

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

**Czech Republic**

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## ***Scope of the report***

*[Member States' review and assessments pursuant to Article 18(6) should cover market surveillance activities for all products falling under EU harmonisation legislation. For convenience, Member States may extend the scope of the report also to market surveillance activities carried out in the area of consumer non-harmonised products.]*

*A non-exhaustive list of sectors concerned is annexed to this template. Member States are invited to indicate: 1) whether certain sectors mentioned in the list are expressly excluded from the review and assessment, and, 2) whether additional sectors are included. It is suggested they do so by filling in the last column of the annex]*

## **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**

#### **Czech Trade Inspection Authority:**

A complete overview, description and analysis of the Czech Trade Inspection Authority's activities, its structure of product and consumer protection surveillance, coordination and exchange of information, national and international cooperation, and financial management is sent to the European Commission in accordance with Article 18 of Regulation (EC) No 765/2008 and can be found at:

For 2010 (CZ): <http://www.coi.cz/userdata/files/dokumenty-ke-stazeni/vyrocnizpravyocinnosti/2010-vyr-zprava-cinnost.pdf>

For 2011 (CZ): <http://www.coi.cz/userdata/files/dokumenty-ke-stazeni/vyrocnizpravyocinnosti/2011-vyr-zprava-cinnost.pdf>

For 2011 (EN): <http://www.coi.cz/userdata/files/dokumenty-ke-stazeni/vyrocnizpravyocinnosti/2011-ctia-annual-report-en.pdf>

For 2012 (CZ): <http://www.coi.cz/userdata/files/dokumenty-ke-stazeni/vyrocnizpravyocinnosti/2012-vyr-zprava-cinnost.pdf>

For 2012 (EN): <http://www.coi.cz/userdata/files/dokumenty-ke-stazeni/vyrocnizpravyocinnosti/2012-ctia-annual-report-en.pdf>

For 2013 (CZ): <http://www.coi.cz/userdata/files/dokumenty-ke-stazeni/vyrocnizpravyocinnosti/2013-vyr-zprava-cinnost.pdf>

For 2013 (EN): <http://www.coi.cz/userdata/files/dokumenty-ke-stazeni/annual-report-ctia-2013.pdf>

In addition, the Czech Trade Inspection Authority's national surveillance plans for 2010–2013 are available on the following Commission website (CIRCABC):

[https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp?FormPrincipal:\\_idcl=FormPrincipal:\\_id3&FormPrincipal\\_SUBMIT=1&id=c237d4a9-2e86-415d-8664-e4ac1c1e2128&javax.faces.ViewState=rO0ABXVyABNBTGphdmEubGFuZy5PYmpLY3Q7kM5YnxBzKWwCAAB4cAAAAAN0AAE3cHQAKy9qc3AvZXh0ZW5zaW9uL3dhaS9uYXZpZ2F0aW9uL2NvbnRhaW5lci5qc3A=](https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp?FormPrincipal:_idcl=FormPrincipal:_id3&FormPrincipal_SUBMIT=1&id=c237d4a9-2e86-415d-8664-e4ac1c1e2128&javax.faces.ViewState=rO0ABXVyABNBTGphdmEubGFuZy5PYmpLY3Q7kM5YnxBzKWwCAAB4cAAAAAN0AAE3cHQAKy9qc3AvZXh0ZW5zaW9uL3dhaS9uYXZpZ2F0aW9uL2NvbnRhaW5lci5qc3A=)

#### **Czech Mining Office:**

A comprehensive overview and analysis of the Czech Mining Office's activities can be found on its

website at <http://www.cbusts.cz/index.php/cesky-bansky-urad/predmet-cinnosti.html>.

The Office's annual reports are available at:

<http://www.cbusts.cz/index.php/2011-08-19-13-59-20.html>

#### **Czech Environmental Inspectorate:**

A comprehensive description of the Czech Environmental Inspectorate's surveillance activities can be found in the annual reports available on the Inspectorate's website. The annual reports generally cover market surveillance in the section entitled 'Waste management, chemicals and biocidal products'.

Note: The Czech Environmental Inspectorate's activities related to inspections of products falling within the scope of the REACH and CLP Regulations are or will be reported to the European Commission in the form of questionnaires evaluating surveillance authorities' activities in the enforcement of those Regulations.

Activities related to RAPEX notification checks are also regularly reported in the form of questionnaires (to the Ministry of Industry and Trade).

Links to the Czech Environmental Inspectorate's annual reports:

2010: <http://www.cizp.cz/zdroj.aspx?typ=4&id=3187&sh=-871328097>

2011: [http://www.cizp.cz/files/=3702/CIZP\\_VZ\\_Cz\\_2012.indd.pdf](http://www.cizp.cz/files/=3702/CIZP_VZ_Cz_2012.indd.pdf)

2012: <http://www.cizp.cz/zdroj.aspx?typ=4&id=4078&sh=-338991217>

2013: <http://www.cizp.cz/zdroj.aspx?typ=4&id=4252&sh=-384353461>

#### **State Energy Inspectorate:**

A complete overview, description and analysis of the State Energy Inspectorate's activities, its structure and financial management is sent to the European Commission in accordance with Article 18 of Regulation (EC) No 765/2008 and can be found at:

For 2010 (CZ): [http://www.cr-sei.cz/files/zprava\\_o\\_cinnosti\\_za\\_rok\\_2010\\_orig.pdf](http://www.cr-sei.cz/files/zprava_o_cinnosti_za_rok_2010_orig.pdf)

For 2011 (CZ): [http://www.cr-sei.cz/files/Zprava\\_o\\_cinnosti\\_za\\_rok\\_2011origDtisk.pdf](http://www.cr-sei.cz/files/Zprava_o_cinnosti_za_rok_2011origDtisk.pdf)

For 2012 (CZ): [http://www.cr-sei.cz/files/Zprava\\_o\\_cinnosti\\_za\\_rok\\_2012.pdf](http://www.cr-sei.cz/files/Zprava_o_cinnosti_za_rok_2012.pdf)

For 2013 (CZ): [http://www.cr-sei.cz/files/Zprava\\_o\\_cinnosti\\_za\\_rok\\_2013\\_konecna-.pdf](http://www.cr-sei.cz/files/Zprava_o_cinnosti_za_rok_2013_konecna-.pdf)

#### **Czech Proof House for Arms and Ammunition:**

A comprehensive overview and analysis of the activities of the Czech Proof House for Arms and Ammunition can be found on its website at [www.cuzzs.cz](http://www.cuzzs.cz).



**Rail Authority:**

A comprehensive overview and analysis of the Rail Authority's activities can be found on its website at <http://www.ducr.cz/search.php?rsvelikost=sab&rstext=all-phpRS-all&rstema=1&stromhmenu=1>.

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

	<b>Figures are presented in thousands of Czech crowns</b>	2010	2011	2012	2013
1.1	Budget available to market surveillance authorities in nominal terms <sup>1</sup> (EUR)	n. a.	n. a.	n. a.	n. a.
1.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n. a.	n. a.	n. a.	n. a.
2	Staff available to market surveillance authorities (full-time equivalent units )	1090,5	1016,5	984,5	940,5
3	Number of inspectors available to market surveillance authorities (full-time equivalent units )	445,5	423,5	420,5	415,5
	<b>Total budget – total expenditure</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>

**Comments on the table 'Information on total resources available for market surveillance activities':**

1.1, 1.2 The data solicited are unavailable for the following reasons. Market surveillance in the Czech Republic is carried out by various central government bodies – authorities subordinate to specific ministries with specific powers. This means that surveillance is just one of a wide range of activities performed by such bodies. The specific budget appropriation is intended to cover the overall functioning of these authorities without distinguishing whether the funds are earmarked for surveillance or other activities in their competence. Therefore, it is impossible to quantify or even offer a qualified estimate of the specific funds intended for the implementation of market surveillance. In this light, a specification of each authority's overall budget amounts would lack any meaningful value for the purposes of this questionnaire.

The Czech Trade Inspection Authority, as a surveillance authority which, in terms of its budget, is an autonomous body and which deals virtually exclusively with surveillance supervisory activities, is an exception of sorts. The following information can be presented on this authority:

<sup>1</sup> 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.

### Czech Trade Inspection Authority:

		2010	2011	2012	2013
1.1	Budget available to market surveillance authorities in nominal terms <sup>2</sup> (EUR)	9 687 009	9 723 897	9 911 342	9 486 343 <sup>3</sup>
1.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	88.12	94.09	94.70	93.40
	<b>Total budget – total expenditure</b>	10 992 554	10 334 289	10 465 559	10 155 869

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

A detailed assessment of surveillance is included in the documents listed under 'Market surveillance activities in specific sectors'. The following can generally be stated.

