

[Template for the] review and assessment of the functioning of market surveillance activities pursuant to Article 18(6) of Regulation (EC) No 765/2008 - 2010-2013

POLAND

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Scope of the Report

The following sectors are covered by the Report:

- Sector 1. Medical devices (including In vitro diagnostic medical devices and Active implantable medical devices)
- Sector 2. Cosmetics
- Sector 3. Toys
- Sector 4. Personal protective equipment
- Sector 5. Construction products
- Sector 6. Aerosol dispensers
- Sector 7. Simple pressure vessels and Pressure equipment
- Sector 8. Transportable pressure equipment
- Sector 9. Machinery
- Sector 10. Lifts
- Sector 11. Cableways
- Sector 12 Noise emissions for outdoor equipment
- Sector 13. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres
- Sector 14. Pyrotechnics
- Sector 15. Explosives for civil uses
- Sector 16. Appliances burning gaseous fuels
- Sector 17. Measuring instruments, Non-automatic weighing instruments and Pre-packaged products
- Sector 18. Radio and telecommunications equipment for electromagnetic compatibility (EMC)
- Sector 19. Radio and telecommunications equipment under Radio and Telecommunications Terminal Equipment (R&TTE)
- Sector 20. Electrical appliances and equipment under the Low Voltage Directive (LVD)
- Sector 21. Electrical and electronic equipment under the Restriction of Hazardous Substances Directive (RoHS), the Waste of Electrical and Electronic Equipment (WEEE) Directive and the Directive on Batteries and Accumulators
- Sector 22. Chemicals (Detergents, Paints, Persistent organic pollutants)
- Sector 23. Ecodesign and Energy labelling
- Sector 25. Recreational craft
- Sector 26. Marine equipment
- Sector 29. Fertilizers

In addition, the Report was extended by adding Sector 31: Packaging and Packaging Waste

The scope of the report does not cover consumer products not included under the GPSD Directive.

The figures provided in the Report are estimates. This is due to the length of the period to which they relate and to the fact that the Report was prepared on the basis of data provided by more than ten institutions which have different needs for gathering statistical data. In view of the above, part of the information was sent by these bodies with with the proviso that data sent are estimates. There were also cases where information required was not sent.

Overview of general market surveillance activities

A. Review of general market surveillance activities

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

Information on the general market surveillance organisation and infrastructure in place for the 2010-2013 period was provided in national market surveillance programmes:

- "The national programme of control of products being placed on the market which are the subject of new approach directives for 2010" was submitted electronically to the European Commission and to other EU Member States on 7 January 2010. It is accessible at the Internet address <http://uokik.gov.pl/download.php?id=336>
- "The national programme of control of products being placed on the market which are the subject of new approach directives for 2011" was submitted electronically to the European Commission and to other EU Member States on 13 January 2011. It is accessible at the Internet address <http://uokik.gov.pl/download.php?id=734>
- "The national programme of control of products being placed on the market which are the subject of new approach directives for 2012" was submitted electronically to the European Commission and to other EU Member States on 25 January 2012. It is accessible at the Internet address <http://uokik.gov.pl/download.php?id=891>
- "The national programme of control of products being placed on the market which are the subject of new approach directives for 2013" was submitted electronically to the European Commission and to other EU Member States on 28 January 2013. It is accessible at the Internet address <http://uokik.gov.pl/download.php?id=980>

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

		2010	2011	2012	2013
1.1	Budget available to market surveillance authorities in nominal terms ¹ (€) ²	8 812 068.46	11 345 265.34	10 534 148.34	10 224 870.27
1.2	Budget available to market surveillance authorities in relative terms (%age of total national budget)	0.012	0.015	0.013	0.013
2	Staff available to market surveillance authorities (full-time equivalent units) ³	2 424	2 432	2 471	2 477
3	Number of inspectors available to market surveillance authorities (full-	1 549	1 459	1 425	1 389

¹ The conversion from PLN was done using the average exchange rate announced by the National Bank of Poland on 18.08.2014

² Estimate data, lack of data for: the State Mining Authority, Maritime Offices, the Commercial Quality of Agricultural and Food Products Inspectorate, the Road Transport Inspectorate, and incomplete data for the Office for the Registration of Medicinal Products, Medical Devices and Biocidal Products

³ Estimate data, lack of data for: the Commercial Quality of Agricultural and Food Products Inspectorate, and incomplete data for the Trade Inspectorate

	time equivalent units) ⁴				
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B. Assessment of the functioning of market surveillance activities

The objective of the market surveillance system is primarily to ensure the safety and protection of the health and life of consumers and users of non-food products. At the same time, the task of the system is to facilitate the free movement of goods in the single market of the European Economic Area, to eliminate technical barriers, and to create a framework for the fair competition. The essence of the market surveillance system is the free activity of economic operators responsible for the safety of goods which they place on the market, whereas market surveillance authorities are appointed to verify whether the products meet the requirements. In order to operate efficiently, these authorities must present an approach based on the evaluation of the level of risk for the life and health of the users, and, as a result, set up priorities on the basis of this analysis. Setting priorities increases the effectiveness of controls and of the use of limited resources. Thus, actions are mostly undertaken in areas in which a high percentage of irregularities have been found and which pose a serious, direct risk for human life and health, as well as a risk for the environment.

Activities undertaken in the area of market surveillance constitute a continuous process, carried out by the State administration, using available resources. The effectiveness of measures taken depends on the availability of financial resources, in particular for laboratory testing. Providing effective market surveillance falls within the competence of the Member State. Thus, the State is under an obligation to build an appropriate legal and organisational structure and ensure transparency of powers assigned to different market surveillance authorities.

At the level of European Union law there is a tendency to cover new areas with the market surveillance system, i.e. to extend the scope of the system through harmonisation of successive groups of products. This certainly affects directly the organisation of the national goods control system and the scope of duties performed by different authorities. Extending the scope of duties is not only connected with the adoption of new legal acts (such as, e.g., the eco-project), but is also the result of the development of new forms of distribution (such as internet trading), and of technological development (the arrival of new products such as, e.g. 3D printers).

With restricted resources (financial and staffing), market surveillance authorities establish control priorities on the basis of the risk analysis. They try to focus on regular control activities in areas covering mass products, or on products intended for the most sensitive groups of consumers, where in previous years serious non-compliance cases were found, as well as on newly regulated areas, which require reconnaissance. In the case of most products it is only possible to detect construction defects during tests in accredited entities. At the same time, one should take into account the fact that continuous limitation of financial resources which does not permit to increase the number of laboratory tests hamper improvements in the effectiveness of detecting irregularities.

Controls demonstrated that a relatively highest percentage of irregularities arose in the following areas: machines, radio equipment and telecommunications equipment, low voltage electrical equipment, toys, personal protection equipment. However, one should not automatically apply these results to the entire sector of the market and draw the conclusion that this area has a high level of irregularities. Taking into consideration financial and legal possibilities of the market surveillance authorities, the activities taken within the system should be approved of.

Moreover, systematic cooperation of market surveillance authorities with customs authorities contributes to an increase in the effectiveness of the system. This cooperation makes it possible to detect irregularities before the goods are placed on the single EU market. A constant growing trend can be observed here. Activities of customs authorities focus on areas where the highest numbers of irregularities are identified.

In sectors included in the Report, the following authorities carried out checks:

- Sector 1 - the Chairman of the Office for the Registration of Medicinal Products, Medical Devices and Biocidal Products
- Sector 2 - the Trade Inspectorate
- Sector 3 - the Trade Inspectorate
- Sector 4 - the Trade Inspectorate, the National Labour Inspectorate, and the Chairman of the State Mining Authority
- Sector 5 the construction surveillance authorities

⁴ Estimate data

- Sector 6 - the Trade Inspectorate
- Sector 7 - the Trade Inspectorate, the National Labour Inspectorate, and the Chairman of the State Mining Authority
- Sector 8 -the Road Transport Inspectorate, and the Chairman of the Rail Transport Authority
- Sector 9 - the Trade Inspectorate, the National Labour Inspectorate, and the Chairman of the State Mining Authority
- Sector 10 - the National Labour Inspectorate
- Sector 11 - the Chairman of the Rail Transport Authority
- Sector 12 - the Chairman of the State Mining Authority, the Environmental Protection Inspectorate, and the National Labour Inspectorate
- Sector 13 - the Chairman of the State Mining Authority, and the National Labour Inspectorate
- Sector 14 - the Trade Inspectorate and the National Labour Inspectorate
- Sector 15 - the President of the State Mining Authority;
- Sector 16 - the Trade Inspectorate and the National Labour Inspectorate
- Sector 17 - the Trade Inspectorate, and the Chairman of the State Mining Authority
- Sector 18 - the President of the Office of Electronic Communications, the Chairman of the State Mining Authority, and the Chairman of the Rail Transport Authority
- Sector 19 The President of the Office of Electronic Communications
- Sector 20 - the Trade Inspectorate, the National Labour Inspectorate, and the Chairman of the State Mining Authority
- Sector 21 - the Trade Inspectorate
- Sector 22 - the Trade Inspectorate
- Sector 23 - the Trade Inspectorate, and the President of the Office of Electronic Communications
- Sector 25 - the Maritime Authorities
- Sector 26 - the Maritime Authorities
- Sector 29 - the Chief Inspector of the Commercial Quality of Agricultural Foodstuffs
- Sector 31 - the Environmental Protection Inspectorate and the Trade Inspectorate

