillance is carried out proactively on the basis of a national initiative, as set out in the national market surveillance programme for personal protective equipment, including initiatives implemented by the AdCo Working Group for conducting campaigns aiming to ensure the uniform application of the relevant legislation in the Member States.

Moreover, following posts on RAPEX or other European information networks, investigations are carried out on specific establishments or importers that may be placing defective personal protective equipment on the market.

Due to the extensive use of certain types of personal protective equipment (e.g. sunglasses and swimming goggles), there is frequent contact with the customs authorities about the checks on personal protective equipment of this type which is imported into Cyprus. Furthermore, the departments of the Ministry of Energy, Commerce, Industry and Tourism that are responsible for the protection and rights of consumers, forward any complaints relating to personal protective equipment that are not exclusively work-related. Moreover, the fact that the Department of Labour Inspection has access to workplaces allows for carrying out on-the-spot checks for personal protective equipment that is placed on the market and, subsequently, if a non-conformity is identified, contacting the manufacturer/importer/seller.

Market surveillance includes checking the markings affixed on the accompanying documentation and contacting notified bodies (as appropriate). Non-conforming products are withdrawn from the market or destroyed by the importer/seller on a voluntary basis.

There are no notified bodies in this sector in Cyprus.

## **Sector 5 - Construction products**

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

#### **Information on enforcement activities carried out in the 2010-2013 period**

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints				

2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)				
3.1	number of reactive inspections				2
3.2	number of self-initiated inspections	23	32	31	22
		campaigns	campaigns	campaigns	campaigns
3.3	number of inspections prompted by the customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	119	289	271	365
4.2	physical checks of products	104	14	-	35
5	Number of inspections resulting in:				
5.1	finding of non-compliance	75	65	50	107
5.2	corrective actions taken by economic operators ("voluntary measures")	-	27	26	-
5.3	restrictive measures taken by market surveillance authorities	18	3	-	21
5.4	application of sanctions/penalties	-	-	2	3
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

**Information on communication activities carried out in the 2010-2013 period (optional)**

[free text]

**Information on resources (subject to availability)**

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)	100 000	150 000	150 000	115 000
7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)	-	-	-	-

8	Staff available to market surveillance authorities (full-time equivalent units)	8, including inspectors			
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)				

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

The Ministry of Interior bears the general responsibility for implementing Regulation (EU) No 305/2011 and other relevant Regulations, is the focal point for anything that has to do with construction products, and is responsible for market surveillance, coordination of actions and implementing measures to be taken by other Ministries and Departments, as well as for informing all the parties involved and affected. It is also the body declared to all EU institutions for construction products, therefore it represents Cyprus and participates in the EU Committees, while at the same time being responsible for channelling all information to and from the EU.

Market surveillance for construction products covers a large number of products, such as cement, aggregates and products related to concrete, masonry, natural stone, metal structures, construction timber, pavement slabs, ceramics, doors, windows, etc.

The aim of the Ministry of Interior is to carry out market surveillance for construction products in a way that achieves the proper use of products, to ensure in the long run that buildings and civil engineering works in Cyprus are designed and manufactured in a way that will not endanger the safety of individuals, domestic animals and goods, while at the same time conforming to other key requirements aiming to ensure a better quality of life in general, such as requirements relating to health, life-span of projects, energy savings, environmental protection and also financial issues and other issues that are important in terms of public interest.

## Sector 6 - Aerosol dispensers

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

#### Information on enforcement activities carried out in the 2010-2013 period

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	—	1	—	—
2.	Number of substantiated complaints by industry concerning unfair competition	—	-	—	—
3.	Number of inspections (total number)	30 (estimate)	95	110	28
3.1	number of reactive inspections	0	1	2	—
3.2	number of self-initiated inspections	30 (estimate)	95	110	27
3.3	number of inspections prompted by the customs	—	-	—	1
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	—	—
4.2	physical checks of products	30 (estimate)	95	110	28
5	Number of inspections resulting in:				
5.1	finding of non-compliance	-	25	—	1
5.2	corrective actions taken by economic operators (“voluntary measures”)		25	6	1
5.3	restrictive measures taken by market surveillance authorities			1	1
5.4	application of sanctions/penalties	-	-	—	—
6	Number of inspections where other Member States were invited to collaborate				

**Information on communication activities carried out in the 2010-2013 period (optional)**

[free text]

**Information on resources (subject to availability)**

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)	5 000 (estimate)	15 000	5 000	5 000
7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units)	2 persons - 10% of the working time	2 persons - 25% of the working time	2 persons - 10% of the working time	2 persons - 10% of the working time
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)	1 person - 10% of the working time	1 person - 25% of the working time	1 person - 10% of the working time	1 person - 10% of the working time

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

[free text]

**Sector 7 - Simple pressure vessels pursuant to Directive 2009/105/EC and Pressure equipment pursuant to Directive 97/23/EC**

Market surveillance is carried out proactively on the basis of a national initiative, as set out in the 2014 national market surveillance programme for simple pressure vessels and pressure equipment for which CE marking is required. Checks are also conducted when complaints are filed by consumers (reactive action).