The functioning of market surveillance in the Czech Republic can generally be considered effective. The level of cooperation between surveillance authorities is very good. In areas where the powers of certain supervisory authorities overlap, rules are in place for the genuinely effective coordination of the surveillance.

Cooperation with customs authorities is also rated very positively by market surveillance authorities. Information on individual problem products is shared to minimise their presence in the Czech internal market as much as possible. Coordination between market surveillance authorities and customs authorities is also covered by bilateral agreements concluded by the competent regional centres, both at national level and at cross-border level with the customs authorities of the neighbouring states.

Surveillance is also coordinated nationally on the basis of ad-hoc bilateral agreements between

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<sup>2</sup> 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.

<sup>3</sup> This is the total budget, i.e. expenditure for the year less the cost of wages paid, on the basis of a court ruling, to unlawfully dismissed workers, and minus interest paid on such compensation; nor does it include wages and related contributions of employees responsible for service-related processes (i.e. economics, human resources, the Director General's secretary, the auditor, and the two press department employees), numbering some 30 persons, who are clearly not involved in surveillance activities, answers to consumers' questions, etc. These costs were calculated as the simple average of the wage and related contributions per Czech Trade Inspection Authority employee multiplied by 30 persons. Other expenditure (energy etc.) was not calculated; the travel and other expenses of these employees are marginal.

national surveillance authorities.

Individual surveillance authorities cooperate with the EU Member States' inspection bodies in the communication of information on monitored products.

Individual surveillance authorities carry out specifically-focused inspections, the results of which are then reflected not only in the setting of priorities for further surveillance activities, but also in ongoing adjustments to the methodology behind the surveillance authorities' activities to ensure consistency with current trends and to make surveillance authorities' activities as efficient as possible.

The representatives of the various market surveillance authorities regularly attend European and international meetings; relevant market surveillance information is then shared with other surveillance authorities.

Market surveillance authorities also provide information not only for consumers, but also for businesses, as well as advisory and information services; they publish inspection results and provide marketing information and other services (e.g. the Czech Trade Inspection Authority on its website at <http://www.coi.cz/>, the Czech Proof House for Arms and Ammunition on its website at [www.cuzzs.cz](http://www.cuzzs.cz), and the Czech Environmental Inspectorate on its website at <http://www.cizp.cz>).

For greater surveillance efficiency, the various surveillance authorities keep their own databases of monitored products, which undoubtedly has a positive impact on the overall success of surveillance activities.

The main problems encountered by surveillance authorities in practice can be summarised in the following points:

- A persistent problem in the general economic climate is the lack of funds and material resources to cover the outgoings necessary to ensure the truly effective implementation of surveillance activities.
- The Czech Republic has no accident and injury database (IDB) that can be used to determine surveillance priorities.
- A relatively frequent deficiency identified during investigations is the lack of tracking and traceability of products/manufacturers throughout the supply chain (particularly from third countries), which is naturally reflected in the overall efficiency and effectiveness of market surveillance.
- A very serious problem is the proportion of poor-quality, high-risk products from third countries (especially China) reaching our market via unprovable supply channels, where the efficiency of surveillance remains questionable (e.g. marketplaces).
- Another problem area is the sale of products via e-shops, especially with regard to very difficult traceability of persons who break the relevant laws.

## **General note on the information presented in the table 'Information on resources':**

### **Rows 7.1 and 7.2:**

As mentioned in our comments on the overall table containing information on resources (see above), market surveillance in the Czech Republic is carried out by various central government bodies – authorities subordinate to specific ministries with specific powers. This means that surveillance is just one of a wide range of activities performed by such bodies. The specific budget appropriation is intended to cover the overall functioning of these authorities without distinguishing whether the funds are earmarked for surveillance or other activities in their competence. Therefore, it is impossible to quantify or even offer a qualified estimate of the specific funds intended for the implementation of market surveillance, or to determine the overall (let alone proportionate) part earmarked for surveillance of a specific sector. Therefore, 'n.a.' has been entered in these rows.

### **Lines 8 and 9:**

The information in these rows shows the surveillance authority's total number of staff (inspectors). In view of the fact that, at surveillance authorities, it is not common for the individual members of staff of a particular surveillance authority to be narrowly specialised, especially because of the constraints imposed by the overall relatively low number of inspectors and the need for their mutual substitutability, it is impossible to determine how many members of staff (inspectors) are dedicated to the surveillance of a specific sector. With this in mind, the following tables always take into account the total number of inspectors of surveillance authorities conducting inspections of a given sector. The only exceptions are the Czech Mining Office and the Rail Authority, mainly because their surveillance activities are narrowly focused.

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

### ***Sector 1 – Medical devices***

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

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

		2010	2011	2012	2013
1.	Number of product-related accidents/complaints	-	-	129	85
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	28	25
3.	Number of inspections <sup>4</sup> (total number)	179	172	138	179
3.1	number of reactive inspections <sup>5</sup>	28	33	34	38
3.2	number of self-initiated inspections <sup>6</sup>	151	139	104	141
3.3	number of inspections prompted by customs <sup>7</sup>	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products <sup>8</sup>	179	172	138	179
5	Number of inspections resulting in:	-	-	-	-

<sup>4</sup> Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.

5.1	finding of non-compliance <sup>9</sup>	76	82	60	69
5.2	corrective actions taken by economic operators ('voluntary measures') <sup>10</sup>	-	-	-	-
5.3	restrictive measures <sup>11</sup> taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	70	60	62	56
6	Number of inspections where other Member States were invited to collaborate	8	10	11	12

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms <sup>12</sup> (€)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the	462	430	420	414

<sup>9</sup> This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with legislation.

<sup>10</sup> Voluntary measures are defined as corrective action taken 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.

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

<sup>12</sup> The budget figure should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with 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.

	given category				
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	313	303	301	298

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

The Czech Trade Inspection Authority inspects manufacturers, authorised representatives, importers and distributors of medical devices in the Czech Republic to determine whether they meet all technical requirements laid down by relevant applicable legislation.

The Czech Trade Inspection Authority works closely with other national surveillance authorities and other EU Member States' surveillance authorities in the field of medical devices, as well as with notified bodies.

The Czech Trade Inspection Authority regularly attends meetings of the COEN international working group in Brussels.

In its work, the Czech Trade Inspection Authority also provides on-demand information to consumers and manufacturers, authorised representatives, importers and distributors of medical devices in Czech Republic.

Examples of problems that the Czech Trade Inspection Authority has been faced by and that it encounters most frequently in the market surveillance of medical devices in the Czech Republic:

- Clinical trials – whether the operational capability and the accuracy of the data provided have been genuinely proven to a sufficient degree.
- The further investigation of our findings within the EU – referral to another Member State (there tend to be many distributors rather than manufacturers and authorised representatives in the Czech Republic), resulting in the impossibility or very limited opportunity for further investigation of the deficiencies we have identified in medical devices.
- 'Borderline' products are particularly problematic. These are situations where, based on the manufacturer's intended use of the product, it cannot be clearly determined whether the product is a medical device, a cosmetic or a medicinal product, and the medical device surveillance authorities very often differ in their product classification opinions.
- In our inspections of medical device distributors, we quite often come across situations where a medical device instruction manual drawn up in Czech is not identical to the original manual produced by the manufacturer, for example, in English.

## Sector 2 – Cosmetics

### 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/complaints	62	44	85	79
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	1 313	1 071	1 167	1 310
3.1	number of reactive inspections	62	44	85	79
3.2	number of self-initiated inspections	-	-	-	-
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	196	176	203	88
4.2	physical checks of products	3 733	2 861	3 172	3 641
5	Number of inspections resulting in:				
5.1	finding of non-compliance	-	-	-	-
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	2	-	2
5.4	application of sanctions/penalties	52	58	69	104
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

In general, public health authorities organise various training events or participate in those held by various institutions or professional associations. There is regular cooperation, for example, with PROKOS (the association of cosmetics manufacturers) and ČSZV (the Czech Association for Branded Products), whose training events are routinely attended by public health authorities delivering contributions on legislation and the results of surveillance activities. The situation is much the same with associations of packaging material manufacturers, with which there is also intensive communication. In addition, public health authorities regularly organise various seminars and workshops with professionals as a means to exchange experiences. The most extensive series of seminars was held in 2013 with the aim of familiarising the public with new legislation on cosmetics,



particularly in relation to the EU's Cosmetic Products Notification Portal (CPNP).