Market surveillance activities in specific sectors

Sector 1: Medical devices (including In vitro diagnostic medical devices and Active implantable 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	404	403	519	516
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	33	42	38	19
3.1	number of reactive inspections	14	12	14	6
3.2	number of self-initiated inspections	19	30	24	12
3.3	number of inspections prompted by the customs	0	0	0	1
4.	Number of inspections ⁵ based on:				
4.1	tests performed in laboratories	4	11	0	27
4.2	physical checks of products	3 717	19 986	8 496	8 269
5.	Number of inspections resulting in:				
5.1	finding of non-compliance	Not available	Not available	Not available	Not available
5.2	corrective actions taken by economic operators ("voluntary measures")	Not available	Not available	Not available	Not available
5.3	restrictive measures taken by market surveillance authorities ⁶	0	3	3	2
5.4	application of sanctions/penalties	2	14	10	11
6	Number of inspections where other Member States were invited to collaborate	5	21	24	13

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

Surveillance of products falling within the scope of Directive 90/385/EEC relating to active implantable medical devices, Directive 93/42/EEC concerning medical devices, and Directive 98/79/EC on in vitro diagnostic medical devices, is carried out by the Chairman of the Office for the Registration of Medicinal Products, Medical Devices

⁵ Estimate data. The number of products is indicated

⁶ The number of measures applied is indicated

and Biocidal Products.

A serious problem associated with the surveillance of the market of medical devices is the so-called "borderline products". Definitions of different categories of products in the EU regulations are not unambiguous. Different definitions also overlap. In 33 Member States (EU and EEA countries, Switzerland and Turkey) there are dozens of authorities competent in respect of medical devices (in some countries more than one authority) and approximately 80 entities notified in the area of medical devices. These authorities and entities interpret legislations in different ways. There is an absence of one authority whose decision on whether a particular product is a medical device would be binding and final. Unfortunately, the European Commission is not such an instance as could provide final decisions as its guidelines are not legally binding, and the Member States consider that they are sovereign in their territories as regards determination of the status of products. As a result, decisions concerning classification of products as medical devices are not uniform on the common European market, or even on the market of one Member State. Moreover, there is a so-called "grey zone" of borderline products in respect of which it is unclear what regulations should be applied.

There is also a serious problem of surveillance of the market of medical devices sold through the Internet by entities which do not have their domicile or registered office in a Member State. Some such entities, contrary to regulations, have no marking or instructions for use in Polish, or expressed through harmonised symbols or recognisable codes, even though they are to be used on the territory of Poland and supplied to non-professional users. There are also cases of products being supplied without marking or instructions for use. Some products do not bear CE marking or a number of the notified body, which may indicate that they were not subject to a compliance assessment, or that they do not meet the basic requirements. In vitro diagnostic medical devices intended solely for professional use are supplied via the Internet to non-professional users. Other devices supplied in this way include devices whose names, marking, or instructions for use and promotional materials may be misleading as to the characteristics or the performance of a device, devices past their use-by date, or those in respect of which the date by which they can be safely used has passed, or those which cannot be used safely the indicated number of times, or devices which were withdrawn or suspended. In the case of medical devices sold via the Internet whose compliance with regulations gives rise to serious doubts, controls and proceedings are very difficult. It is not easy to establish what is the name and address of the entity selling the product. When it is not possible to establish the domicile/registered office of an entity, it escapes the jurisdiction of a country to whose territory it brings the devices. Usually, these devices are not made available by persons who import them for their own use. As such, in the light of European directives regarding medical devices they are not being placed on the market or made available and it is not clear whether they should meet the requirements set out in these directives. Thus, there is a serious gap in European regulations which makes it possible to sell to final users, via the Internet, non-compliant devices, including dangerous ones.

Cooperation with relevant authorities competent as regards medical devices in some Member States poses serious difficulties. They do not react, or react with a considerable delay, to requests sent on COEN forms (Compliance and Enforcement) asking them to take appropriate action in respect of non-compliant devices, as well as towards their manufacturers or importers. This applies mainly to items which were wrongly classified as medical devices, although they should have been classified as medicinal products, or which contained, as an integral part, a substance which, used separately, would constitute a medicinal product, and which is liable to act on the human body with action ancillary to that of the medical devices, and which, through an incorrect decision, failed to be classified as medical devices Class III, on the basis of Rule 13 set out in Annex IX to Directive 93/42/EEC.

Sector 2: Cosmetics

2.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	34	31	21	34
2.	Number of substantiated complaints by industry concerning unfair competition	39	35	26	35
3.	Number of inspections (total number)	226	281	116	192
3.1	number of reactive inspections	39	35	26	35
3.2	number of self-initiated inspections	187	246	90	157
3.3	number of inspections prompted by the customs	Not available	Not available	Not available	Not available
4.	Number of inspections ⁷ based on:				
4.1	tests performed in laboratories	44	0	47	50
4.2	physical checks of products	226	281	116	192
5.	Number of inspections resulting in:				
5.1	finding of non-compliance	130	144	90	105
5.2	corrective actions taken by economic operators ("voluntary measures")	Not available	Not available	Not available	Not available
5.3	restrictive measures taken by market surveillance authorities ⁸	Not available	3	3	0
5.4	application of sanctions/penalties	Not available	Not available	Not available	Not available
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

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

The Trade Inspectorate, as a supervisory authority, carries out permanent and ad-hoc controls of cosmetic products, discharging its responsibilities in respect of marking, adulteration, and correctness of marketing of cosmetics. Until July 2013, only the Act on Cosmetics was in force and the Trade Inspectorate carried out

⁷ Estimate data. The number of products is indicated

⁸ The number of measures applied is indicated

checks on its basis. Currently, they are carried out on the basis of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L No 342/59).

Controls of cosmetics were carried out by the Trade Inspectorate mainly to check correctness of marking. In the years 2010 – 2013 controls covered 6101 products, challenging 469 of them.

The scale of irregularities found has been at a similar level for many years, i.e. there is repetition in the scope of non-compliance in marking. Most frequently it was the absence of, or incorrect use of the term to determine the expiry date, lack of labelling in Polish, or lack of required warnings relating to the substances used as ingredients. In terms of the EU regulation, irregularities mainly concerned lack of the date of minimum durability, or the date incorrectly indicated, lack of the batch number, lack of the list of ingredients or the list was incorrectly indicated, lack of data of a person responsible, or incorrect marketing declarations.

It should be said that irregularities found were breaches which do not constitute a serious risk for the interests of consumers and can be verified by them during the purchase of products in shops. No cases of use of unauthorised substances were identified when lists of ingredients were checked. This can be seen as a positive factor.

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	Not available	249	188	209
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	925	727	662	702
3.1	number of reactive inspections	Not available	132	111	123
3.2	number of self-initiated inspections	Not available	478	475	493
3.3	number of inspections prompted by the customs ⁹	95	113	129	243
4.	Number of inspections ¹⁰ based on:				
4.1	tests performed in laboratories	477	456	544	516
4.2	physical checks of products	925	727	662	702
5.	Number of inspections resulting in:				
5.1	finding of non-compliance	512	364	369	383
5.2	corrective actions taken by economic operators ("voluntary measures") ¹¹	486	1 082	1 047	1 016
5.3	restrictive measures taken by market surveillance authorities ¹²	77	80	70	45
5.4	application of sanctions/penalties ¹³	24	34	17	23
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

⁹ The number of opinions issued at the request of the customs authorities is given

¹⁰ Estimate data. In case of some authorities the number of products is given

¹¹ The number of operations is given

¹² The number of measures applied is given

¹³ The number of administrative decisions is given

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

Controls of toys were carried out by the Trade Inspectorate continually. In the years 2010 – 2013 controls covered 14670 products, challenging 5003 of them. Controls covered, among other things: soft stuffed toys, dolls, baby toys for watching, catching and/ or squeezing; art and handicraft materials and similar articles, books used in playing, costumes, fancy dresses and masques, toys for developing skills, toys found in foodstuffs, toys for playing in sand and in water, toys for playing in water, toys - equipment for sports games and balls, toys into which a child can enter, audiovisual equipment, construction toys and puzzles, sets for experimenting, functional toys, game sets, and mechanically and/or electrically propelled vehicles.

For the last few years there has been a noticeable trend on the Polish market of a similar proportion of toys queried in relation to toys which were in compliance with the requirements. Approximately one third of toys checked during a given calendar year are challenged.

Polish operators continue to have problems with correct age classification of toys. As a result, they put incorrect markings on toys, or do not even place any warnings essential for children's' carers buying toys. However, it should be stressed that instructions and warnings are easy to correct and operators have no problems with voluntarily following the recommendations of inspectors.