The checks are conducted on establishments where such products are marketed, e.g. importers/distributors of diving equipment, fire extinguishers, suppliers of liquid gas tanks and DIY stores selling simple pressure vessels (gas chambers), and establishments where pressure equipment is installed. Market surveillance for pressure equipment is also carried out on establishments as part of implementing

the national legislation on the licensing of liquid gas storage operations, including such equipment as liquid gas tanks, relief and cut-off valves, pressure devices, electric valves, etc. Checks are conducted to verify the completeness and validity of the markings and documentation of the above products, as required by the relevant legislation, and all that is compared against what is stated in the relevant accompanying documentation. Samples of pressure equipment are also purchased, tested and checked to verify that the harmonised standards and/or conformity assessment procedures are applied correctly. The conformity measures taken, as appropriate, are proportionate.

## **Sector 8 - Transportable pressure equipment**

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

#### **Information on enforcement activities carried out in the 2010-2013 period**

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	-	2	-	-
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	10 (estimate)	39	12	10
3.1	number of reactive inspections	-	2	1	-
3.2	number of self-initiated inspections	10 (estimate)	37	11	10
3.3	number of inspections prompted by the customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	10 (estimate)	39	12	10
5	Number of inspections resulting in:				
5.1	finding of non-compliance	-	-	-	-
5.2	corrective actions taken by economic operators ("voluntary measures")				
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	-	-	-	-

6	Number of inspections where other Member States were invited to collaborate				
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**Information on communication activities carried out in the 2010-2013 period (optional)**

[free text]

**Information on resources (subject to availability)**

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)	5 000 (estimate)	15 000	5 000	5 000
7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units)	2 persons spend 15% of the working time	2 persons spend 40% of the working time	2 persons spend 15% of the working time	2 persons spend 15% of the working time
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)	1 person spends 15% of the working time	1 person spends 40% of the working time	1 person spends 15% of the working time	1 person spends 15% of the working time

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

[free text]

## **Sector 9 - Machinery pursuant to Directive 2006/42/EC**

Market surveillance is carried out proactively on the basis of a national initiative, as set out in the national market surveillance programme for machinery for which CE marking is required. In the same context of cooperation with other Member States, joint activities are also carried out with the AdCo Working Group.

As regards market surveillance in response to an external action (reactively), the inspection departments of the Department of Labour Inspection are an important source of information. This is because, as part of the investigations they conduct into accidents, they also check machinery manufacturers and importers/dealers.

There is also close cooperation with other public sector Departments/Agencies, such as the customs authorities, which notify the competent Officers about all the cases of machinery without markings which are identified at the points of entry into the Republic of Cyprus.

Cooperation with the Electromechanical Services Department allows for cases to be investigated primarily at the customs offices, thus ensuring human resources savings and avoiding double checks.

Information is also received from the RAPEX System about consumer products and from the ICSMS System for other types of machinery, and then checks are conducted on possible importers of such types of machinery.

Due to the small size of the domestic machinery manufacturing market, manufacturers are often advised on how to apply the Directive properly and references are provided to the relevant standards available from the Cyprus Organisation for Standardisation.

There are consultant engineers and notified bodies from other Member States carrying out activities in this sector.

## **Sector 10 Lifts**

Market surveillance is carried out proactively on the basis of a national initiative, as set out in the 2014 national market surveillance programme for lifts and safety components for which CE marking is required. Checks are conducted both on the establishments of lift installers and on the buildings in which lifts are installed. The completeness and validity of the markings and documentation required by the applicable legislation are checked, and comparisons are made with that provided in relation to the lift. On-the-spot checks are also conducted to verify the technical data of the safety components compared to the data included in the relevant documentation accompanying the lift. The conformity measures taken are proportionate and are applied only at a national level. There are usually Conformity Notices issued, instructing the installers to conform.

The market surveillance activities carried out cover approximately 6% of the new lifts, as installed annually by approximately 20 installers.

It also appears that the two conformity assessment procedures used by the installers are the Final Inspection (Annex VI) and the Unit Verification (Annex X). There are 2 Cypriot Notified Bodies in this sector, and there are also Notified Bodies from Greece.