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	47	47	47	47
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	47	47	47	47

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

State health surveillance draws on annually prepared national and regional inspection plans based on methodology compiled centrally by the Ministry of Health. The preparation of these plans is rooted in the market situation and an analysis of past results of state health surveillance, an analysis of legislative requirements and an assessment of the risk posed by products to consumers. Every year, targeted tasks of the Chief Health Officer are announced, which focus on nationwide problems that have been singled out. Regionally, targeted tasks – aimed at addressing problems typical for the region – are also carried out. In cosmetics, compliance with good manufacturing practice in the manufacture of cosmetics is inspected in periodic four-year cycles.

In 2013, approximately 1 700 cosmetic products were inspected and were found to have an aggregate of 1 982 defects. The most common defects included failure to submit a cosmetic safety assessment, the non-compliance of a cosmetic with new requirements laid down in Regulation (EC) No 1223/2009, and, in particular, deficiencies in the labelling of cosmetic products (accounting for about 50 % of all defects identified). In 2013, 42 cosmetic products were classified as dangerous, mainly because they contained substances in concentrations that could cause damage to consumers' health; in other cases, an unauthorised substance was labelled (or, conversely, not labelled) among the cosmetic product's ingredients.

Products made available at markets, and 'Asian marketplaces' in particular, are a prevalent cosmetic-related problem because of the difficult product traceability, counterfeit goods, and the fact that the goods on offer are not accompanied by relevant documentation.

Another typical problem in 2013 was the notification of products in the CPNP system, as small and medium-sized companies in particular had problems entering information. A further problem

identified by public health authorities touched on product reporting in the RAPEX system, in that certain communication issues emerged and there were several identified cases of confusion or misunderstanding.

## ***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/complaints	44	71	79	139
2.	Number of substantiated complaints by industry concerning unfair competition	not recorded	29	23	59
3.	Number of inspections (total number)	1 801	1 682	1 440	1 602
3.1	number of reactive inspections	4 574	5 435	2 108	1 316
3.2	number of self-initiated inspections	1	4	4	3
3.3	number of inspections prompted by customs	not recorded	9	37	68
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	1 634	1 550	1 286	1 314
5	Number of inspections resulting in:				
5.1	finding of non-compliance	1 053	925	911	1 346
5.2	corrective actions taken by economic operators ('voluntary measures')	1	-	1	-
5.3	restrictive measures taken by market surveillance authorities	1	-	-	2
5.4	application of sanctions/penalties	390	49	549	548
6	Number of inspections where other Member States were invited to collaborate	-	-	9	27

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

A market surveillance authority (specifically the Czech Trade Inspection Authority) works with the audit authority to hold public seminars approximately twice a year at toy exhibitions and trade fairs. In addition, Czech Trade Inspection Authority staff answers all written and telephone enquiries made by the general public.

In general, public health authorities under the Ministry of Health organise various training events or participate in those held by various institutions or professional associations. There is regular

cooperation, for example, with PROKOS (the association of cosmetics manufacturers) and ČSZV (the Czech Association for Branded Products), whose training events are routinely attended by public health authorities delivering contributions on legislation and the results of surveillance activities. The situation is much the same with associations of packaging material manufacturers, with which there is also intensive communication. In addition, public health authorities regularly organise various seminars and workshops with professionals as a means to exchange experiences. The most extensive series of seminars was held in 2013 with the aim of familiarising the public with new legislation on cosmetics, particularly in relation to the EU's Cosmetic Products Notification Portal (CPNP).

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	Czech Trade Inspection Authority – see Sector 1 Ministry of Health – see Sector 2	Czech Trade Inspection Authority – see Sector 1 Ministry of Health – see Sector 2	Czech Trade Inspection Authority – see Sector 1 Ministry of Health – see Sector 2	Czech Trade Inspection Authority – see Sector 1 Ministry of Health – see Sector 2
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	Czech Trade Inspection Authority – see Sector 1 Ministry of Health – see Sector 2	Czech Trade Inspection Authority – see Sector 1 Ministry of Health – see Sector 2	Czech Trade Inspection Authority – see Sector 1 Ministry of Health – see Sector 2	Czech Trade Inspection Authority – see Sector 1 Ministry of Health – see Sector 2

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

The Czech Trade Inspection Authority's activities in this sector have sought to guarantee the

same level of consumer protection and consumers' legitimate interests (i.e. life, health, property and the natural environment) within the EU internal market. Consumer product inspections concentrated primarily on third-country products, which were assessed in cooperation with customs authorities before they were released into free circulation in accordance with European TAXUD methodology.

The Czech Trade Inspection Authority is involved in international surveillance actions which are concerned, entirely or marginally, with the Toy Safety Directive and which are financially supported by the European Commission.

Since 2012, it has participated in a joint international surveillance project, co-financed by the European Commission and organised by Prosafe JA China 1 and JA China 2, which has yet to be completed.

The project seeks to establish a platform for cooperation with Chinese customs and surveillance authorities on the one hand and with EU customs and surveillance authorities on the other.

The cooperation established should engender confidence in the safety of imported products and facilitate trade between China and the EU. In this context, another pilot project will be launched this year for the mutual assessment and recognition of the conformity of products covered by the Toy Safety Directive.

State health surveillance within the competence of the Ministry of Health draws on annually prepared national and regional inspection plans based on methodology compiled centrally by the Ministry of Health. The preparation of these plans is rooted in the market situation and an analysis of past results of state health surveillance, an analysis of legislative requirements and an assessment of the risk posed by products to consumers. Every year, targeted tasks of the Chief Health Officer are announced, which focus on nationwide problems that have been singled out. Regionally, targeted tasks – aimed at addressing problems typical for the region – are also carried out. In 2013, the focus was on dolls containing soft plastic parts, based on RAPEX notifications and internally conducted market research. This corroborated the presence of high concentrations of such toys, especially in 'Asian marketplaces'. This surveillance was carried out to confirm the high content of phthalates in soft plastic parts to a level that exceeded the limit established by the REACH Regulation and could threaten the health of the youngest members of the population, for whom these toys are intended.

In 2013, there were 408 toy inspections encompassing 1 550 products. A total of 258 product samples were taken for laboratory analysis; 142 of these products were classified as substandard. Customs administration authorities cooperated in the inspections of toys (dolls) with soft plastic parts – this product type was inspected upon entry into the Czech Republic and also directly on the market. In all 87 products were declared unsafe, and a relatively large number of substandard products were seized by the customs authorities at the border and subsequently destroyed. Market inspections reveal problems with the sale of this type of product at markets, in particular 'Asian marketplaces', as the product origin cannot be traced because, in most cases, only the name of the vendor is known. Documents intended to prove the origin of a product, such as invoices, are false, if they exist at all. In some cases, non-existent barcodes, or companies that do not trade in the given type of product, are reported. Furthermore, it was found that, after a certain period of time had passed, products previously declared unsafe were placed back on sale, sometimes rebranded.

## ***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/complaints	-	-	6	13
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	1	5
3.	Number of inspections (total number)	395	504	408	276
3.1	number of reactive inspections	46	155	114	70
3.2	number of self-initiated inspections	349	349	294	206
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:			-	-
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	395	504	408	276
5	Number of inspections resulting in:				
5.1	finding of non-compliance	201	220	175	143
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	201	211	178	119
6	Number of inspections where other Member States were invited to collaborate	2	2	2	2

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n. a.	n. a.	n. a.	n. a.

7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n. a.	n. a.	n. a.	n. a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

The Czech Trade Inspection Authority inspects manufacturers, authorised representatives, importers and distributors of personal protective equipment in the Czech Republic to determine whether it meets all technical requirements laid down by relevant applicable legislation.

In 2011–2013, the Czech Trade Inspection Authority participated in the international PROSAFE surveillance action for protective clothing – high visibility warning clothing for non-professional use and warning accessories for non-professional use.

The Czech Trade Inspection Authority works closely with other national bodies and other EU Member States' surveillance authorities in the field of personal protective equipment, as well as with notified bodies.

The Czech Trade Inspection Authority regularly attends meetings of the PPE ADCO international working group.

In its work, the Czech Trade Inspection Authority also provides on-demand information to consumers and manufacturers, authorised representatives, importers and distributors of personal protective equipment in Czech Republic.

Problems that the Czech Trade Inspection Authority encounters most frequently in the market surveillance of personal protective equipment in the Czech Republic:

- A product is classified as personal protective equipment by the manufacturer. However, there are many products on the market which meet the definition of personal protective equipment, but which the manufacturer has not defined as such. In other words, the product need not meet the requirements of harmonised standards, e.g. dry gloves designed as drysuit accessories for underwater use by divers, where the user breathes underwater and the suit prevents the water from entering the breathing apparatus (i.e. category-two personal protective equipment), have not been given the CE marking and have not been PPE-classified by the manufacturer.

