

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

Belgium

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Scope of the report

The review and assessments pursuant to Article 18(6) cover market surveillance activities for all products falling under the harmonisation legislation of the Union and included in the list below. If there is no entry, that means that the data have not been received from the department concerned/administrator of the legislation.

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

The overview of the relevant organisation and infrastructure for market surveillance pursuant to Regulation No 765/2008 (competence of market surveillance authorities, mechanisms of coordination and exchange of information, cooperation with customs, etc.) has been included in the national market surveillance programme. For the latest version, see:

http://economie.fgov.be/nl/fod/strategische_matrix/nationaal_marktoezichtsprogramma/

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

The total resources allocated to market surveillance authorities by Belgium, more specifically the FPS [Federal Public Service] Economy, for all necessary activities (enforcement, communications) at general or sectoral level are estimated on the basis of the following data:

- a list of cost prices for each remuneration (see catalogue.xls);
- an overview of the relevant budget articles for market surveillance (see budget 2014.xls);
- overheads;
- building costs.

The information on the first two components is set out in annexes.

The information on the budget articles for the various directorates-general in the FPS Economy is shown in colour. The descriptions are for the total budget of the directorate-general. The national market surveillance programme and specific sections of this report indicate which directorate-general is competent for which sector.

E2 DG Energy: orange

E6 DG Quality and safety: red

E7 DG Economic Inspectorate: green

If the number of FTEs for market surveillance is known, the proportional amount can be calculated. The number of FTEs is shown under 'specific sectors'.

Overheads are EUR 27 000 per person (costs of support services divided between total number of staff).

We do not have data from the buildings administration for building costs.

Note: These are only figures for the FPS Economy (E2, E6, E7). If there is no Ex extension on the document title, that means that it refers to a different government department. Data are shown in the specific document if known.

B. Assessment of the functioning of market surveillance activities

On account of a lack of information, full data are not available for other government departments.

These are shown in the specific reports drawn up by the relevant government department if known.

Market surveillance activities in specific sectors

The various sectors from which a contribution has been received are listed below.

Reference list of sectors

| Product sectors | Relevant legislation ^{1 2} | 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 | No |
| 2. Cosmetics | Regulation 2023/2009 | No |
| 3. Toys | Directive 2009/48/EC | Yes |
| 4. Personal protective equipment | Directive 89/686/EEC | Yes |
| 5. Construction products | Regulation (EU) No 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 | No |
| 9. Machinery | Directive 2006/42/EC | Yes (partly) |
| 10. Lifts | Directive 1995/16/EC | Yes (partly) |
| 11. Cableways | Directive 2000/9/CE | No |
| 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 | No |
| 15. Explosives for civil uses | Directive 93/15/EEC | No |
| 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 | No |
| 18. Radio and telecom equipment under EMC | Directives 2004/108/EC and 1999/5/EC | Yes |
| 19. Radio and telecom equipment under RTTE | Directive 2006/95/EC | Yes |
| 20. Electrical appliances and equipment under LVD | Directives 2011/65/EU, 2002/96/EU and 2006/66/EC | Yes |
| 21. Electrical and electronic equipment under RoHS, WEEE and batteries | | Yes |
| 22. Chemicals (detergents, paints, persistent organic pollutants) ³ | Regulation 648/2004 Directive 2004/42/EC Regulation 850/2004 | Yes |

¹ For ease of reference this table indicates established EU legislation. New legislation having replaced or amended that listed in the table should be also taken into account for the relevant period in which it is applicable.

² For ease of reference in some cases (e. g. eco-design, energy labelling), this table only indicates EU framework legislation, but is intended to cover also product specific EU legislative acts.

³ This section focuses on chemicals other than those falling under REACH and CLP Regulations. Market surveillance activities conducted under REACH and CLP Regulations fall within the scope of Regulation 765/2008, however, since they are already the subject matter of specific reports available to the public, they may be excluded from the current report. It is nevertheless asked that Member States include in this section a link to the REACH and CLP reports for the relevant period.

| Product sectors | Relevant legislation^{1 2} | Included in this report? (Y/N) |
|--|--|---------------------------------------|
| 23. Eco-design 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 | Yes |
| 25. Recreational craft | Directive 1994/25/EC | No |
| 26. Marine equipment | Directive 96/98/EC | No |
| 27. Motor vehicles and tyres | Directives 2002/24/EC and 2007/46/EC, and Regulation (EC) No 1222/2009 | Yes |
| 28. Non-road mobile machinery | Directive 97/68/EC | Yes |
| 29. Fertilisers | Regulation 2003/2003 | Yes |
| 30. Other consumer products under GPSD (optional) | Directive 2011/95/EC | Yes |
| 31. (Additional sectors – please specify) | | Yes |

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

Belgium: FPS Economy – DG Economic Inspection E7

Overview of general market surveillance activities

A. Review of general market activities

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

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

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|-----------|-----------|---------|---------|
| 1.1 | Budget available to market surveillance authorities in nominal terms ¹ (€) | 1 111 033 | 1 010 030 | 909 027 | 757 522 |
| 1.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 2 | Staff available to market surveillance authorities (full-time equivalent units) | | | | |
| | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 11 | 10 | 9 | 7.5 |

¹ The budget figure should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities (including related infrastructures) as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation.

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

Market surveillance activities in specific sectors

Sector 3: Toys

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

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

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|--|--|-------|-------|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections ² (total number) | 110 (not including 2 660 RAPEX insp. Not divisible by sector) | 639 (not including 4 786 RAPEX insp. Not divisible by sector) | 2 251 | 2 078 |
| 3.1 | number of reactive inspections ³ | not available | not available | 2 213 | 1 837 |
| 3.2 | number of self-initiated inspections ⁴ | not available | not available | 38 | 241 |
| 3.3 | number of inspections prompted by the customs ⁵ | | | | |

² Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

³ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

⁴ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁵ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

| | | | | | |
|-----|--|--|--|-------------|-------------|
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | | | | |
| 4.2 | physical checks of products ⁶ | | | | |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁷ | | | | |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁸ | | | | |
| 5.3 | restrictive measures ⁹ taken by market surveillance authorities . | | | 11 warnings | 97 warnings |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

⁶ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁷ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

⁸ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

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

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

Belgium: FPS Economy – DG Quality and Safety E6

Market surveillance activities in specific sectors

Sector 4: Personal protective equipment

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

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

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|------|------|------|------|
| 1. | Number of product related accidents/ user complaints | 7 | 4 | 1 | 2 |
| 2. | Number of substantiated complaints by industry concerning unfair competition | 0 | 0 | 0 | 0 |
| 3. | Number of inspections ¹ (total number) | | | | |
| 3.1 | number of reactive inspections ² | 28 | 36 | 32 | 34 |
| 3.2 | number of self-initiated inspections ³ | 46 | 20 | 76 | 2 |
| 3.3 | number of inspections prompted by the customs ⁴ | 1 | 0 | 2 | 9 |

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

² Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

³ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁴ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

| | | | | | |
|-----|--|----|----|----|----|
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | 40 | 17 | 71 | 0 |
| 4.2 | physical checks of products ⁵ | 56 | 25 | 83 | 13 |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁶ | 46 | 23 | 70 | 12 |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁷ | 46 | 21 | 69 | 12 |
| 5.3 | restrictive measures ⁸ taken by market surveillance authorities | 0 | 2 | 1 | 0 |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | 1 | | 1 | |

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

After each inspection campaign a report is drawn up. The results of inspection campaigns are published in a press release and the report is shown on the website, e.g. http://economie.fgov.be/nl/consument/Securite_consommateur/veiligheidsvestjes/

Explanations or presentations are given regularly at study days or seminars organised in collaboration with stakeholders. In the same way, market surveillance and PPE regulations are explained at ESF (European Safety Federation) study days and at European PPE seminars.

⁵ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁶ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

⁷ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

⁸ Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on a previous request of market surveillance authorities to take corrective action or where authorities have to intervene urgently.

Information on resources (subject to availability)

| | | | | | |
|-----|---|------|---|---|---|
| 7.1 | Budget available to market surveillance authorities in nominal terms ⁹ (€) | | | | |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | 0.75 | 1 | 1 | 1 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | | | | |

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

On the basis of a market study of the sector for 2009, which included PPE for work use, the total Belgian market was estimated at +/- EUR 172 million, the top three items being protective clothing, hand protection and respiratory protection.

The distribution channels for PPE are generally assessed to be as follows, in declining order of size: specialist distributors (> 60%), technical trade, direct sale by the manufacturer, textile services (industrial laundries), DIY distributors and other channels.

Most types of PPE are not manufactured in Belgium; the products are therefore mainly from other European Member States or countries outside the EU. However it is difficult to estimate proportions from inside and outside the EU, given that even production in the EU by 'European' manufacturers is steadily declining. A few sales establishments (sometimes European headquarters) of foreign manufacturers (e.g. 3M, Honeywell, Ansell) are based in Belgium.

A number of protective clothing manufacturers are based in Belgium (estimated at 30), but only a limited number actually manufacture in Belgium.

As regards distributors, there are estimated to be 20 larger specialist importers and wholesalers who therefore sell to larger industrial users. Retailers specialising in safety probably number around 200.

Provided that sufficient resources are available, the aim is for PPE inspections to be organised (at least) once a year. Various factors are taken into consideration in the planning of inspection campaigns, including the number of incidents, number of notifications (RAPEX, complaints, etc.), and other miscellaneous information from our stakeholders.

In 2010-2013 market surveillance inspections were carried out on safety jackets, cycle helmets and hearing protectors. In view of the heavy workload in dealing with the 2012 cases, the campaign planned for 2013 (work gloves) was postponed until 2014.

Those types of PPE are very common and are used both by private consumers and in the workplace. In inspecting the products, every effort is made to obtain as representative a picture of the market as possible and to inspect both the retail and the specialist technical

⁹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

trades.