## Sector 11 - Cableways

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

#### Information on enforcement activities carried out in the 2010-2013 period

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints				
2.	Number of substantiated complaints by industry concerning unfair competition				
3.	Number of inspections (total number)				
3.1	number of reactive inspections				
3.2	number of self-initiated inspections				
3.3	number of inspections prompted by the customs				
4	Number of inspections based on:				
4.1	tests performed in laboratories				
4.2	physical checks of products				
5	Number of inspections resulting in:				
5.1	finding of non-compliance				
5.2	corrective actions taken by economic operators ("voluntary measures")				
5.3	restrictive measures taken by market surveillance authorities				
5.4	application of sanctions/penalties				
6	Number of inspections where other Member States were invited to collaborate				

#### Information on communication activities carried out in the 2010-2013 period (optional)

[free text]

### Information on resources (subject to availability)

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)				
7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)				
8	Staff available to market surveillance authorities (full-time equivalent units)				
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)				

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

No subsystems and/or safety components are manufactured or imported in the Cypriot market, and therefore there are no market surveillance activities carried out in this sector.

## **Sector 14 Pyrotechnics**

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

#### Information on enforcement activities carried out in the 2010-2013 period

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	0	0	0	0
2.	Number of substantiated complaints by industry concerning unfair competition	0	0	0	0
3.	Number of inspections (total number)	29	27	32	43
3.1	number of reactive inspections	0	0	0	0
3.2	number of self-initiated inspections	29	27	31	42
3.3	number of inspections prompted by the customs	0	0	1	1
4	Number of inspections based on:				

4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	14	16	21	26
5	Number of inspections resulting in:				
5.1	finding of non-compliance	1	0	1	1
5.2	corrective actions taken by economic operators ("voluntary measures")	1	0	1	1
5.3	restrictive measures taken by market surveillance authorities .	0	0	0	0
5.4	application of sanctions/penalties	0	0	0	0
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

#### **Information on communication activities carried out in the 2010-2013 period (optional)**

The Cyprus market is very small. Importers were kept continuously informed about the issues concerning the EU legislation with contacts conducted by the Inspectorate of Explosives. Police conducted campaigns to inform young people about the dangers of fireworks.

#### **Information on resources (subject to availability)**

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)	22.000	22.000	22.000	22.000
7.2	Budget available to market surveillance authorities in relative terms (%age of total national budget)	3% of Mines Service	3% of Mines Service	3% of Mines Service	3% of Mines Service
8	Staff available to market surveillance authorities (full-time equivalent units )	0,4	0,4	0,4	0,4
9	Number of inspectors available to market surveillance authorities (full-time equivalent units )	1	1	1	1

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

In the territory of the Republic of Cyprus there is no manufacture of pyrotechnics. For this reason the main market surveillance activities focus during the import of the pyrotechnics in Cyprus, during their storage and less during their sale. There are only 16 importers (small business) which they make retail distribution. The number of imports from other Member States or third countries during the period 2010-2013 was 51. The sector does not face any particular problems.

## Sector 15 Explosives for civil uses

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

#### **Information on enforcement activities carried out in the 2010-2013 period**

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	0	0	0	0
2.	Number of substantiated complaints by industry concerning unfair competition	0	0	0	0
3.	Number of inspections (total number)	61	62	52	47
3.1	number of reactive inspections	0	0	0	0
3.2	number of self-initiated inspections	61	62	52	47
3.3	number of inspections prompted by the customs	0	0	0	0
4	Number of inspections based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	40	45	36	32
5	Number of inspections resulting in:				
5.1	finding of non-compliance	0	0	0	0
5.2	corrective actions taken by economic operators ("voluntary measures")	0	0	0	0
5.3	restrictive measures taken by market surveillance authorities .	0	0	0	0
5.4	application of sanctions/penalties	0	0	0	0
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

#### **Information on communication activities carried out in the 2010-2013 period (optional)**

The Cyprus market is very small. Importers and end users were kept continuously informed about the issues concerning the EU legislation with contacts conducted by the Inspectorate of Explosives.

#### **Information on resources (subject to availability)**

		2010	2011	2012	2013

7.1	Budget available to market surveillance authorities in nominal terms (€)	33.000	33.000	33.000	33.000
7.2	Budget available to market surveillance authorities in relative terms (%age of total national budget)	4,5% of Mines Service	4,5% of Mines Service	4,5% of Mines Service	4,5% of Mines Service
8	Staff available to market surveillance authorities (full-time equivalent units )	0,6	0,6	0,6	0,6
9	Number of inspectors available to market surveillance authorities (full-time equivalent units )	1	1	1	1

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

In the territory of the Republic of Cyprus there is no manufacture of explosives. For this reason the main market surveillance activities focus during the import of the explosives in Cyprus and during their storage. During the 2010-2013 there were 7 importers 3 for gun powder and 4 for blasting explosives. They made 142 imports all from EU countries. Six of the importers are also users of the imported products. The imported products were sold to 42 end users (hunting cartridges manufacturers and quarries). The sector does not face any particular problems.

