

National Product Market Surveillance Plan for 2015–2016

1. General organisation of market surveillance and infrastructure

The National Product Market Surveillance Plan has been drawn up to comply with the obligation under Article 18(5) of Regulation (EC) No 765/2008. Chapter 3 of the Regulation sets out the requirements regarding the organisation of and methods used for market surveillance and external border checks on products.

1.1 Identification and responsibilities of national surveillance authorities

Market surveillance on products is split between six national surveillance authorities, each with its own sector of responsibility. These are national services which are managed from a head office and usually operate from regional offices. Each of the six authorities has its own specific product domain (a particular package of Directives and Regulations) and is responsible for protecting the public interest with respect to that domain. They come under the political responsibility of various ministries.

They have a total budget of around EUR 25 million and a total staff of around 175 FTE. For information on the staffing, budgets and technical facilities (own laboratories) of each surveillance authority, the reader should refer to the sections on the different sectors.

Surveillance authorities use both national government laboratories (National Institute of Public Health and Environmental Protection (RIVM)) and private laboratories and testing institutes for their market surveillance investigations. Sometimes they use their own in-house laboratories (Netherlands Food and Consumer Product Safety Authority (NVWA)).

The six surveillance authorities are listed in Chapter 2, which deals with the sectors, together with their contact details and surveillance domain (Directives).

1.2 Coordination and cooperation mechanisms between market surveillance authorities

The market surveillance authorities and the customs authorities discuss topics and activities in a permanent national forum (Alliance working group on product market surveillance and external border checks), which was set up for this purpose in 2008 and is chaired by the Netherlands Food and Consumer Product Safety Authority (NVWA). This is where, amongst other things, the positions of the market surveillance authorities and the customs authorities for input at EU level (indicative multiannual programme on market surveillance, horizontal issues in Administrative Cooperation Groups (ADCOs) are agreed. In addition to the surveillance authorities and the customs authorities, a representative of the Ministry of Economic Affairs has a seat in this group. This Ministry is responsible for coordinating and monitoring the implementation of Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products.

The Alliance also ensures that Regulation (EC) No 765/2008 continues to be applied to optimum effect at national level. For example, the possibilities for more specific joint surveillance and external border check projects are explored and discussed in the forum. It also looks at other forms of cooperation such as exchange and comparison of information and knowledge (best practices) and coordination of strategies where this would be useful. A number of horizontal themes are also discussed. These are matters which play a role in all of the surveillance domains and require an approach that is as uniform as possible. They include topics such as online trading, risk-based surveillance, intervention policy and product risk assessment. These themes have been selected on the basis of the action points included in the European Multiannual Plan for Market Surveillance.

The forum consults and discusses on a voluntary basis and has no formal powers to take binding decisions on behalf of the surveillance authorities. However, it may take initiatives (develop proposals

on cooperation or harmonising procedures) that are put to the managements of the services concerned who then take a decision. The agendas of the meetings are substantially determined by developments in the various bodies in Brussels (IMP, IMP-MS, Consumer Safety Network, Council working groups, ADCOs) on the application of Regulation (EC) No 765/2008 and the multiannual plan. The group meets five times a year.

Cooperation between surveillance authorities and between the surveillance and customs authorities is effected through agreements (mainly with customs), statements of principles and through engaging in joint surveillance projects on specific product groups. It could, for instance, be a product group covered by different Directives or Regulations which are therefore monitored by different surveillance authorities whose risk-based surveillance has assessed it as a priority. An example of this is provided by LED lights. One Regulation (Regulation (EC) No 1907/2006 known as REACH) may concern the responsibilities of a number of ministries and so joint surveillance may be appropriate. The coordination and development of these specific collaborative projects takes place in separate forums.

There are separate forums for participation in and application of ICSMS and RAPEX.

The Alliance group comprises:

Radiocommunications Agency Netherlands (AT)
Netherlands Healthcare Inspectorate (IGZ)
Social Affairs and Employment Inspectorate (SZW)
Human Environment and Transport Inspectorate (ILT)
Verispect BV.
Netherlands Food and Consumer Product Safety Authority (NVWA)
Ministry of Economic Affairs
Customs.

1.3 Cooperation between the surveillance authorities and customs

For external border checks these inspectorates use various forms of cooperation and assume different roles with customs. This is all tailored to the properties of the products and the trading volumes. For example, the customs authorities inform the market surveillance authorities of products that are yet to be imported that match risk profiles (product groups) provided in advance by the market surveillance authorities. The market surveillance authorities then inspect the products upon import (i.e. before they are released for free circulation). This is an efficient solution for the situation in the Netherlands, given the large volume of goods imported into the EU every day through the Port of Rotterdam. In other circumstances the customs authorities carry out checks themselves (usually checks on documents) on specific product groups indicated by the market surveillance authorities. These activities are agreed upon in annual bilateral agreements with the customs authorities. Not all market surveillance authorities have annual agreements with customs in place at present but this does not mean that they do not cooperate with customs. In that case cooperation is more on a project basis. The aim is to effect agreements for all domains.

1.4 RAPEX

The Radiocommunications Agency Netherlands, the Social Affairs and Employment Inspectorate, the Human Environment and Transport Inspectorate, Verispect and the NVWA are members of RAPEX for their surveillance domains (see 1.1). RAPEX notifications can be submitted for all domains and notifications from other member States can be followed up. The RAPEX national contact point that is responsible for disseminating RAPEX information and monitoring any follow-up is located at the client contact centre of the NVWA, international alerts team. See also:

http://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/how_does_it_work/docs/rapex_contact_points_en.pdf.

1.5 ICSMS (Information and Communication System for Market Surveillance)

The following surveillance authorities are now connected to the ICSMS for all of their surveillance domains: the Radiocommunications Agency Netherlands, the Social Affairs and Employment Inspectorate, the Human Environment and Transport Inspectorate, Verispect, customs and the NVWA. Each surveillance authority has its own coordinator who is responsible for management and guidance of the use within their service. The NVWA has been given the task of coordinating the management and use of ICSMS at national level. This involves maintaining contacts with other Member States and with the European Commission, including the annual ICSMS expert meeting. The contact details of the market surveillance authorities in the Netherlands can be found via this link: <https://webgate.ec.europa.eu/icsms/public/authoritySearch.jsp?locale=en>.

1.6 General description of market surveillance and relevant procedures

The cabinet developed a national policy framework for the whole of government surveillance: the Framework Vision for Surveillance II. It contains six principles on which a surveillance authority should base its work. The principles are expressed by the key words: selective, effective, collaborative, independent, transparent and professional. This framework is also applied to product surveillance. Proactive market surveillance is risk-based and seeks to influence the behaviour of operators in such a way as to encourage compliance with the law. It familiarises itself as much as possible with the front end of the commercial chain (manufacturer, EU importer) and aims to ensure that specific market operators comply (geared to target group). Its primary focus is on product groups showing a high level of non-compliance which create real risks for the interests that the European product legislation aims to protect. Reactive supervision responds to consumers' complaints, media reports and notifications (RAPEX, safeguard measures). Consumers can complain to the surveillance authorities via a free telephone line or on the website of the appropriate authority. Complaints about non-compliant products are followed up where possible with tests on the product or an inspection at the company that traded in the product. The consumer is always informed of the findings and any follow-up action taken by the surveillance authority.

Operators that make a demonstrable effort to improve compliance are eligible for reduced surveillance. Under certain circumstances agreements can be concluded with such businesses laying down a regime of reduced supervision and constant effort to improve compliance on the part of the operator. The market surveillance authority and the company see each other as partners with respect to assurance of product compliance. Operators who knowingly, wilfully and persistently fail to comply with the statutory requirements are subject to a more stringent supervisory regime in which infringements will be dealt with firmly by heavy fines or referral to the Public Prosecution Service for criminal prosecution.

The measures taken by the market surveillance authorities in the event of non-compliance are proportional and aim to encourage compliance. This means that the measures are appropriate to the seriousness of the offence but also to the operator's conduct, opportunities and attitude.

The range of possible measures is extensive and diverse. Criminal sanctions, such as imprisonment, heavy fines or closing down of the company, are possible if the Public Prosecution Service is brought in or administrative measures can be taken against the operator or partnerships.

The administrative measures include both sanctions such as fines and seizure and destruction of goods and corrective measures such as orders to end the non-compliance subject to a penalty payment per day or week that the infringement continues. Corrective measures are primarily geared to eliminating the risk rather than punishing the operator. Corrective measures include: written warnings that a minor case of non-compliance must be remedied within a set period; allowing the operator to withdraw the non-compliant products from the commercial chain; and allowing the operator to issue public warnings and recall products from the consumer. Surveillance authorities may also issue public warnings themselves if the operator refuses to do so. Public warnings can be placed in newspapers, trade journals and social media (authority's twitter account), on websites (including those of the

authority and the company), or be issued through targeted mailings or press releases. Administrative fines may be a fixed penalty for a specific infringement (around EUR 600 for consumer products for a company with less than 50 employees up to EUR 1 200 for larger companies) or they may be variable and based, for instance, on a percentage of the company's annual turnover up to the statutory maximum of EUR 80 000. Where a fixed penalty applies, if it is a second or recurrent offence, the penalty may be doubled or tripled. The size of the company can also play a role in the level of a fixed penalty. A not insignificant consideration is that a company that issues a public warning or recalls a product has already suffered a substantial financial loss. Any fine on top of that is often insignificant in comparison.

Increasingly social media (twitter and apps) are used to contact stakeholders and keep in touch with them about the market surveillance and the products involved. Stakeholders may be companies or consumers, as well as NGOs and knowledge organisations such as universities. More traditional forms of consultation and coordination also take place through periodic meetings with stakeholders (often sectoral organisations or, if they do not exist, individual companies such as market leaders). These consultations are generally organised within sectors. The Alliance Group is currently working to create a consultative forum with stakeholders that extends beyond individual sectors (national umbrella organisations for trade, industry and consumers). This would focus on the horizontal themes of market surveillance: issues which are relevant to all surveillance domains.

1.7 General framework for cooperation with Member States and third countries

Cooperation with EU Member States takes place through Prosafe, the EU Joint Actions and participation in ADCOs. There is further cooperation in connection with RAPEX notifications and the ICSM system.

The tables below show whether each market surveillance authority participates in EU Joint Actions, RAPEX, ICSMS, Prosafe (if applicable) and ADCOs.