Since that work is done with a limited team of market surveillance inspectors for that field, we are satisfied with the results. Dealing with a case (obtaining documents, inspection, conducting a risk assessment and contacts with the operators concerned, who do not necessarily agree with our findings, inputting data into databases, etc.) is time-consuming. It is not unusual for that to take several months. If the manufacturer exercises its right to a second opinion it can even take longer, since the laboratories concerned are then involved in the discussion.

The dialogue with economic operators is objective and constructive, as is shown by the high percentage of corrective measures undertaken voluntarily by operators after contact with our inspectors.

Cooperation with customs and preventive blocking of non-compliant PPE at the border could be stepped up.

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

Belgium: FPS Economy – DG Economic Inspection E7

Overview of general market surveillance activities

A. Review of general market activities

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 (€) | 1 111 033 | 1 010 030 | 909 027 | 757 522 |
| 1.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 2 | Staff available to market surveillance authorities (full-time equivalent units) | | | | |
| | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 11 | 10 | 9 | 7.5 |

¹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

Market surveillance activities in specific sectors

Sector 4: Personal protective equipment

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

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

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|-------------------------------|-------------------------------|------|------|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections ² (total number) | 7 (not including RAPEX) | 9 (not including RAPEX) | 179 | 100 |
| 3.1 | number of reactive inspections ³ | not available | not available | 96 | 97 |
| 3.2 | number of self-initiated inspections ⁴ | 7 | 9 | 83 | 3 |
| 3.3 | number of inspections prompted by the customs ⁵ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | | | | |
| 4.2 | physical checks of products ⁶ | | | | |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁷ | | | | |

² Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

³ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

⁴ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁵ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

⁶ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

| | | | | | |
|-----|--|--|--|-------------|--|
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁸ | | | | |
| 5.3 | restrictive measures ⁹ taken by market surveillance authorities | | | 17 warnings | |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

⁷ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

⁸ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

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

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

Belgium: FPS Economy – DG Quality and Safety E6

Market surveillance activities in specific sectors

Sector 5: Construction products

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

Information on activities monitoring implementation of legislation in the 2010-2013 period

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

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

In view of the publication of Regulation (EU) No 305/2011 in April 2011, BE focused its human and budgetary resources on the preparation and publication of a brochure (in FR and NL) on the new requirements. Several targeted information meetings were also held.

Information on resources (subject to availability)

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|------|------|------|------|
| 7.1 | Budget available to market surveillance authorities in nominal terms ¹ (€) | | | | |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | 1 | 1.5 | 1.5 | 1.5 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 0.5 | 0.5 | 0.5 | 0.5 |

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

BE wishes to draw the European Commission's attention to the fact that Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products did not enter into force fully until 1 July 2011. Accordingly, BE would emphasise that the period between April 2011 and July 2013 is the transitional period between Directive No 89/106 and Regulation (EU) No 305/2011. Furthermore, the construction sector had to wait until 2014 for the publication of essential instruments in the form of delegated rules for the format of the declaration of performance (DoP) and the online submission of the DoP. Due to that legislative uncertainty, effective market surveillance was not possible.

¹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

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

Belgium: FPS Economy – DG Quality and Safety E6

Market surveillance activities in specific sectors

Sector 6: Aerosol dispensers Directive 75/324/EEC

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

Information on activities monitoring implementation of legislation 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 ¹ (total number) | 0 | 0 | 0 | 0 |
| 3.1 | number of reactive inspections ² | | | | |
| 3.2 | number of self-initiated inspections ³ | | | | |
| 3.3 | number of inspections prompted by the customs ⁴ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | | | | |
| 4.2 | physical checks of products ⁵ | | | | |

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

² Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

³ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁴ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

| | | | | | |
|-----|--|--|--|--|-----|
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁶ | | | | 1 * |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁷ | | | | |
| 5.3 | restrictive measures ⁸ taken by market surveillance authorities . | | | | |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

(*) file from French authority sent to FPS Health (E7 error)

⁵ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁶ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

⁷ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

⁸ Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on a previous request of market surveillance authorities to take corrective action or where authorities have to intervene urgently.

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

2012: Consultations with industry on problems with interpretation of the rules.

2013: Authority-industry agreement to hold a joint information meeting on adaptations of the rules to technical progress and CLP (planned for November 2014).

Information on resources (subject to availability)

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|------|------|------|------|
| 7.1 | Budget available to market surveillance authorities in nominal terms ⁹ (€) | | | | |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | | | 0.10 | 0.10 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | | | | |

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

No data available in E6 – see other DGs/Administration.

⁹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

Sector 7: Simple pressure vessels and pressure equipment Directives Nos 2009/105/EC and 97/23/EC

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

Information on activities monitoring implementation of legislation in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|------|------|------|------|
| 1. | Number of product related accidents/ user complaints | 1 | 0 | 1 | 0 |
| 2. | Number of substantiated complaints by industry concerning unfair competition | 0 | 0 | 0 | 0 |
| 3. | Number of inspections ¹⁰ (total number) | | | | |
| 3.1 | number of reactive inspections ¹¹ | 1 | 2 | 5 | 1 |
| 3.2 | number of self-initiated inspections ¹² | | | | 1 |
| 3.3 | number of inspections prompted by the customs ¹³ | | 1 | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | | | | |
| 4.2 | physical checks of products ¹⁴ | | 1 | 1 | |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ¹⁵ | 1 | 1 | 1 | |
| 5.2 | corrective actions taken by economic | | 1 | 1 | |

¹⁰ Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

¹¹ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

¹² This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

¹³ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

¹⁴ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

¹⁵ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

| | | | | | |
|-----|---|--|--|--|--|
| | operators ('voluntary measures') ¹⁶ | | | | |
| 5.3 | restrictive measures ¹⁷ taken by market surveillance authorities . | | | | |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

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

2012: Establishment of a sectoral platform for all stakeholders (NoBos and industry), including competent authorities for the TPED and national rules on the inspection of equipment in service; twice-yearly face-to-face meetings.

2013:

- Consultation with customs on drawing up a checklist for pressure cookers
- Dialogue with industry to identify critical points in the rules and organise information meetings
- Notification of Commission studies to economic operators

¹⁶ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

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

Information on resources (subject to availability)

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|------|------|------|------|
| 7.1 | Budget available to market surveillance authorities in nominal terms ¹⁸ (€) | | | | |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | | | 0.15 | 0.15 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | | | | |

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

Market study in progress. Insufficient resources to date.

The notified bodies and undertakings are calling for stricter surveillance of products imported from countries outside the EU, but those are sometimes difficult to trace.

¹⁸ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

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

Belgium: FPS Economy – DG Quality and Safety E6

Market surveillance activities in specific sectors

Sector 9: Machinery

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

Information on activities monitoring implementation of legislation in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|------|------|------|------|
| 1. | Number of product related accidents/ user complaints | 15 | 7 | 9 | 8 |
| 2. | Number of substantiated complaints by industry concerning unfair competition | 1 | 0 | 2 | 0 |
| 3. | Number of inspections[1] (total number) | 50 | 61 | 63 | 46 |
| 3.1 | number of reactive inspections[2] | 49 | 43 | 63 | 46 |
| 3.2 | number of self-initiated inspections[3] | 0 | 17 | 0 | 0 |
| 3.3 | number of inspections prompted by the customs[4] | 1 | 1 | 0 | 0 |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | | | | |
| 4.2 | physical checks of products[5] | | | | |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance[6] | | | | |
| 5.2 | corrective actions taken by economic operators ('voluntary measures')[7] | | | | |
| 5.3 | restrictive measures[8] taken by market surveillance authorities . | | | | |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

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

| |
|--|
| |
|--|

Information on resources (subject to availability)

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

¹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

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

Belgium: FPS Economy – DG Economic Inspection E7

Overview of general market surveillance activities

A. Review of general market activities

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

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

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|-----------|-----------|---------|---------|
| 1.1 | Budget available to market surveillance authorities in nominal terms ¹ (€) | 1 111 033 | 1 010 030 | 909 027 | 757 522 |
| 1.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 2 | Staff available to market surveillance authorities (full-time equivalent units) | | | | |
| | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 11 | 10 | 9 | 7.5 |

¹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

B. Assessment of market surveillance activities

Market surveillance activities in specific sectors

Sector 9: Machinery

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

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

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|-------------------------------|--------------------------------|------|------|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections ² (total number) | 4 (not including RAPEX) | 26 (not including RAPEX) | 40 | 83 |
| 3.1 | number of reactive inspections ³ | not available | not available | 39 | 83 |
| 3.2 | number of self-initiated inspections ⁴ | 4 | 26 | 1 | 0 |
| 3.3 | number of inspections prompted by the customs ⁵ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | | | | |
| 4.2 | physical checks of products ⁶ | | | | |

² Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

³ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

⁴ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁵ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

⁶ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

| | | | | | |
|-----|--|--|--|--|--|
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁷ | | | | |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁸ | | | | |
| 5.3 | restrictive measures ⁹ taken by market surveillance authorities | | | | |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

⁷ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

⁸ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

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

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

Belgium: FPS Economy – DG Quality and Safety E6

Market surveillance activities in specific sectors

Sector 10: Lifts

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

Information on activities monitoring implementation of legislation in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|--|------|------|------|------|
| 1. | Number of product related accidents/ user complaints | 4 | 1 | 5 | 13 |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections[1] (total number) | 5 | 2 | 5 | 15 |
| 3.1 | number of reactive inspections[2] | 5 | 2 | 5 | 15 |
| 3.2 | number of self-initiated inspections[3] | 0 | 0 | 0 | 0 |
| 3.3 | number of inspections prompted by the customs[4] | 0 | 0 | 0 | 0 |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | | | | |
| 4.2 | physical checks of products[5] | | | | |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance[6] | | | | |
| 5.2 | corrective actions taken by economic operators ('voluntary measures')[7] | | | | |
| 5.3 | restrictive measures[8] taken by market surveillance authorities . | | | | |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

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

| |
|--|
| |
|--|

Information on resources (subject to availability)

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

¹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

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

Belgium

Overview of general market surveillance activities

A. Review of general market activities

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

2010:

1 FTE per ~ 826 000 inhabitants (or 1 inspector per ~ 1 500 000 inhabitants and 1 technical expert per ~ 1 850 000 inhabitants. Seven (7.0) FTE inspectors for Product Standards Act inspections (incl. dangerous substances and preparations, REACH, CLP, RoHS) and five point seven (5.7) FTE technical experts for Product Standards Act inspections (mainly pesticide and biocide inspections).