## ***Sector 5 – Construction products***

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

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

		2010	2011	2012	2013
1.	Number of product-related accidents/complaints	-	-	34	28
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	12	4
3.	Number of inspections (total number)	538	315	268	275
3.1	number of reactive inspections	34	16	29	33
3.2	number of self-initiated inspections	504	299	239	242
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	538	315	266	273
5	Number of inspections resulting in:	-	-	-	-
5.1	finding of non-compliance	191	128	97	119
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	155	98	61	73
6	Number of inspections where other Member States were invited to collaborate	-	3	1	3

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

Besides inspections, the Czech Trade Inspection Authority's activities in this area encompass the level to which consumers and the business community are informed. The main problem here is the classification of a construction product under the relevant legislation, subsequently establishing conditions for the placing of construction products on the Czech market. Information is also provided on construction products in the consumer sphere. Press releases posted on the Czech Trade Inspection Authority's website inform consumers and businesses in detail about inspections in the sector and indicate the construction products inspected.

### Information on resources (subject to availability)

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the construction product category	Czech Trade Inspection Authority – see Sector 1 Rail Authority 37	Czech Trade Inspection Authority – see Sector 1 Rail Authority 35	Czech Trade Inspection Authority – see Sector 1 Rail Authority 35	Czech Trade Inspection Authority – see Sector 1 Rail Authority 35
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the construction product category	Czech Trade Inspection Authority – see Sector 1 Rail Authority 16	Czech Trade Inspection Authority – see Sector 1 Rail Authority 14	Czech Trade Inspection Authority – see Sector 1 Rail Authority 14	Czech Trade Inspection Authority – see Sector 1 Rail Authority 14

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

The sector assessed is a specific part of a market broken down into a harmonised area and national legislation. In certain cases, this interim breakdown gives rise to problems in classifying a product under relevant legislation, including the harmonisation of standards. Therefore, collaboration with accredited bodies in this sector is consistently employed to support inspection work. This is underscored by the results of inspection activities in areas such as packaged or in-situ assembled domestic wastewater treatment plants with a PE of up to 50 – the market in this product has been fully inspected and schemes for the environmental disposal of waste water have been supported in cooperation with accredited bodies and national environmental authorities.

Besides the Czech Trade Inspection Authority, the Rail Authority is also active as a surveillance authority in this field in the Czech Republic. The Rail Authority supervises specified products and



other products intended for the operation of railways and rail transport which are part of the track or rail vehicles, as well as rail vehicles, specified technical equipment, and structural and operational subsystems on tracks included in the European rail system, and sub-systems and safety features of cableways. The coordination of the market surveillance authority's activity plans with the Czech Trade Inspection Authority.

## Sector 6 – Aerosol dispensers

### 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/complaints	-	-	-	3
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	1
3.	Number of inspections (total number)	2 218	1 781	1 292	1 745
3.1	number of reactive inspections	133	138	90	189
3.2	number of self-initiated inspections	2 085	1 643	1 202	1 556
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	2 218	1 781	1 292	1 745
5	Number of inspections resulting in:				
5.1	finding of non-compliance	665	643	508	821
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	633	577	535	553
6	Number of inspections where other Member States were invited to collaborate	-	-	1	2

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance	n.a.	n.a.	n.a.	n.a.

	authorities in relative terms (percentage of total national budget)				
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Inspections are carried out at distributors by a working group composed of members of staff from the regional inspectorates. Inspections are carried out mainly at distributors due to the low number of manufacturers on the market. The volume of imports is unknown to us. Deficiencies are found mainly in the markings and in the fact that mandatory information and warnings for consumers are missing or are provided in a foreign language.

## ***Sector 7 – Simple pressure vessels and pressure 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	-	-	3	7
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	1
3.	Number of inspections (total number)	145	103	99	126
3.1	number of reactive inspections	-	2	2	2
3.2	number of self-initiated inspections	145	101	97	124
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	145	103	99	126
5	Number of inspections resulting in:				
5.1	finding of non-compliance	13	6	19	2
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	7	1	6	2
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.

7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Inspections are carried out mainly at manufacturers, importers or authorised representatives by a working group of specialist inspectors. Inspections are carried out primarily on the basis of complaints from consumers or organisations. The deficiencies identified tend to be formal by nature. The Czech Trade Inspection Authority regularly attends meetings of the ADCO PED working group.

## ***Sector 8 – Transportable pressure 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	1
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	6	16	10	10
3.1	number of reactive inspections	-	5	1	2
3.2	number of self-initiated inspections	6	11	9	8
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	6	16	10	10
5	Number of inspections resulting in:				
5.1	finding of non-compliance	-	1	2	-
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	-	1	2	-
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance	n.a.	n.a.	n.a.	n.a.

	authorities in nominal terms (EUR)				
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Inspections are carried out mainly at manufacturers, importers or authorised representatives by a working group of inspectors/specialists. Inspections are carried out primarily on the basis of complaints from consumers or organisations. Manufacturers and importers have taken corrective action in response to most of our findings.

## 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	-	-	9	13
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	2	2
3.	Number of inspections (total number)	495	401	341	499
3.1	number of reactive inspections	74	96	52	134
3.2	number of self-initiated inspections	421	305	289	365
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	495	401	341	499
5	Number of inspections resulting in:				
5.1	finding of non-compliance	71	88	68	122
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	65	58	50	85
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.



7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Market surveillance in the machinery sector depends on the number of products placed on the market. In the Czech Republic, a relatively high proportion of machinery production is destined not only for local markets, but also for non-EU countries. Surveillance is dependent on the opportunities presented by the resources earmarked to support such surveillance from national funds. In view of the limited opportunities, surveillance focuses primarily on formal product marketing deficiencies and on complaints received from consumers and the business community. Planned machinery inspection projects concentrate on the legality of placing products on the market and the mapping of the market structure. The number of dedicated specialists in this sector does not cover the demand for the necessary development projects. General-surveillance and consumer-protection inspectors are frequently used to map the market in order to cover requirements when determining the distribution channels used for the movement of a product from the manufacturer or importer. After these economic operators have been specified, surveillance is taken over by specialist inspectors, who then address the placing of the product on the market with the inspected entity by inspecting documentation and other papers issued. Specific deficiencies in an inspected product are handled in response to complaints. In the absence of specific suspected deficiencies or breaches of safety, control samples are not collected to verify the declared properties or safety features of the product. Specialised surveillance staff for this area are also delegated to carry out surveillance in Sectors 10, 11 and 12.

## Sector 10 – Lifts

### 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	-	-	3	1
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	1
3.	Number of inspections (total number)	46	23	24	-
3.1	number of reactive inspections	1	2	-	-
3.2	number of self-initiated inspections	45	21	24	-
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	46	23	24	-
5	Number of inspections resulting in:				
5.1	finding of non-compliance	26	2	3	-
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	3	1	3	2
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.

7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Surveillance of stipulated products in the lift sector centred on product marketing inspections and inspections of accompanying marketing documents. Secondly, surveillance focused on safety components placed on the market separately, whether by domestic manufacturers or importers to the EU. Specialised surveillance staff for this area are also delegated to carry out surveillance in Sectors 9, 11 and 12.

## Sector 11 – Cableways

### 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	-	-	1	-
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	17	2	1	7
3.1	number of reactive inspections	-	-	-	-
3.2	number of self-initiated inspections	17	2	1	7
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	17	2	1	7
5	Number of inspections resulting in:				
5.1	finding of non-compliance	3	-	-	3
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	3	-	-	1
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.

7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Surveillance in this sector is largely concentrated in the winter months of the current year. Inspections focus on the placing on the market of subsystems and the putting of the fully assembled product into service. Basic marketing documents for the given sector and installation site are mainly inspected. Specialised surveillance staff for this area are also delegated to carry out surveillance in Sectors 9, 10 and 12.

## ***Sector 12 – Noise emissions for outdoor 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 (total number)	150	159	104	66
3.1	number of reactive inspections	6	3	9	2
3.2	number of self-initiated inspections	144	156	95	64
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	150	159	104	66
5	Number of inspections resulting in:				
5.1	finding of non-compliance	19	31	22	11
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	12	16	15	3
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.

7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Surveillance of this sector is carried out by the specialised inspectors who conduct inspections in Sectors 9, 10 and 11. Generally, when inspecting Sector 9, they bundle the inspection with this sector and check the accuracy of the information provided by the manufacturer. Sector properties in the period under review were not verified.

## ***Sector 13 – Equipment and protective systems intended for use in potentially explosive atmospheres***

### **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/complaints	-	-	-	1
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	46	26	38	24
3.1	number of reactive inspections	-	-	-	-
3.2	number of self-initiated inspections	46	26	38	24
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	46	26	38	24
5	Number of inspections resulting in:				
5.1	finding of non-compliance	-	-	2	-
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	-	-	1	-
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.