Radiocommunications Agency Netherlands (AT)

Participation in EU Joint Actions	Yes
Involvement in RAPEX	Yes, through the NVWA
Involvement in ICSMS	Yes. Yes
Involvement in Prosafe	N/A
Involvement in ADCOs	Yes (EMC and RTTE)

Human Environment and Transport Inspectorate (ILT)

Participation in EU Joint Actions	Yes
Involvement in RAPEX	Yes
Involvement in ICSMS	Yes
Involvement in Prosafe	N/A
Involvement in ADCOs	Yes (fireworks, construction products, recreational craft, explosives for civil use and ecodesign)

Social Affairs and Employment Inspectorate

Participation in EU Joint Actions	Yes
Involvement in RAPEX	Yes
Involvement in ICSMS	Yes
Involvement in Prosafe	N/A
Involvement in ADCOs	Yes

Netherlands Food and Consumer Product Safety Authority (NVWA)

Participation in EU Joint Actions	Yes
Involvement in RAPEX	Yes
Involvement in ICSMS	Yes
Involvement in Prosafe	Yes
Involvement in ADCOs	Yes

Verispect

Participation in EU Joint Actions	Yes, starting in 2013
Involvement in RAPEX	Yes, through the NVWA
Involvement in ICSMS	Yes
Involvement in Prosafe	N/A
Involvement in ADCOs	Yes, combination with WELMEC's working group 5 (See also: www.WELMEC.org)

1.8 Review

The Alliance Group is used as a coordination platform for the four-yearly review and assessment of the market surveillance and external border checks pursuant to Article 18(6) of Regulation (EC) No 765/2008. The annual review of the surveillance carried out is organised by sector. The key points from the review are included in the annual reports of the services concerned, which can be viewed on their websites. The reviews examine the insights obtained from the surveillance, any problem areas, results achieved and the conclusions on possible follow-up actions in the coming years.

1.9 Horizontal themes for the coming years

1. Risk assessment of non-compliant products

The broad risk-assessment model (RATF?RAM) developed at the European Commission's request for the application of Regulation (EC) No 765/2008 has been discussed at length and demonstrated in the Alliance working group. All the inspectorates recognise the importance of risk assessment that is as standardised as possible. However, following a number of workshops the conclusion has been reached that the RATF model does not lend itself to standardised application. In particular, the model leads to confusion when it comes to determining the level of the risks where public interests other than health or safety are concerned. It has also prompted the question of whether it is actually possible to develop a model that can be applied fully and at every stage for all domains and whether this is a prerequisite for proper implementation of the provisions of Regulation (EC) No 765/2008. An option might be to develop a corresponding risk assessment

model for each public interest or group of interests. It has been agreed that this line will be put to the relevant forums in Brussels. The ADCOs would seem to be the most suitable forum to produce a uniform sectoral method of risk assessment.

2. *Cooperation with third countries*

The NVWA maintains close relations with the Chinese market surveillance authority in order to achieve a closed surveillance chain as regards the safety of consumer products manufactured in China and exported to the EU. The aim is to create a seamless link between the export controls by the Chinese authority on these products and the import checks performed by the NVWA at the Dutch external border (Rotterdam). The ILT is cooperating with the Chinese Government on fireworks. The Chinese Government recently (May 2014) indicated that it wishes to recalibrate its efforts in its relationship with the NVWA. The emphasis will shift from export controls to Chinese producers taking on more responsibility themselves for the safety of their products. The Netherlands believes that there should be a response to this recalibration at EU level. It was agreed in the group that the Netherlands will ask the Commission to consult with the Chinese surveillance authority. In the case of medical devices, almost the opposite trend is evident; here the Chinese Government is keen to play a more prominent role regarding export products by collaborating with the surveillance authority for this domain, the Netherlands Healthcare Inspectorate (IGZ). The IGZ will take this further in the coming years.

3. *ICSMS*

Considerable efforts have been made to connect all the surveillance authorities to the ICSMS system. Numerous information events and workshops have been held for this purpose. As a result of these efforts, ICSMS is now operational for all domains falling under Regulation (EC) No 765/2008; all the surveillance authorities have been connected up to the system and are maintaining contacts with the national administrator. The key to the success of ICSMS will be its ease of use and relevance to all domains. The surveillance authorities have indicated that the system does require some adjustments to tailor it to the procedures and needs of the separate surveillance domains. The Alliance Group is following the situation through the ICSMS national coordinator to see whether the ICSMS system really can be improved to make it a useful tool for the sectors.

4. *Collaboration with the business community and other stakeholders*

At the sectoral level, surveillance authorities have regular contact with the industry and national umbrella organisations over issues relating to legislation, compliance and surveillance. Agreements are also made with such organisations regarding the fulfilment and interpretation of statutory obligations, and the surveillance authority for each domain has an important sounding board role in this. These sectoral consultations are seen as very useful by both parties. They contribute to a good relationship between bona fide business owners and the surveillance authority, a relationship in which the parties are made aware of what they can and may expect from each other. This relationship contributes to compliance. What is still missing at present is a cross-sector national consultation forum to address the implementation of Regulation (EC) No 765/2008 and the long-term action plan. This should involve the six surveillance authorities, acting jointly, and the business community represented by national umbrella organisations from trade and industry. The intention was to establish this cross-sector consultation forum during the second half of 2014 but it was delayed. The target is now the first quarter of 2015. More horizontal issues, developments, plans and other topics relating to European and national market surveillance and external border checks on products will be discussed in this forum. The Long-Term Market Surveillance Action Plan will play a key role in this as will the Communication from the Commission on the internal market for industrial products.

5. *E-Commerce*

The booming internet trade is a high priority for every surveillance authority. E-commerce surveillance projects have been carried out in various domains in recent years. The experiences gained in this way as well as procedures and insights have been shared. Here too there seems to be

a sense that the approach will differ for each domain in some respects, so that maximum efficiency can be achieved within that specific domain. This is due to the nature and scope of the domain, and the capacity of the relevant surveillance authority.

There are a number of general principles applicable to all domains, such as the fact that proactive surveillance will be limited to enterprises based in the Netherlands. Proactive surveillance on products offered by internet businesses in other Member States or third countries will not normally be expedient for efficiency reasons and so will not (or cannot) be considered a priority, though problems once identified will be followed up. It is obvious that consumers must take their share of the responsibility, especially when it comes to products from third countries. They should not simply trust that any non-compliant products that they order in China will be stopped by external border checks. They will therefore need to be provided with the necessary information on the risks posed by such purchases.

Fulfilment houses require special attention. These are facilities in the Netherlands (or other Member States) where internet businesses based in third countries keep a stock of goods that they offer for sale online. This enables them to deliver the products to the consumer quickly. These warehousing facilities regard themselves not as economic operators as referred to in Regulation (EC) No 765/2008 but merely as logistics service providers. A number of measures have now been taken against these companies as part of proactive surveillance. It remains to be seen whether formal or informal agreements will be possible with intermediaries such as eBay, Market Place and Amazon in order: 1) to have a product offered for sale by a particular supplier that is found by the surveillance authority to be non-compliant removed from the intermediary's site; and 2) to have the same measure taken against any other suppliers of this product on the intermediary's site. There will be active participation in the Consumer Safety Network working group on market surveillance for online sales. Finally, it is unclear whether Regulation (EC) No 765/2008 offers sufficient legal grounds to conduct external border checks on products ordered by a consumer in a third country for personal use. After all, these products are not placed on the market within the EU. For this reason there is not normally any surveillance on these import flows.

6. *Harmonisation of intervention policy*

The Dutch government intends all its surveillance authorities to perform their duties in as clear and standardised a way as possible. This also applies to product market surveillance authorities when they take measures against non-compliant products in their sector.

What powers does each surveillance authority have? What measures can it take and which measure is appropriate for which infringement? There ought to be a certain degree of consistency here for each domain. There is also an obvious European dimension to this: if certain Member States operate a significantly softer regime for interventions, this may lead to a distortion of competition. The surveillance authorities are currently engaged in comparing their intervention policies. It should also be noted that a distinction must be made between the package of measures that the surveillance authority has at its disposal under the law (written warning, administrative fines, business closure, seizure and destruction of products, fines under the criminal law and imprisonment) and which measure it applies to which type of infringement. The decision as to which measure to apply depends on the seriousness of the infringement, which is largely determined by the degree of risk it creates. The presence of intent or recklessness also plays a role here as does recidivism. Thus the determination of the severity of the infringement will be a particular focus of the discussion. After that it will turn to whether the different services adopt similar measures to deal with specific serious infringements. This is what is meant by the intervention policy.

7. *Risk-based market surveillance*

The work of the six market surveillance authorities involved is founded on risk-based surveillance. They focus on the product groups and risks (product and compliance behaviour) that can have the largest impact in terms of impairing and undermining (harming) the public interests protected by European product legislation if the statutory requirements are not met. A number of factors play a

role in determining this impact: product volumes (exposure); the extent of the anomalies within the product group (compliance level); the defects that have occurred (serious risk) and the types of suppliers of these products. As already stated, their risk-based approach means that the surveillance authorities do not readily come up with a product group or risk that is perceived by more than one surveillance authority to be a priority. The product groups, the risks they pose in relation to the public interests protected by the legislation and the compliance behaviour in the various domains generally differ too greatly for this to happen. The main focus over the next few years will be on comparing procedures, results and problem areas in the various domains.

2. Sectoral market surveillance

2.1 Safety of consumer products sector

Regulation (EC) No 1223/2009, cosmetics;

Directive 2009/48/EC, toys;

Directive 89/686/EEC, personal protective equipment (in so far as it is for consumer use);

Directive 75/324/EEC, aerosols;

Directive 2006/42/EC, machinery (in so far as it is for consumer use);

Directive 2009/142/EC, gas appliances;

Directive 2006/95/EC, electrical equipment (LVD);

Regulation (EC) No 1907/2006 (known as REACH) and Regulation (EC) No 1272/2008 (known as CLP) (in conjunction with the Human Environment and Transport Inspectorate (IL&T) and the Social Affairs and Employment Inspectorate);

Regulation (EC) No 648/2004, Directive 2004/42/EC and Regulation (EC) No 850/2004, detergents and paints;

Directive 2009/125/EC, energy labelling;

Regulation (EU) No 528/2012, biocides;

Regulation (EC) No 1007/2008, textiles.

The NVWA monitors compliance with this legislation.

2.1.1 The Food and Consumer Product Safety Authority (NVWA)

NVWA, Consumer & Safety Division

Address: Catharijnesingel 59, 3511 GG Utrecht., Netherlands

General tel. number: 088-2233333

P O Box 43006, 3540 AA Utrecht, info@nvwa.nl ,

www.vwa.nl .

Staff 110 FTE: 45 inspectors/controllers, 45 laboratory staff, 20 staff working on development and strategy.

Budget: EUR 12 million per year.

Agency of the Ministry of Economic Affairs.

Commissioning authority with political responsibility for consumer product safety: Ministry of Health, Welfare and Sport.

2.1.2 Methods and strategy

The surveillance is risk-based. It focuses on tackling those businesses which, because their products do not comply with product safety legislation, have the greatest impact on the health and safety of consumers. For this purpose the NVWA uses a priority matrix incorporating the conduct of businesses and types and volumes of their products. As a result, proactive surveillance has gone from being purely product-oriented to more business-oriented in recent years. This is for reasons of efficiency. The target group for proactive surveillance – identified with the use of the matrix – is a core group of around 3 000 enterprises that:

- are together responsible for 85 % of relevant products placed on the market (high-risk products that regularly involve anomalies and therefore present real risks to the consumer); and
- regularly exhibit failings in terms of compliance.