2011:

1 FTE per ~ 826 000 inhabitants (or 1 inspector per ~ 1 500 000 inhabitants and 1 technical expert per ~ 1 850 000 inhabitants. Seven (7.0) FTE inspectors for Product Standards Act inspections (incl. dangerous substances and preparations, REACH, CLP, RoHS) and five point seven (5.7) FTE technical experts for Product Standards Act inspections (mainly pesticide and biocide inspections).

2012:

1 FTE per ~ 775 000 inhabitants (or 1 inspector per ~ 1 550 000 inhabitants and 1 technical expert per ~ 1 550 000 inhabitants. Six point seven (6.7) FTE inspectors for Product Standards Act inspections (incl. dangerous substances and preparations, REACH, CLP, RoHS) and six point seven (6.7) FTE technical experts for Product Standards Act inspections (mainly pesticide and biocide inspections).

2013:

1 FTE per ~ 795 000 inhabitants (or 1 inspector per ~ 1 615 000 inhabitants and 1 technical expert per ~ 1 550 000 inhabitants. Six point five (6.5) FTE inspectors for Product Standards Act inspections (incl. dangerous substances and preparations, REACH, CLP, RoHS) and six point seven (6.7) FTE technical experts for Product Standards Act inspections (mainly pesticide and biocide inspections).

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 (€) | 425 000 (not including staff members) | 425 000 (not including staff members) | 425 000 (not including staff members) | 425 000 (not including staff members) |
| 1.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 2 | Staff available to market surveillance authorities (full-time equivalent units) | 15.7 | 15.7 | 16.4 | 16.2 |
| | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 12.7 | 12.7 | 13.4 | 13.2 |

B. Assessment of market activities

2010-2013

According to EU Directive No 2001/95/EC and the Belgian legislation of 9 February 1994, the FPS Economic Affairs is the competent government department. The FPS Public Health, Food Chain Safety and Environment is competent to enforce the Product Standards Act of 21 December 1998 and the related implementing decrees. The department is competent for inspections of composition under the Product Standards Act and its implementing decrees, such as (non-exhaustive list) packaging, labelling of substances/preparations such as consumer goods (e.g. cleaning products, detergents), biocides and pesticides. The department checks a wide range of consumer products for the possible presence of dangerous substances, for example phthalates, flame retardants and heavy metals (RoHS) in toys, dangerous substances (POPs/hexachlorobenzene) in fireworks, pre-registration/registration of chemical products and the quality of safety data sheets (REACH, Articles 5 and 31), CLP, eco-design, noise emission by off-road machines, emission characteristics of boilers (national law). The quality of all those activities is closely related to product safety.

For the other years the Inspection DG of the FPS Public Health, Food Chain Safety and Environment carries out a number of inspections every year in relation to consumer safety. These are described in detail further on in this document (see 1.A).

¹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

Market surveillance activities in specific sectors

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

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

| | | 2010 | 2011 | 2012 | 2013 |
|----|--|---|---|--|---|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | 17 complaints | 17 complaints |
| 3. | Number of inspections ² (total number) | A total of 4 039 inspections were carried out, 1 324 by inspectors (academic qualification or equivalent) and 2 715 by technical experts (professional qualification or equivalent). The federal environmental inspectorate draws up an annual inspection plan, including scheduled and unscheduled inspections (complaints, emergencies, etc.). They work on campaigns (inspections for a defined period of the year in a specific field) and on recurring tasks. Consequently the numbers shown are per field | A total of 3 928 inspections were carried out, 1 261 by inspectors (academic qualification or equivalent) and 2 667 by technical experts (professional qualification or equivalent). The federal environmental inspectorate draws up an annual inspection plan, including scheduled and unscheduled inspections (complaints, emergencies, etc.). They work on campaigns (inspections for a defined period of the year in a specific field) and on recurring tasks. Consequently the numbers shown are per field | A total of 3 925 inspections were carried out, 1 488 by inspectors (academic qualification or equivalent) and 2 437 by technical experts (professional qualification or equivalent). The federal environmental inspectorate draws up an annual inspection plan, including scheduled and unscheduled inspections (complaints, emergencies etc.). They work on campaigns (inspections for a defined period of the year in a specific field) and on recurring tasks. Consequently the numbers shown are per field | A total of 3 794 inspections were carried out, 1 441 by inspectors (academic qualification or equivalent) and 2 353 by technical experts (professional qualification or equivalent). The federal environmental inspectorate draws up an annual inspection plan, including scheduled and unscheduled inspections (complaints, emergencies, etc.). They work on campaigns (inspections for a defined period of the year in a specific field) and on recurring tasks. Consequently the numbers shown are per field |

² Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

| | | | | |
|--|---|--|--|---|
| | <p>inspected and per item not per category/model since those data do not appear in the currently available database. In the case of inspections relating to consumer safety the following may be noted:</p> <ul style="list-style-type: none"> • Packaging: 483 products checked • Substances/preparations: daily inspections • Biocides and pesticides: daily inspections • Phthalates in toys: 10 analyses • Heavy metals in toys: 135 units checked, 398 XRF measurements • POPs in fireworks (hexachlorobenzene): 31 samples • REACH ref 1 (Arts. 5 and 31): 60 firms • Noise emission by off-road machines: 130 machines • Boiler emission characteristics: number of manufacturers/importers/distributors inspected: 26, number of boilers: 96, number of burners: 7 | <p>inspected and per item not per category/model since those data do not appear in the currently available database. In the case of inspections relating to consumer safety the following may be noted:</p> <ul style="list-style-type: none"> • Packaging: 75 units checked; 102 XRF measurements • Substances/preparations: daily inspections • Biocides and pesticides: daily inspections • Heavy metals in AAEEA: purchase and examination of 7 units; 80 XRF measurements • POPs in fireworks (hexachlorobenzene): 11 samples • REACH (Arts. 5, 6, 31 and 40): 41 firms • NONS (notification of new substances): 10 firms • PAHs in tyres: 4 units (REACH, Annex XVII, entry 50) • RAPEX: centralised by FPS Economic Affairs, FPS Public Health, Food Chain Safety and Environment/ DG Environment. 155 notifications Further investigation of 18 cases | <p>inspected and per item not per category/model since those data do not appear in the currently available database. In the case of inspections relating to consumer safety the following may be noted:</p> <ul style="list-style-type: none"> • Packaging: inspection at 42 sales points; 130 XRF measurements • Substances/preparations: daily inspections • Biocides and pesticides: daily inspections • Noise emission by off-road machines: 41 locations. Number of machines checked: 64 Checked for identification plates and compliance by engines. • Eco-design lighting: labelling of 28 brands/51 units checked, life testing and presence of heavy metals (21 lights) Manufacturers/distributors contacted • CLP/MDI and DCM number of firms visited: 12 number of substances and SDS checked: 65 • RoHS presence of heavy metals in electrical domestic appliances: 18 appliances; 320 XRF measurements • Detergents | <p>inspected and per item not per category/model since those data do not appear in the currently available database. In the case of inspections relating to consumer safety the following may be noted:</p> <ul style="list-style-type: none"> • Packaging: inspection at 9 firms; 160 XRF measurements • Substances/preparations: daily inspections • Biocides and pesticides: daily inspections • Noise emission by off-road machines: Number of firms checked: 5 Number of machines checked: 11 • REACH ref 3. Number of firms visited: 34 • REACH-SONC (status of non-compliance). Number of firms visited: 2 • REACH-CMR. Number of firms visited: 237 • REACH-DMF in shoes. Number of sales points visited: 24. Number of analyses: 48 • REACH-phthalates in toys. Number of items purchased and analysed: 30 • REACH: Cd in costume jewellery and hard solder. Number of firms visited: 21 • CLP: number of firms visited: 19 • Presence of heavy metals in batteries. |
|--|---|--|--|---|

| | | | | | |
|--|--|--|--|---|--|
| | | | | <p>number of firms checked: 28 number of products checked: 90</p> <ul style="list-style-type: none"> • Detergents presence of phosphates in dishwashing detergents. Purchase and analysis of 8 dishwashing detergents • REACH/enforce 2(Arts. 5, 31, 35 and 40): 41 firms (see 2011) • REACH/DOT (dioctyltin): purchase and examination of 30 samples • REACH/Cd in costume jewellery number of firms visited: 5 number of samples examined: 58 • Stoves checks on emission characteristics (national legislation). Inspection of 27 firms and 108 systems • POPs in fireworks (hexachlorobenzene) follow-up campaign. Purchase and analysis of 2 samples RAPEX: centralised by FPS Economic Affairs. FPS Public Health, Food Chain Safety and Environment/ DG Environment. 60 notifications Further investigation of | <p>Number of batteries purchased and analyses: 12</p> <ul style="list-style-type: none"> • POPs in fireworks (hexachlorobenzene). Number of units examined: 15 • Labelling of tyres: Number of sales points checked: 36. |
|--|--|--|--|---|--|