Another frequent irregularity is an indication of "adult supervision" being necessary. It should be noted that such supervision is necessary only in respect of toys whose use can be dangerous, e.g. functional toys, toys for keeping a child afloat, or chemical toys. Such a warning can mislead a parent making a purchase by suggesting dangers which do not actually arise.

The most frequent danger which has a direct impact on children's safety is the presence of small particles (whether they separate automatically or appear as a result of using a little force). In addition, tests performed every year indicate the presence of other serious risks which have a negative impact on children's' health. They include, for example, exceeding the admissible acoustic pressure level in toys emitting sounds (this creates a risk of damage, or even loss, of hearing), the presence of sharp and jagged edges (risk of injury or wounds), or the presence of chemical substances which have a negative impact on reproductive and hormonal systems (phthalates - in 2013, in every third sample tested the acceptable concentration level of these substances was exceeded).

There may be many reasons for these non-compliances. However, the most probable is the absence on the part of operators placing toys on the market, of sufficient knowledge of applicable provisions regarding the assessment of compliance. Regular checks by the Trade Inspectorate regarding correct assessment of compliance of toys with essential requirements raise the awareness of operators, in particular importers, indicating how important it is to check and confirm that goods placed on the market meet the relevant requirements.

Sector 4: Personal protective equipment

4.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	10	58	70	44
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	628	583	581	459
3.1	number of reactive inspections	27	65	86	39
3.2	number of self-initiated inspections	437	496	468	390
3.3	number of inspections prompted by the customs ¹⁴	40	30	61	70
4.	Number of inspections ¹⁵ based on:				
4.1	tests performed in laboratories	10	1	10	16
4.2	physical checks of products	628	583	581	459
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	188	135	226	142
5.2	corrective actions taken by economic operators ("voluntary measures") ¹⁶	231	222	313	206
5.3	restrictive measures taken by market surveillance authorities ¹⁷	10	0	3	4
5.4	application of sanctions/penalties ¹⁸	5	1	0	0
6	Number of inspections where other Member States were invited to collaborate	3	9	2	1

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

Controls of personal protective equipment were carried out by the Trade Inspectorate, by the National Labour Inspectorate, and by the State Mining Authority. In the years 2010 – 2013 controls covered 4011 products,

¹⁴ The number of opinions issued at the request of the customs authorities is given

¹⁵ Estimate data. In case of some authorities the number of products is given

¹⁶ The number of operations is given

¹⁷ The number of measures applied is given

¹⁸ The number of administrative decisions is given

challenging 1178 of them. Controls covered, among other things, protective clothing (warning vests, sets of wrist-pads, elbow-pads, and knee-pads), protective gloves, eye protection devices for welders, hearing protection devices, sunglasses, protective helmets, alpine equipment, and protective accessories connected with football.

The most frequent cases of non-compliance identified in this area concerned incorrect marking, instructions and warnings. Lack of appropriate information and warnings may lead to personal protective equipment being used in ways not in accordance with its intended use. This is sometimes dangerous in view of their specific function, i.e. the protection of health and safety of their users. Operators placing in the market challenged products were allowed to take voluntary action to rectify the problems. In the majority of cases the operators undertook corrective actions eliminating the non-compliances found (during checks or immediately after they were completed).

As a reason for irregularities they often indicated frequent amendments to the harmonised standards. This meant increased costs for the manufacturers. Thus, they frequently used old packaging and labels which contained out-of-date markings and warnings. During such controls there was also a problem of obtaining documents necessary to carry out checks, i.e. the EC type-examination certificates or declarations of conformity. To justify the refusal of making such documents available, operators indicated the need to protect business secrets.

The results of controls carried out in the last few years indicate that the checks had an impact on reducing the number of irregularities in that area. However, in view of the diversity of personal protective equipment present on the market and continuous emergence of new types, cyclical controls must continue. It also appears necessary to organise practical training for inspectors on personal protective equipment.

Funds available for laboratory testing of personal protective equipment should be increased in view of the fact that during inspection or organoleptic tests it is often impossible to detect irregularities.

Sector 5: Construction products

5.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	71	76	108	75
2.	Number of substantiated complaints by industry concerning unfair competition	58	46	102	71
3.	Number of inspections (total number)	1 623	1 612	1 606	1 452
3.1	number of reactive inspections	124	108	103	46
3.2	number of self-initiated inspections	1499	1504	1503	1406
3.3	number of inspections prompted by the customs ¹⁹	65	79	90	97
4.	Number of inspections ²⁰ based on:				
4.1	tests performed in laboratories	3	42	51	24
4.2	physical checks of products	1 484	1 551	1 548	1 387
5.	Number of inspections resulting in:				
5.1	finding of non-compliance	615	631	662	562
5.2	corrective actions taken by economic operators ("voluntary measures") ²¹	552	532	569	527
5.3	restrictive measures taken by market surveillance authorities	128	154	137	88
5.4	application of sanctions/penalties	18	23	29	18
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

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

Over the period considered, the issue of surveillance of construction products placed on the market, taking into account controls of construction products, was regulated by

- Council Directive 89/106/EEC of 21 December 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to construction products (OJ L 40 of

¹⁹ The number of opinions issued at the request of the customs authorities is given

²⁰ Estimate data. In case of some authorities the number of products is given

²¹ The number of operations is given

11.2.1989, p.12) - in force until 30 June 2013,

and by the following Regulations of the European Parliament and of the Council, applied directly:

- Regulation (EU) No 305/2011 of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88 of 4.4.2011, p.5), in force in its entirety from 1 July 2013;
- Regulation (EC) No 764/2008 of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (OJ L 218, 9.8.2008, p. 30)
- and Regulation No 765/2008 of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 9.8.2008, p. 21)

Controls were carried out at vendors' premises, and in cases where non-compliance of products was identified, or if there were signals of irregularities coming from the market, controls were carried out at premises of producers, or importers of these products.

Goods were subjected to controls in terms of the correctness of markings and information accompanying the markings, while documents in respect of goods were checked mainly at producers and importers premises. Furthermore, tests of product samples were carried out in accredited laboratories where possible.

In the years discussed above, controls focussed on the range of products which affect the security of the construction of buildings and on environmental protection, among other things by reducing the use of heat and limiting CO₂ emission, by increasing thermal insulation of buildings. Controls focussed in particular on thermal insulation products, products for erecting walls, and reinforced steel. Controls conducted also included controls of groups of products offered on local markets according to information gathered by the local construction surveillance authorities.

During activities carried out by construction surveillance authorities, construction products placed on the market were checked. They included those under the European scheme (i.e. with CE marking), and under the national scheme. There was a noticeable increase in the number of products with CE marking being placed on the market. This was reflected in the products subjected to control, where with a similar number of products checked each year (approximately 4 350 annually), there was a successive increase in the number of products with CE marking, from 50 % in 2010 to 66 % in 2013.

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	Not available	2	0	1
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	0	2	0	1
3.1	number of reactive inspections	Not available	1	0	1
3.2	number of self-initiated inspections	Not available	0	0	0
3.3	number of inspections prompted by the customs ²²	0	2	0	0
4.	Number of inspections ²³ based on:				
4.1	tests performed in laboratories	0	1	0	0
4.2	physical checks of products	0	2	0	1
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	0	1	0	0
5.2	corrective actions taken by economic operators ("voluntary measures")	0	0	1	0
5.3	restrictive measures taken by market surveillance authorities ²⁴	0	2	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

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

Controls of aerosol dispensers were carried out by the Trade Inspectorate. Checks covered 3 products, one of

²² The number of opinions issued at the request of the customs authorities is given

²³ Estimate data. In case of some authorities the number of products is given

²⁴ The number of measures applied is given

which was challenged.

Controls were carried out as a result of complaints received, on the basis of the Regulation of the Minister of Economy of 5 November 2009 regarding detailed requirements for aerosol products (Journal of Laws of 2009, No 188, item 1460).

Sector 7: Simple pressure vessels and Pressure equipment

7.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	18	9	12
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	27	321	67	85
3.1	number of reactive inspections	3	51	9	9
3.2	number of self-initiated inspections	16	264	45	49
3.3	number of inspections prompted by the customs ²⁵	1	11	11	24
4.	Number of inspections ²⁶ based on:				
4.1	tests performed in laboratories	0	0	1	4
4.2	physical checks of products	27	321	67	85
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	5	74	47	56
5.2	corrective actions taken by economic operators ("voluntary measures") ²⁷	0	75	50	97
5.3	restrictive measures taken by market surveillance authorities ²⁸	0	1	1	6
5.4	application of sanctions/penalties ²⁹	0	0	0	1
6	Number of inspections where other Member States were invited to collaborate	0	0	0	1

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

Controls of simple pressure vessels and pressure equipment were carried out by the Trade Inspectorate, by the

²⁵ The number of opinions issued at the request of the customs authorities is given

²⁶ Estimate data. In case of some authorities the number of products is given

²⁷ The number of operations is given

²⁸ The number of measures applied is given

²⁹ The number of administrative decisions is given

National Labour Inspectorate, and by the State Mining Authority. In the years 2010 – 2013 controls covered 618 products, challenging 252 of them.