Many of these businesses are EU importers with large commercial volumes of a huge range of different types of high-risk products. The majority of these products come from China. The specific group of operators needs to ensure compliance for all these product groups. Business-oriented surveillance focuses on encouraging compliance at these companies. This is done, for instance, by checking as many types of products as possible at the same company (business-oriented product surveillance). Another form of business-oriented surveillance that has grown massively is system surveillance. This involves using audits to check a company's quality system, if it has one, and to check whether it is geared to assuring compliance with product safety legislation. Companies with a demonstrably well-functioning system are subjected to less surveillance.

The NVWA helps companies to develop such systems (compliance assistance). System surveillance yields good results at companies that want and are able to invest in compliance and that also trade in many different types of product groups. A good system ensures that all those products comply with the legislation. This is explicitly not a form of ex ante supervision. The surveillance is intended to encourage business compliance with the product safety legislation (requirements that products have to meet and any conformity procedures). For example, there are controls to see whether the business operator ensures that the specifications of the product ordered match the applicable statutory product and conformity procedures and/or whether he/she checks whether the products supplied meet the specifications, for instance by spot checks. The surveillance also looks at whether the business has a complaints procedure in place. Elements of such a system are to be found in the General Product Safety Directive (Directive 2001/95/EC).

However, not all companies are able to put this kind of system in place, so for those companies supervision takes the form of product testing. Samples of various product groups are taken at the same company wherever possible. Not only does this make the sampling more efficient, it also provides a picture of the general standard of compliance in the company. The capacity saved in this way is used to concentrate on identified recurrent offenders (the 'hard-line where necessary' approach).

Alongside this business-oriented approach – which focuses on the conduct of significant players – there is also purely product-based surveillance. Its purpose is to gain a national picture of the safety of a particular product or product group. The samples needed for this are taken not only from the core group of 3 000 enterprises but rather from as broad a spectrum of operators as possible, including retail outlets and market traders.

Less product-oriented surveillance means less sampling and fewer laboratory tests and more audits and monitoring. The decision has also been taken to concentrate more on external border checks rather than market surveillance. Cooperation with the customs authorities has been intensified and the number of checks increased and this will continue. These 'import checks' are predominantly product-oriented, though they do also provide more and more insight into the compliance behaviour of relevant companies. Proactive surveillance takes up approximately 60 % of the agency's capacity. The remaining 40 % is dedicated to reactive surveillance (RAPEX notifications and consumer complaints, etc.) and involvement in Prosafe and other European and international ventures (such as those with the Chinese authorities) with a view to improving the surveillance chain (coordinating export and import checks).

The NVWA has a free telephone number (call centre) for consumers who wish to report unsafe products. Each complaint is recorded and the consumer receives feedback on the findings and any action taken by the NVWA. There is a complaints form on the NVWA website for consumers to fill in. The complaints received are also used to check periodically that the right product groups

are being prioritised as part of the proactive surveillance. Injury and accident figures from the injury recording system of the Safe Netherlands Foundation are used to verify the priorities. This database contains data on all injuries in the private sphere obtained from the accident and emergency departments of 15 hospitals spread over the whole country. It shows whether a product was involved in the injury sustained and what role the product had in the circumstances. Other monitoring data on injuries and the products involved come from the National Information Centre on Poisoning (NVIC), the Burns Foundation and Statistics Netherlands (fatalities).

The NVWA has laid down its policy on measures to be taken in a number of documents, including a specific document on the safety of consumer products. These documents distinguish between minor, serious and very serious infringements and the measures to be taken in each case. Infringements are punishable offences (economic offences) but are usually dealt with by the imposition of administrative penalties. This could be a written warning, an order to cease the offending behaviour with or without a penalty payment or the imposition of an administrative fine. In addition, products may be seized and destroyed or an operator may be ordered to issue a public warning and product recall to consumers. Only in exceptional cases (very serious and wilful infringements, repeated offending, fraud, deliberate hazardous negligence) is the criminal law deployed and the Public Prosecution Service brought in. In these circumstances very heavy fines, part of whose purpose is to take away the economic gains, business closure and even imprisonment are possible.

Over the coming years, special attention will be paid to improving data mining. The objective here will be to optimise understanding of the trade flows and volumes of the relevant product groups, as well as the compliance behaviour of the players involved and their profiles. A greater focus will also be placed on cooperating with the authorities of exporting third countries, such as South Korea.

The sectoral chapter below deals exclusively with surveillance of compliance with EU legislation on the safety of consumer products. Surveillance of compliance with national product safety legislation is not addressed. In the Netherlands this concerns legislation on tattooing inks and the safety of fairground and playground equipment.

2.1.3. Activities in 2015 by Directive

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Contacts (persons or functional mail boxes)
All non-food legislation	All non-foods	All non-foods	Reactive	Consumer complaints, accidents, notifications (RAPEX, CPSC, ICSMS), etc.	Investigation, market surveillance	High	01-01-2015		Identify and eliminate unsafe situations. Attribute to more compliance	w.a.vannimwegen@nvwa.nl
All non-food legislation	System control (focused on systems to guarantee the production and distribution of safe products)	All non-foods	Proactive	History	System audits	High	01-01-2015		Attribution to more compliance and ranking of producers.	r.nieuwenhuijs@nvwa.nl

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Contacts (persons or functional mail boxes)
All non-food legislation	Producer-focused product surveillance	All non-foods and several special products (toys, LVD, machinery, children's beds and playpens, acid and/or toxic materials, food contact materials, biocides, playground / fairground equipment	Proactive and reactive	History	Product surveillance and system audits were possible	High	01-01-2015		Attribution to more compliance and ranking of producers	c.j.t.m.postma@nvwa.nl
REACH and CLP 1907/2006/EC and 1272/2008/EC	Chemicals	Chemicals and products containing specific chemicals.	National cooperation with product, labour and environmental safety	Cooperation	System audits and product surveillance	Medium	01-01-2015			a.a.rog@nvwa.nl

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Contacts (persons or functional mail boxes)
All non-food legislation	Bottom of the market	All non-foods	Proactive	History	Product surveillance	Medium	01-01-2015		Ameliorate or eliminate producers who refuse to obey the rules	a.j.dekoning@nvwa.nl
All non-food legislation	All non-foods	All non-foods	Severe were necessary	History	Market surveillance	Medium	01-01-2015		Ameliorate or eliminate producers who refuse to obey the rules	r.nieuwenhuijs@nvwa.nl
765/2008/EC and various Directives	Import checks in cooperation with Customs	All non-foods and several special products (toys, LVD, machinery, baking spatula, lighters)	Proactive (and European development in lighters)	History	Border check (and product surveillance)	High	01-01-2015		Attribute compliance. Identify and eliminate unsafe products at the EU border	j.m.c.vanleent@nvwa.nl
2001/95/EC and various Directives	PROSAFE projects	Childcare articles, children's clothing, toys, smoke detectors, LED	Joint Actions	Cooperation	Product surveillance	Medium	01-01-2015		Attribution to more compliance and cooperation with other MS Authorities in the future. Learning by doing.	c.j.t.m.postma@nvwa.nl

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Contacts (persons or functional mail boxes)
Various Directives	Several non-foods	Ceramic food contact products, suntan products, hair dye products, playgrounds in cities, balloons, acid and toxic chemicals, disinfectants, textiles, clothing, shoes, mattresses, textile articles	Proactive	History	Monitoring	Medium	01-01-2015		Attribution to compliance and monitoring	
1223/2009/EC	Cosmetics	Claims on cosmetics, nail products	Proactive	Monitoring motivation	Monitoring	Medium	01-01-2015		Attribution to compliance	c.e.hissink@nvwa.nl
2006/95/EC, 2006/42/EC	LVD and Machinery	New products	Proactive	History	Monitoring	Medium	01-01-2015		Attribution to compliance of new products	e.vanwilgenburg@nvwa.nl l.j.m.c.vanleent@nvwa.nl

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Contacts (persons or functional mail boxes)
528/2012/EC	Biocides	Use of disinfection products.	Disinfection products	History	Product surveillance	Medium	01-01-2015		Safe and effective use of disinfectants	l.nijboer@nvwa.nl
2009/48/EC	Toys	Balloons, finger-paints, Phthalates	Proactive	History	Monitoring	High	01-01-2015		Attribution to compliance and eliminate unsafe products	m.p.y.vanvondel@nvwa.nl
2009/142/EC	Gas Appliances	Gas appliances for heating	Proactive	Maintenance by landlords	Monitoring	Medium	01-01-2015			r.nieuwenhuijs@nvwa.nl
2006/95/EC	LVD	LED Swimming pool pumps Spa, Jacuzzi Power supply Extension cords	Proactive	New developments	Market surveillance	High	01-01-2015		Attribution to more compliance and eliminate unsafe products	e.vanwilgenburg@nvwa.nl
2006/42/EC	Machinery	E-bicycles General monitoring	Proactive	Monitoring	Surveillance	Medium	01-01-2015			j.m.c.vanleent@nvwa.nl
89/686/EEC	Personal protective equipment	Hearing protective equipment for music events, Monitoring	Proactive	Monitoring	Surveillance	Medium	01-01-2015		Attribution to more compliance and eliminate unsafe products, monitoring	l.lammers@nvwa.nl

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Contacts (persons or functional mail boxes)
National legislation	Fairground equipment	Fairground equipment	Proactive	Monitoring	Surveillance	High	01-01-2015		Attribution to more compliance and eliminate non-compliant and/or unsafe equipment	w.a.vanimwegen@nvwa.nl
National legislation	Playground equipment	Playground equipment	Proactive	Monitoring	Surveillance	High	01-01-2015		Attribution to more compliance and eliminate non-compliant and/or unsafe equipment	w.a.vanimwegen@nvwa.nl
2006/95/EC, 2009/48/EC, 2009/142/EC and national legislation	Supervision, notified bodies and designated test houses (for fairground and playground equipment)	Notified bodies and designated test houses	Proactive	History	Supervision (and audit where necessary)	High	01-01-2015		Determine whether notified bodies and designated test houses meet the requirements in question	r.nieuwenhuijs@nvwa.nl
National legislation	Tattoos and piercings	Tattooists and piercers	Proactive	History	Audits and market surveillance	High			Ameliorate or eliminate producers who refuse to obey the legislation	l.nijboer@nvwa.nl

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Contacts (persons or functional mail boxes)
2010/30/EC	Energy labelling	Household electrical products	Proactive	History	Surveillance	High			Attribution to compliance and eliminate non-compliant labelling	e.vanwilgenburg@nvwa.nl

2.2 Telecommunications and EMC sector

Surveillance by the Radiocommunications Agency Netherlands pursuant to the following Directives:

Directive 1999/5/EC of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (R&TTE);

Directive 2004/108/EC of the European Parliament and of the council on the approximation of the laws of the Member states relating to electromagnetic compatibility (EMC).