| | | | | 15 cases | |
|-----|--|---|--|--|--|
| 3.1 | number of reactive inspections ³ | < 20 % (complaints, emergencies and re-inspections) | < 20 % (complaints, emergencies and re-inspections) | < 20 % (complaints, emergencies and re-inspections) | < 20 % (complaints, emergencies and re-inspections) |
| 3.2 | number of self-initiated inspections ⁴ | ~ 80 % (see annual inspection plan) – scheduled and unscheduled inspections | ~ 80 % (see annual inspection plan) – scheduled and unscheduled inspections | ~ 80 % (see annual inspection plan) – scheduled and unscheduled inspections | ~ 80 % (see annual inspection plan) – scheduled and unscheduled inspections |
| 3.3 | number of inspections prompted by the customs ⁵ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | 68 units, broken down as follows: <ul style="list-style-type: none"> REACH/phtalates in toys: 7 Detergents: 20 Packaging (heavy metals): 4 (destructive analyses) POPs (HCB) in fireworks: 31 Miscellaneous analyses: 6 Heavy metals in batteries Composition hard solder | 29 units, broken down as follows: <ul style="list-style-type: none"> PAHs in tyres: 4 heavy metals in packaging: 2 RoHS (heavy metals in packaging and AEEA: 5 RoHS (flame retardants) in AEEA: 1 POPs (HCB) in fireworks: 11 Alcohol(s) in screen washer fluid: 1 Presence of benzopyrene in ink: 1 Phosphates in detergents: 1 Phtalates in a carpet: 1 Ni migration in jewellery: 2 | 93 units, broken down as follows: <ul style="list-style-type: none"> REACH/Cd in jewellery: 1 REACH/DOT: 30 POPs (HCB) in fireworks: 2 REACH/DM in shoes and clothing: 7 Eco-design: life of lights + presence of heavy metals: 20 Ecolabel: 1 Ni migration in jewellery: 3 Detergents: 8 RoHS flame retardants: 4 VOC in paints: 13 CLP: 1 Miscellaneous: 3 | 127 units, broken down as follows: <ul style="list-style-type: none"> REACH/DMF in shoes: 48 REACH/phtalates in toys: 30 REACH/Cd in costume jewellery: 8 POPs (HCB) in fireworks: 15 Miscellaneous RoHS analyses: 14 Heavy metals in batteries: 12 Miscellaneous: 10 |

³ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

⁴ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁵ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

| | | | | | |
|-----|--|--|---|--|---|
| | | | | | |
| 4.2 | physical checks of products ⁶ | | | | |
| 5 | Number of inspections resulting in: | It is not possible to indicate the total number of non-compliant products with the software currently used by the federal environmental inspectorate (or the number per programme/product category). The software does give a general indication of the number and seriousness of the infringements noted, These are broken down into critical, serious and other (= minor) infringements. In 2010 <ul style="list-style-type: none"> critical: 98 serious: 395 other: 717 | It is not possible to indicate the total number of non-compliant products with the software currently used by the federal environmental inspectorate (or the number per programme/product category). The software does give a general indication of the number and seriousness of the infringements noted, These are broken down into critical, serious and other (= minor) infringements. In 2011 <ul style="list-style-type: none"> critical: 127 serious: 343 other: 678 | It is not possible to indicate the total number of non-compliant products with the software currently used by the federal environmental inspectorate (or the number per programme/product category). The software does give a general indication of the number and seriousness of the infringements noted, These are broken down into critical, serious and other (= minor) infringements. In 2012 <ul style="list-style-type: none"> critical: 95 serious: 407 other: 734 | It is not possible to indicate the total number of non-compliant products with the software currently used by the federal environmental inspectorate (or the number per programme/product category). The software does give a general indication of the number and seriousness of the infringements noted, These are broken down into critical, serious and other (= minor) infringements. In 2013 <ul style="list-style-type: none"> critical: 124 serious: 424 other: 564 |
| 5.1 | finding of non-compliance ⁷ | See 5 | See 5 | See 5 | See 5 |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁸ | inspectors: 187 technical experts: 210 | inspectors: 134 technical experts: 245 | inspectors: 117 technical experts: 305 | inspectors: 109 technical experts: 264 |
| 5.3 | restrictive | Take off the market | Take off the market | Reported: 14 | Reported: 57 |

⁶ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁷ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

⁸ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

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

| | | | | | |
|-----|---|---|---|---|--|
| | measures ⁹ taken by market surveillance authorities . | inspectors: 50 A specific type of product was destroyed technical experts: 117 requirement to remove a large number of no longer accepted pesticides (for destruction) | inspectors: 59 A specific type of product was destroyed technical experts: 118 requirement to remove a large number of no longer accepted pesticides (for destruction) | | |
| 5.4 | application of sanctions/penalties | Product Standards Act: 06/12/2012 amendment allows strong action | Product Standards Act: 06/12/2012 amendment allows strong action | Product Standards Act: 06/12/2012 amendment allows strong action | Product Standards Act: 06/12/2012 amendment allows strong action |
| 6 | Number of inspections where other Member States were invited to collaborate | RAPEX: reports received: 134 further investigation: 19 | RAPEX: reports received: 118 further investigation: 18 | RAPEX: reports received: 60 further investigation: 18 | RAPEX: reports received: 131 further investigation: 8 |
| | Reported in international forum. | REACH: 60 RoHS: 11 distributors/135 appliances+parts/398 XRF measurements | REACH: 41 RoHS: 7 appliances/70 parts/80 XRF measurements | REACH: see 2011 RoHS: 18 appliances/262/parts /320 XRF measurements | REACH: RoHS: |

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

Internal and external communication.

Transfer of knowledge obtained to permanent staff of the policy departments. External communication of specific results to colleagues in other federal and/or regional enforcement bodies. Contacts/recommendations for colleagues in other Federal Public Services. Transmission/preparation of PP presentations and submission to EU authorities. Periodic consultation with industry.

Presentation of following results at EU level:

- REACH (ref 1, 2 and 3)
- CLEEN
- RoHS
- RAPEX (via FPS Economic Affairs)
- Pesticides (via FAVV [Federal Agency for the Safety of the Food Chain] to the FVO)
- PT3 biocides (DG4/FAVV to the EU)

Information on resources (subject to availability)

| | | | | | |
|--|--|------|------|------|------|
| | | 2010 | 2011 | 2012 | 2013 |
|--|--|------|------|------|------|

| | | | | | |
|-----|---|--|--|--|--|
| 7.1 | Budget available to market surveillance authorities in nominal terms (€) ¹⁰ | 425 000 (not including staff members) | 425 000 (not including staff members) | 425 000 (not including staff members) | 425 000 (not including staff members) |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | 15.7 | 15.7 | 16.4 | 16.2 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 12.7 | 12.7 | 13.4 | 13.2 |

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

2010

The federal environmental inspectorate draws up an annual inspection plan, including scheduled and unscheduled inspections. The inspections mainly include campaigns and recurring tasks. Consequently the total number of inspections and the infringements noted for each infringement (critical, serious and minor) is not indicated for each campaign. With the current database it is not possible to indicate the figures for each campaign. The following is a brief overview:

- Packaging: 483 products checked
- Substances/preparations: daily inspections
- Biocides and pesticides: daily inspections
- Phtalates in toys: 10 analyses
- Heavy metals in toys (RoHS): 135 units checked, 398 XRF measurements)
- Fireworks and HCB: collection and analysis of 31 samples
- REACH (Arts. 5 and 31): 60 firms
- Noise emission for outside use, off-road machines: 130 machines
- Boiler emission characteristics
 - Number of manufacturers/importers/distributors checked
 - Number of boilers checked: 26
 - Number of burners checked: 7

¹⁰ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation

2011

The federal environmental inspectorate draws up an annual inspection plan, including scheduled and unscheduled inspections. The inspections mainly include campaigns and recurring tasks. Consequently the total number of inspections and the infringements noted for each infringement (critical, serious and minor) is not indicated for each campaign. With the current database it is not possible to indicate the figures for each campaign. The following is a brief overview:

- Packaging: 75 units checked; 102 XRF measurements
- Checked substances/preparations: daily inspections
- Biocides and pesticides: daily inspections
- Heavy metals in AAEEA: 7 units; 80 XRF measurements
- Fireworks and hexachlorobenzene: 11 samples
- REACH (Arts. 5, 6, 31 and 40): 41 firms
- NONS (notification of new substances): 10 firms
- PAHs in tyres: 4 units (REACH, Annex XVII, entry 50)
- RAPEX: centralised by FPS Economic Affairs. FPS Public Health, Food Chain Safety and Environment/DG Environment 155 notifications Further investigation of 18 cases.

2012

The federal environmental inspectorate draws up an annual inspection plan, including scheduled and unscheduled inspections. The inspections mainly include campaigns and recurring tasks. Consequently the total number of inspections and the infringements noted for each infringement (critical, serious and minor) is not indicated for each campaign. With the current database it is not possible to indicate the figures for each campaign. The following is a brief overview:

- Packaging: inspection at 42 sales points; 130 XRF measurements
- Checked substances/preparations: daily inspections
- Biocides and pesticides: daily inspections
- Noise emission by off-road machines: 41 locations. Number of machines checked: 64. Checked for identification plate and compliance by engines
- Eco-design
 - lights 28 brands/51 units. Labelling checked
 - life tests lights and presence of heavy metals (21 lights)
 - manufacturers/distributors contacted
- CLP/MDI and DCM
 - number of firms visited: 12
 - number of substances and SDS checked: 65
- RoHS
 - presence of heavy metals in electrical domestic appliances: 18 appliances; 320 XRF measurements
- Detergents
 - number of firms checked: 28
 - number of products checked: 90
- Detergents
 - presence of phosphates in dishwashing detergents. Purchase and analysis of 8 dishwashing detergents
- REACH/enforce 2(Arts. 5, 31, 35 and 40)
 - 41 firms (see 2011)
- REACH/DOT
 - purchase and examination of 30 samples

- REACH/Cd in costume jewellery
 - number of firms visited: 5
 - number of samples examined: 58
- Stoves
 - checks on emission characteristics
- Fireworks and hexachlorobenzene
 - follow-up campaign
 - 2 samples
 - RAPEX: centralised by FPS Economic Affairs. FPS Public Health, Food Chain Safety and Environment/DG Environment. 60 notifications Further investigation of 15 cases.