7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Inspections are conducted at manufacturers and distributors. Bearing in mind the specialised use of the products inspected, which are usually made to order, no serious breaches have been identified in inspections to date. Inspections are carried out by a working group of specialist inspectors in collaboration with general inspectors. Inspections are mainly carried out proactively. The Czech Trade Inspection Authority regularly attends meetings of the ADCO ATEX working group.

## Sector 14 – Pyrotechnics

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

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

**regarding 3.1** These are complaints prompting inspections + notifications of dangerous products in the RAPEX system. Products reported as unsafe were not found on the Czech market in any of the cases concerned. All the products in question were manufactured for the internal market of a given country.

		2010	2011	2012	2013
1.	Number of product-related accidents/complaints	6	11	10	29
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	215	263	232	232
3.1	number of reactive inspections	6 + 0	11 + 3	10 + 37	29 + 45
3.2	number of self-initiated inspections	209	249	185	158
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:	-	-	-	-
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	215	263	232	232
5	Number of inspections resulting in:	-	-	-	-
5.1	finding of non-compliance	64	68	57	70
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	70	60	62	56
6	Number of inspections where other Member States were invited to collaborate	8	10	11	12

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

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

		2010	2011	2012	2013
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7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	5	5	5	5
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	5	5	5	5

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

The Proof House inspects manufacturers, importers and distributors to determine whether they are meeting statutory obligations when pyrotechnics are placed on the market and resold.

A new pyrotechnics law is currently passing through the legislative approval process. This piece of legislation will transpose Directive 2013/29/EU of the European Parliament and of the Council and will also govern market surveillance.

The Czech Proof House for Arms and Ammunition cooperates with other surveillance authorities and the notified bodies of other Member States.

The Czech Proof House for Arms and Ammunition attends meetings of the ADCO pyrotechnics working group.

In its work, the Czech Proof House for Arms and Ammunition provides information to consumers and manufacturers, importers and distributors. The Proof House organised several training courses for manufacturers and importers during the transition period to provide explanations in response to questions about changes in the verification and labelling of pyrotechnics.

The Czech Proof House for Arms and Ammunition believes that the greatest problems in the surveillance of the pyrotechnics market are as follows:

- **problem with online sales of pyrotechnics.** Those who are to take ownership of the above-mentioned range of pyrotechnics are subject, among other things, to age limits and the requirement of professional competence. If sales take place through e-shops, there is no guarantee that only approved products (i.e. products that are safe for consumers and meet technical and safety requirements) will be sent. Furthermore, there is no guarantee that products dispatched by an e-shop will not make their way into the hands of unauthorised persons, whether due to non-compliance with the **age limit or the requirement of**

**professional competence.** We also see a problem in insufficient checks on the fact that explosives, flammable substances, etc., must not be shipped. Nobody runs these checks at present, yet practical experience tells us that all e-shop operators use the post office and similar shipping services. This issue was also raised by the Czech Proof House for Arms and Ammunition at a meeting of EU Member States when the ADCO group for pyrotechnic articles convened on 5–6 March 2013 in Denmark. Other representatives of EU Member States also expressed views in the same vein on this matter.

- **proof of sales to minors.** In particular, the issue of proof when carrying out follow-up investigations into findings by other surveillance authorities.
- **sales of pyrotechnics by Asian distributors in border areas.** In particular, the issue of the identification and traceability of persons selling pyrotechnics.

## ***Sector 15 – Explosives for civil uses***

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

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

The Czech Mining Office regularly attends expert seminars for businesses and imparts relevant information to them.

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance	n.a.	n.a.	n.a.	n.a.

	authorities in nominal terms (EUR)				
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	0.2	0.2	0.2	0.2
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	0.2	0.2	0.2	0.2

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

Despite the dearth of funding, surveillance of the market in explosives is efficient. There are approximately 10 active products in the Czech Republic, and approximately 50 active distributors.

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

### **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/complaints	-	-	9	3
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	1	-
3.	Number of inspections (total number)	53	52	106	23
3.1	number of reactive inspections	4	8	5	1
3.2	number of self-initiated inspections	49	44	101	22
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	53	52	106	23
5	Number of inspections resulting in:				
5.1	finding of non-compliance	13	21	22	19
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	8	4	12	12
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance	n.a.	n.a.	n.a.	n.a.

	authorities in relative terms (percentage of total national budget)				
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Inspections are conducted at manufacturers and distributors. In view of the specialised use of the inspected products, inspections have yet to identify any serious breaches. The deficiencies identified tend to be formal by nature. Inspections are carried out by a working group of specialist inspectors. Inspections are mainly carried out proactively.



## ***Sector 17 – Measuring instruments, non-automatic weighing instruments***

### **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/complaints	-	-	34	17
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	443	616	501	406
3.1	number of reactive inspections	63	125	161	105
3.2	number of self-initiated inspections	380	491	340	301
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:	-	-	-	-
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	443	616	501	406
5	Number of inspections resulting in:	-	-	-	-
5.1	finding of non-compliance	126	89	68	37
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	89	102	68	43
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

In this sector, the Czech Trade Inspection Authority participates in seminars, conferences and other events organised, for example, by:

- the Association of Accredited and Authorised Organizations, in which the Czech Trade Inspection Authority is a member of the AAAO Permanent Training Committee;
- the Czech Office for Standards, Metrology and Testing;
- the Czech Metrology Institute;

- the Czech Association of Measurement, Testing and Analytical Laboratories;
- the Metrology Board of the Czech Office for Standards, Metrology and Testing;
- the Union of the Producers of Weighing Machines of the Czech Republic;
- the Czech Consumer Association;
- the Society for Technical Education.
- In the surveillance of the MID and NAWI directives, it cooperates with the surveillance authorities of Member States and WELMEC members in the WG5 working group.

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Overall, the surveillance results indicate that:

- Products under the MID and NAWI Directives are marketed in the Czech Republic in compliance with applicable legislation.
- Metrological surveillance is overwhelmingly duly carried out by NB 1383 and, as this is a long-term continuous process, awareness among economic operators in the Czech Republic about their responsibilities is very high.
- Penalties are generally imposed for inaccurate sizes or weights in consumer sales or, exceptionally, due to the use of a non-prescribed measuring instrument (e.g. in marketplaces or at shop stalls).
- In rare cases, deficiencies arising from the failure to have a measuring instrument inspected within the prescribed time limit are identified and penalised.

## ***Sector 18 – Electromagnetic compatibility***

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

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

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	-	-	-	-
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	1013	840	803	704
3.1	number of reactive inspections	72	65	157	149
3.2	number of self-initiated inspections	941	775	646	555
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	1013	840	803	704
5	Number of inspections resulting in:				
5.1	finding of non-compliance	199	236	200	175
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	94	113	144	72
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.

7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Most inspections take place at sellers and are carried out by regional inspectorates. The remainder are inspections by a national organisational unit focusing on manufacturers and importers. Sampling is carried out in a negligible proportion of inspections. The focal point of inspections is influenced significantly by notifications from various quarters and by the specification of inspection campaigns. The share of reactive inspections reports a long-running growth trend, with own-initiative inspections still predominating. In this sector, the need for available resources to examine non-conforming products is intensifying rapidly. The proportion of non-conforming products detected remains relatively stable. Penalties are applied in the majority of cases where non-conformities are identified.

## ***Section 19 – Radio and telecom equipment under 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	-	-	-	3
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	1
3.	Number of inspections (total number)	169	293	295	207
3.1	number of reactive inspections	46	33	40	31
3.2	number of self-initiated inspections	123	260	255	176
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-

4.2	physical checks of products	169	293	295	207
5	Number of inspections resulting in:				
5.1	finding of non-compliance	72	145	144	109
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	82	102	137	94
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Most inspections take place at sellers and are carried out by regional inspectorates. The remainder are inspections by a national organisational unit focusing on manufacturers and importers. Sampling is carried out in a negligible proportion of inspections. The focal point of inspections is influenced significantly by notifications from various quarters and by the specification of inspection campaigns. The overall number of inspections and physical checks of products has long been highly variable. The share of reactive inspections reports long-running fluctuation, with own-initiative inspections heavily

predominating. The proportion of non-conforming products detected remains relatively stable. Penalties are applied in the majority of cases where non-conformities are identified. Estimates of national market parameters are unavailable. Only the statistics that have been filled in above are available.