The most frequent cases of non-compliance identified in this area concern incorrect marking, instructions and warnings, and incorrectly issued declaration of conformity.

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	0	0	0	0
2.	Number of substantiated complaints by industry concerning unfair competition	0	0	0	0
3.	Number of inspections (total number)	230	243	229	221
3.1	number of reactive inspections	0	0	0	0
3.2	number of self-initiated inspections	230	243	229	221
3.3	number of inspections prompted by the customs	0	0	0	0
4.	Number of inspections ³⁰ based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	262	265	252	229
5.	Number of inspections resulting in:				
5.1	findings 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

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

Controls of transportable pressure equipment covered, i.a. checking of compliance of equipment checked with technical requirements, checking of technical documentation and of correct marking of pressure equipment used during transport. The objective of controls is to efficiently eliminate from the market products potentially creating serious risk, primarily as a result of failure to meet the requirements set out in regulations in force. Having regard to the content of the applicable Act of 30 August 2002 on the compliance assessment system, the Regional Road Transport Inspector is the specialised authority obliged to carry out control and checking

³⁰ Estimate data. In case of some authorities the number of products is given

that products meet essential and detailed requirements.

Principles of control on the basis of which the Road Transport Inspectorate carries out its activities are contained in the Act of 19 August 2011 on the transport of dangerous goods, and in the European Agreement concerning the international carriage of dangerous goods by road (ADR). The above-mentioned tasks are performed during routine checks of vehicles transporting dangerous goods and on-the-spot checks at the premises of enterprises dealing with the transport of dangerous goods. Furthermore, the Road Transport Inspectorate cooperates with the Transport Technical Surveillance.

Actions carried out by inspectors from Regional Road Transport Inspectorates contribute to an increased level of compliance with provisions in force regarding road transport, among other things provisions applicable to the transport of dangerous materials and to equipment used during transport. These actions have an impact on improved safety and order in road transport. They also contribute to an improvement of technical conditions of vehicles moving on Polish roads. One of the powers of the Road Transport Inspectorate is the control of transportable pressure equipment placed on the market. Controls carried out by Regional Road Transport Inspectorates, which are authorities specialised in market surveillance, cover only transportable pressure equipment used in road transport. The inspections are undertaken during control activities at control points and during controls carried out at the premises of enterprises. Controls of transportable pressure equipment cover, i.a. checking of compliance of equipment with technical requirements, checking of technical documentation and of correct marking of pressure equipment used during transport. The objective of the controls is to efficiently eliminate from the market products potentially creating serious risk, primarily as a result of failure to meet the requirements set out in regulations in force.

Sector 9: Machinery

9.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	22	55	63	62
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	905	912	769	950
3.1	number of reactive inspections	165	213	121	202
3.2	number of self-initiated inspections	361	530	384	477
3.3	number of inspections prompted by the customs ³¹	196	310	311	327
4.	Number of inspections ³² based on:				
4.1	tests performed in laboratories	0	3	1	5
4.2	physical checks of products	905	912	768	950
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	448	493	461	598
5.2	corrective actions taken by economic operators ("voluntary measures") ³³	438	769	622	841
5.3	restrictive measures taken by market surveillance authorities ³⁴	14	2	8	22
5.4	application of sanctions/penalties ³⁵	1	0	0	0
6	Number of inspections where other Member States were invited to collaborate	18	15	7	11

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

Controls of machinery were carried out by the Trade Inspectorate, by the National Labour Inspectorate, and by

³¹ The number of opinions issued at the request of the customs authorities is given

³² Estimate data. In case of some authorities the number of products is given

³³ The number of operations is given

³⁴ The number of measures applied is given

³⁵ The number of administrative decisions is given

the State Mining Authority. In the years 2010 – 2013 controls covered 7098 products, challenging 3218 of them. Controls covered, among other things, electrical tools, combustion tools, garden tools, construction tools, machines for the cold working of metals, machines for processing of plastic materials.

Machinery accounted for the largest number of items among the groups of products subjected to control by labour inspectors within their competences as regards market surveillance.

The most frequent cases of non-compliance identified in this area concerned incorrect marking, instructions and warnings, and incorrectly issued declarations of conformity. Irregularities in marking, in instructions for use and in compatibility declarations are caused mainly by the lack of appropriate control on the part of producers. Failure to ensure an up-to-date verification of conformity of data included in documents and on data plates with requirements specified in changing national and European Union regulations seems to be the main reason for irregularities found. The extent of inconsistencies indicates that both European Union producers and undertakings manufacturing outside EU territory do not pay enough attention to the issue of correct marking of products placed on the market and to providing appropriate information in instructions for use. The lack of clearly formulated information on the manner of using machinery may lead to its incorrect use and, as a consequence, may cause serious injuries to its users.

During the controls of machinery to be used in places of work, there were also cases of construction defects and faulty equipment. They consisted, among other things, of failure to keep required safety distances, or of an incorrect selection of protective devices.

In many cases it was possible for the operators to eliminate non-compliance found by carrying out voluntary activities.

Sector 10: Lifts

10.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	1	0	0
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	3	2	2	2
3.1	number of reactive inspections	3	2	1	2
3.2	number of self-initiated inspections	0	0	0	0
3.3	number of inspections prompted by the customs	0	0	1	0
4.	Number of inspections ³⁶ based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	3	2	2	2
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	2	1	1	2
5.2	corrective actions taken by economic operators ("voluntary measures")	2	0	1	2
5.3	restrictive measures taken by market surveillance authorities ³⁷	0	1	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

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

The small number of controls carried out in this sector is due to the specificity of issues connected with lift equipment. The Technical Supervision Office (UDT) carries out surveillance of lifts in Poland and issues decisions authorising their operation. Controls were carried out by the National Labour Inspectorate. Inspections were usually restricted to checking documents and verifying if a specific item of equipment was

³⁶ Estimate data. In case of some authorities the number of products is given

³⁷ The number of measures applied is given

accredited by the UDT. During the normal working of equipment labour inspectors have no possibility of carrying out an assessment of systems installed outside the cabin (in the shaft), and possibly in the machinery space.

In the years 2010-2013 controls of products covered by the Lifts Directive applied in practice to intervention controls or controls conducted at the request of other national authorities or entities.

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	0	0	0	0
2.	Number of substantiated complaints by industry concerning unfair competition	0	0	0	0
3.	Number of inspections (total number)	5	4	6	7
3.1	number of reactive inspections	0	0	0	0
3.2	number of self-initiated inspections	5	4	6	7
3.3	number of inspections prompted by the customs	0	0	0	0
4.	Number of inspections ³⁸ based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	5	4	6	7
5.	Number of inspections resulting in:				
5.1	findings 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

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

In accordance with Article 10(3) and (4) of the Railway Transport Act of 28 March 2003 (Journal of Laws of 2013, item 1594, as amended), the Chairman of the Office of Rail Transport is the authority specialised within the meaning of the Act of 30 August 2002 on the compliance assessment system, for carrying out control of devices to be used in railway infrastructure, in stabling tracks, in narrow-gauge rail, and in the underground, related to management and safety of traffic, as well as to transport of passengers and goods and use of rail vehicles. The Chairman of the Office of Rail Transport is the authority specialised as regards control of conformity with the

³⁸ Estimate data. In case of some authorities the number of products is given

essential requirements for cableway installations for passenger transport, placed on the market.
In the course of control of conformity with the essential requirements for the products placed on the market, no irregularities were found.
Furthermore, in 2013, the Chairman of the Office of Rail Transport carried out one control in respect of Directive 2008/57/EC on the interoperability of the rail system within the Community.

Sector 12: Noise emissions for outdoor equipment

12.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	3	2	0
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	394	398	371	384
3.1	number of reactive inspections	9	16	10	4
3.2	number of self-initiated inspections	60	65	57	38
3.3	number of inspections prompted by the customs	27	18	13	30
4.	Number of inspections ³⁹ based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	394	400	380	384
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	160	148	124	114
5.2	corrective actions taken by economic operators ("voluntary measures")	42	63	29	38
5.3	restrictive measures taken by market surveillance authorities	1	1	0	1
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

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

Controls in this area were carried out by the State Mining Authority, the Environmental Protection Inspectorate, and the National Labour Inspectorate. Most frequently checked were small-size devices, i.e. grass mowers, sawing machines, lawn mowers, power generators, portable chainsaws, lawn edge trimmers, brushcutters, and high-pressure water jet machines. Controls were carried out mainly at distributors' facilities, but also at the premises of importers and

³⁹ Estimate data. In case of some authorities the number of products is given

manufacturers of appliances. They included checking the marking of appliances and technical documentation. Irregularities were most frequently related to:

- incomplete CE declaration of conformity attached to the appliance (lack of indication of the conformity assessment procedure, lack of indication of the intended and guaranteed sound power level of the appliance, lack of reference to Directive 2000/14/EC and lack of declaration that the appliance meets the requirements set out in that Directive);
- failure to affix the indication of the guaranteed sound power level L_{WA} on the appliance;
- discrepancies between the value of the guaranteed sound power level L_{WA} indicated on the appliance and the value indicated in the CE declaration of conformity.