2013

The federal environmental inspectorate draws up an annual inspection plan, including scheduled and unscheduled inspections. The inspections mainly include campaigns and recurring tasks. Consequently the total number of inspections and the infringements noted for each infringement (critical, serious and minor) is not indicated for each campaign. With the current database it is not possible to indicate the figures for each campaign. The following is a brief overview:

- Packaging
 - inspection at 9 firms; 160 XRF measurements
- Checked substances/preparations
 - daily inspections
- Biocides and pesticides
 - daily inspections
- Noise emission by off-road machines
 - number of firms checked: 5
 - number of machines checked: 11
- REACH – ref 3
 - number of firms visited: 34
- REACH – SONC (status of non-compliance)
 - number of firms visited: 2
- REACH – CMR
 - number of firms visited: 237
- REACH – DMF in shoes
 - number of sales points visited: 24
 - number of analyses: 48
- REACH – phtalates in toys
 - number of articles purchased and analysis: 30
- REACH – CD in costume jewellery and hard solder
 - number of firms visited: 21
- CLP
 - number of firms visited: 19
- Presence of heavy metals in batteries
 - number of batteries purchased and analyses: 12
- POPs (hexachlorobenzene) in fireworks
 - number of units examined: 15
- Tyre labelling
 - number of sales points checked: 36

Annex 1: Reference list of sectors

| Product sectors | Relevant legislation ^{11 12} | 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 | No |
| 2. Cosmetics | Regulation 2023/2009 | No |
| 3. Toys | Directive 2009/48/EC | Yes (phtalates) |
| 4. Personal protective equipment | Directive 89/686/EEC | No |
| 5. Construction products | Regulation (EU) No 305/2011 | No |
| 6. Aerosol dispensers | Directive 75/324/EEC, | Partly |
| 7. Simple pressure vessels and Pressure equipment | Directives 2009/105/EC and 97/23/EC | No |
| 8. Transportable pressure equipment | Directive 2010/35/EC | No |
| 9. Machinery | Directive 2006/42/EC | No |
| 10. Lifts | Directive 1995/16/EC | No |
| 11. Cableways | Directive 2000/9/CE | No |
| 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 | No |
| 14. Pyrotechnics | Directive 2007/23/EC | Partly (R 850/2004) |
| 15. Explosives for civil uses | Directive 93/15/EEC | No |
| 16. Appliances burning gaseous fuels | Directive 2009/142/EC | No |
| 17. Measuring instruments, non-automatic weighing instruments and pre-packaged products | Directives 2004/22/EC, 2009/23/EC and 2007/45/EC | No |
| 18. Radio and telecom equipment under EMC | Directives 2004/108/EC and 1999/5/EC | No |
| 19. Radio and telecom equipment under RTTE | Directive 2006/95/EC | No |
| 20. Electrical appliances and equipment under LVD | Directives 2011/65/EU, 2002/96/EU and 2006/66/EC | No |
| 21. Electrical and electronic equipment under RoHS, WEEE and batteries | | Yes |
| 22. Chemicals (detergents, paints, persistent organic pollutants) ¹³ | Regulation 648/2004 Directive 2004/42/EC Regulation 850/2004 | Yes |

¹¹ For ease of reference this table indicates established EU legislation. New legislation having replaced or amended that listed in the table should be also taken into account for the relevant period in which it is applicable.

¹² For ease of reference in some cases (e. g. eco-design, energy labelling), this table only indicates EU framework legislation, but is intended to cover also product specific EU legislative acts.

¹³ This section focuses on chemicals other than those falling under REACH and CLP Regulations. Market surveillance activities conducted under REACH and CLP Regulations fall within the scope of Regulation 765/2008, however, since they are already the subject matter of specific reports available

| Product sectors | Relevant legislation^{11 12} | Included in this report? (Y/N) |
|--|--|---------------------------------------|
| 23. Eco-design 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 | No |
| 26. Marine equipment | Directive 96/98/EC | No |
| 27. Motor vehicles and tyres | Directives 2002/24/EC and 2007/46/EC, and Regulation (EC) No 1222/2009 | Yes (2013) |
| 28. Non-road mobile machinery | Directive 97/68/EC | Yes |
| 29. Fertilisers | Regulation 2003/2003 | No |
| 30. Other consumer products under GPSD (optional) | Directive 2011/95/EC | |
| 31. (Additional sectors – please specify) | | |
| 32. Tyres | Regulation 1222/2009 | Yes (partly) |

to the public, they may be excluded from the current report. It is nevertheless asked that Member States include in this section a link to the REACH and CLP reports for the relevant period.

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

Belgium: FPS Economy – DG Quality and Safety E6

Market surveillance activities in specific sectors

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 activities monitoring implementation of legislation in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|--------|--------|--------|--------|
| 1. | Number of product related accidents/ user complaints | → 13.B | → 13.B | → 13.B | → 13.B |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections ¹ (total number) | → 13.B | → 13.B | → 13.B | → 13.B |
| 3.1 | number of reactive inspections ² | | | | |
| 3.2 | number of self-initiated inspections ³ | | | | |
| 3.3 | number of inspections prompted by the customs ⁴ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | → 13.B | → 13.B | → 13.B | → 13.B |
| 4.2 | physical checks of products ⁵ | → 13.B | → 13.B | → 13.B | → 13.B |

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

² Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

³ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁴ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

| | | | | | |
|-----|--|--|--|--|--|
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁶ | | | | |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁷ | | | | |
| 5.3 | restrictive measures ⁸ taken by market surveillance authorities . | | | | |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

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

In the case of categories 1 and 2, which have to be checked and certified before being placed on the market, the inspection and testing carried out by the notified bodies and laboratories ensures that the equipment is compliant. Market surveillance by the authorities is therefore focused on category 3, which only requires self-certification by the manufacturer. In the period 2010-2013 market surveillance was restricted and confined to contacts with the notified bodies. There were no complaints. Furthermore, the tests carried out from 2005 to 2009 on category 3 equipment did not identify any non-compliance justifying prohibition or withdrawal from the market. In addition, in the invitation to tender for public contracts no reply was received for the part of the tender specifications relating to ATEX. Therefore it was not considered appropriate to undertake active surveillance for the period 2010-2013 in the form of samples of equipment on the market and laboratory testing. The budgets – already limited after the 2008 financial and economic crisis – were mainly used for surveillance under the other directives. It should be emphasised that those budgets are no longer indexed and are subject to annual budget freezes.

⁵ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁶ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

⁷ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

⁸ Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on a previous request of market surveillance authorities to take corrective action or where authorities have to intervene urgently.

Sector 16: Appliances burning gaseous fuels

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

Information on activities monitoring implementation of legislation in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|--|------|------|------|------|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections ⁹ (total number) | 29 | 17 | 18 | 24 |
| 3.1 | number of reactive inspections ¹⁰ | | | | |
| 3.2 | number of self-initiated inspections ¹¹ | 26 | 17 | 17 | 18 |
| 3.3 | number of inspections prompted by the customs ¹² | 3 | - | 1 | 6 |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | 21 | 16 | 13 | 16 |
| 4.2 | physical checks of products ¹³ | 8 | 1 | 5 | 8 |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ¹⁴ | 20 | 17 | 16 | 19 |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ¹⁵ | 18 | 16 | 15 | 16 |

⁹ Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

¹⁰ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

¹¹ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

¹² These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

¹³ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

¹⁴ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

| | | | | | |
|-----|---|---|---|---|---|
| 5.3 | restrictive measures ¹⁶ taken by market surveillance authorities . | 2 | 1 | 1 | 3 |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

Information on resources (estimates)

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|---------|---------|---------|---------|
| 7.1 | Budget available to market surveillance authorities in nominal terms ¹⁷ (€) | 102 000 | 239 000 | 166 000 | 217 000 |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | 1.0 | 1.0 | 1.0 | 1.0 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 0.2 | 0.2 | 0.2 | 0.2 |

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

Market surveillance information is published on the Ministry's website:
http://economie.fgov.be/fr/entreprises/energie/gaz_naturel/marche_appareils_gaz/

Various categories of equipment are tested each year: domestic hot water, cooking, heating. There are ten or so manufacturing companies in Belgium and around 1 800 sales companies for some 1 500 products of different types and makes placed on the market. In the light of market knowledge and the information received during the year on products that are potentially dangerous or likely to be non-compliant (complaints, information from the

¹⁵ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

¹⁶ Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on a previous request of market surveillance authorities to take corrective action or where authorities have to intervene urgently.

¹⁷ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

market, from other Member States, results of previous tests, etc.) it is possible to focus on the products for which testing is most appropriate. In the case of physical inspections, an official report is only drawn up on products found to be non-compliant. The proportion of products proving non-compliant in laboratory tests is high and variable: 57 % in 2010, 100 % in 2011, 85 % in 2012 and 69 % in 2013. However, the non-compliance is not normally such as to warrant prohibition. In the vast majority of cases it is remedied by the stakeholders. Over the four-year period, restrictions have been imposed on 8 % of the products inspected.

As regards market surveillance budgets, it should be emphasised that they are no longer indexed and are subject to annual budget freezes.