2.2.1 Radiocommunications Agency Netherlands (AT)

www.agentschaptelecom.nl

Tel.: 050 - 587 74 44

Agentschap Telecom afdeling Toezicht

Piet Mondriaanlaan 54

3812 GV AMERSFOORT

Contact: msa@agentschaptelecom.nl

The budget for market surveillance based on nominal terms is around EUR 1.6 million. The amount varies each year depending in part on planned tests and information activities which are outsourced. The Radiocommunications Agency Netherlands does have its own testing facilities. Around 10 FTE are involved in market surveillance of whom around 6 FTE are inspectors.

2.2.2 Market surveillance methods and strategy

The Radiocommunications Agency Netherlands monitors the compliance of equipment subject to the R&TTE and EMC Directives. These directives have been implemented in the Telecommunications Act. The Radiocommunications Agency Netherlands applies a governance philosophy here that is partly based on the principles of the government policy as set out in the Framework Surveillance Vision. This governance philosophy means that surveillance that is intelligence-led and risk-oriented is prioritised, with attention to the social relevance of the equipment. This also involves an element of risk acceptance; it is not impossible that a particular product that has not been prioritised in the surveillance will prove to be a non-compliant product, which is why the Agency also engages in reactive surveillance based on fault notifications and complaints. The Agency collaborates nationally and internationally, liaises with its stakeholders and aims to make its surveillance activities more effective, with the least possible burden on businesses that comply with the legislation.

2.2.3 Report on the activities in the previous planning period

The Radiocommunications Agency Netherlands reported annually on equipment market surveillance during the 2010-2013 period in its 'State of the Ether' annual report. These annual reports were published on <http://www.agentschaptelecom.nl/algemeen/frequentiemanagement/staat-van-de-ether>.

As well as addressing spectrum implementation and monitoring, the State of the Ether report also looks at and reflects on the market surveillance on equipment. It is evident from this that inspections and actions took place for LED lights, energy-saving light bulbs (PL bulbs), EMFs of all kinds of transmitters, jammers, all sorts of unlicensed devices (incl. 2.4 GHz, 5 GHz), black markets, internet surveillance, tablet PCs, the SAR of laptops, WLANs (WiFi), GSM repeaters, GPS repeaters and DECT telephones. The number of inspections conducted annually is around 300.

2.2.4 Activities in 2015

No of EU legislation applicable	Sector	Product or category	Description of the Type of monitoring	Monitoring motivation	Monitoring activity	Priority
1999/5/EC 2004/108/EC	RTTE/ EMC	All RTTE/EMC products	Reactive: follow-up of safeguard procedures and of substantiated requests from other MSAs.	International cooperation where needed because of jurisdiction problems	Assessment and legal follow up of an estimated 30 individual products	High
1999/5/EC, 2004/108/EC	RTTE/ EMC	All RTTE/EMC products	Proactive: enforcement on grey markets.	Non-compliances	4 visits to grey markets	Moderate
1999/5/EC, 2004/108/EC	RTTE/ EMC	All RTTE/EMC products	Desktop market surveillance (E-commerce, internet, fulfilment houses).	Increasing number of products sold on the internet. Role of fulfilment houses etc.	Internet information used in almost all investigations	Moderate
1999/5/EC, 2004/108/EC	RTTE/ EMC	Innovative RTTE/EMC products	Proactive: administrative and/or technical assessment on EMC/EMF/SAR.	Monitoring innovative products	Products to be determined	High
1999/5/EC, 2004/108/EC	RTTE/ EMC	All RTTE/EMC products	Reactive: follow up of interference complaints.	Efficient use of spectrum	Over 100 interferences	Moderate
1999/5/EC, 2004/108/EC	RTTE/ EMC	Economic operators	Analysing the supply chain	Insight into the supply chain to target the first responsible (manufacturer, auth. rep., importer).	Finding relevant actors in supply chain	Moderate
2014/53/EU 2014/30/EU	RED/ EMC	Changing scope of directives	Internal preparations for transposition and implementation RED/EMC. Education of inspectors.	Changes in RED need to be transposed and implemented within the MSA organisation	Communication, dialogue, changing procedures	Moderate
1999/5/EC 2014/53/EU 2004/108/EC2 014/30/EU	RTTE/RED & EMC	Economic operators	Proactive: education and enlightenment incl. transitional provisions RED and new EMC.	Compliance assistance	Communication and dialogue	Moderate
1999/5/EC	RTTE	WiFi 2,4 and 5 GHz	Proactive: administrative and/or technical assessment.	High power RLAN's and DFS	To be determined	High

No of EU legislation applicable	Sector	Product or category	Description of the Type of monitoring	Monitoring motivation	Monitoring activity	Priority
1999/5/EC	RTTE	Jammers of any kind	Proactive: monitoring and cooperation with the Dutch Customs and police	Safeguarding important frequencies	An estimated 200 individual products. Education and enlightenment of MSA-partners	High
1999/5/EC	RTTE	Remotely piloted aircraft system	Proactive: administrative and technical assessment based on 'Final Code of practice, 7th ADCO RTTE campaign'.	Innovative product with rapid development in market uptake. International cooperation MSAs	5-10 products	High
1999/5/EC	RTTE	Picocell	Proactive: measurements of EMF	Increasing number sold and used	To be determined	Moderate
2004/108/EC	EMC	LED floodlights	Administrative and technical assessment based on 'Joint EMC & LVD Market Surveillance Campaign 2015'	Short development and production cycle. International cooperation MSAs	5 products	Moderate
2004/108/EC	EMC	To be determined	Administrative and technical assessment	National cooperation MSAs. Interdisciplinary investigation with other Dutch MSAs regarding products under EMC/LVD/Ecodesign/ROHS/MID/NAW	To be determined	Moderate
2004/108/EC	EMC	To be determined	Measurements of harmonics on mains	Increasing effect on mains	To be determined	Moderate
2004/108/EC	EMC	PLT	Enlightenment of manufacturers about changes in the standard coming into force in 2016	Important change in the standard	To be determined	Moderate

2.3 Statutory metrology sector

The surveillance relates to two Directives:

- Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments;
- Directive 2004/22/EC of the European Parliament and of the Council on non-automatic weighing instruments.

Verispect BV does the surveillance.

2.3.1 Verispect BV

Authority ID no.	5718.
Authority	Verispect BV
Street No.	Thijsseweg 11.
Postcode City/area	2629JA Delft
P.O. Box Postcode P.O. Box No.	654, 2600AR
Member State	The Netherlands
Phone:	+31 15 269 1602
Email	verispect@verispect.nl
Website	www.verispect.nl

2.3.2 General

In the Netherlands, legal metrology is confined to those areas of measuring instrument usage for which there is the expectation of significant risk that the free market mechanism offers inadequate protection for individual parties involved in commercial transactions

The concept behind the legislation is:

- only implement in those areas in which legislation is absolutely necessary;
- keep the administration costs as low as possible;
- harmonise existing rules as much as possible;
- realise regulations at a high level of abstraction;
- ensure a strict separation of tasks between the certification bodies and the market surveillance authority.

Where possible and/or desirable, and where a sufficient level of professional competence and a sufficient degree of organisation exists, self-regulation is accepted and encouraged under strict conditions.

This conceptual framework has been implemented in national legislation on metrology, which contains separate chapters relating to the following:

- transactions to which statutory requirements apply;
- assessment of conformity;
- marketing and use of measuring instruments;
- surveillance and checks (statutory control);
- the penalties in the event of an infringement of the law.

The available European Directives for conformity assessment have been implemented. Certain instruments are subject to Directive 2004/22/EC but their use in commercial transactions is not

regulated by Dutch legislation; in such cases, enforcement is still applicable if these measuring instruments are marked in accordance with the Directive.

There are also certain measuring instruments that are not subject to the European Directives but are covered by supplementary national regulations in corresponding legally regulated areas of application. The national legislation also includes the enforcement requirements with regard to the EU Regulation on market surveillance. The certification of measuring instruments, subsequent to and on the basis of the outcome of the execution of the conformity assessment, is the primary responsibility of the manufacturer. Some of this work is carried out by an authorised conformity assessment body notified to the EU and other Member States by a government authority.

Surveillance

Approximately 163 000 measuring instruments have been installed for trading purposes in the consumer sector and in industry in the Netherlands. See the table below. This number has remained reasonably stable in recent years.

Table 1: Number of measuring instruments installed on 1 October 2014

Category		Number
Weighing in retail	NAWI with weighing capacity up to 150 kg	64 000
Weighing/measuring in industry	Multi-dimensional measuring instruments	47
	NAWI with weighing capacity up to 1 000 kg	15,000
	Automatic weighing instruments	4,300
	Weighbridges	4,300
	NAWI with weighing capacity from 1 000 kg to 10 000 kg	4,900
Measuring liquids in retail	Petrol pumps	62,000
	LPG installations	3,400
Measuring liquids in industry	Large liquid meters	3,300
	Liquid level gauges	3 600

Surveillance of measuring instruments that are brought to market (market surveillance) and those already in use (surveillance in use) is performed on behalf of the government by the appointed authority, Verispect B.V. (hereinafter Verispect). Verispect has held ISO 17020 accreditation for its surveillance activities since 1996.

The surveillance activity includes an inspection at companies that use measuring instruments for trading purposes. In principle, this inspection is unannounced. It focuses on compliance with metrological requirements and other formal aspects. The extent to which these checks are applied is partly dictated by the risk that results from use of a specific type of measuring instrument if this does not satisfy the statutory requirements. The checks include tests for compliance with the applicable requirements. A report is published annually on the instruments inspected and the anomalies detected.

A major part of surveillance traditionally involves ‘surveillance in use’. Measuring instruments in use are generally assessed against three criteria. The measuring instrument must:

- 1) be approved for the application for which it is used;
- 2) not exhibit any measuring deviations that lie outside the legally permitted limits;
- 3) comply with the other formalities.

Together, these form the yardstick for the level of compliance. A level of compliance has been defined for every category of measuring instruments. The target is an average of 95 % compliance.

Verispect adopts a proactive risk-based approach to surveillance, making use of risk analysis and quality management tools, such as the Deming Cycle¹ (Plan-Do-Check-Act). By picking up signals from the market, collecting complaints and carrying out screening projects, information is produced which is used to launch targeted market surveillance projects. If, during surveillance in use, certain brands/types of measuring instruments are found that may not be compliant or which are used in a manner that is not in accordance with the requirements, an action plan is drawn up to identify the nature of the possible fault and whether it is a one-off or a systematic problem. This may mean that additional, more thorough tests, are needed, such as a targeted investigation of temperature sensitivity or propensity to malfunction, and other conformity tests. The results of targeted market surveillance investigations are discussed with the manufacturers/suppliers, and the other EU Member States are informed.

With regard to utility meters, statutory metrological checks are carried out by the trade association, using data obtained from statistical surveys. Verispect assesses the statistical methodology and reports to the Ministry on the approach and the results of the metrological check. If necessary, certain clusters of these measuring instruments are categorised as 'rejected' on the basis of the inventoried information and measures must be taken, such as replacing the instruments.