During controls of how the appliances met the requirements, problems arose when deciding if specific appliances are subject to controls under the market surveillance, i.e. too general definitions of appliances given in Annex 1 to Directive 2000/14/EC (Annexes No 1 and 3 to the Regulation of the Minister of Economy of 21 December 2005 relating to essential requirements regarding the noise emission in the environment by equipment for use outdoors) gave rise to doubts as to whether specific appliances were to meet the requirements of these provisions. There were also situations where a producer would declare that a given appliance (e.g. compressor unit) was not subject to the requirements of Directive 2000/14/EC since it was not to be used outdoors, even though this type of equipment, manufactured by other operators, was usually subject to requirements regarding noise emissions, having necessary marking and the declaration of conformity CE.

During controls carried out at the premises of the importers of such appliances, there were many cases of formal non-compliance, related e.g. to incomplete declaration of conformity CE. According to the law, an importer had no possibility to amend the declaration of conformity CE and the manufacturer, usually from outside the EU, showed no interest in adjusting the declaration to the requirements set out in Article 6(2) of the above-mentioned regulation. Thus, the importer had no possibility either to issue a declaration of conformity CE or to carry out a conformity assessment procedure.

In many cases it was possible for the operators to eliminate inconsistencies found by carrying out voluntary activities.

Sector 13: Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres

13.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	3	3	3
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	45	37	49	27
3.1	number of reactive inspections	2	6	6	3
3.2	number of self-initiated inspections	43	29	26	26
3.3	number of inspections prompted by the customs	0	2	17	1
4.	Number of inspections ⁴⁰ based on:				
4.1	tests performed in laboratories	0	0	2	2
4.2	physical checks of products	122	141	141	121
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	16	20	17	14
5.2	corrective actions taken by economic operators ("voluntary measures")	16	20	17	14
5.3	restrictive measures taken by market surveillance authorities	0	0	0	0
5.4	application of sanctions/penalties	0	0	1	0
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

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

Controls in this area were carried out by the State Mining Authority and the National Labour Inspectorate. Market surveillance activities implemented to ensure compliance of appliances placed on the market to be used in mining establishments, and in other establishments with explosive atmospheres, are adequate to the

⁴⁰ Estimate data. In case of some authorities the number of products is given

needs of market surveillance covering the above-mentioned appliances. There were no situations where market surveillance activities were impeded. Moreover, both the entities responsible for the safety of appliances placed on the market, and the users of these appliances, have adequate knowledge about the requirements which these appliances must meet, and they actively participate in the elimination of any irregularities found during controls of appliances.

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	2	3	1
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	52	81	144	165
3.1	number of reactive inspections	0	1	3	1
3.2	number of self-initiated inspections	0	79	141	164
3.3	number of inspections prompted by the customs ⁴¹	0	2	1	0
4.	Number of inspections ⁴² based on:				
4.1	tests performed in laboratories	0	0	0	24
4.2	physical checks of products	52	81	144	165
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	3	10	16	16
5.2	corrective actions taken by economic operators ("voluntary measures") ⁴³	1	3	27	37
5.3	restrictive measures taken by market surveillance authorities	0	0	0	1
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

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

Controls in this respect were carried out by the Trade Inspectorate and the National Labour Inspectorate. In the years 2010 – 2013 controls covered 1773 products, challenging 131 of them. Every year (since 2010) reports on measures taken as regards market surveillance for pyrotechnics.

⁴¹ The number of opinions issued at the request of the customs authorities is given

⁴² Estimate data. In case of some authorities the number of products is given

⁴³ The number of operations is given

The results of controls carried out in 2010 - 2013 indicate that the majority of products meet formal requirements regarding marking. Cases of non-compliance in this respect apply on average to approximately 7 per cent of products checked. Among products subject to the previous legal regime (in accordance with the transition period they can be marketed until 4 July 2017), this percentage is definitely higher than among products with CE marking. This means an increase of awareness among operators as regards requirements for pyrotechnics placed on the market. Control measures of market surveillance authorities certainly contributed to this increased awareness. Regular checks by the Trade Inspectorate regarding correct assessment of compliance raise the awareness of producers and importers, indicating how important it is to check and confirm that goods placed on the market meet the relevant requirements. Owners of shops, in particular of small ones, are frequently not aware of what requirements pyrotechnics must meet. Therefore, during controls, Trade Inspectors inform the operators subject to control about the latest changes in legislation. In cases where non-compliance of products with the essential requirements is found, entities which place those products on the market usually undertake corrective actions voluntarily. Thus, there is no need to apply administrative constraint.

Results of laboratory tests of categories 1 to 3 fireworks carried out in 2013 are much less satisfactory. Construction and functional defects were found in 33 % of products examined, whereas some of them caused serious risks for their users. This indicates that it is necessary to permanently include laboratory testing in control activities. At the same time, in products challenged there were no cases of non-compliance as regards marking. This means that products whose marking is satisfactory should also be selected for laboratory testing. There is no doubt that broadly undertaken international cooperation and related exchange of experience which makes it possible to develop good practices in the control of pyrotechnics, and to improve efficiency of these controls, has a beneficial effect on the functioning of the market surveillance system in Poland. The Office for Competition and Consumer Protection (UOKiK) is a member of the Administrative Cooperation Group for market surveillance of pyrotechnic articles (ADCO-PA). In 2015 UOKiK will take a chairmanship in the Group. In addition to the cooperation within the ADCO-PA Group, UOKiK undertook ad-hoc cooperation with market surveillance authorities in other Member States, resulting from the implementation of control measures. UOKiK also participated in the EU project "Joint Action – Fireworks", focussed on controls of categories 1 to 3 items, including laboratory tests of samples. The project aimed at creating conditions for international cooperation in the market surveillance of fireworks, by developing good control practices and by making the results of the project available to all Member States. Belgium, Bulgaria, Denmark, Malta, the Netherlands, Norway, Poland, Portugal, Slovenia and Sweden participated in the project. 138 samples were tested in total. 40 percent of them did not meet the essential requirements.

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	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	4	4	4	4
3.1	number of reactive inspections	0	0	0	0
3.2	number of self-initiated inspections	4	4	4	4
3.3	number of inspections prompted by the customs	0	0	0	0
4.	Number of inspections ⁴⁴ based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	4	4	4	4
5.	Number of inspections resulting in:				
5.1	findings 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

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

Controls in this area were carried out by the State Mining Authority. Activities undertaken under the conformity assessment system for appliances placed on the market to be used in mining establishments are adequate to the needs of market surveillance covering the above-mentioned appliances. There were no situations where market surveillance activities were impeded. Moreover, both the

⁴⁴ Estimate data. In case of some authorities the number of products was given

entities responsible for the safety of appliances placed on the market, and the users of these appliances, have adequate knowledge about the requirements which these appliances must meet, and they actively participate in the elimination of any irregularities found during controls of appliances.

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	0	5	14	3
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	10	10	46	49
3.1	number of reactive inspections	1	5	2	16
3.2	number of self-initiated inspections	2	0	31	29
3.3	number of inspections prompted by the customs ⁴⁵	3	12	0	3
4.	Number of inspections ⁴⁶ based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	10	10	46	49
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	3	5	16	26
5.2	corrective actions taken by economic operators ("voluntary measures") ⁴⁷	0	5	36	40
5.3	restrictive measures taken by market surveillance authorities	0	0	1	0
5.4	application of sanctions/penalties ⁴⁸	1	0	0	0
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

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

Controls in this sector were carried out by the Trade Inspectorate and the National Labour Inspectorate. In the years 2010 – 2013 controls covered 321 products, challenging 97 of them.

⁴⁵ The number of opinions issued at the request of the customs authorities is entered

⁴⁶ Estimate data. In case of some authorities the number of products is entered

⁴⁷ The number of operations is entered

⁴⁸ The number of administrative decisions is entered

The most frequent cases of non-compliance identified in this area concern incorrect marking, instructions and warnings. Among other things, incomplete information was given concerning gas fuel used, or concerning constraints in the use of a product, in particular when appliances should be installed in places where there is adequate ventilation, or incomplete maintenance instruction was provided. It seems that these irregularities are due to a lack of appropriate control on the part of competent authorities. The lack of clearly formulated information on the manner of using the products may lead to their incorrect use and, as a consequence, may cause serious injuries to their users.

In many cases it was possible for the operators to eliminate inconsistencies found by carrying out voluntary activities.