Sector 18: Electrical equipment under the EMC Directive

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

Information on activities monitoring implementation of legislation in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|--|--------|--------|--------|--------|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections ¹⁸ (total number) | → 18.B | → 18.B | → 18.B | → 18.B |
| 3.1 | number of reactive inspections ¹⁹ | | | | |
| 3.2 | number of self-initiated inspections ²⁰ | 54 | 47 | 11 | 4 |
| 3.3 | number of inspections prompted by the customs ²¹ | → 18.B | → 18.B | → 18.B | → 18.B |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | 54 | 47 | 11 | 4 |
| 4.2 | physical checks of products ²² | → 18.B | → 18.B | → 18.B | → 18.B |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ²³ | 22 | 16 | 3 | 3 |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ²⁴ | | | | |

¹⁸ Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

¹⁹ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

²⁰ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

²¹ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

²² This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

²³ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

| | | | | | |
|-----|---|---|---|---|---|
| 5.3 | restrictive measures ²⁵ taken by market surveillance authorities . | 7 | 8 | 2 | 3 |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

Information on resources (estimates)

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|--------|--------|--------|--------|
| 7.1 | Budget available to market surveillance authorities in nominal terms ²⁶ (€) | 48 000 | 77 750 | 40 000 | 40 000 |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | 0.7 | 0.7 | 0.7 | 0.7 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 0.2 | 0.2 | 0.2 | 0.2 |

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

Market surveillance information is published on the Ministry's website:
http://economie.fgov.be/fr/entreprises/energie/gaz_naturel/marche_appareils_gaz/

The market is the electrical equipment market (see section 20). Electrical equipment is therefore inspected at the same time in the field and at customs in accordance with the low voltage and electromagnetic compatibility (EMC) directives. Since all information on the on-site visual inspections (marking, warnings, information, technical aspects, etc.) has already been given in section 20 on the 'low voltage' directive, the tables in 18.A above only

²⁴ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

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

²⁶ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

refer to on-site sampling of equipment and tests of the equipment in accredited laboratories.

The proportion of non-compliant products in laboratory EMC tests is not very high and is declining (except in 2013, when only four items of equipment were tested): 41 % in 2010, 34 % in 2011, 27 % in 2012. Over the whole four years 17% of the equipment tested was prohibited.

As regards market surveillance budgets, it should be emphasised that they are no longer indexed and are subject to annual budget freezes.

Sector 20: Electrical appliances equipment under the Low Voltage Directive

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

Information on activities monitoring implementation of legislation in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|------|------|------|------|
| 1. | Number of product related accidents/ user complaints | 1 | - | 2 | 2 |
| 2. | Number of substantiated complaints by industry concerning unfair competition | 6 | - | - | - |
| 3. | Number of inspections ²⁷ (total number) | 567 | 694 | 487 | 950 |
| 3.1 | number of reactive inspections ²⁸ | 9 | - | 2 | 2 |
| 3.2 | number of self-initiated inspections ²⁹ | 265 | 358 | 175 | 79 |
| 3.3 | number of inspections prompted by the customs ³⁰ | 293 | 336 | 310 | 869 |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | 185 | 207 | 107 | 52 |
| 4.2 | physical checks of products ³¹ | 382 | 487 | 378 | 896 |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ³² | 482 | 614 | 468 | 939 |
| 5.2 | corrective actions taken by economic | 288 | 111 | 93 | 68 |

²⁷ Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

²⁸ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

²⁹ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

³⁰ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

³¹ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

³² This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

| | | | | | |
|-----|---|-----|-----|-----|-----|
| | operators ('voluntary measures') ³³ | | | | |
| 5.3 | restrictive measures ³⁴ taken by market surveillance authorities . | 194 | 503 | 375 | 871 |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

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

There is regular communication with actors in the market, manufacturers, importers, distributors, retailers, through telephone contacts, email, correspondence and site visits. When general information needs to be circulated in the sector, that is done through the normal channels: circulars, press, website, etc. See, for instance, the information note of 24 February 2011 on pumps and other electrical appliances for mobile swimming pools, sent to sectoral federations and distributors and published on the Ministry's website:
http://economie.fgov.be/fr/entreprises/energie/electricite/Controle_des_produits_electriques/pompes_appareils_electriques_piscines/

Information is also provided periodically to the general public in the media to draw attention to certain risks and remind them that market surveillance is operating and that products are regularly prohibited. In addition, the list of prohibited products is periodically updated on the Ministry website.

³³ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

³⁴ Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on a previous request of market surveillance authorities to take corrective action or where authorities have to intervene urgently.

Information on resources (estimates)

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|---------|---------|---------|---------|
| 7.1 | Budget available to market surveillance authorities in nominal terms ³⁵ (€) | 660 000 | 540 000 | 575 000 | 515 000 |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | 3.1 | 3.1 | 3.1 | 2.6 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 0.6 | 0.6 | 0.6 | 0.4 |

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

Market surveillance information is published in the Ministry's website: http://economie.fgov.be/fr/entreprises/energie/electricite/Controle_des_produits_electriques/. Various categories of appliances are tested each year in the following categories: household appliances, cooking, heating, lighting, pumps, wiring, adapters, electrical plugs, extension cords, inverters, miscellaneous. There are about 370 manufacturing companies in Belgium and 4 000 sales companies for some 100 000 products of different types and makes placed on the market. In the light of market knowledge and the information received during the year on products that are potentially dangerous or likely to be non-compliant (complaints, information from the market, from other Member States, results of previous tests, etc.) it is possible to focus on the products for which testing is most appropriate. In the case of physical inspections, an official report is only drawn up on products found to be non-compliant. The proportion of products proving non-compliant in laboratory tests is high and rising: 59 % in 2010, 61 % in 2011, 84 % in 2012 and 83 % in 2013. However, the non-compliance is not normally such as to warrant prohibition. Marking and/or documentation defects are usually remedied by the stakeholders (manufacturers, importers, etc). However, restrictive measures for all inspections are increasing year by year: 34 % in 2010, 72 % in 2011, 77 % in 2012 and 92 % in 2013. That is mainly due to products rejected by customs.

As regards market surveillance budgets, it should be emphasised that they are no longer indexed and are subject to annual budget freezes.

³⁵ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

Sector 23: Eco-design and energy labelling

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

Information on activities monitoring implementation of legislation in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|--|------|------|------|------|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | - | - | 1 | - |
| 3. | Number of inspections ³⁶ (total number) | 131 | 5 | 83 | 10 |
| 3.1 | number of reactive inspections ³⁷ | | | | |
| 3.2 | number of self-initiated inspections ³⁸ | 131 | 5 | 83 | 10 |
| 3.3 | number of inspections prompted by the customs ³⁹ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | 131 | 5 | 26 | 10 |
| 4.2 | physical checks of products ⁴⁰ | | | 57 | |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁴¹ | 39 | 1 | 43 | |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁴² | 39 | 1 | 41 | |

³⁶ Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

³⁷ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

³⁸ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

³⁹ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

⁴⁰ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁴¹ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

| | | | | | |
|-----|---|---|---|---|---|
| 5.3 | restrictive measures ⁴³ taken by market surveillance authorities . | - | - | 2 | - |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

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

Further to the publication of the new Energy Labelling Directive (2010/30/EU) and its transposition into national law, several thousand copies of a brochure have been produced. At the same time, a notice has been published on the first page of the official Belgian site, www.belgium.be, together with press releases. The Ministry's web page has been completely updated: http://economie.fgov.be/fr/consommateurs/Energie/Developpement_energie/Efficacite_energetique/Labelling/.

Information meetings have been organised by the regions, in particular the Brussels-Capital region which has also issued a series of explanatory sheets for each category of product and offered premiums on the purchase of the most efficient products. A television information spot on the new label has been made in collaboration with the national federation of electrical and electronic equipment manufacturers. The brochure is regularly updated to take account of the new delegated regulations published.

⁴² Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

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

Information on resources (estimates)

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|--------|--------|--------|--------|
| 7.1 | Budget available to market surveillance authorities in nominal terms ⁴⁴ (€) | 91 000 | 36 000 | 60 000 | 73 000 |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | 1.0 | 1.0 | 1.0 | 1.0 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 0.25 | 0.25 | 0.25 | 0.25 |

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

For the years 2010 to 2013, the market was the same as for electrical equipment (for gas boilers and water heaters, solid fuel boilers, etc., the new eco-design and energy labelling rules will not become applicable until September 2015). In 2010-2013, various categories of appliance were inspected: refrigerators, washing machines, dishwashers, driers, televisions, lighting (LEF and CFL), ovens, air conditioning units, microwave ovens (standby). In the case of physical inspections, an official report was only made for categories of products for which at least one product was found to be non-compliant on a given visit. The proportion of non-compliant products found in physical inspections is therefore relatively high but falling: 37 % in 2010, 20 % in 2013. Overall, cases of non-compliance are remedied by stakeholders (e.g. manufacturers, importers). Over the four-year period, restrictive measures were only applied to 0.3 % of the products inspected.

As regards market surveillance budgets, it should be emphasised that they are no longer indexed and are subject to annual budget freezes. That poses a problem for greater feasibility of eco-design and energy labelling, since the number of rules to be implemented is increasing year by year, resulting in an increase in market surveillance requirements.

⁴⁴ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

Sector 24: Efficiency requirements for hot boilers fired with liquid or gaseous fuels

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

Information on activities monitoring implementation of legislation in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|------|------|------|------|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections ⁴⁵ (total number) | | | | |
| 3.1 | number of reactive inspections ⁴⁶ | | | | |
| 3.2 | number of self-initiated inspections ⁴⁷ | 3 | 1 | 4 | 5 |
| 3.3 | number of inspections prompted by the customs ⁴⁸ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | 3 | 1 | 4 | 5 |
| 4.2 | physical checks of products ⁴⁹ | | | | |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁵⁰ | - | - | 1 | - |
| 5.2 | corrective actions taken by economic | - | - | 1 | - |

⁴⁵ Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

⁴⁶ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

⁴⁷ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁴⁸ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

⁴⁹ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁵⁰ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

| | | | | | |
|-----|---|--|--|--|--|
| | operators ('voluntary measures') ⁵¹ | | | | |
| 5.3 | restrictive measures ⁵² taken by market surveillance authorities . | | | | |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

Information on resources (estimates)

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|--------|--------|--------|--------|
| 7.1 | Budget available to market surveillance authorities in nominal terms ⁵³ (€) | 26 500 | 13 600 | 47 500 | 28 600 |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | 0.2 | 0.2 | 0.2 | 0.2 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 0.05 | 0.05 | 0.05 | 0.05 |

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

Hot water boilers are subject to prior third party certification. There are only two manufacturers in Belgium and some 300 companies importing and selling several dozen models. When hot water boilers are tested in accordance with Safety Directive No 2009/142/EC (see section 16) and the result is satisfactory, they are also examined in accordance with Efficiency Directive No 92/42/EEC, taking advantage of the fact that the boiler is already on the test bench. Thus several dozen boilers were tested in the 2000s.