Action is taken if Verispect receives complaints in response to the findings of investigations and/or warnings from other EU Member States.

There is no mandatory periodic re-inspection in the Netherlands, except in respect of the regime for taximeters. Re-inspection is only obligatory following a repair that may affect the metrological properties of the measuring instrument.

2.3.3. Review sector 2014

At the time of writing the exact figures for 'surveillance in use' and market surveillance for 2014 are not yet known. For 'surveillance in use', non-compliance with the rules is expected to be greatest for instruments used in industry. Surveillance will therefore continue to focus on industrial companies with measuring instruments. The 'self-declaration' introduced in 2013 was abolished half way through the year when new legislation came into force. A start was made in the fruit and vegetable sector at the beginning of the year. The aim of the project is to trace the commercial transaction points in the chain where it is compulsory to use an approved weighing instrument for commercial purposes. The checking methodology will be adapted if necessary on the basis of this analysis.

Market surveillance in 2014 involved selecting various cases based on risk analyses performed using the method set out in the WELMEC 5.3 manual. The input for the analysis came from previous investigations of weighing instruments for direct sale to the public, warnings from the surveillance of weighing and measuring instruments in use and data from the European Information and Communication System on Market Surveillance (ICSMS). A case was started involving an instrument which came to light via our information links with surveillance in use and via ICSMS. This case is still ongoing.

The problems found related to information accompanying and/or on the instrument and/or the operation of the instrument. It was also found, in a number of cases, that the information in the EU type examination certificate and/or the technical documentation was inadequate, either because of shortcomings on the part of the designated body or due to manufacturer negligence. A number of manufacturers have now been written to and asked to adjust the instruments and modify the technical documentation and/or EC type approval. Some manufacturers have been asked to indicate how they will deal with the instruments that are already on the market. In addition, the relevant designated authorities for the EC type-approval certificate and the authorities responsible for certifying the production process have been informed.

¹ *William Edwards Deming, who developed a creative tool for quality management and problem-solving.*

The results of these investigations and follow-up investigations were used as material for the 'WELMEC WG 5 Market Surveillance' workshop in 2014. The workshop had a number of objectives: promoting harmonisation between market surveillance authorities within Europe, learning by doing, clarifying the role of the surveillance authority and demonstrating the need to exchange information. This workshop was organised by representatives of the Dutch and German market surveillance authorities involved in metrology. Both the design and content of the workshop received a very enthusiastic reception and will be used again for future workshops. Plenty of issues were discussed, including when and who to inform. NoBoMet, a participant at the workshop, has offered to organise a workshop to discuss issues concerning EC type-approval certificates, technical documentation, etc.

Talks have been held with a designated authority, the Ministry of Economic Affairs, and the market surveillance authority with a view to each learning about the other's procedures, reaching agreement on improving the authorisation process, and coming up with agenda points for the NoBoMet meeting in order to raise the standard of the metrological system.

At the end of 2014, a start was made on the EU energy meters project, in which a number of Member States are participating, including the Netherlands on kilowatt-hour meters. Tests were carried out in 2014 and the results and project completion will be in 2015.

Informing the business community and other stakeholders

Verispect plays an active role in informing the business community about developments in 'surveillance in use' and 'market surveillance' through exchanges at meetings of stakeholders. These platforms each have a particular field: i.e. liquid, energy or weighing. The FHI (federation of technology sectors), the Ministry of Economic Affairs and Verispect hold twice-yearly joint meetings for the participants on these platforms. In 2014, Verispect in conjunction with the Ministry of Economic Affairs and members of various working groups in WELMEC², met members of the business community twice to provide information on issues including surveillance in use and market surveillance. This year Verispect also contributed to the meeting for the EMC members of EMC-ESD³ organised by FHI on market surveillance. Verispect has also published the 2013 annual report and other essential communications on its website.

ICSMS

The investigations which have been started have been put into ICSMS and some are still open. The aim is to input all completed cases before the end of the year. Verispect has contributed to the design of a tool for establishing risk class in ICSMS. The tool was discussed at the WELMEC WG 5 meeting and was well received. In early December 2014, after all the participants' comments had been processed, it was sent to all members of WELMEC working group 5. The Alliance Group will also be informed. Members of WELMEC working group 5 will test the tool in the first quarter and it will be evaluated at a workshop early in 2015.

Cooperation with other market surveillance organisations

Verispect collaborates with other market surveillance organisations both at horizontal level within the Netherlands and with the corresponding authorities in other Member States which are responsible for market surveillance within the framework of the MID and NAWI directives. Horizontal cooperation mainly takes place within the national Alliance Group, as described in Part 1 of this document. International cooperation is through WELMEC: control of energy meters, a workshop on how to deal with non-compliance in practice and the design of a risk-assessment tool for ICSMS.

² WELMEC is a voluntary European partnership between the national legal metrological organisations in the EU and the EFTA region. WELMEC's main aim is to promote a harmonised and consistent approach in European legal metrology. There are 37 countries represented in WELMEC.

³ Electro-magnetic compatibility (EMC) and/or electrostatic discharge (ESD).

Staffing level and available budget

The staffing level in surveillance of compliance with the Metrology Act has remained stable in recent years. There were some changes in 2014, such as a shift from hours spent on ‘surveillance in use’ to hours spent on ‘market surveillance’ and increased deployment at higher education level. There were 1.5 FTEs deployed in market surveillance in 2014.

The overall budget for monitoring compliance with the Metrology Act was cut by 8 % over the last four years and now stands at around EUR 2.5 million (excl. 21 % VAT), of which roughly EUR 0.2 million is for market surveillance.

2.3.4 Activities with regard to legal metrology in 2015 by Directive

Work will continue in 2015 to complete open cases and to start new cases. The results will be entered in ICSMS and shared with the Member States during the planned meetings in 2015. It is estimated that between ten and fifteen cases will be able to be opened and completed. In addition, the Netherlands in conjunction with Austria and Belgium is organising a workshop to evaluate the tool for risk assessment of an instrument. The purpose of this tool is to assist with the risk classification that has to be reported in ICSMS.

Talks are underway with the Radiocommunications Agency Netherlands about starting a joint project on testing the sensitivity of measuring instruments to electro-magnetic interference and emissions. Additional tests may be for temperature and conformity.

For these activities 2 100 hours has been allowed divided over a number of staff (senior secondary and higher education level) and there is a budget of EUR 2.5 million (excl. 21 % VAT) available, of which approximately EUR 0.2 million is for market surveillance.

Sectors	Applicable EU legislation	Sta	Product categories	Starting period	Contact person within the authority (name, e-mail and telephone number)
17. Measuring instruments, Non-automatic weighing instruments and Pre-packaged products	2009/23/EC NAWI	NL	<i>Non-automatic weighing instruments in the industry part of the cross boarding screening project NAWI in the industry (WELMEC WG5)</i>	1-4-2015	Verispect bv, mw. B.W. van Rij, hvrij@verispect.nl, +31(0)152691500
17. Measuring instruments, Non-automatic weighing instruments and Pre-packaged products	2009/23/EC NAWI	NL	<i>Non automatic weighing instruments for direct sales to the public and in industry. Proactive as a result of the outcome of the investigation of relatively new instruments (0 – 2 years) in use. Reactive as a result of complaints and notifications from other Member States</i>	1-1-2015	Verispect bv, mw. B.W. van Rij, hvrij@verispect.nl, +31(0)152691500
17. Measuring instruments, Non-automatic weighing instruments and Pre-packaged products	2009/23/EC NAWI	NL	<i>Non automatic weighing instruments for direct sales to the public. Follow up action as result of a proactive investigation in 2013/2014.</i>	1-1-2015	Verispect bv, mw. B.W. van Rij, hvrij@verispect.nl, +31(0)152691500
17. Measuring instruments, Non-automatic weighing instruments and Pre-packaged products	2004/22/EC MI	NL	<i>Active electrical energy meters, part of the cross boarding energy meter project (WELMEC WG 5)</i>	1-9-2014	Verispect bv, mw. B.W. van Rij, hvrij@verispect.nl, +31(0)152691500
17. Measuring instruments, Non-automatic weighing instruments and Pre-packaged products	2004/22/EC MI	NL	<i>Automatic weighing instruments and measuring systems for the continuous and dynamic measurement of quantities of liquids other than water. Proactive as a result of the outcome of the investigation of relatively new instruments (0 – 2 years) in use. Reactive as a result of complaints and notifications from other Member States</i>	1-1-2015	Verispect bv, mw. B.W. van Rij, hvrij@verispect.nl, +31(0)152691500

2.4 Environment and transport sector

Surveillance by the Human Environment and Transport Inspectorate (ILT) on the following Directives and Regulations:

Regulation (EC) No 1907/2006 (REACH)
Regulation (EC) No 1272/2008 (CLP)
Regulation (EC) No 1102/2008 (mercury)
Regulation (EU) No 649/2012 (prior informed consent)
Regulation (EC) No 850/2004 (persistent organic pollutants)
Directive 87/217/EEC (asbestos)
Regulation (EU) No 528/2012 (biocidal products)
Regulation (EC) No 1451/2007 (biocidal products)
Commission Decision 2002/359/EC (drinking water)
Regulation (EC) No 1005/2009 (substances that deplete the ozone layer)
Regulation (EU) No 517/2014 (fluorinated greenhouse gases)
Directive 98/70/EC (quality of petrol and diesel fuels)
Directive 1999/32/EC (sulphur content of certain liquid fuels)
Directive 2004/42/EC (volatile organic compounds)

Directive 2011/65/EC (restriction of the use of certain hazardous substances in electrical and electronic equipment)
Directive 2009/125/EC (ecodesign)
Directive 2004/12/EC (packaging and packaging waste)
Directive 2006/66/EC (batteries and accumulators)
Directive 2000/53/EC (end-of-life vehicles)

Directive 93/15/EEC (explosives for civil use)
Directive 2013/29/EC (pyrotechnic articles)
Regulation (EC) No 98/2013 (explosives precursors)

Regulation (EC) No 2011/305 (construction products)
Directive 2003/37/EC (type-approval of tractors, trailers and towed machinery)
Directive 2002/24/EC (type-approval of two or three-wheel motor vehicles)
Directive 2007/46/EC (approval of motor vehicles and their trailers, and of systems, components and separate technical units for such vehicles)
Directive 2013/53/EU (recreational craft)
Regulation (EC) No 1222/2009 (labelling of tyres for fuel efficiency)
Directive 1999/94/EC (consumer information on fuel economy and CO2 emissions of cars).

2.4.1 Human Environment and Transport Inspectorate (ILT)

Human Environment and Transport Inspectorate (ILT)
Visitors Address: Koningskade 4, 2596 AA The Hague, Netherlands
General tel. no: 088-4890000
Postal address P O Box 16191, NL-2500 BH The Hague
www.ilent.nl
Staffing: over 65 FTE (only for market surveillance).