## **Sector 16 - Appliances burning gaseous fuels**

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

#### **Information on enforcement activities carried out in the 2010-2013 period**

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	n.a.	4	1	2
2.	Number of substantiated complaints by industry concerning unfair competition	n.a.	-	—	—
3.	Number of inspections <sup>1</sup> (total number)	n.a.	checks have been performed on 18 establishments relating to more than 100	5	5

<sup>1</sup> Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

			appliances		
3.1	number of reactive inspections	n.a.	3	2	2
3.2	number of self-initiated inspections	n.a.	checks have been performed on 15 establishments relating to more than 100 appliances	1	—
3.3	number of inspections prompted by the customs	n.a.		2	3
4	Number of inspections based on:	n.a.			
4.1	tests performed in laboratories	n.a.	-	—	—
4.2	physical checks of products	n.a.	physical checks have been performed on 21 establishments relating to more than 100 appliances	5	5
5	Number of inspections resulting in:	n.a.			
5.1	finding of non-compliance	n.a.	2		5
5.2	corrective actions taken by economic operators (“voluntary measures”)	n.a.			
5.3	restrictive measures taken by market surveillance authorities	n.a.	-		3
5.4	application of sanctions/penalties	n.a.	-	—	—
6	Number of inspections where other Member States were invited to collaborate	n.a.	-	—	—

**Information on communication activities carried out in the 2010-2013 period (optional)**

[free text]

**Information on resources (subject to availability)**

		2010	2011	2012	2013
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7.1	Budget available to market surveillance authorities in nominal terms (€)		10 000	10 000	10 000
7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)		n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units)	n.a.	2 persons spend 15% of the working time	2 persons spend 15% of the working time	3 persons spend 10% of the working time
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)		1 person spends 30% of the working time	1 person spends 30% of the working time	3 (The same staff as that referred to under point 8)

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

[free text]

## **Sector 18 - Equipment under EMC**

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

#### **Information on enforcement activities carried out in the 2010-2013 period**

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	—	—	—	—
2.	Number of substantiated complaints by industry concerning unfair competition	—	—	—	—
3.	Number of inspections (total number)	90	157	100	124
3.1	number of reactive inspections	11	7	13	15
3.2	number of self-initiated inspections	63	133	62	9
3.3	number of inspections prompted by the customs	16	17	25	100
4	Number of inspections based on:				
4.1	tests performed in laboratories	2	5	5	—
4.2	physical checks of products	88	152	95	124

5	Number of inspections resulting in:				
5.1	finding of non-compliance	80	143	86	122
5.2	corrective actions taken by economic operators (“voluntary measures”)				
5.3	restrictive measures taken by market surveillance authorities	42	51	33	110
5.4	application of sanctions/penalties	—	25	17	5
6	Number of inspections where other Member States were invited to collaborate	—	—	—	—

**Information on communication activities carried out in the 2010-2013 period (optional)**

[free text]

**Information on resources (subject to availability)**

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)	30 000	30 000	30 000	20 000
7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units)	5 persons spend 10% of their time	5 spend 10% of their time	5 spend 10% of their time	3 spend 10% of their time
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)	4 (The same staff as that referred to under point 8)	4 (The same staff as that referred to under point 8)	4 (The same staff as that referred to under point 8)	3 (The same staff as that referred to under point 8)

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

[free text]

**Sector 19(a)- Radio equipment**

**1.A. Review of market surveillance activities in the sector**

**Information on enforcement activities carried out in the 2010-2013 period**

		2010	2011	2012	2013
1.	Number of product	0	1 / One	0	0

	related accidents / user complaints		complaint from a user		
2.	Number of substantiated complaints by industry concerning unfair competition	0	0	0	0
3.	Number of inspections (total number)	17	14	15	18
3.1	number of reactive inspections	7(RAPEX) 5 (complaints)	7(RAPEX) 2 (complaints)	6 (RAPEX) 2 (complaints)	6(RAPEX) 2 (Greece, Poland)
3.2	number of self-initiated inspections	4	5	7	8
3.3	number of inspections prompted by the customs	1	0	0	2
4	Number of inspections based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	11	9	4	16
5	Number of inspections resulting in:				
5.1	finding of non-compliance	1	2	1	2
5.2	corrective actions taken by economic operators ("voluntary measures")	1	2	1	1
5.3	restrictive measures taken by market surveillance authorities	0	0	0	1
5.4	application of sanctions/penalties	0	0	0	1
6	Number of inspections where other Member States were invited to collaborate	0	1	0	2

Information on communication activities carried out in the 2010-2013 period (optional)

*Due to a lack of staff and funds, the Department of Electronic Communications has never carried out any awareness campaigns for consumers and/or other groups of interested persons as regards the provisions laid down in the Law and Regulation transposing Directive 1999/5/EC into national legislation. We have participated, however, in initiatives taken by other public authorities, where we had an opportunity to inform interested parties of the provisions laid down in the Law and the relevant Regulations.*

*Finally it should be noted that, during the market checks conducted by the inspectors of the Department of Electronic Communications, on-site information is provided, mainly to persons placing radio equipment on the market but also to importers. Relevant information is also provided by phone, as well as by formal mail or e-mail.*