## ***Sector 20 – Electrical appliances and equipment under the LVD***

### **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	1
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	1	-
3.	Number of inspections (total number)	1 500	1 207	1 170	1 349
3.1	number of reactive inspections	515	369	371	458
3.2	number of self-initiated inspections	985	838	799	891
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	1 500	1 207	1 170	1 349
5	Number of inspections resulting in:				
5.1	finding of non-compliance	297	371	368	457
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	242	247	297	304
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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### Information on resources (subject to availability)

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

The majority of inspection activities comprises inspections conducted at distributors, mainly by regional inspectorates. The remainder are inspections by specialists from a national organisational unit focusing on manufacturers, importers and authorised representatives. Sampling is carried out mainly on products which are subject to surveillance on the basis of consumer complaints. The focal point of inspections is influenced significantly by notifications from various quarters and by the specification of inspection campaigns. The overall number of inspections and physical checks of products has long been highly variable, much like the reactive inspections. In view of the limited resources available to sample products for verification campaigns, no inspections with a high proportion of samples for the verification of properties have been carried out. The proportion of non-conforming products detected remains relatively stable. Penalties are applied in the majority of cases where non-conformities are identified.

***Sector 21 – Electrical and electronic equipment under the RoHS  
(Restriction of Hazardous Substances) 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				
2.	Number of substantiated complaints by industry concerning unfair competition				
3.	Number of inspections (total number)				57
3.1	number of reactive inspections				
3.2	number of self-initiated inspections				57
3.3	number of inspections prompted by customs				
4	Number of inspections based on:				
4.1	tests performed in laboratories				
4.2	physical checks of products				57
5	Number of inspections resulting in:				
5.1	finding of non-compliance				
5.2	corrective actions taken by economic operators ('voluntary measures')				
5.3	restrictive measures taken by market surveillance authorities				
5.4	application of sanctions/penalties				2
6	Number of inspections where other Member States were invited to collaborate				

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance				



	authorities in nominal terms (EUR)				
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)				
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category				
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category				

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

Since 1 February 2013, inspections have been carried out by a national organisational unit focusing on manufacturers and importers. To date, inspections have primarily been geared towards declarations of conformity. Reliable statistics are unavailable because the relevant figures have only been introduced this year. Estimates of national market parameters are unavailable.

### ***Sector 22 – Chemicals (detergents, paints, persistent organic pollutants)***

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

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

		2010	2011	2012	2013
1.	Number of product related accidents / user complaints	-	-	-	-
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	33	19	10	7
3.1	number of reactive inspections	1	-	-	3
3.2	number of self-initiated inspections	32	19	10	4
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	1
4.2	physical checks of products	33	19	10	7

5	Number of inspections resulting in:				
5.1	finding of non-compliance	2	4	-	-
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	2	4	-	-
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	19	16	17	15
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	19	16	17	15

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

Table 1.A. presents information on inspections of chemical substances and mixtures that are within the scope of Regulation No 648/2004 of detergents and within the scope of Regulation No 850/2004 on POPs. The Czech Environmental Inspectorate inspects manufacturers, importers, downstream users and distributors (as defined in the REACH and CLP Regulations) in the Czech Republic.

Examples of problems:

- In 2012 and 2013, the Czech Environmental Inspectorate was unable to impose penalties for the labelling and packaging of substances and mixtures falling within the scope of the Detergents Regulation because the Chemicals Act (Act No 350/2011) did not allow for penalties to be imposed for violations relating to packaging and labelling. In 2014, this Act was amended and penalties may now be imposed.
- Inconsistencies in Member States' national legislation on a specific product group, e.g. electronic cigarette cartridges.

The imposition of corrective action, based on definitions in the Chemicals Act, is problematic. To all intents and purposes, this is possible only in exceptional cases where there is significant risk to consumers. Virtually any breach of national or European legislation on chemicals is a potential threat to human health or the environment. A distinction should be made on a case-by-case basis as to when corrective action is required.

## ***Sector 23 – Ecodesign and energy labelling***

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

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

		2010	2011	2012	2013
1.	Number of product-related accidents/complaints	-	-	-	-
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	5	15	426	139
3.1	number of reactive inspections	-	-	-	-
3.2	number of self-initiated inspections	5	15	426	139
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	-	-	-	-
5	Number of inspections resulting in:				
5.1	finding of non-compliance	-	5	93	77
5.2	corrective actions taken by economic operators ('voluntary measures')	-	2	9	22
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	-	-	-	55

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	60	50	48	48
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	40	38	38	36

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

The results of labelling inspections showed that a violation was found in more than 55 % of the shops inspected and concerned the incorrect placement of the label, the accuracy of the information contained on the label, the language version used, or incorrect use of the incorrect label for the product in general. The labelling particulars were inspected for refrigerators, freezers and fridge-freezers, washing machines, dishwashers, televisions and light sources. A small number of violations were detected among specialised and larger retailers. Energy labels are a means of comparing the energy performance of the operation of different models of appliances in the same category and allow consumers to have a grasp of these appliances' energy performance and be informed in advance about their future operational energy requirements. Recently, the State Energy Inspectorate has also focused on certain major internet retailers, currently accounting for as much as 60 % of sales according to the Czech Statistical Office's estimates; this segment of the market was not inspected in the past.

## ***Sector 24 – Efficiency requirements for hot-boilers fired with liquid or gaseous fuels***

### **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/complaints	-	-	5	4
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	3	1
3.	Number of inspections (total number)	10	-	-	-
3.1	number of reactive inspections	-	-	-	-
3.2	number of self-initiated inspections	10	-	-	-
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	10	-	-	-
5	Number of inspections resulting in:				
5.1	finding of non-compliance	4	-	-	-
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	-	-	-	-
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance	n.a.	n.a.	n.a.	n.a.

	authorities in nominal terms (EUR)				
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Inspections in this area are carried out on a marginal basis and deficiencies have not been identified.

## ***Sector 25 – Recreational craft***

### **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	6	2	5
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	1	-
3.	Number of inspections (total number)	26	15	21	32
3.1	number of reactive inspections	-	-	2	-
3.2	number of self-initiated inspections	26	15	19	32
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	26	15	21	32
5	Number of inspections resulting in:	-	-	-	-
5.1	finding of non-compliance	5	4	12	22
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	5	-	3	6
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 recreational craft is transmitted on an ongoing basis. To this end, and for better awareness and data collection, all available public events, presentations, exhibitions and fairs are sourced. General enquiries and information from consumers, as well as underlying documentation from claims procedure, can be assigned here.

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

		2010	2011	2012	2013
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7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

Inspections of the above sector focus on verifying whether the obligatory information and data are presented for products in the labelling and user's guide. The authenticity of the submitted EC declarations of conformity and the documentation underlying the issuance of such declarations is verified.

A centrally controlled surveillance action organised by the Czech Trade Inspection Authority in 2013 concerned rubber inflatable craft with outboard engines. In their inspections, inspectors focused mainly on documentation, craft equipment, and the suitability and completeness of information for consumers. The inspections also covered inflatable craft subject to the Act on General Product Safety. In several cases, the unauthorised marking of products with the CE mark of conformity was suspected, caused by mismatches when the EU directive was transposed into national legislation, but this finding was not investigated further. During the reporting period, no products were sampled for testing to verify compliance with the requirements of Directives 94/25/EC + 2003/44/EC by an accredited person.



## ***Sector 26 – Other consumer products under the GPSD***

### **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/complaints	-	-	-	-
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	245	155	130	54
3.1	number of reactive inspections	245	155	130	53
3.2	number of self-initiated inspections	-	-	-	1
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:	-	-	-	-
4.1	tests performed in laboratories	n.a.	n.a.	n.a.	n.a.
4.2	physical checks of products	245	155	130	53
5	Number of inspections resulting in:	-	-	-	-
5.1	finding of non-compliance	2	2	-	1
5.2	corrective actions taken by economic operators ('voluntary measures')	2	2	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	2	2	-	1
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

On its website, there are several instances where the Czech Environmental Inspectorate draws consumers' attention to the hazards of specific products if there is good reason to inform the public thereof or if the product finding comes from the RAPEX system. For example:

[http://www.cizp.cz/3817\\_Nastrahy-proti-slimakum-mohou-byt-pro-psy-nebezpecne](http://www.cizp.cz/3817_Nastrahy-proti-slimakum-mohou-byt-pro-psy-nebezpecne)

[http://www.cizp.cz/3752\\_CIZP-naridila-v-unoru-2014-stazeni-z-trhu-a-zakaz-prodeje-nebezpecne-chemicke-smesi-STRIPPER-ACID-6-KG-rychly-odstranovac-vrchnich-nateru-nastriku-a-rychly-cistic-pro-drevo-a-kovy](http://www.cizp.cz/3752_CIZP-naridila-v-unoru-2014-stazeni-z-trhu-a-zakaz-prodeje-nebezpecne-chemicke-smesi-STRIPPER-ACID-6-KG-rychly-odstranovac-vrchnich-nateru-nastriku-a-rychly-cistic-pro-drevo-a-kovy)

### Information on resources (subject to availability)

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 22	See Sector 22	See Sector 22	See Sector 22
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 22	See Sector 22	See Sector 22	See Sector 22

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

Table 1.A. indicates the number of inspections carried out on the basis of RAPEX notifications received. In certain cases, the Czech Environmental Inspectorate conducts analyses to demonstrate the presence of restricted substances in mixtures or articles, but does not keep records of such cases.