2.4.2 Market surveillance methods and strategy

The ILT enforces compliance with laws and regulations in three ways:

1. Service provision

The provision of services to the parties that are subject to surveillance involves the supply of information and advice on legislation and regulations by the inspectorate. The inspectorate also makes

it easier for these parties to meet their obligations by, among other things, digitising request and information requirements, simplifying forms and providing a good system for handling complaints. The processing of notifications concerning such things as fireworks and drinking water is also among the services provided by the inspectorate.

2. Surveillance

The inspectorate conducts surveillance according to the principle of ‘trust, unless ...’. The basis for this is a compliance and risk selection system that the inspectorate will develop further over the next few years. The tools at its disposal are object inspections, administrative checks, digital inspections and audits. Where ‘permanent improvement’ is a requirement, the inspectorate also monitors that aspect. When choosing its interventions, the inspectorate uses the intervention ladder. The steps represent interventions with increasing impact on the party that is subject to surveillance. Within statutory powers and according to general principles of sound administration, the inspector chooses the intervention that he/she expects to have the greatest impact. Parties who comply properly are subjected to less surveillance and enforcement agreements can be concluded. This also satisfies the political desire to pursue more horizontal surveillance. In the case of good compliance by companies with management systems, the inspectorate may also limit itself to:

- system surveillance (audits);
- reality checks (object and administrative checks, audits).

3. Detection

Detection is aimed at systematically investigating criminal offences under the guidance of the Public Prosecution Service. The aim of the detection is to provide the evidence of criminal offences that is required to put a stop to them, to enable the Public Prosecution Service to prosecute where appropriate, to deprive the party concerned of the economic gain from these activities and to recover such gains. The ILT’s detection work is done by general investigating officers working for the Intelligence and Investigation Service and by special investigating officers working in the domains.

Administrative cooperation working groups (ADCOs)

The ILT is affiliated to an ADCO for various matters: ecodesign, fireworks, CE marking for construction products and CE marking for recreational craft. There will be a new ADCO for explosives for civil use from 1 January 2015 which the ILT will join.

The number of Regulations for ecodesign continues to increase (Directive 2005/32/EC). The ILT gives priority to carrying out the agreements made in the Ecodesign ADCO. An important concern in this ADCO is the promotion of more extensive cooperation between countries and the achievement of greater efficiency in market surveillance by encouraging the exchange of information/data. The current inspection programme, including the linked measurement programme, stems in part from the current European cooperation project Ecoplant. Ten European countries are collaborating on this project. The main objective of the project is to develop guidelines for market surveillance of the ecodesign legislation. The guidelines will relate to all aspects of the surveillance such as selection of products, inspection of documents, taking of measurements, taking of enforcement measures and making use of information received from surveillance authorities abroad. Lighting is the key topic for 2015. Priority will also be given to European agreements on restricting hazardous substances in electrical and electronic equipment (RoHS Directive 2011/65/EU). This means specifically focusing on cheap electronic goods.

For fireworks there is international cooperation with other EU countries. There is an ADCO which is working to improve and coordinate cooperation on market surveillance. A Memorandum of Understanding between the Netherlands and China has also been signed, on the basis of which cooperation projects with China have started. For the surveillance on CE marking on construction products, the ILT has participated in the Construction Products Regulation ADCO since 2010. The Netherlands chaired this ADCO in 2013 and 2014. For the surveillance on CE marking on recreational craft, the ILT has participated in the Recreational Craft Directive ADCO since June 2013, and has also taken part in the horizontal consultations between ADCO chairs. This is a new consultative forum

organised by DG Enterprise and Industry, Unit C1. There was a meeting in March and the next meeting is planned for October 2014.

RAPEX

For fireworks, ecodesign, CE marking on construction products, motor vehicles and components (via the NVWA) and recreational craft, the ILT is a member of RAPEX, the system by which the different European countries exchange information about hazardous products.

Surveillance by domain

The surveillance exercised by the ILT is based on the national laws that implement the European Directives and Regulations. Where reference is made below to a specific European Directive or Regulation, this also means the implementation in national legislation.

1. Hazardous substances (REACH, asbestos, biocidal products, air pollutants)

Surveillance of compliance with legislation on substances and products is shared by the national government, provinces, water boards and municipalities and targets the whole chain: production, transport, storage, use, trade and disposal. Up to now there has been a strong emphasis on traditional forms of surveillance involving inspections of companies or objects. Over the next few years the emphasis will shift where possible to enforcement communication, whereby parties under surveillance are sent a targeted letter or general brochure pointing out the deficiencies detected previously in their sector, the obligations they are required to fulfil and the possible consequences of non-compliance with the rules. More and more trade is now online rather than through the traditional channels where physical stock is held. For this reason the number of inspections targeting online sales is being increased. The parties under surveillance are under no obligation to provide information. In order to deploy the inspectors as efficiently as possible, demand-driven inspections will be developed, where companies are invited to provide information for enforcement purposes. Those who fail to do so can expect to receive extra attention.

Safety standards

legislation	current compliance %
asbestos	<70
biocidal products*	<70
REACH	<70-90
air pollutants	<70

** estimate based on extrapolation from known facts.*

Air pollutants comprise: substances that deplete the ozone layer, greenhouse gases, fuels and volatile organic substances.

Enforcement

1. Service provision

service provision for hazardous substances	2014	2015
handling questions	2 000	1 900
handling notifications	350	2 900

Notifications are catalogued, analysed and dealt with; issues are tackled and information throughout the chain improved. Many notifications are followed up with an object inspection or administrative check.

2. Surveillance

surveillance of hazardous substances	2014	2015
agreements	3	3
object inspections		
• asbestos	180	340
• biocidal products *	550	650
• air pollutants	675	500
administrative checks		
• asbestos	175	80
• REACH CLP	285	350
• air pollutants	40	60
• biocidal products	80	80
audits	5	6
number of inspected companies/on-the-spot checks		
• asbestos	420	
• REACH CLP	350	
• biocidal products	750	
• air pollutants	560	

* Including 150 object inspections based on internet inspection revealing the need for intervention.

Asbestos

Over the next few years the ILT's surveillance on *asbestos* will concentrate on the removal of asbestos from objects such as trains, ships and industrial/processing plant. Efforts will be made to enter into agreements with these groups of parties subject to surveillance. The ILT will also focus on alerting others and acting to prevent the import of and trade in products containing asbestos. Action will be taken against the banned trade in asbestos online. The ILT is also working to end infringements of the Roads Containing Asbestos Decree.

Biocidal products

The main focus of the surveillance on *biocidal products* is on industrial applications and pest control businesses. At EU level attention will be drawn to the new rules on 'treated articles', that is products treated with biocides. Extra attention will be given to approval holders, pest control companies, disinfection and the online trade in biocides (products and services for sale). Biocides also lend themselves well to surveillance by means of enforcement communication.

Companies marketing biocidal products have to comply with both the legislation on biocides and the REACH legislation. The controls on these companies check their compliance with both sets of rules where relevant (via, for example, the safety information sheets that have to be provided for hazardous substances).

REACH-CLP

The enforcement of REACH-CLP (Classification, Labelling and Packaging) is assigned to the NVWA, the Social Affairs and Employment Inspectorate and the ILT, while the national agency for the supervision of mines (SodM) is responsible for inspecting mining companies. Customs assists by providing information and exercising controls on the import and export of specific hazardous substances.

The ILT's surveillance of REACH and CLP legislation has three main areas of focus:

- the duty of producers and importers to register their chemicals so that the risks are known;
- the duty of all companies supplying chemicals to provide their customers with the right information about the nature and composition of the chemicals, so that the buyers can take appropriate protective measures;
- the ban on the use of specific prohibited or restricted chemicals.

Especially with respect to the second main area (provision of information to customers), the surveillance authorities for the REACH and CLP legislation will collaborate closely with the surveillance authorities for the legislation on the transport of hazardous substances.

Air pollutants

With respect to air pollutants (comprising ozone-depleting substances, greenhouse gases, fuels and volatile organic compounds), the ILT operates a risk-based approach in order to boost compliance as efficiently as possible. Particular attention will be paid to the refill ban on HCFC's that comes into force on 1 January 2015 and enforcement under the new European Regulation on fluorinated gases that comes into force on the same date. Action will be taken against the illegal trade in coolants and the sale of banned products (internet surveillance). Finally, the European Commission has requested that enforcement in the area of sulphurous fuels for ocean-going ships be intensified. Just like the surveillance on biocides, the surveillance on air pollutants lends itself well to surveillance by means of enforcement communication.

Cooperation on the REACH and CLP* inspection programmes

Administrative checks:

- NVWA 200-300
- Social Affairs and Employment Inspectorate 300-400
- SodM 20
- Customs 300-400

* *Inspections in the chemicals chain where findings are passed on to enforcement partners.*

The ILT cooperated with the Social Affairs and Employment Inspectorate, the NVWA, SodM, Customs, the water boards and the regional executive agencies on the enforcement of REACH, CLP and the legislation on biocidal products. The ILT, the Social Affairs and Employment Inspectorate and the NVWA have entered into a cooperation agreement in which they agree to draw up a joint enforcement project for REACH and CLP every year. The intention is that between them they will supervise the complete substance chain, by each party inspecting its own target group:

- ILT: producers, importers and traders of substances and mixtures for professional use;
- NVWA: producers, importers and traders of mixtures and objects for consumers;
- Social Affairs and Employment Inspectorate: industrial and professional users.

The ILT collaborates at European level on REACH and CLP through its participation in the European Forum. From 2014 this will coordinate surveillance in Europe of Regulation (EC) No 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals. Customs provides the ILT with information about imports, checks for prohibited substances (such as cadmium) being imported in products, and checks on the import and export of substances that are banned or tightly restricted under international conventions.

Cooperation on biocidal products

The cooperation with other organisations on the surveillance of biocides was reviewed in 2014. A new aspect is that there will be more collaboration based on relevant themes coming from the community.

On the initiative of the NVWA and the ILT, an annual plan for the enforcement of the Plant Protection Products and Biocides Act will be drawn up based on the long-term enforcement programme and the annual plans of the participating partners. The partners are each responsible for enforcement in their own domain:

- ILT: industry, professional pest control;
- NVWA: agricultural sector and consumer products;
- Social Affairs and Employment Inspectorate: metals sector;
- Netherlands Healthcare Inspectorate (via the NVWA): health care;
- Water boards: water-related use of biocides;
- SodM: mine-related use.

At international level the ILT maintains contact with surveillance authorities through the CLEEN network regarding compliance with the legislation on biocides, ozone-depleting substances and fluorinated greenhouse gases in other EU countries. It collaborates with Customs on ozone-depleting substances under a framework agreement and from January 2015 will also collaborate on fluorinated greenhouse gases. Together with Customs it will, in 2015, look at illegal imports and exports of coolants in addition to the checks using profiles. Customs also provides information about the import and export of ozone-depleting substances and carries out joint inspections with the ILT if there is reason to do so. Customs also alerts the ILT to fuels that do not comply with tax law or meet air quality requirements.