### **Information on resources (subject to availability)**

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)	0	0	0	0
7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)	0	0	0	0
8	Staff available to market surveillance authorities (full-time equivalent units)	0.2 full-time individuals	0.2 full-time individuals	0.2 full-time individuals	0.2 full-time individuals
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)	0.1 full-time individuals	0.1 full-time individuals	0.1 full-time individuals	0.1 full-time individuals

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

The Department of Electronic Communications is aware that market surveillance is not just a matter of domestic importance, but is also important at a European level, as surveillance relates to the common EU market and is regulated by Regulation (EC) No 765/2008. We feel, however, that not enough support is provided by the European Commission in connection with enabling national market surveillance authorities to carry out their duties. The fact that the Department of Electronic Communications is understaffed and underfunded 10 years after adoption of Directive 1999/5/EC and is therefore unable to perform its duties assigned under Regulation (EC) No 765/2008, is proof of this fact. As a result, competition between firms placing equipment on the market is downgraded and there are increased risks for the safety of consumers due to radio equipment placed on the market which is

incompatible with the provisions laid down in the Law and in the relevant Regulations transposing Directive 1999/5/EC into national legislation.

Due to the understaffing and underfunding of the Department of Electronic Communications, the radio equipment checks conducted are limited, including only administrative checks due to the lack of the funds required to conduct technical testing by laboratories and notified bodies. In this context, the Department of Electronic Communications is really striving to respond immediately to all notifications of hazardous products from the RAPEX System, all the notifications from the Department of Postal Services and the Customs and Excise Department for the conduct of on-the-spot equipment checks, and also to all the complaints filed by consumer associations.

Finally it should be noted that, in our opinion, the participation of the Department of Electronic Communications in the operations of the R&TTE ADCO Committee would be very helpful and useful, as tools for applying the provisions laid down in the Directive, and solutions to the problems associated with the implementation of market surveillance programmes, are developed during these operations. Due to a lack of the necessary funds, the Department of Electronic Communications does not participate in that Committee.

## Sector 20 - Electrical appliances and equipment under LVD

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

#### **Information on enforcement activities carried out in the 2010-2013 period**

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	11	7	13	15
2.	Number of substantiated complaints by industry concerning unfair competition	—	—	—	—
3.	Number of inspections (total number)	92	167	102	124
3.1	number of reactive inspections	11	7	13	15
3.2	number of self-initiated inspections	65	143	64	9
3.3	number of inspections prompted by the customs	16	17	25	100
4	Number of inspections based on:				
4.1	tests performed in laboratories	21	73	32	5
4.2	physical checks of products	71	94	70	119
5	Number of inspections resulting in:				
5.1	finding of non-compliance	67	89	66	112
5.2	corrective actions taken by economic operators (“voluntary measures”)	3	2	3	1

5.3	restrictive measures taken by market surveillance authorities	53	64	37	114
5.4	application of sanctions/penalties	—	25	17	5
6	Number of inspections where other Member States were invited to collaborate	—	—	—	—

**Information on communication activities carried out in the 2010-2013 period (optional)**

[free text]

**Information on resources (subject to availability)**

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)	290 000	290 000	290 000	200 000
7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units)	5 persons spend 90% of their time	5 persons spend 90% of their time	5 persons spend 90% of their time	5 persons spend 80% of their time
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)	4 (The same staff as that referred to under point 8)	4 (The same staff as that referred to under point 8)	4 (The same staff as that referred to under point 8)	3 (The same staff as that referred to under point 8)

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

[free text]

**Sector 23 - Ecodesign and Energy labelling**

**1.A. Review of market surveillance activities in the sector**

### Information on enforcement activities carried out in the 2010-2013 period

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	0	0	0	0
2.	Number of substantiated complaints by industry concerning unfair competition	0	0	0	0
3.	Number of inspections (total number)	0	55	405	403
3.1	number of reactive inspections	0	0	0	2
3.2	number of self-initiated inspections	0	55	505	393
3.3	number of inspections prompted by the customs	0	0	0	8
4	Number of inspections based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	0	55	405	403
5	Number of inspections resulting in:				
5.1	finding of non-compliance	0	30	203	73
5.2	corrective actions taken by economic operators ("voluntary measures")	0	24	148	36
5.3	restrictive measures taken by market surveillance authorities	0	0	0	0
5.4	application of sanctions/penalties	0	6	55	37
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

### Information on communication activities carried out in the 2010-2013 period

Officers of the Energy Service of the Ministry of Energy, Commerce, Industry and Tourism (the competent authority for ecodesign and energy labelling) take part in seminars and day workshops and provide interested parties with information aiming to ensure that the requirements relating to the implementing measures in force (Regulations, Delegated Acts) are understood. In this context, the Energy Service organised 3 day-long information workshops on ecodesign and energy labelling. The first one was held in Limassol on 1 November 2012, the second one was held in Nicosia on 2 November 2012 and the third one was held in Pafos on 7 November 2012. Moreover, officers of the competent authority took part in a seminar held on 22 September 2011, aiming to promote CE marking.