Sector 17: Measuring instruments, Non-automatic weighing instruments and Pre-packaged products

17.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	Not available	1	0	2
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	2	54	25	2
3.1	number of reactive inspections	Not available	1	0	2
3.2	number of self-initiated inspections	Not available	53	25	0
3.3	number of inspections prompted by the customs ⁴⁹	0	0	0	2
4.	Number of inspections ⁵⁰ based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	2	54	25	2
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	1	10	19	1
5.2	corrective actions taken by economic operators ("voluntary measures") ⁵¹	0	15	0	0
5.3	restrictive measures taken by market surveillance authorities ⁵²	0	7	0	1
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

⁴⁹ The number of opinions issued at the request of the customs authorities is entered

⁵⁰ Estimate data. In case of some authorities the number of products is entered

⁵¹ The number of operations is entered

⁵² The number of measures applied is entered

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

Controls of were carried out by the Trade Inspectorate and by the State Mining Authority.

Activities implemented under the conformity assessment system for appliances placed on the market to be used in mining establishments are adequate to the needs of market surveillance covering the above-mentioned appliance. There were no situations where market surveillance activities were impeded. Moreover, both the entities responsible for the safety of appliances placed on the market, and the users of these appliances, have adequate knowledge about the requirements which these appliances must meet, and they actively participate in the elimination of any irregularities found during controls of appliances.

During controls of non-automatic weighing instruments, checks focussed in particular on whether essential information necessary for safe use of non-automatic weighing instruments was placed on these instruments. In addition, presence on the product (or on the package if it was impossible to place the information on the product) of the name or identifying mark of the producer was checked.

It should be noted that the sale of non-automatic weighing instruments is done mainly through catalogue offers, on the basis of an order placed by a consumer, or operators offer for sale individual specimens of weighing instruments. This certainly makes the selection of appliances for control more difficult.

Sector 18: Electrical appliances for electromagnetic compatibility (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	5	1	4
2.	Number of substantiated complaints by industry concerning unfair competition	3	4	1	1
3.	Number of inspections (total number)	524	534	548	636
3.1	number of reactive inspections	12	16	9	21
3.2	number of self-initiated inspections	248	231	183	192
3.3	number of inspections prompted by the customs	254	287	356	424
4.	Number of inspections ⁵³ based on:				
4.1	tests performed in laboratories	133	125	121	99
4.2	physical checks of products	514	534	549	636
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	57	75	94	132
5.2	corrective actions taken by economic operators ("voluntary measures")	36	60	68	100
5.3	restrictive measures taken by market surveillance authorities ⁵⁴	24	23	25	29
5.4	application of sanctions/penalties	0	0	0	1
6	Number of inspections where other Member States were invited to collaborate	2	1	0	1

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

Controls were carried out by the Electronic Communication Office and by the State Mining Authority. In the years 2010 – 2013 controls covered 6947 products, challenging 935 of them. Activities implemented under the conformity assessment system for appliances placed on the market to be

⁵³ Estimate data. In case of some authorities the number of products is entered

⁵⁴ The number of measures applied is entered

used in mining establishments are adequate to the needs of market surveillance covering the above-mentioned appliance. There were no situations where market surveillance activities were impeded. Moreover, both the entities responsible for the safety of appliances placed on the market, and the users of these appliances, have adequate knowledge about the requirements which these appliances must meet and they actively participate in the elimination of any irregularities found during controls of appliances.

Although the provisions of Directive 2004/108/EC relating to electromagnetic compatibility were transposed into Polish legal order stating that all entities supplying products subject to control can be inspected, the legislator has not specified so far how remote controls, so-called e-commerce controls, should be carried out.

Although e-commerce constitutes a considerable proportion of total trade, market surveillance authorities do not have at their disposal legal tools for effective supervision and enforcement of requirements for products traded in e-commerce. Similarly, there are no guidelines developed for control authorities and no regulations covering detailed legal issues connected with the control of advertising.

Sector 19: Radio and telecommunications equipment under Radio and Telecommunications Terminal Equipment (R&TTE)

19.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	3	5	5	1
2.	Number of substantiated complaints by industry concerning unfair competition	1	1	1	1
3.	Number of inspections (total number)	276	273	268	324
3.1	number of reactive inspections	11	19	16	21
3.2	number of self-initiated inspections	209	171	119	161
3.3	number of inspections prompted by the customs	56	83	133	142
4.	Number of inspections ⁵⁵ based on:				
4.1	tests performed in laboratories	50	51	34	72
4.2	physical checks of products	276	273	268	324
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	84	75	93	166
5.2	corrective actions taken by economic operators ("voluntary measures")	59	60	81	102
5.3	restrictive measures taken by market surveillance authorities ⁵⁶	24	11	16	38
5.4	application of sanctions/penalties	1	3	0	2
6	Number of inspections where other Member States were invited to collaborate	1	3	0	2

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

Controls in this area were carried out by the Electronic Communication Office. In the years 2010 – 2013 controls covered 3144 products, challenging 932 of them. Although the provisions of the RTTE 1999/5 Directive were transposed into Polish legal order stating that all

⁵⁵ Estimate data. In case of some authorities the number of products is entered

⁵⁶ The number of measures applied is entered

entities supplying products subject to control can be inspected, the legislator has not specified so far how remote controls, so-called e-commerce controls, should be carried out. Although e-commerce constitutes a considerable proportion of total trade, market surveillance authorities do not have at their disposal legal tools for effective supervision and enforcement of requirements for products traded in e-commerce. Similarly, there are no guidelines developed for control authorities and no regulations covering detailed legal issues connected with the control of advertising.

Sector 20: Electrical appliances and equipment under the Low Voltage Directive (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	0	227	230	253
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	1 004	1 369	1 171	878
3.1	number of reactive inspections	Not available	133	153	141
3.2	number of self-initiated inspections	Not available	953	758	392
3.3	number of inspections prompted by the customs ⁵⁷	128	318	273	346
4.	Number of inspections ⁵⁸ based on:				
4.1	tests performed in laboratories	29	61	23	28
4.2	physical checks of products	1 004	1 369	1 171	878
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	330	529	428	398
5.2	corrective actions taken by economic operators ("voluntary measures") ⁵⁹	427	773	702	640
5.3	restrictive measures taken by market surveillance authorities ⁶⁰	57	35	34	38
5.4	application of sanctions/penalties ⁶¹	5	14	23	4
6	Number of inspections where other Member States were invited to collaborate	5	5	11	7

⁵⁷ The number of opinions issued at the request of the customs authorities is entered

⁵⁸ Estimate data. In case of some authorities the number of products is entered

⁵⁹ The number of operations is entered

⁶⁰ The number of measures applied is entered

⁶¹ The number of administrative decisions is entered

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

Control of products covered by the Low Voltage Directive (LVD) is one of the more important examples of the activities of market surveillance in Poland. The number of controls and proceedings conducted in this sector is second only to the toy sector. In the years 2010 – 2013 controls covered 14088 products, challenging 3618 of them.

The sector is marked by the presence of a very large number of products and their considerable diversification. Almost 1200 standards are harmonised with the LVD Directive. They include typical consumer goods, such as small and large home appliances, radio and TV equipment, light fittings, bulbs, chargers for telephones and laptops, as well as all types of electrical installation equipment such as pipes for electricity conduits or electrical wiring. Such a broad spectrum of products in this sector and their high substitutability by new models, dictated by fast technological development, means that surveillance of the sector requires planning and correct selection of different groups of products for control by the Office for Competition and Consumer Protection. For example, in the years 2010 – 2013, in the Christmas period, Christmas lights were regularly inspected throughout the country. The necessity of frequent controls is due to a seasonal and very intensive supply in the pre-Christmas period. Controls showed that despite an increasing awareness by operators of the requirements in respect of Christmas lights, there are still considerable numbers of lights on sale which do not meet the requirements. Usually they originate from the Far East. Cases of non-compliance with the essential requirements mostly concerned incorrectly prepared instructions and warnings, possible to eliminate by operators through voluntary actions. There were also construction defects identified as a result of organoleptic tests carried out by Trade Inspectors. These tests are usually sufficient in view of an uncomplicated construction of Christmas lights. However, in some cases they are not sufficient to verify conformity with the essential requirements.

In the period assessed household appliances and radio and TV equipment were also subject to frequent controls. They covered, among other things, power strips, blenders, electric kettles, vacuum cleaners, fridge-freezers, amplifiers, CD players etc., as well as light fittings. Most controls of this type took place in 2010, since the Office for Competition and Consumer Protection provided for their planned country-wide control for each quarter of that year. Many products were challenged as a result of incorrectly prepared instructions and warnings. Lack of appropriate information may result in a product being used in ways which are not in accordance with its intended purpose, which may, as a result, cause serious risks, such as electrocution or fire. In that period there was a relatively high percentage of construction irregularities found. Their occurrence is connected with a risk of electrocution. Cases of incorrectly executed insulation, lack of protection of wires, or failure to fit light fittings for children with transformers producing safe voltage were detected as a result of organoleptic tests carried out by Trade Inspectors. However, a possibility of verification of compliance of the requirements by way of such tests is restricted to appliances whose construction is very simple, such as light fittings. In the case of home appliances and of other more complicated products, it is necessary to carry out costly laboratory tests.

Controls in respect of the LVD Directive are carried out not only by the Trade Inspectorate but also, within their competences, by the State Mining Authority and the National Labour Inspectorate.