The different organisations cooperate in regional intervention teams to deal with asbestos. Represented in these teams are: municipalities, regional executive agencies, the Social Affairs and Employment Inspectorate, the police and the Public Prosecution Service. There is also ad hoc cooperation with individual municipalities, provinces and the Social Affairs and Employment Inspectorate on individual cases. Agreements are also made with Customs to check products being imported which may contain asbestos. The products which are considered at risk of containing asbestos are described and, after being reported by Customs, are checked.

2. Restriction of the use of hazardous substances in electrical and electronic equipment, (RoHS II), ecodesign, packaging and packaging waste

Increasing numbers of integrated checks are being performed. These involve checking a party that is subject to surveillance in relation to RoHS (Directive 2011/65/EU), ecodesign (Directive 2009/125/EC) and packaging (Directive 2004/12/EC). These administrative checks involve taking a random sample of products for which the requisite documents (conformity declaration, test report, etc.) are checked, and object checks are also conducted for verification. The object checks involve taking indicative measurements to check for the presence of heavy metals in electrical and electronic equipment or in packaging. If the indicative measurement indicates a breach of the standard, a representative measurement of the sample is carried out by an accredited laboratory. An object check may also involve measuring the energy consumption of electronic and electrical equipment.

There has been a shift during the past three years away from risk-oriented surveillance towards surveillance that is (partly) aimed at producing a representative picture of compliance. From 2015 surveillance will move back to being more risk-based again, concentrating on the greatest risk of infringements. Notifications are also processed. These could be reports from a company that a product is not compliant or from another Member State that a product is not compliant but the manufacturer or importer is based in the Netherlands, or a warning from Customs arising from customs activities. All notifications are processed.

To enhance opportunities for cooperation in the field of market surveillance, LED lamps were monitored as a joint action with the NVWA and the Radiocommunications Agency Netherlands. It was found that compliance by manufacturers and importers was poor. There will be a follow-up joint action in 2015 on LED lighting for domestic use. Container checks under the RoHS Directive (Directive 2011/65/EU) are conducted in collaboration with Customs.

Activities by Directive

Combi-checks are carried out on a sample of companies at risk for ecodesign and a sample of companies at risk for hazardous substances. These samples are tested against the Ecodesign Directive (2009/125/EC), the RoHS Directive (2011/65/EU) and the Packaging Directive (2004/12/EC). The focus for ecodesign is on lighting, while the focus for RoHS is on cheap electronic equipment. In addition, container checks under the RoHS Directive (Directive 2011/65/EU) are conducted in collaboration with Customs (500 object inspections).

It is anticipated that a small number of agreements will be concluded. The underlying assumption for concluding an agreement is that it will be effective and efficient for both the ILT and the company. The company's compliance must be in order before an agreement can be concluded. The company is 'rewarded' with an agreement. Alternatively, if the company has demonstrated a willingness to comply, the process of reaching an agreement has the effect that the company improves and guarantees compliance.

Enforcement

a. service provision 2015
 handling questions and notifications 40

These figures relate to all questions and notifications about all waste-related topics.

b. surveillance 2015
 agreements 2
 checks on product quality (electronic products, heavy metals)
 administrative checks 50
 object inspections 1 000
 audits 2

Review sector

Administrative checks were performed on a sample of 35 importers of tertiary lighting and external power supplies. They were combi-checks which, where relevant, looked at RoHS, ecodesign and packaging. For verification purposes, 10 products per administrative check were also subjected to object inspections (RoHS, energy consumption). In addition, RoHS checks on containers of electronic products in the Port of Rotterdam (focusing especially on cheap electronic goods) were conducted in conjunction with Customs. As part of the ILT-NVWA-AT cooperation project, digital inspections were carried out at 120 companies. Surveillance data was requested digitally. Based on the response a sample was drawn up for surveillance activities to be determined later in 2015. Administrative checks were performed on a sample of 35 companies affiliated to the Waste Fund. For verification purposes, 10 items of packaging per administrative check were also subjected to object inspections.

3. Batteries and accumulators, end-of-life vehicles

The rules on newly marketed batteries and accumulators (Directive 2006/66/EC) and cars (Directive 2000/53/EC) are limited. They mainly concern the presence of heavy metals in batteries and vehicles. The ILT only conducts reactive surveillance based on notifications and alerts.

4. Dangerous explosive substances

Safety standards

Fireworks for use by consumers and professionals meet the standards for product safety, labelling and packaging, and reporting in the chain. Permits are required or notification must be given for their use at events. Compliance is 70–80 %.

Explosives for Civil Use Act: explosives for civil use meet the requirements on product safety, labelling and packaging. Explosives must not be manufactured or stored without authorisation. Explosives must not be passed on without a permit; a continuous register must be kept. Compliance is < 70 %. The risks associated with explosives for civil use lie in product safety, amateur use and misuse (security).

Enforcement

a. service provision

Service provision for dangerous explosive substances	2014	2015
handling questions	1 300	1 900
handling notifications	6,700	7 000

Incoming notifications of all kinds about fireworks and the Explosives for Civil Use Act are catalogued, analysed and, if necessary, followed up with an inspection.

b. surveillance

Surveillance of dangerous explosive substances	2014	2015
agreements		6
object inspections		
• fireworks	425	425
• explosives for civil use	150	150
administrative checks		
• fireworks	75	75
Audits	0	2
Number of businesses inspected		
• fireworks		30
• explosives for civil use		150

A number of agreements with parcel post businesses were concluded in 2014. This will be increased in 2015.

Fireworks

In the fireworks chain, the ILT is responsible for the surveillance on the safety of products for consumer and professional use. Compliance with the product safety requirements is still not up to scratch despite the surveillance efforts, which is why the ILT is taking measures to improve the effectiveness of its work in the fireworks chain. Administrative checks on firework importers started in 2014. These will continue in 2015. The number of administrative checks will remain the same but there will be a shift of scope and focus. The increased scope means that the accounts will be checked to find out whether rejected batches of fireworks really are taken off the market and destroyed. These detailed administrative controls have been agreed with the Minister of Security and Public Order as part of the approach to tackling illegal fireworks. The plan for 2015 is to collaborate with the environment agencies on implementing similar administrative checks on professional fireworks companies that set off displays at events. More thorough administrative surveillance could allow the production series for object checks to be gradually reduced over the next few years. If practice proves that the new CE approval mark really can guarantee the product safety of imported fireworks, it may be possible to accelerate this reduction.

Tackling seriously illegal fireworks is a high priority. The National Public Prosecutor's Office for Financial, Economic and Environmental Offences takes the lead in this strategy. The ILT/IOD and the ILT/Fireworks Flying Squad make active contributions to the action plan on illegal fireworks that has been drawn up by and is being implemented under the auspices of the Environment Division. As part of the action plan on illegal fireworks, the ILT also carries out surveillance activities on the sale of illegal fireworks by post (online selling). There is also more intensive cooperation at EU level with the countries where this illegal trade originates.

A national information point is important in order to get a grip on the fireworks chain. The ILT is working to launch a new user-friendly IT system in 2015, to replace the outdated FLITS system. In addition, agreements have been made with surveillance partners about uniform recording of surveillance results, so that they can be analysed in InspectieView to produce a national picture of compliance by importer/user.

The number of object inspections for explosives for civil use will be reduced after 2015 in the expectation that compliance by the various target groups will improve. Agreements are expected to be concluded with the relevant trade associations.

The surveillance activities carried out by the fireworks team and the three transport domains (shipping, aviation, and rail and road transport) in the explosive substances chains (fireworks and explosives for

civil use) will be developed in the Surveillance Programme for Hazardous Substances into a single coherent inspectorate-wide surveillance approach for dealing with explosive substances that can be coordinated unambiguously with partners (including Customs).

Cooperation

cooperation on fireworks

administrative checks with police and province

2014 2015

75 75

The ILT works intensively with the police and Customs on fireworks to strengthen surveillance and combat the import of illegal fireworks. The ILT also works with municipalities, provinces, the Tax Office, the Royal Netherlands Military Constabulary and international partners in the EU and China. The main aim of the cooperation with China is to prevent the import of wrongly classified fireworks and faulty fireworks destined for consumer use. There is increasing cooperation with other EU Member States on the storage of fireworks from Dutch importers in foreign (usually German) storage facilities and on firework streams that enter the Netherlands through ports such as Hamburg, Gdansk, Antwerp and Le Havre. In the context of the chain control on fireworks, the ILT takes the lead in strengthening the information position. For the surveillance on explosives for civil use, the ILT cooperates with the Social Affairs and Employment Inspectorate, Customs, the police, municipalities and the national agency for the supervision of mines (SodM). Because the chain is international, the ILT in its role as chain coordinator is in contact with international enforcement partners and is working to bring about an enforcement partnership in the EU.

The Act on Precursors for Explosives is expected to come into force in 2015. A precursor is a substance that can be used as a raw material to produce an explosive. Some substances (such as hydrogen peroxide) require a licence, for others (such as ammonium nitrate) there is a requirement to report unusual transactions. The ILT will grant licences under this law and the European Regulation on which it is based and will also be responsible for enforcement.

5. Product schemes: construction products, motor vehicles and components, recreational craft

Surveillance of CE marking on construction products focuses on the presence of the right labelling. The present of the correct label, the statement of essential properties and the presence of a correct Declaration of Performance are all checked. If necessary, tests are performed to check whether a product meets the stated values. Producers, importers and distributors of construction products are all subject to surveillance.

The ILT monitors the sale of exclusively type-approved motor vehicles and components (e.g. cars, tractors, exhausts, trailers, rear light units, etc.) by vehicle dealers, sellers of vehicle components and tyre companies. Car tyres are also checked at point of sale for the presence of a correct label (wet grip, rolling resistance and noise).

The ILT's surveillance of recreational craft focuses on the presence of the CE approval mark on recreational craft sold new. The boats are also checked to ensure that they meet the safety rules. Since 2013, the ILT has monitored the energy labels on cars offered for sale by car dealers. This obligation is based on a European Directive.

The (safety) standards

obligation

construction products

recreational craft

motor vehicles and components

• new tyres

• energy labels on cars

current compliance %

<25

<40

<90

<75

not yet known

Enforcement

surveillance

surveillance of product schemes	2014	2015
object inspections	8 000	1 400
handling enforcement requests	40	40

The ILT monitors specific offenders and products. In the case of specific offenders, the ILT acts in response to a request for enforcement. Its action may take the form of a simple inspection at a company's premises or an in-depth investigation of the company's accounts. The surveillance of products is based on analyses of products, distributors and producers, on the basis of which the ILT determines which products should be inspected for CE marking. This applies to construction products, motor vehicles and components, recreational craft and labelling of tyres. In 2015 the surveillance will target companies as much as possible and will take the form of administrative inspections. Within this framework a number of products from each company will be inspected (object inspections). The market surveillance on motor vehicles and components has a European flavour. The cooperation with other European surveillance authorities and type-approval organisations is important for the effective organisation of the surveillance.