The competent authority prepares and publishes information material (fliers and an information guidebook) including general information on the ecodesign and energy

labelling of energy products. This material is distributed free of charge to the parties concerned (importers, suppliers, consumers) by the (central and district) offices of the Ministry of Energy, Commerce, Industry and Tourism, and also at various energy-related events.

The website of the competent authority is updated regularly and includes information on the legislative framework (Law, Directives, Regulations, Delegated Acts) on ecodesign and energy labelling.

Reminders are often emailed to organised associations of importers concerning any implementing measures to be put in effect.

### **Information on resources (subject to availability)**

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)	4 500	5 500	12 000	39 000
7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units)	0.85	3.25	4	4
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)	0.65	2.5	3.3	3.4

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

### **Market framework**

The domestic market in products falling under the scope of Directive 2009/125/EC on ecodesign and Directive 2010/30/EU on energy labelling is relatively small compared to the markets of other Member States. For example, the Association of Importers of Household Electronic Appliances has 32 members, and the association of distributors has approximately 500 members. The table below presents a summary of the estimated size of the market.

PRODUCTS	2010		2011		2012		Estimated number of manufacturers	Estimated number of importers	Estimated number of distributors
	<i>Imported products (units) for the years 2010, 2011, 2012</i>								
	E.U	NON E.U	E.U	NON E.U	E.U	NON E.U			
Household Dishwashing Machines	9 531	2 428	8 313	1 534	7 096	640	40	50	500
Household Refrigerators	9 882	15 081	12 930	10 780	13 520	6 702			
Household Freezers	10 215	3 233	4 297	3 106	1 687	1 413			
Household Refrigerators - Freezers	6 766	12 502	11 066	12 130	9 352	8 476			
Household Washing Machines	25 905	9 889	31 102	7 660	26 580	5 462			
Household Clothes Dryers	25 905	9 889	30 469	7 285	24 154	5 465			
Television Sets	10 961	7 827	8 875	4 765	3 828	5 795			
Air conditioners and Cooling Fans	~21 000	~95 000	~21 000	~85 000	~11 000	~60 000		47	
Circulators - Water pumps	n.a.							39	
Decoders	n.a.							30	
External Power Supply Units	n.a.							40	
Electric Motors	n.a.							46	
Lamps	n.a.							21	
Computers and Servers	n.a.						45		
Space Heaters, Water Heaters and Hot Water Storage Tanks	n.a.						25		

#### Market surveillance

The market surveillance measures under development are mainly aimed at investigating all the complaints filed with the competent authority, either by consumers/users or competitors or organised associations, or responding to the information received from other Member States.

After investigating all complaints and with a view to ensuring effective market surveillance, sampling inspections are conducted in all districts of Cyprus. The locations where these inspections are carried out are chosen on a random basis. Any information notified to the competent authority by the Customs and Excise Department and the results of Community market surveillance campaigns organised by the ADCO are also taken into account.

### **Product selection criteria**

The product categories included in the annual market surveillance programme are chosen on the basis of an estimate of the existing level of conformity in the market and the size of the domestic market (manufacturers, importers, distributors, import volumes from other Member States or third countries).

### **Cooperation with other authorities**

The Energy Service works closely with the Customs and Excise Department. There is frequent exchange of information concerning both the Regulations in force and cases of non-conforming products identified at the external borders.

### **Market surveillance tools**

The inspections carried out aim to verify the product conformity. They usually take the form of visual inspections during which the products' accompanying documentation is examined (declaration of conformity, technical file). In cases of suspected non-conformity, laboratory tests may be carried out.

The inspections are carried out by authorised inspectors, who receive ongoing training, at various points of distribution (including online). Upon completion of an inspection, a relevant form is filled out and a formal report is completed. Inspections are also carried out where the release of products for free placement on the market is suspended by the Customs Office.

The measures taken to enforce conformity, according to the provisions laid down in the implementing Laws, are proportionate to the seriousness of the non-conformity and include *inter alia* a warning letter, the imposition of an administrative fine, the issuance of a safeguard clause or, perhaps, the taking of judicial action.

### **Looking ahead**

Market conformity has improved in recent years. The close cooperation between the competent authority and the Customs and Excise Department has proved successful, and the number of non-conforming products and the number of the points of sale thereof have dropped.

The competent authority will continue to carry out market surveillance activities in a more structured manner, focusing on specific product types. It is expected that contacts with European market surveillance centres will increase. A goal has also been set for promoting awareness actions/campaigns. In this context, plans are under way for preparing a relevant information sheet to be emailed regularly to organised associations of stakeholders (manufacturers/importers/distributors). The information sheet will be updated continuously and will deal with subjects relating to ecodesign and energy labelling.

Efforts are being made to strengthen and make more effective the existing cooperation with the Customs and Excise Department, as well as the contact and exchange of experiences with other national competent authorities.