⁵¹ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

⁵² Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on a previous request of market surveillance authorities to take corrective action or where authorities have to intervene urgently.

⁵³ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

Since the result was always satisfactory, the inspections were more limited from 2010 to 2013. The 12 gas boilers tested between 2010 and 2013 were once again found to be satisfactory. A fuel boiler was also tested in 2012. The documentation was found to be non-compliant, but this was quickly corrected by the manufacturer. More instances of non-compliance might be found when the new directives on eco-design (813/13) and energy labelling (811/13) come into force in September 2015, since those rules are stricter than Directive 92/42/EEC.

As regards market surveillance budgets, it should be emphasised that they are no longer indexed and are subject to annual budget freezes. That poses a problem for the future, since market surveillance requirements in regard to eco-design and energy labelling are increasing year by year (see section 23.B).

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

Belgium: BIPT [Belgian Institute for Postal Services and Telecommunications]

Overview of general market surveillance activities

A. Review of general market activities

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

BIPT is represented in the IEC and the customs group.
 BIPT complies with ADCO R&TTE/EMC ADCO/R&TTECA/EUANB/TCAM/TCAM WG/EMC WP.
 See also NMSP.

Information on resources (subject to availability)

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

¹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

Market surveillance activities in specific sectors

Sector 19: Radio and telecommunications equipment under the R&TTE Directive

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

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

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|--------|--------|--------|--------|
| 1. | Number of product related accidents/ user complaints | 0 | 0 | 0 | 0 |
| 2. | Number of substantiated complaints by industry concerning unfair competition | 0 | 0 | 0 | 0 |
| 3. | Number of inspections ² (total number) | 650 | 550 | 520 | 592 |
| 3.1 | number of reactive inspections ³ | RA<10 | RA<10 | RA<10 | RA<10 |
| 3.2 | number of self-initiated inspections ⁴ | 572 | 480 | 420 | 507 |
| 3.3 | number of inspections prompted by the customs ⁵ | 68 | 60 | 90 | 75 |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | 0 | 0 | 0 | 0 |
| 4.2 | physical checks of products ⁶ | RA<641 | RA<481 | RA<776 | RA<605 |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁷ | RA<543 | <466 | <560 | <452 |

² Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

³ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

⁴ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁵ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

⁶ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁷ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

| | | | | | |
|-----|--|--|--|--|--|
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁸ | RA<20 | RA<20 | RA<20 | RA<20 |
| 5.3 | restrictive measures ⁹ taken by market surveillance authorities . | RA<543 | RA<466 | RA<560 | 452 |
| 5.4 | application of sanctions/penalties | not available judicial authorities | not available judicial authorities | not available judicial authorities | not available judicial authorities |
| 6 | Number of inspections where other Member States were invited to collaborate | RA<5 | RA<5 | RA<5 | RA<5 |

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

Presentations to industry.
 Assistance with preparation of R&TTE guide.
 Meetings with manufacturers on problems and queries.
 Providing markets/manufacturers/distributors/importers with the necessary information at inspections.
 Explanation given on the law whenever equipment is seized.
 (Info to consumers in inspection e-commerce, import from countries outside the EU).
 BIPT website.
 Questions answered by telephone or email.
 Customs cooperation/clarification.

⁸ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

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

Information on resources (subject to availability)

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|-----------------------------|---------------------------|---------------------------|---------------------------|
| 7.1 | Budget available to market surveillance authorities in nominal terms ¹⁰ (€) | not available €1 853 714 | not available €1881944 | not available €1774830 | not available €1801858 |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | - | - | - | - |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | 11.5 | 11.5 | 10.2 | 10.2 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 7.7 | 7.7 | 7.7 | 7.7 |

7.1. These figures are not available at BIPT in this form. A programme dividing BIPT's total costs between the different departments is currently being drawn up. Market surveillance comes under the Inspections department. The programme structure is based on the 2014 budget figures. The aim is more to be able to simulate the future, but a simulation has been made on that basis for the years 2010-2013 by de-indexing and adaptation of the number of FTEs. Thus these figures are approximate; the parameters used and apportionment formulae have not yet been approved by the governing board.

These figures indicate the **structural average cost price** of the market surveillance department.

Three examples for clarification:

- The department does not becoming structurally cheaper when a member of staff happens to retire and is replaced by a younger person (at the same level).
- When the department uses a number of cars each year, the issue is not whether the cars happen to have been bought in year 1 or year 2: a car has an average operating cost.
- A chance replacement that is not immediate is not taken into account straight away.

¹⁰ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

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

It is difficult to estimate the scale of the national market for the products concerned, since telecommunications are increasingly integrated into a very wide range of products. Those products are therefore offered through many different distribution channels.

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

Belgium: FPS Economy – DG Economic Inspection E7

Overview of general market surveillance activities

A. Review of general market activities

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

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

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|-----------|-----------|---------|---------|
| 1.1 | Budget available to market surveillance authorities in nominal terms ¹ (€) | 1 111 033 | 1 010 030 | 909 027 | 757 522 |
| 1.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 2 | Staff available to market surveillance authorities (full-time equivalent units) | | | | |
| | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 9 | 8 | 7 | 7.5 |

¹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

Market surveillance activities in specific sectors

Sector 20: Low voltage (sunbeds, solariums)

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

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

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|------|------|------|------|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections ² (total number) | 173 | 118 | 69 | 96 |
| 3.1 | number of reactive inspections ³ | | | | |
| 3.2 | number of self-initiated inspections ⁴ | 173 | 118 | 69 | 96 |
| 3.3 | number of inspections prompted by the customs ⁵ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | | | | |
| 4.2 | physical checks of products ⁶ | | | | |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁷ | 36 | 41 | 12 | 23 |

² Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

³ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

⁴ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁵ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

⁶ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁷ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

| | | | | | |
|-----|--|----|----|----|----|
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁸ | | | | |
| 5.3 | restrictive measures ⁹ taken by market surveillance authorities . | | | | |
| 5.4 | application of sanctions/penalties | 36 | 41 | 12 | 23 |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

⁸ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

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

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

Belgium: FPS Mobility

Overview of general market surveillance activities

A. Review of general market activities

For the national market surveillance programme, see the following websites:

FPS Economy:
http://economie.fgov.be/fr/modules/publications/general/nmsp_belgium_2014.jsp

European Commission:
http://ec.europa.eu/enterprise/policies/single-marketgoods/internal-market-for-products/market-surveillance/index_en.htm#h2-2

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 (€) | 132 750 | 132 750 | 132 750 | 206 250 |
| 1.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 2 | Staff available to market surveillance authorities (full-time equivalent units) | 1 | 1 | 1 | 2.5 |
| 3. | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 0.5 | 0.5 | 0.5 | 1.5 |

¹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

B. Assessment of market surveillance activities in the sector

Attention should be drawn to the 'second-hand vehicle' technical inspection in Belgium, which is a non-periodic inspection of category M1 and N1 vehicles.

The inspection is carried out before a vehicle is registered to another owner, in accordance with Article 23(e)(1), (3) and (4) of the Royal Decree of 15 March 1968 laying down general rules for technical conditions to be met by vehicles and their trailers, components and safety accessories.

However the budget information does not include this second-hand vehicle inspection, which is the responsibility of the approved inspection bodies.

Market surveillance activities in specific sectors

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

Information on activities monitoring implementation of legislation in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|------|------|------|------|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections ² (total number) | 75 | 200 | 300 | 450 |
| 3.1 | number of reactive inspections ³ | | | 136 | 256 |
| 3.2 | number of self-initiated inspections ⁴ | | | 164 | 194 |
| 3.3 | number of inspections prompted by the customs ⁵ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | | | | |
| 4.2 | physical checks of products ⁶ | | | | |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁷ | | | | |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁸ | | | | |

² Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

³ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

⁴ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁵ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

⁶ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁷ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

| | | | | | |
|-----|--|--|--|--|--|
| 5.3 | restrictive measures ⁹ taken by market surveillance authorities . | | | | |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

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

Communications are published on the FPS Mobility website to inform users of the technical specifications and rules for certain categories of vehicles.

Information on resources (subject to availability)

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|---------|---------|---------|---------|
| 1.1 | Budget available to market surveillance authorities in nominal terms ¹⁰ (€) | 132 750 | 132 750 | 132 750 | 206 250 |
| 1.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 2 | Staff available to market surveillance authorities (full-time equivalent units) | 1 | 1 | 1 | 2.5 |
| 3 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 0.5 | 0.5 | 0.5 | 1.5 |

⁸ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

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

¹⁰ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

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

Belgium: FPS Mobility

Overview of general market surveillance activities

A. Review of general market activities

For the national market surveillance programme, see the following websites:

FPS Economy:

http://economie.fgov.be/fr/modules/publications/general/nmsp_belgium_2014.jsp

European Commission:

http://ec.europa.eu/enterprise/policies/single-marketgoods/internal-market-for-products/market-surveillance/index_en.htm#h2-2

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 (€) | 132 750 | 132 750 | 132 750 | 206 250 |
| 1.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 2 | Staff available to market surveillance authorities (full-time equivalent units) | 1 | 1 | 1 | 2.5 |
| 3 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 0.5 | 0.5 | 0.5 | 1.5 |

¹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

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

Attention should be drawn to the 'second-hand vehicle' technical inspection in Belgium, which is a non-periodic inspection of category M1 and N1 vehicles. The inspection is carried out before a vehicle is registered to another owner, in accordance with Article 23(e)(1), (3) and (4) of the Royal Decree of 15 March 1968 laying down general rules for technical conditions to be met by vehicles and their trailers, components and safety accessories.