The efficiency of inspections prompted by RAPEX notifications is low. Most of the notified products are not found on the market in the Czech Republic following their notification. Many products occur in the RAPEX system repeatedly, resulting in repeat inspections which are ultimately inefficient.

## ***Sector 27 – Obligations of operators who place timber and timber products on the market***

### **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/complaints	-	-	-	-
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	-	-	-	11
3.1	number of reactive inspections	-	-	-	-
3.2	number of self-initiated inspections	-	-	-	11
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	-	-	-	-
5	Number of inspections resulting in:				
5.1	finding of non-compliance	-	-	-	-
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
5.4	application of sanctions/penalties	-	-	-	-
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.

7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

\*) one employee, with respect to the Timber Regulation, mainly works in the RAPEX system and therefore does not perform FTE work in relation to the Timber Regulation.

\*\*) approximately 32 inspectors, but they do not work full time with the Timber Regulation (32 inspectors, but only 4 days a month = 20 % of full working hours → 6 inspectors in full-time equivalent units

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

The Czech Trade Inspection Authority conducts inspections in accordance with Article 5 of Regulation (EU) No 995/2010 laying down the obligations of operators who place timber and timber products on the market, i.e. it only inspects retailers.

## ***Sector 28 – Novelty lighters – Commission Decision 2009[sic]/502/EC***

### **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/complaints	6	3	5	7
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	3
3.	Number of inspections (total number)	2 164	1 395	768	784
3.1	number of reactive inspections	51	33	24	55
3.2	number of self-initiated inspections	2 113	1 350	739	729
3.3	number of inspections prompted by customs	-	12	5	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	3	3	-
4.2	physical checks of products	2 164	1 395	768	784
5	Number of inspections resulting in:				
5.1	finding of non-compliance	848	602	308	408
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	-	-	-	-
-5.4	application of sanctions/penalties	835	584	348	234
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

In 2011 and 2012, the Czech Trade Inspection Authority published two press releases on lighter safety requirements and the results of inspections. These releases also drew attention to the ban on sales of novelty lighters.

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance	n.a.	n.a.	n.a.	n.a.

	authorities in nominal terms (EUR)				
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

As new types of novelty lighters intermittently appear (mainly on marketplaces originating in Asia), inspections need to be carried out periodically.

### *Sector 29 – Mining 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/complaints	-	-	-	-
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	2	2	2	2
3.1	number of reactive inspections	-	-	-	-
3.2	number of self-initiated inspections	2	2	2	2
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products	2	2	2	2
5	Number of inspections resulting in:				
5.1	finding of non-compliance	-	-	-	-
5.2	corrective actions taken by economic	-	-	-	-

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

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	0.2	0.2	0.2	0.2
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	0.2	0.2	0.2	0.2

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

Surveillance in this area is efficient. No violations of legislation by inspected persons were recorded in the reporting period.
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***Sector 30 – Blasting technology resources***

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

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

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	0.1	0.1	0.1	0.1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the given category	0.1	0.1	0.1	0.1



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

Surveillance in this area is efficient. No violations of legislation by inspected persons were recorded in the reporting period.

## ***Sector 31 – Articles and materials intended to be brought into contact with food***

### **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/complaints	24	27	68	26
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	1 057	1 056	954	1 060
3.1	number of reactive inspections	24	27	68	26
3.2	number of self-initiated inspections	1 033	1 029	886	1 034
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	156	204	195	166
4.2	physical checks of products	2 328	2 303	1 997	2 298
5	Number of inspections resulting in:				
5.1	finding of non-compliance	27	55	30	34
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	6	20	3	4
5.4	application of sanctions/penalties	21	35	27	30
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

In general, public health authorities organise various training events or participate in those held by various institutions or professional associations. There is regular cooperation, for example, with PROKOS (the association of cosmetics manufacturers) and ČSZV (the Czech Association for Branded Products), whose training events are routinely attended by public health authorities delivering contributions on legislation and the results of surveillance activities. The situation is much the same with associations of packaging material manufacturers, with which there is also intensive communication. In addition, public health authorities regularly organise various seminars and workshops with professionals as a means to exchange experiences. The most extensive series of seminars was held in 2013 with the aim of familiarising the public with new legislation on cosmetics,

particularly in relation to the EU's Cosmetic Products Notification Portal (CPNP).

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	Ministry of Health – see Sector 2	Ministry of Health – see Sector 2	Ministry of Health – see Sector 2	Ministry of Health – see Sector 2

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

State health surveillance draws on annually prepared national and regional inspection plans based on methodology compiled centrally by the Ministry of Health. The preparation of these plans is rooted in the market situation and an analysis of past results of state health surveillance, an analysis of legislative requirements and an assessment of the risk posed by products to consumers. Every year, targeted tasks of the Chief Health Officer are announced, which focus on nationwide problems that have been singled out. Regionally, targeted tasks – aimed at addressing problems typical for the region – are also carried out. In articles and materials intended to be brought into contact with food, compliance with good manufacturing practice at packaging manufacturers is inspected in periodic four-year cycles.

In 2013, approximately 2 298 articles and materials intended to be brought into contact with food products were inspected and were found to have an aggregate of 418 defects. The most common defects included failure to submit a declaration of conformity, failure to prove traceability, and labelling deficiencies. In total, 166 products were sampled for laboratory analysis, of which 17 were classified as non-compliant with legislation. As usual, the biggest problem concerns plastic products originating in Asian countries. There is also a persistent problem with sales of non-compliant products at markets, in particular 'Asian marketplaces', as the product origin cannot be traced because, in most cases, only the name of the vendor is known. Documents intended to prove the origin of a product, such as invoices, are false, if they exist at all. In some cases, non-existent barcodes, or companies that do not trade in the given type of product, are reported. Despite the force of Regulation (EC) No 284/2011, which lays down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the

People's Republic of China and Hong Kong, Special Administrative Region, China, non-compliant plastic utensils are making their way on to the market.

A major problem is the approach to inspections in other Member States, which is particularly apparent as regards the requirement to present a declaration of conformity for articles intended for contact with food and in inspections pursuant to Regulation (EC) No 284/2011 among entities established outside the Czech Republic – in these cases there is very often a reluctance to cooperate with the surveillance authority.

***Sector 32 - Articles and materials intended for children up to three years - products for children up to three years***

**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/complaints	7	10	-	-
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	-	-
3.	Number of inspections (total number)	663	578	527	675
3.1	number of reactive inspections	7	10	-	-
3.2	number of self-initiated inspections	656	568	527	675
3.3	number of inspections prompted by customs	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	115	75	28	57
4.2	physical checks of products	1 657	1 658	1 373	1 801
5	Number of inspections resulting in:				
5.1	finding of non-compliance	37	33	28	80
5.2	corrective actions taken by economic operators ('voluntary measures')	-	-	-	-
5.3	restrictive measures taken by market surveillance authorities	2	-	-	3
5.4	application of sanctions/penalties	35	33	28	77
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

In general, public health authorities organise various training events or participate in those held by various institutions or professional associations. There is regular cooperation, for example, with PROKOS (the association of cosmetics manufacturers) and ČSZV (the Czech Association for Branded Products), whose training events are routinely attended by public health authorities delivering contributions on legislation and the results of surveillance activities. The situation is much the same with associations of packaging material manufacturers, with which there is also intensive communication. In addition, public health authorities regularly organise various seminars and workshops with professionals as a means to exchange experiences. The most extensive series of seminars was held in 2013 with the aim of familiarising the public with new legislation on cosmetics,

particularly in relation to the EU's Cosmetic Products Notification Portal (CPNP).

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the given category	Ministry of Health – see Sector 2	Ministry of Health – see Sector 2	Ministry of Health – see Sector 2	Ministry of Health – see Sector 2

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

State health surveillance draws on annually prepared national and regional inspection plans based on methodology compiled centrally by the Ministry of Health. The preparation of these plans is rooted in the market situation, an analysis of past results of state health surveillance, and an analysis of legislative requirements. Every year, targeted tasks of the Chief Health Officer are announced, which focus on nationwide problems that have been singled out. Regionally, targeted tasks – aimed at addressing problems typical for the region – are also carried out.