Moreover, the cooperation with market surveillance authorities in other Member States can be further improved by making more systematic use of the relevant electronic information exchange systems.

## **Sector 27: Motor vehicles and tyres (Regulation (EC) No 1222/2009)**

For the purposes of harmonisation with the European Community legislation 'Regulation (EC) No 1222/2009 of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters', the '(Amending) Law on the Essential Requirements to be fulfilled by Specific Product Categories of 2013' (Law 54(I)/2013) entered into force. Law 54(I)/2013 was published in the Government Gazette of the Republic of Cyprus on 5 July 2013.

The purpose of the Amending Law 54(I)/2013 was mainly to regulate matters concerning the responsibilities of tyre suppliers and distributors and vehicle suppliers and distributors, to regulate market surveillance and also to provide consumers with information to enable them to choose appropriate tyres for their vehicles.

The Law granted the necessary administrative powers to the competent authority (Energy Service) for applying Article 4 (Responsibilities of tyre suppliers), Article 5 (Responsibilities of tyre distributors) and Article 6 (Responsibilities of vehicle suppliers and vehicle distributors) of Regulation (EC) No 1222/2009 as regards the performance of inspections and checks and the verification of fulfilment of the responsibilities imposed by the Regulation, etc.

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

Preliminary market surveillance checks started in 2013 (in application of national legislation). Appointed inspectors were trained and authorised by the competent authority for this purpose. Checks are performed on establishments of tyre suppliers (importers), tyre distributors (installers and repairers), as well as vehicle suppliers and distributors.

Guidelines have also been issued by the Energy Service concerning the imposition of administrative fines. According to the guidelines, the fines may range between EUR 50.00 and EUR 5 000, depending on the offender and the type of the offence. No administrative penalties have been imposed so far, but warning letters about conformity have been sent.

The Customs and Excise Department regularly sends (every month) a list of tyres imported from third countries. The list shows information such as the importer's name, address and other contact details, the consignor of the product, as well as a description (type) of the product.

Efforts are also being made for the Cyprus Ports Authority to provide the competent authority (Energy Service) with information relating mainly to tyres imported from Member States.

Following publication of the Law, a total of 15 inspections were carried out in 2013 in the district of Nicosia alone. The inspections were carried out by 2 appointed inspectors of the Energy Service.

It should be noted that inspectors were trained and authorised in 2014 for the districts of Limassol and Pafos, and they carried out 44 and 24 inspections, respectively, up until June. 19 and 3 inspections were carried out, respectively, in the districts of Nicosia and Larnaca.

Plans are also under way for providing training to the staff of the Ministry of Energy,

Commerce, Industry and Tourism serving at the Larnaca District Office, who will be performing market surveillance operation in the districts of Larnaca and Famagusta.

Inspections are carried out on a random basis as well as when complaints are filed. Where an infringement of the provisions laid down in the Regulation and in the legislation is identified, a 30-day deadline is set for the party concerned to conform, and then a repeat inspection is carried out. During the 30-day deadline, the placement on the market of the tyres that do not conform to the provisions laid down in the Regulation and in national legislation is prohibited. If the non-conformity persists after 30 days, the competent authority may impose an administrative fine not exceeding EUR 6 000.00.

#### **Information on enforcement activities carried out in the 2010-2013 period**

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	-	-	-	-
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	-	-	-	22
3.1	number of reactive inspections	-	-	-	-
3.2	number of self-initiated inspections	-	-	-	22
3.3	number of inspections prompted by the customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	-	-	-	-
5	Number of inspections resulting in:				
5.1	finding of non-compliance	-	-	-	-
5.2	corrective actions taken by economic operators ("voluntary measures")				
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	-	-	-	-
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

#### **Information on communication activities carried out in the 2010-2013 period**

1. During the drafting of Amending Law 54(I)/2013, meetings were held with all potential stakeholders (associations of tyre importers and installers, Cyprus Consumer Association, Cyprus Motor Vehicle Importers Association, etc.) in the

context of a consultation conducted concerning the draft law in question. A public hearing which was open to the general public was then held, to provide information on the Law and Regulation and to take into account the feedback submitted.

2. The Energy Service also prepared an information flier and sent it to all related professional associations, for them to distribute it to their members. The flier was distributed to the general public through various activities in which the Energy Service took part (expositions, daily workshops, lectures, etc.).

3. In the lectures given, aiming to promote the taking of energy savings measures in the public and wider public sector, and in the seminars held for unemployed engineers, special reference is made to the importance of the Regulation concerned and to saving energy in the transport sector.

4. A training programme is being planned for the staff of the Customs and Excise Department, aiming to ensure better checking at the points where tyres are imported.

5. Regular meetings are held with organised representatives to inform them about the provisions laid down in the Regulation and in national legislation.