However the budget information does not include this second-hand vehicle inspection, which is the responsibility of the approved inspection bodies.

Market surveillance activities in specific sectors

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

Information on enforcement activities in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|------|------|------|------|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections ² (total number) | 75 | 200 | 300 | 450 |
| 3.1 | number of reactive inspections ³ | | | 136 | 256 |
| 3.2 | number of self-initiated inspections ⁴ | | | 164 | 194 |
| 3.3 | number of inspections prompted by the customs ⁵ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | | | | |
| 4.2 | physical checks of products ⁶ | | | | |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁷ | | | | |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁸ | | | | |

² Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

³ Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

⁴ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁵ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

⁶ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁷ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

| | | | | | |
|-----|--|--|--|--|--|
| 5.3 | restrictive measures ⁹ taken by market surveillance authorities . | | | | |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

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

Communications are published on the FPS Mobility website to inform users of the technical specifications and rules for certain categories of vehicles.

Information on resources (subject to availability)

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|---------|---------|---------|---------|
| 1.1 | Budget available to market surveillance authorities in nominal terms ¹⁰ (€) | 132 750 | 132 750 | 132 750 | 206 250 |
| 1.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | | | | |
| 2 | Staff available to market surveillance authorities (full-time equivalent units) | 1 | 1 | 1 | 2.5 |
| 3 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | 0.5 | 0.5 | 0.5 | 1.5 |

⁸ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

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

¹⁰ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

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

Belgium: FASFC [Federal Agency for the Safety of the Food Chain]

Overview of general market surveillance activities

A. Review of general market activities

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

For the FASFC, see the national market surveillance programme.

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

Market surveillance activities in specific sectors

Sector 29: Fertilisers

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

Information on activities monitoring implementation of legislation in the 2010-2013 period

| | | 2010 | 2011 | 2012 | 2013 |
|-----|--|------------------|------------------|-----------------|------|
| 1. | Number of product related accidents/ user complaints | no specific data | no specific data | 0 | 0 |
| 2. | Number of substantiated complaints by industry concerning unfair competition | no specific data | no specific data | 1 (unjustified) | 0 |
| 3. | Number of inspections ¹ (total number) | | | | |
| 3.1 | number of reactive inspections ² | no specific data | no specific data | 0 | 0 |

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

| | | | | | |
|-----|--|---|-----------------------|-----------------------|----------------------|
| 3.2 | number of self-initiated inspections ³ | | | | |
| 3.3 | number of inspections prompted by the customs ⁴ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | no specific data for EC | 52 | 53 | 61 |
| 4.2 | physical checks of products ⁵ | 5 | 121 | 137 | 139 |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁶ | 4 (insp.) - no specific data for EC (lab) | 45 (insp.) – 12 (lab) | 40 (insp.) – 11 (lab) | 49 (insp.) - 7 (lab) |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁷ | 0 | 0 | 0 | 0 |
| 5.3 | restrictive measures ⁸ taken by market surveillance authorities . | 0-0 | 0-0 | 0-0 | 0-0 |
| 5.4 | application of sanctions/penalties | 1 (lab) – 0 (insp.) | 0-0 | 1 (lab) – 0 (insp.) | 1 (lab) – 0 (insp.) |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

² Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

³ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁴ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

⁵ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁶ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

⁷ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

⁸ Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on a previous request of market surveillance authorities to take corrective action or where authorities have to intervene urgently.

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

N/A

Information on resources (subject to availability)

Since the FASFC works with integrated inspection services covering the whole of the food chain, it is impossible to break down the budget allocated to specific inspections for the areas included in the national market surveillance programme. For information, the total annual budget for the FASFC is shown in the table below.

The staff assigned to inspections are divided between the central administration (organisation of inspections) and field inspectors. The figures shown must take account of the fact that only part of the work by the inspectors is in the areas covered by this report.

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|-------------|-------------|-------------|-------------|
| 7.1 | Budget available to market surveillance authorities in nominal terms ⁹ (€) | 179 300 000 | 187 740 000 | 183 931 000 | 180 869 000 |
| 7.2 | Budget available to market surveillance authorities in relative terms (%age of total national budget) | N/A | N/A | N/A | N/A |
| 8 | Staff available to market surveillance authorities (full-time equivalent units) | ± 5 | ± 5 | ± 5 | ± 5 |
| 9 | Number of inspectors available to market surveillance authorities (full-time equivalent units) | ± 100 | ± 100 | ± 100 | ± 100 |

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

Fertiliser inspections do not present any specific structural problems.

⁹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

Sector 31: Pesticides

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

As regards the placing of plant protection products on the market, Article 68 of Regulation (EC) No 1107/2009 contains a provision on monitoring and the reporting of controls:

‘Monitoring and controls: Member States shall carry out official controls in order to enforce compliance with this Regulation. They shall finalise and transmit to the Commission a report on the scope and the results of these controls within six months of the end of the year to which the reports relate’. The reports covering the years 2010 to 2013 are attached.

2010

BE_Report_art17_91-414-EG_Final.pdf

2011

BE_Report_art17_91-414-EG_Final.pdf

2012

BE_Report_art68_reg1107_2009 10-09-2013.pdf

2013

BE_Report_art68_reg1107_2009 03-06-2014 final

See 1.A for the budget and resources allocated.

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

| |
|--|
| Pesticide inspections do not present any specific structural problems. |
|--|

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

Belgium: FPS Economy – DG Quality and Safety

Market surveillance activities in specific sectors

Sector 30: Other consumer products under the GPSD (optional)

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 | 10 | 15 | 4 | 8 |
| 2. | Number of substantiated complaints by industry concerning unfair competition | 0 | 0 | 0 | 0 |
| 3. | Number of inspections ¹ (total number) | | | | |
| 3.1 | number of reactive inspections ² | 40+ RAPEX: 10 | 53+ RAPEX: 35 | 33+ RAPEX: 9 | 50+ RAPEX: 13 |
| 3.2 | number of self-initiated inspections ³ | 16 | 8 | 12 | 8 |
| 3.3 | number of inspections prompted by the customs ⁴ | 10 | 3 | 13 | 146 |

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

² Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

³ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁴ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

| | | | | | |
|-----|--|-----------------------|---------------------|----------------------|------------------------|
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | 12 | 0 | 1 | 0 |
| 4.2 | physical checks of products ⁵ | 26+ customs: 10 | 1+ customs: 3 | 7+ customs: 13 | 22+ customs: 146 |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁶ | 46 | 15 | 29 | 201 |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁷ | 35 | 14 | 19 | 51 |
| 5.3 | restrictive measures ⁸ taken by market surveillance authorities | 0 | 0 | 1 | 0 |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

⁵ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁶ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

⁷ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

⁸ Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on a previous request of market surveillance authorities to take corrective action or where authorities have to intervene urgently.

Information on resources (subject to availability)

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

⁹ The budget figures should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with product legislation. These measures range from communication activities (consumer/business information and education) to pure enforcement and market surveillance activities. They include the remuneration of staff, direct costs of inspections, laboratory tests, training and office equipment cost. Enforcement activities at regional/local level should also be reported. Other activities undertaken by these authorities not related to the enforcement of product legislation laws should be excluded from the calculation.

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

Belgium: FPS Economy – DG Economic Inspection

Market surveillance activities in specific sectors

Sector 30: Other consumer products

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

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

| | | 2010 | 2011 | 2012 | 2013 |
|-----|---|---------------------------------|---------------------------------|------|------|
| 1. | Number of product related accidents/ user complaints | | | | |
| 2. | Number of substantiated complaints by industry concerning unfair competition | | | | |
| 3. | Number of inspections ¹ (total number) | 179 (not including rapex) | 142 (not including rapex) | 880 | 957 |
| 3.1 | number of reactive inspections ² | not available | not available | 836 | 891 |
| 3.2 | number of self-initiated inspections ³ | 179 | 142 | 44 | 66 |
| 3.3 | number of inspections prompted by the customs ⁴ | | | | |
| 4 | Number of inspections based on: | | | | |
| 4.1 | tests performed in laboratories | | | | |

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

² Inspections prompted by specific complaints (from consumers/users, notified bodies, competing businesses, trade unions, etc.), accidents or incidents, information from other Member State authorities (e.g. via RAPEX notifications), etc.

³ This concerns 'proactive' inspections explicitly planned to target product categories/economic operator that may be found to be non-compliant on the basis of knowledge built and priorities set by authorities.

⁴ These are inspections either initiated following customs' suspension of the release of products for free circulation or carried out directly by market surveillance authorities when they are responsible for the control of products at the border pursuant to Articles 27-29 of Regulation 765/2008.

| | | | | | |
|-----|--|--|--|------------|-------------|
| 4.2 | physical checks of products ⁵ | | | | |
| 5 | Number of inspections resulting in: | | | | |
| 5.1 | finding of non-compliance ⁶ | | | | |
| 5.2 | corrective actions taken by economic operators ('voluntary measures') ⁷ | | | | |
| 5.3 | restrictive measures ⁸ taken by market surveillance authorities | | | 2 warnings | 11 warnings |
| 5.4 | application of sanctions/penalties | | | | |
| 6 | Number of inspections where other Member States were invited to collaborate | | | | |

⁵ This refers to visual examination of the product in order to verify the existence of markings, warnings and information and determining obvious technical shortcomings product according to the requirements of the applicable Union legislation.

⁶ This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with safety and compliance legislation.

⁷ Voluntary measures are defined as corrective action taken by manufacturers, importers or distributors either to bring the product into compliance or to limit its availability on the market (e.g. stopping of sales, informing consumers/users, withdrawals from the market, recall from consumers/users) on the business' own initiative, possibly in consultation with the authority but without the measure being imposed by the latter.

⁸ Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on a previous request of market surveillance authorities to take corrective action or where authorities have to intervene urgently.