Many products inspected from the point of view of their compliance with the LVD Directive were at the same time covered by other new approach directives. Another noticeable feature in this sector is a significant proportion of controls carried out at the request of customs offices. As a result of these controls, products in respect of which there is justified suspicion that they do not meet essential or other requirements, are stopped at the frontier. At the same time, a considerable number of irregularities were eliminated through voluntary actions of economic operators, often when controls were still being performed.

Sector 21: Electrical and electronic equipment under the Restriction of Hazardous Substances Directive (RoHS), the Waste of Electrical and Electronic Equipment (WEEE) Directive and Directive on Batteries and Accumulators

21.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	Not available	2	4	3
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	2	5	4
3.	Number of inspections (total number)	73	88	172	203
3.1	number of reactive inspections	Not available	2	5	4
3.2	number of self-initiated inspections	73	86	167	199
3.3	number of inspections prompted by the customs	Not available	Not available	Not available	Not available
4.	Number of inspections ⁶² based on:				
4.1	tests performed in laboratories	Not available	16	87	95
4.2	physical checks of products	73	88	172	203
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	48	43	76	46
5.2	corrective actions taken by economic operators ("voluntary measures")	Not available	Not available	Not available	Not available
5.3	restrictive measures taken by market surveillance authorities	2	0	0	0
5.4	application of sanctions/penalties	Not available	Not available	Not available	Not available
6	Number of inspections where other Member	0	0	0	0

⁶² Estimate data. In case of some authorities the number of products is entered

	States were invited to collaborate				
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21.B. Assessment of the functioning of market surveillance activities in the sector

The Trade Inspectorate, as a control body, exercising its authority in accordance with a national provision - Article 3(1)(2b) of the Act of 15 December 2000 on the Trade Inspectorate (consolidated text Journal of Laws of 2014, item 148) - supervises compliance by retailers and wholesalers with some provisions of the Act of 24 April 2009 on batteries and accumulators (Journal of Laws No 79, item 666 as amended) in respect of correctness of marking and information provided for consumers. In the years 2010 – 2013 controls covered 3176 products, challenging 213 of them.

Irregularities in marking of batteries and accumulators found during controls do not strongly affect the safety of their users. Very frequently Trade Inspectors come across batteries with a CE mark, which is not in conformity with the provisions of the law, since CE marking is not authorised for products which are not subject to essential requirements in accordance with Article 47b of the Act of 30 August 2002 on the compliance assessment system (Journal of Laws of 2010, No 138, item 935, as amended). Only products with which batteries or accumulators are supplied and to which the Directive relating to electromagnetic compatibility, or the Directive concerning medical devices apply, may bear the above-mentioned mark.

Furthermore, the Trade Inspectorate checks if products with which batteries are supplied are designed in such a way that it is possible to easily remove from them used batteries and accumulators, in accordance with Article 11(1) of the Act on batteries and accumulators, and if instruction manuals in the Polish language are enclosed (Article 11(2) of the Act on batteries and accumulators).

An important element of controls carried out by the Trade Inspectorate is laboratory tests in which the content of cadmium and mercury is checked. A small percentage of irregularities was found in this respect, where the content of heavy metals was higher than declared by the producer on the packaging.

Sector 22. Chemicals (Detergents, Paints, Persistent organic pollutants)

22.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	Not available	7	8	7
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	164	112	153	86
3.1	number of reactive inspections	Not available	8	8	7
3.2	number of self-initiated inspections	164	104	145	79
3.3	number of inspections prompted by the customs	Not available	Not available	Not available	Not available
4.	Number of inspections ⁶³ based on:				
4.1	tests performed in laboratories	Not available	5	88	31
4.2	physical checks of products	164	112	153	86
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	51	63	109	83
5.2	corrective actions taken by economic operators ("voluntary measures")	Not available	Not available	Not available	Not available
5.3	restrictive measures taken by market surveillance authorities ⁶⁴	Not available	6	0	2
5.4	application of sanctions/penalties	Not available	Not available	Not available	Not available
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

⁶³ Estimate data. In case of some authorities the number of products is entered

⁶⁴ The number of measures applied is entered

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

The Trade Inspectorate, carrying out its duties in supervising that producers comply with regulations governing marking of detergents, under national provisions - Article 29(3c) of the Act of 25 February 2011 on chemical substances and their mixtures (Journal of Laws No 63, item 322, as amended) - checks whether operators meet their obligations under the provisions regarding labelling of small packs in wholesale and retail trade. During controls, the Inspectorate checks compliance with Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (OJ L of 2004, No 104, item 1). Producers of household chemicals in principle take care of correctly displaying on their products information required by the legal provisions and of ensuring its compliance with the requirements. However, there are still irregularities in labelling of detergents. In the course of controls, there were not many cases of non-compliance with the requirement that packages should be fitted with child-proof fastenings, or cases where there was no tactile warning of danger in a situation where such a warning was required.

Controls in this area were carried out by the Trade Inspectorate. In the years 2010 – 2013 they covered 2868 products, challenging 306 of them.

As regards detergents, there are also laboratory tests carried out at the request of the Trade Inspectorate for methanol content in windscreen washing liquids. Washing powders were tested for the presence of optical brighteners, soil removal, foaming capacity in automatic washing machines, chlorides content expressed as sodium chloride, percentage of active oxygen, and phosphates content expressed as phosphorus. Whitening liquids were checked for presence of active chlorine, of active chlorine expressed as sodium hypochlorite, and of sodium hydroxide. Stain removers were checked for content of active oxygen, and of active oxygen expressed as hydrogen peroxide. Liquids and concentrates for dish washing were checked for their washing capacity, their capacity to emulsify fats in water bath, the product's pH in 20°C, content of dry residue, and pH of 1 % solution in 20°C. Liquids for cleaning toilets were checked for the content of active chlorine, and of active chlorine expressed as sodium hypochlorite. Pipe decloggers were tested for the content of active chlorine, of active chlorine expressed as sodium hypochlorite, and for the content of sodium hydroxide. Cleaning and disinfecting liquids were checked for the content of active chlorine, and of active chlorine expressed as sodium hypochlorite. In addition, all detergents were checked for the conformity of net weight/filling volume with the producer's declaration.

The results of these controls show that on the developing market for household chemicals the majority of products meet quality requirements and the requirements of applicable law.

Sector 23. Ecodesign and Energy labelling

23.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	1	8	15
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	0	111	365	541
3.1	number of reactive inspections	0	0	7	11
3.2	number of self-initiated inspections	0	110	355	522
3.3	number of inspections prompted by the customs	0	0	0	8
4.	Number of inspections ⁶⁵ based on:				
4.1	tests performed in laboratories	0	1	42	80
4.2	physical checks of products	0	111	365	541
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	0	41	111	159
5.2	corrective actions taken by economic operators ("voluntary measures") ⁶⁶	0	78	173	282
5.3	restrictive measures taken by market surveillance authorities ⁶⁷	0	0	5	12
5.4	application of sanctions/penalties ⁶⁸	0	0	0	3
6	Number of inspections where other Member States were invited to collaborate	0	0	0	1

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

Controls in that respect were carried out by the Trade Inspectorate and the Electronic Communication Office. In the years 2010 – 2013 controls covered 4344 products, challenging 863 of them.

⁶⁵ Estimate data. In case of some authorities the number of products is entered

⁶⁶ The number of operations is entered

⁶⁷ The number of measures applied is entered

⁶⁸ The number of administrative decisions is entered

Although the provisions of Directives 2009/125 and 2010/30 were transposed into the Polish legal order and they state that all entities supplying products subject to control can be inspected, the legislator has not, so far, provided a legal basis for the carrying out of remote controls, so-called e-commerce controls. Although the share of e-commerce constitutes a considerable proportion of total trade, market surveillance authorities do not dispose of legal tools for effective supervision and enforcement of requirements for products traded in e-commerce. Similarly, there are no guidelines developed for control authorities and no regulations for detailed legal issues connected with the control of advertising.

Controls covered, among other things, non-directional lamps for household use, refrigeration equipment, washing machines, dishwashers, electrical and electronic household equipment, office equipment in sleep and off modes, simple set-top boxes, external power supplies, TV sets.

The most frequent cases of non-compliance concerned lack of required information in technical documentation and in the declarations of conformity. In most cases irregularities found were eliminated by operators through voluntary actions which consisted of providing missing information.

A steady increase in the number of controls carried out and irregularities found is noted in this area. This is mainly due to an increasing number of new regulations issued by the Commission to implement the Directives 2009/125/EC and 2010/30/EU, whose scope covers new categories of products using energy. Correct performance of controls to be carried out in this area is impeded by low budget funding of costly laboratory tests and the absence in Poland of accredited laboratories authorised to carry out test in this area. Another burden for market surveillance bodies is the use of verification procedure for market surveillance which is determined by each implementing measure. In accordance with that procedure, control authorities first test one appliance, and if parameters measured do not correspond to values indicated by the producer within the limits provided for in the implementing measure, measurements must be repeated on three additional appliances of the same type. Following such a procedure results in a quadrupling of the costs of testing which, if it is concluded that parameters tested are within the limits provided for in the implementing measure, constitute expenditure for the budgets of controlling authorities.