6. During the inspections, information is provided to various professionals.

7. Information is provided to the public and the professionals concerned through the website of the Ministry of Energy, Commerce, Industry and Tourism.

#### Information on available funds

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (€)				n.a.
7.2	Budget available to market surveillance authorities in relative terms (% of total national budget)				n.a.
8	Staff available to market surveillance authorities (full-time equivalent units)				1.2 full-time equivalent units *
9	Number of inspectors available to market surveillance authorities (full-time equivalent units)				0.02 full-time equivalent units *

\* based on estimates.

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

The responsibilities of tyre suppliers and distributors and of vehicle suppliers and distributors are determined according to the provisions laid down in Regulation (EC)

No 1222/2009 and in Law 54(I)/2013.

Inspections were carried out as follows in 2013: 11 inspections on tyre distributors; 1 inspection on a tyre supplier; and 3 inspections on a tyre supplier & distributor.

Based on information available to us, tyres were imported (from third countries and Member States) by approximately 100 companies in 2013. The Cyprus Association of Tyre Importers (member of the Cyprus Chamber of Commerce and Industry) has approximately 30 members.

The Cyprus Motor Vehicle Importers Association (member of the Cyprus Employers & Industrialists Federation) has 48 members.

## Annex 1: Reference list of sectors

Product sectors	Relevant legislation <sup>2 3</sup>	Included in this report? (Y/N)
1. Medical devices (including in vitro diagnostic medical devices and active implantable medical devices)	Directives 93/42/EEC, 98/79/EEC and 90/385/EEC.	Y
2. Cosmetic products	Regulation (EC) No 1223/2009	N
3. Toys	Directive 2009/48/EC	Y
4. Personal protective equipment	Directive 89/686/EEC	Y
5. Construction products	Regulation (EU) No 305/2011	Y
6. Aerosol dispensers	Directive 75/324/EEC	Y
7. Simple pressure vessels and pressure equipment	Directives 2009/105/EC and 97/23/EC	Y
8. Transportable pressure equipment	Directive 2010/35/EU	Y
9. Machinery	Directive 2006/42/EC	Y
10. Lifts	Directive 1995/16/EC	Y
11. Cableways	Directive 2000/9/EC	Y
12. Noise emissions for outdoor equipment	Directive 2000/14/EC	N
13. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres	Directive 1994/9/EC	Y
14. Pyrotechnic products	Directive 2007/23/EC	Y
15. Explosives for civil uses	Directive 93/15/EEC	Y
16. Appliances burning gaseous fuels	Directive 2009/142/EC	Y
17. Measuring instruments, Non-automatic weighing instruments and Pre-packaged products	Directives 2004/22/EC, 2009/23/EC and 2007/45/EC	N
18. Equipment under EMC	Directive 2004/108/EC	Y

<sup>2</sup> For ease of reference this table indicates established EU legislation. New legislation having replaced or amended that listed in the table should be also taken into account for the relevant period in which it is applicable.

<sup>3</sup> For ease of reference in some cases (e. g. eco-design, energy labelling), this table only indicates EU framework legislation, but is intended to cover also product specific EU legislative acts.

<b>Product sectors</b>	<b>Relevant legislation<sup>2 3</sup></b>	<b>Included in this report? (Y/N)</b>
Radio and telecom equipment under RTTE	Directive 1999/5/EC	Y
20. Electrical appliances and equipment under LVD	Directive 2006/95/EC	Y
Product sectors	Relevant legislation <sup>23</sup>	Included in this report? (Y/N)
21. Electrical and electronic equipment under RoHS, WEEE and batteries	Directives 2011/65/EU, 2002/96/EC and 2006/66/EC	N
22. Chemicals (Detergents, Paints, Persistent organic pollutants) <sup>4</sup>	Regulation (EC) No 648/2004, Directive 2004/42/EC, Regulation (EC) No 850/2004	N
23. Ecodesign and Energy labelling	Directives 2009/125/EC and 2010/30/EU	Y
24. Efficiency requirements for hot-boilers fired with liquid or gaseous fuels	Directive 1992/42/EEC	N
25. Recreational craft	Directive 1994/25/EC	N
26. Marine equipment	Directive 96/98/EC	N
27. Motor vehicles and tyres	Directives 2002/24/EC and 2007/46/EC, and Regulation (EC) No 1222/2009	Y
28. Non-road mobile machinery	Directive 97/68/EC	N
29. Fertilizers	Regulation (EC) No 2003/2003	N
30. Other consumer products under GPSD (optional)	Directive 2001/95/EC	N
31 (Additional sectors – please specify)		

<sup>4</sup>This part focuses on chemicals other than the ones falling under the REACH and CLP Regulations. However, the market surveillance activities carried out under the REACH and CLP Regulations, which fall under the scope of Regulation (EC) No 765/2008, given that they are already covered by special reports that are available to the general public, may be excluded from this report. Member States are, however, requested to include in this part a link to the REACH and CLP reports for the relevant period.