In 2013, there were 398 inspections of products for children up to three years encompassing 1 801 products. In all, 445 non-compliant products were detected. In total, 57 products were sampled for laboratory analysis, of which six were classified as non-compliant with prescribed legal requirements. These cases mainly concerned products for babies, i.e. products intended to be placed in the mouth or clothing.

## ***Sector 34 – Batteries***

**Act No 185/2001 on waste – inspection of compliance with obligations concerning the placing of batteries on the market or into circulation, the labelling thereof, and arrangements for recollection thereof by the manufacturer and final vendor.**

### ***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/complaints	-	-	31	28
2.	Number of substantiated complaints by industry concerning unfair competition	-	-	5	9
3.	Number of inspections <sup>13</sup> (total number)	35	334	320	588
3.1	number of reactive inspections <sup>14</sup>	0	14	8	46
3.2	number of self-initiated inspections <sup>15</sup>	35	320	312	542
3.3	number of inspections prompted by customs <sup>16</sup>	-	-	-	-
4	Number of inspections based on:				
4.1	tests performed in laboratories	-	-	-	-
4.2	physical checks of products <sup>17</sup>	35	334	320	588

<sup>13</sup> Inspections are regular or ad hoc visits, controls (including checks on the internet) or other forms of contacts (mail, telephone) undertaken by an inspector, with an enforcement focus (excluding pure information exchange) and aimed at verification of product safety and compliance. Where several products/models/regulations are checked during the same exercise, this should be counted as one inspection. In order to be considered an inspection, there must be an official report prepared following the action.

<sup>14</sup> 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.

<sup>15</sup> 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.

<sup>16</sup> 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.

<sup>17</sup> 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	non-compliance with Act No 185/2001 detected	-	3	-	1
	non-compliance detected <sup>18</sup> (with another law)	4	68	81	264
5.2	corrective actions taken by economic operators ('voluntary measures') <sup>19</sup>	-	-	-	-
5.3	restrictive measures <sup>20</sup> taken by market surveillance authorities	-	-	-	-
5.4	imposition of penalties under another law	155	98	61	73
	detected non-compliances with Act No 185/2001 referred to the Czech Environmental Inspectorate	0	3	-	1
6	Number of inspections where other Member States were invited to collaborate	-	-	-	-

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

Our tasks include responding to enquiries from consumers and businesses in writing, by e-mail or by telephone. We communicate with the Ministry of the Environment (Waste Management Department) and the Czech Environmental Inspectorate. We plan joint inspection actions with the Czech Environmental Inspectorate. Press releases posted on the Czech Trade Inspection Authority's website inform consumers and businesses in detail about the Authority's inspection actions and inspections of batteries (markings and arrangements for the return thereof).

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

		2010	2011	2012	2013
7.1	Budget available to market surveillance	n.a.	n.a.	n.a.	n.a.

<sup>18</sup> This refers to any non-compliance (formal or substantial, minor as well as serious) of a product with legislation.

<sup>19</sup> Voluntary measures are defined as corrective action taken 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.

<sup>20</sup> Compulsory measures to prohibit or restrict the product being made available on the national market, to withdraw it or to recall it. These measures are those taken when the economic operators did not follow up on previous request of market surveillance authorities to take corrective action or where authorities have to intervene urgently.



	authorities in nominal terms <sup>21</sup> (€)				
7.2	Budget available to market surveillance authorities in relative terms (percentage of total national budget)	n.a.	n.a.	n.a.	n.a.
8	Staff available to market surveillance authorities (full-time equivalent units) in the category of inspections under Act No 185/2001	See Sector 1	See Sector 1	See Sector 1	See Sector 1
9	Number of inspectors available to market surveillance authorities (full-time equivalent units) in the category of inspections under Act No 185/2001	See Sector 1	See Sector 1	See Sector 1	See Sector 1

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

On 19 September 2009, Act No 297/2009 amending Act No 185/2001 on waste came into effect. Section 76a of that Act established the Czech Trade Inspection Authority's surveillance-related competence to inspect the placing of batteries on the market or into circulation, the labelling thereof, and arrangements for recollection thereof by the manufacturer and final vendor. According to the Waste Act, the Czech Trade Inspection Authority does not have the power to impose fines and corrective action on manufacturers and final vendors of batteries. The Czech Trade Inspection Authority notifies the Czech Environmental Inspectorate of deficiencies detected in its inspections.

The Czech Trade Inspection Authority's surveillance activity has a predominantly preventive and informative effect. Systematic inspections carried out since 2010 have had a positive impact on the implementation of the Waste Act at the entities inspected. The Czech Trade Inspection Authority's regional inspectorates have incorporated inspections of batteries into their routine inspection work. If, during a routine inspection, it discovers a range of range of batteries for sale, it expands the inspection to include this issue. The Czech Trade Inspection Authority and the Czech Environmental Inspectorate work together in the regions. Any non-compliance identified is subsequently referred to the Czech Environmental Inspectorate for further investigation.

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<sup>21</sup> The budget figure should cover all financial resources which are assigned by public authorities to market surveillance and enforcement activities as well as to projects and measures aimed at ensuring compliance of economic operators with 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.

## Annex 1: Reference list of sectors

Product sectors	Relevant legislation <sup>22 23</sup>	Included in this report? (YES/NO)
1. Medical devices (including In vitro diagnostic medical devices and Active implantable medical devices)	Directives 93/42/EEC, 98/79/EC and 90/385/EEC	YES
2. Cosmetics	Regulation 1223/2009	YES
3. Toys	Directive 2009/48/EC	YES
4. Personal protective equipment	Directive 89/686/EEC	YES
5. Construction products	Regulation 305/2011	YES
6. Aerosol dispensers	Directive 75/324/EEC	YES
7. Simple pressure vessels and Pressure equipment	Directives 2009/105/EC and 97/23/EC	YES
8. Transportable pressure equipment	Directive 2010/35/EU	YES
9. Machinery	Directive 2006/42/EC	YES
10. Lifts	Directive 1995/16/EC	YES
11. Cableways	Directive 2000/9/EC	YES
12. Noise emissions for outdoor equipment	Directive 2000/14/EC	YES
13. Equipment and protective systems intended for use in potentially explosive atmospheres	Directive 1994/9/EC	YES
14. Pyrotechnics	Directive 2007/23/EC	YES
15. Explosives for civil uses	Directive 93/15/EEC	YES
16. Appliances burning gaseous fuels	Directive 2009/142/EC	YES
17. Measuring instruments, non-automatic weighing instruments and pre-packaged products	Directives 2004/22/EC, 2009/23/EC and 2007/45/EC	YES (except Directive 2007/45/EC)
18. Radio and telecom equipment under the EMC – electromagnetic compatibility – Directive	Directive 2004/108/EC	YES
19. Radio and telecom equipment under the R&TTE Directive	Directive 1999/5/EC	YES
20. Electrical appliances and equipment under LVD	Directive 2006/95/EC	YES
21. Electrical and electronic equipment under the RoHS Directive	Directive 2011/65/EU	YES

<sup>22</sup> For ease of reference this table indicates established EU legislation. New legislation having replaced or amended that listed in the table should be also taken into account for the relevant period in which it is applicable.

<sup>23</sup> For ease of reference in some cases (e. g. eco-design, energy labelling), this table only indicates EU framework legislation, but is intended to cover also product specific EU legislative acts.

<b>Product sectors</b>	<b>Relevant legislation<sup>22 23</sup></b>	<b>Included in this report? (YES/NO)</b>
22. Chemicals (detergents, paints, persistent organic pollutants) <sup>24</sup>	Regulation 648/2004 Directive 2004/42/EC Regulation 850/2004	YES
23. Ecodesign and energy labelling	Directives 2009/125/EC and 2010/30/EU	YES
24. Efficiency requirements for hot-boilers fired with liquid or gaseous fuels	Directive 1992/42/EEC	YES
25. Recreational craft	Directive 1994/25/EC	YES
26. Other consumer products under GPSD (optional)	Directive 2001/95/EC	YES
27. Obligations of operators who place timber and timber products on the market	Regulation 995/2010	YES
28. Novelty lighters	Decision 2006/502/EC	YES
29. Mining machinery	Directive 2006/42/EC	YES
30. Blasting technology accessories	Directive 2001/95/EC; Directive 2006/95/EC Directive 2006/42/EC	YES
31. Articles and materials intended to be brought into contact with food	Regulation 1935/2004 Regulation 1895/2005 Regulation 2023/2006 Regulation 372/2007 Regulation 10/2011 Regulation 248/2011	YES
32. Products for children up to three years	Regulation 1907/2006	YES
33. Batteries	Directive 2006/66/EC; Directive 2002/96/EC	YES

<sup>24</sup> 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 to Member states to include in this section a link to the REACH and CLP reports for the relevant period.