Sector 25. Recreational craft

25.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	1	0	4
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	57	40	52	61
3.1	number of reactive inspections	0	4	2	6
3.2	number of self-initiated inspections	23	29	31	31
3.3	number of inspections prompted by the customs	34	6	19	21
4.	Number of inspections ⁶⁹ based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	32	31	34	46
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	35	14	22	31
5.2	corrective actions taken by economic operators ("voluntary measures")	10	11	9	11
5.3	restrictive measures taken by market surveillance authorities	25	3	13	21
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

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

Controls of recreational craft, engines, and fittings, on the basis of Directive 94/25/EC are carried out by maritime authorities both at producers and distributors facilities. Products are checked for correct marking and documentation. The most frequent cases of non-compliance concern incorrect declarations of conformity, or lack of declaration, mistakes on the data plates, lack of instruction manuals, and lack of the registered manufacturer's code number necessary for assigning the CIN code. Non compliances were usually eliminated

⁶⁹ Estimate data. In case of some authorities the number of products is entered

by operators through voluntary actions. In the period 2010-2013 maritime authorities initiated five administrative proceedings, in four of which there was a decision not to proceed and in one case restrictive measures were introduced.

As regards restrictive measures, they also apply to recreational craft imported from third countries. These crafts usually have no marking or documentation required by EU legislation. On the basis of negative opinions issued by maritime authorities for the customs authorities such units may not be placed on the EU market.

Sector 26. Marine equipment

26.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	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	10	17	18	19
3.1	number of reactive inspections	0	1	2	0
3.2	number of self-initiated inspections	10	15	15	19
3.3	number of inspections prompted by the customs	0	1	0	0
4.	Number of inspections ⁷⁰ based on:				
4.1	tests performed in laboratories	0	0	0	0
4.2	physical checks of products	10	19	16	15
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	0	0	1	0
5.2	corrective actions taken by economic operators ("voluntary measures")	0	0	1	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

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

Marine equipment controlled by maritime authorities on the basis of Directive 96/98/EC includes mainly life-saving appliances, fire safety products, navigation equipment, and radio communications equipment. Controls carried out both at producers and distributors facilities cover checking of documentation and of marking with the conformity mark. Non-compliances found during controls mostly include lack of declaration of conformity at the distributors. However, already during checks or shortly afterwards, distributors contact the

⁷⁰ Estimate data. In case of some authorities the number of products is entered

producers of equipment concerned and supply the required document.

Sector 29. Fertilizers

29.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	25	26	16	25
2.	Number of substantiated complaints by industry concerning unfair competition	7	6	3	6
3.	Number of inspections (total number)	69	101	89	154
3.1	number of reactive inspections	25	26	16	25
3.2	number of self-initiated inspections	44	75	73	129
3.3	number of inspections prompted by the customs	0	0	0	0
4.	Number of inspections ⁷¹ based on:				
4.1	tests performed in laboratories	11	15	9	22
4.2	physical checks of products	69	101	89	154
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	19	15	24	47
5.2	corrective actions taken by economic operators ("voluntary measures")	0	7	10	28
5.3	restrictive measures taken by market surveillance authorities ⁷²	3	4	0	8
5.4	application of sanctions/penalties	10	9	19	32
6	Number of inspections where other Member States were invited to collaborate	0	0	0	0

29.B. Assessment of the functioning of market surveillance activities in the sector

Controls in this area are carried out by the Chief Inspector of Commercial Quality of Agricultural Foodstuffs. Market surveillance for fertilizers and plant growth promoters is carried out in accordance with

- the Act of 10 July 2007 on fertilizers and fertilization (Journal of Laws No 147, item 1033, as amended);
- a Regulation of the Minister of Agriculture and Rural Development of 18 June 2008 on the implementation of certain VAT provisions of the Fertilizers and Fertilizing Act (Journal of Laws No 119, item 765, as

⁷¹ Estimate data. In case of some authorities the number of products is entered

⁷² The number of measures applied is entered

amended);

- a Regulation of the Minister of Economy of 8 September 2010 on the method of packing of mineral fertilizers, on the placing of information on fertilizers components, and on the testing method for mineral fertilizers and for types of hydrated lime (Journal of Laws No 183, item 1229);
- a Regulation of the Minister of Environment of 13 July 2010 on municipal sewage sludge (Journal of Laws No 137, (item 924);
- Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilizers (OJ L 304 z 29.03.2014, p.47).

Sector 31. Packaging and Packaging Waste

31.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	0	3	0
2.	Number of substantiated complaints by industry concerning unfair competition	Not available	Not available	Not available	Not available
3.	Number of inspections (total number)	202	192	163	12
3.1	number of reactive inspections	1	0	0	0
3.2	number of self-initiated inspections	26	24	19	12
3.3	number of inspections prompted by the customs	1	0	0	0
4.	Number of inspections ⁷³ based on:				
4.1	tests performed in laboratories	4	8	2	0
4.2	physical checks of products	202	192	160	12
5.	Number of inspections resulting in:				
5.1	findings of non-compliance	35	30	32	2
5.2	corrective actions taken by economic operators ("voluntary measures")	6	14	12	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

31.B. Assessment of the functioning of market surveillance activities in the sector

Controls covered individual and bulk packaging, large packs used for transporting, packaging made of plastics, aluminium and cardboard.

In view of changes in legislation concerning packaging and packaging waste, i.e. following the entry into force of the Act of 13 June 2013 on the management of packaging and packaging waste (Journal of Laws of

⁷³ Estimate data. In case of some authorities the number of products is entered

2013, item 888), in 2013 the Environmental Protection Inspectorate carried out only verification checks, which it did not succeed in carrying out in 2012, of whether packaging complied with essential or other requirements. Checks were mainly carried out at the premises of packaging distributors, and non-compliance mainly involved incorrect marking of packaging. Directive 94/62/EC Packaging and Packaging Waste is mainly based on the new approach principles.

In many cases it was possible for the operators to eliminate inconsistencies found by carrying out voluntary activities.

Annex 1 Reference list of sectors

Product sectors	Relevant legislation	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/EC and 90/385/EEC	YES
2. Cosmetics	Regulation 1223/2009	YES
3. Toys	Directive 2009/48/EC	YES
4. Personal protective equipment	Directive 89/686/EEC	YES
5. Construction products	Regulation 305/2011	YES
6. Aerosol dispensers,	Directive 75/324/EEC	YES
7. Simple pressure vessels and Pressure equipment	Directives 2009/105/EC and 97/23/EC	YES
8. Transportable pressure equipment	Directive 2010/35/EC	YES
9. Machinery	Directive 2006/42/EC	YES
10. Lifts	Directive 1995/16/EC	YES
11. Cableways	Directive 2000/9/EC	YES
12. Noise emissions for outdoor equipment	Directive 2000/14/EC	YES
13. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres	Directive 1994/9/EC	YES
14. Pyrotechnics	Directive 2007/23/EC	YES
15. Explosives for civil uses	Directive 93/15/EEC	YES
16. Appliances burning gaseous fuels	Directive 2009/142/EC	YES
17. Measuring instruments, Non-automatic weighing instruments and Pre-packaged products	Directives 2004/22/EC, 2009/23/EC and 2007/45/EC	YES
18. Electrical appliances for electromagnetic compatibility (EMC)	Directive 2004/108/EC	YES
19. Radio and telecommunications equipment under Radio and Telecommunications Terminal Equipment (R&TTE) Directive	Directive 1999/5/EC	YES
20. Electrical appliances and equipment under the Low Voltage Directive (LVD)	Directive 2006/95/EC	YES
21. Electrical and electronic equipment under the Restriction of Hazardous Substances Directive (RoHS), the Waste of Electrical and Electronic Equipment (WEEE) Directive and Directive on Batteries and Accumulators	Directives 2011/65/EU, 2002/96/EU and 2006/66/EC	YES
22. Chemicals (Detergents, Paints, Persistent organic pollutants)	Regulation 648/2004 Directive 2004/42/EC Regulation 850/2004	YES
23. Ecodesign and Energy labelling	Directives 2009/125/EC and 2010/30/EU	YES
24. Efficiency requirements for hot-boilers fired with liquid or gaseous fuels	Directive 1992/42/EEC	NO
25. Recreational craft	Directive 1994/25/EC	YES
26. Marine equipment	Directive 96/98/EC	YES
27. Motor vehicles and tyres	Directives 2002/24/EC and 2007/46/EC, and Regulation (EC) No 1222/2009	NO
28. Non-road mobile machinery	Directive 97/68/EC	NO
29. Fertilizers	Regulation 2003/2003	YES

Product sectors	Relevant legislation	Included in this report? (Y/N)
30. Other consumer products under GPSD (optional)	Directive 2001/95/EC	NO
31. Packaging and Packaging Waste	Directive 94/62/EC	YES