2.4.3 Sectoral National Market Surveillance Programme(s) .

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Regulation (EC) No 1907/2006 REACH Regulation (EC) No 1272/2008 CLP	Chemicals	Production, import and use of chemicals and products	Proactive and reactive based on alerts from authorities, MS or companies On site Inside national territory and border checks	Compliance campaign	Campaigns, monitoring and sectoral enforcement	High	Ongoing enforcement programme	The Forum for Exchange of Information on Enforcement (Forum)	Continuing actions and campaign	Mr C. Bovenkerk chiel.bovenkerk@ilent.nl and Mr J. van den Berg jos.vanden.berg@ilent.nl
Regulation (EU) No 1102/2008 mercury	Chemicals	Export of chemicals and products	Proactive and reactive based on signals of authorities or companies On site Inside national territory and borders controls	Compliance campaign	Campaigns, monitoring and sectoral enforcement	High	Ongoing enforcement programme	-	Continuing actions and campaign	Mr C. Bovenkerk chiel.bovenkerk@ilent.nl and Mr J. van den Berg jos.vanden.berg@ilent.nl

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Regulation (EU) No 649/2012	Chemicals	Export and import of chemicals and products	Proactive and reactive based on signals of ECHA, MS or companies On site Inside national territory and borders controls	Compliance campaign	Campaigns, monitoring and sectoral enforcement	High	Ongoing enforcement programme	The Forum for Exchange of Information on Enforcement (Forum)	Continuing actions and campaign	Mr C. Bovenkerk chiel.bovenkerk@ilent.nl and Mr J. van den Berg jos.vanden.berg@ilent.nl
Regulation (EC) No 850/2004 POP	Chemicals	Production, import and use of chemicals and products	Proactive and reactive based on signals of authorities, MS or companies On site Inside national territory and borders controls	Compliance campaign	Campaigns, monitoring and sectoral enforcement	High	Ongoing enforcement programme	-	Continuing actions and campaign	Mr C. Bovenkerk chiel.bovenkerk@ilent.nl and Mr J. van den Berg jos.vanden.berg@ilent.nl

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Directive 87/217/EEC prevention and reduction of environmental pollution by asbestos	Asbestos	Asbestos in constructions and products	Investigation On-site inspections Inside national territory	Complaints Compliance	Campaigns, monitoring and sectoral enforcement	High	Ongoing enforcement program	-	Continuing actions, campaign	john.mordang@ilent.nl

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Regulation (EU) No 528/2012 Biocidal products Regulation (EC) No 1451/2007	Producers, trade-markets and users of biocidal products and treated articles	Producers, importers and users of biocidal products Web shops	Proactive and reactive On site Inside national territory	New NL legislation (2007) Compliance reactive on complaints Some problems with increasing resistance	Inspection of producers, suppliers and professional users Campaign	High	Ongoing enforcement programme	National initiative , Co-production of 4 Inspectorates Use of CLEEN network National Platform for Biocides Knowledge centre (web)	Numerous borderline cases are found. Especially between detergents, cosmetics and medicines / medical devices	marianne.braam@ilent.nl

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Commission Decision 2002/359/EC Procedure for attesting the conformity of construction products (and chemicals) in contact with water intended for human consumption	Water companies and production companies for products and chemicals	Drinking water	Reactive On site Inside national territory	Compliance	Inspection of documents	Moderate	Ongoing enforcement programme	-	-	Mr F. Döfferhoff frank.dofferhoff@ilent.nl
Regulation (EC) No 1005/2009 on substances that deplete the ozone layer and Regulation (EU) No 517/2014 on fluorinated greenhouse gases	Ozone-depleting substances [(H)CFCs] Greenhouse gases (fluorinated gases) and equipment with these gases	CFCs, HCFCs, HFCs, PFCs, etc. Production trade, maintenance and use e.g. equipment for cooling	Proactive and reactive, based on EU signals and from companies On site Inside national territory	Compliance Complaints	Inspections of suppliers, traders and producers, maintenance services companies and operators	High	Ongoing enforcement programme	EU regulation and national regulation Ozone Secretariat European Commission (UNEP)	-	Mr J. Zeefat jacob.zeefat@ilent.nl

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Directive 98/70/EC fuel specifications Directive 1999/32/EC sulphur	Fuel	Fuel	Proactive and reactive	Compliance Complaints	Samples, letters of protest	moderate	Ongoing enforcement program	EU regulation and national regulation		Mr J. Zeefat jacob.zeefat@ilent.nl
Directive 2004/42/EC VOCs	Paint and varnish	Volatile organic compounds (VOCs)	Proactive and reactive	Compliance Complaints	Inspection of outlets	moderate	Ongoing enforcement program	EU regulation and national regulation		Mr J. Zeefat jacob.zeefat@ilent.nl
Directive 2011/65/EU restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS)	Industry	Electronic equipment	Proactive On site Inside national territory and borders	Compliance	Product testing at branches of industry Document inspections producers /importers and recyclers	High	Ongoing enforcement program	European RoHS Enforcement Network	More exchange of enforcement information via ICSMS	RoHS: Mr R. Feijen roel.feijen@ilent.nl

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Directive 2009/125/EC framework for the setting of ecodesign requirements for energy-related products	Manufacturers and importing companies based in the Netherlands of energy-using products except transport	Energy-using products (Ecodesign)	Proactive On site Inside national territory	Compliance	Document inspections Product testing	High	Ongoing enforcement programme	ADCO Ecodesign	-	Mr J. Sampers jos.sampers@ilent.nl
Directive 2004/12/EC packaging and packaging waste	Packaging and packaging recycling industry	Packages	Proactive On site Inside national territory	Compliance	Packaging testing (heavy metals, essential requirements) Document inspections producers, importers and recyclers	High	Ongoing enforcement programme	-	-	Mr M. Verweij marcel.verweij@ilent.nl and Mr J. Sampers jos.sampers@ilent.nl

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators		Batteries and accumulators	Reactive	Compliance	Responses to notifications	Low	Ongoing enforcement programme			Mr M. Verweij marcel.verweij@ilent.nl and Mr J. Sampers jos.sampers@ilent.nl
Directive 2000/53/EC on end-of life vehicles		End-of-life vehicles	Reactive	Compliance	Responses to notifications	Low	Ongoing enforcement programme			Mr M. Verweij marcel.verweij@ilent.nl and Mr J. Sampers jos.sampers@ilent.nl

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Directive 93/15/EEC Harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses	Demolition, industry, mining, cosmetics, recreation, culture, etc.)	Explosives for civil use	Proactive On site Inside national territory and borders	Compliance	Inspection of suppliers, users, traders and producers	High	Ongoing enforcement programme	EU regulation and national regulation In 2015 start of ADCO for explosives for civil uses	-	Mr M. Brylka marcel.brylka@ilent.nl
Directive 2013/29/EC Placing on the market of pyrotechnic articles	Pyrotechnics	Fireworks	Proactive On-site inspections Inside national territory and borders	Compliance Complaints	Inspection of suppliers, users, traders and producers	High	Ongoing enforcement programme	EU regulation and national regulation ADCO for pyrotechnics	Continuing actions	arno.van.dop@ilent.nl
Regulation 98/2013/EC	Explosives precursors	Explosives precursors	Pro active	Compliance	Not yet implemented. Expected for July 2015	High	2015.	Not yet implemented. Expected for July 2015		Mr A. van Loon Andre.van.loon@ilent.nl

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Regulation (EU) No 2011/305 construction products	Producers and importing companies	CE marking, construction products	Proactive On site Inside national territory	Compliance	Inspection of producers, suppliers, traders, users	Mode rate	Ongoing enforcement programme	ADCO for construction products regulation	-	Mr L. Borst lex.borst@ilent.nl
Directive 2003/37/EC; Directive 2002/24/EC; Directive 2007/46/EC	Producers and importing companies	Motor vehicles and components	Proactive On site Inside national territory	Compliance	Inspection of producers, suppliers, traders, users	Mode rate	Ongoing enforcement programme	-	-	Mrs M. Beernink machteld.beernink@ilent.nl
Directive 94/25/EC Directive 2003/44/EC recreational craft	Producers, distributors and importing companies	Recreational craft	Proactive On site Inside national territory	compliance	Inspection of documents, inspection of boats	Mode rate	Ongoing enforcement programme	ADCO for recreational craft Directive	-	Mr B. Nubé bert.nube@ilent.nl
Regulation (EC) No 1222/2009	Labelling of tyres	Tyres for passenger cars	Proactive On site Inside national territory	compliance	Inspection of producers, suppliers, traders, users	Mode rate	Ongoing enforcement programme			Mrs M. Beernink machteld.beernink@ilent.nl

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Directive 1999/94/EC	Consumer information/labelling of new passenger cars	New passenger cars	Proactive On site Inside national territory	compliance	Inspection of producers, suppliers, traders, users	Moderate	Ongoing enforcement programme			Mrs M. Beernink machteld.beernink@ilent.nl

2.5 Sector products for professionals

Directives:

1. Directive 2006/42/EC on machinery (apart from consumer products)
2. Directive 89/686/EEC on personal protective equipment (apart from consumer products)
3. Directive 95/16/EC on lifts
4. Directive 97/23/EC on pressure equipment
5. Directive 2009/105/EC on simple pressure vessels
6. Directive 94/9/EC on equipment for use in potentially explosive atmospheres.

The Social Affairs and Employment Inspectorate monitors compliance with this legislation.

2.5.1 Social Affairs and Employment Inspectorate

Ministry: Social Affairs and Employment
Domain: Health and safety / Working conditions
Visitors Address: Anna van Hannoverstraat 4, Den Haag,
Postal address: P O Box 820, 3500 AV Utrecht
Telephone: 0800-5151
Staffing: Does not have its own testing facilities; testing facilities are outsourced as necessary. There are 10 FTEs working on market surveillance of products, of whom 6FTEs are inspectors (acting on their own initiative and in response to reports). Meanwhile 25 inspectors are being trained to do market surveillance on products.

2.5.2 Methods and strategy

In the programme period 2015–2018, the Social Affairs and Employment Inspectorate will base its products market surveillance on the following assumptions:

- The surveillance targets products from all six product Directives cited.
- Active interventions are decided on the basis of risk analyses. A risk analysis is produced for the products (high/low risk vs. large/small quantity of non-compliant products) and updated annually. In this programme period, a risk analysis that leads to the most relevant market operators in the Netherlands in the inspectorate's surveillance field will be drawn up. In future years, further information can be added to the risk analysis based on the level of compliance.

high risk/ large quantity of non-compliant products	high risk/ small quantity of non-compliant products
low risk/ large quantity of non-compliant products	low risk/ small quantity of non-compliant products

- The procedure for determining an effective intervention mix starts with a chain analysis. Target groups are selected on the basis of this analysis, for which the 'Table of 11' analysis method is then used. This method examines the reasons for compliance/non-compliance with representatives of the target group as a means of identifying the motives of the priority target groups.
- Market operators often lack knowledge about the rules and the surveillance conducted by the Social Affairs and Employment Inspectorate. Communication will be a vital starting point for market surveillance in the next few years and every effort will be made to cooperate with trade associations.
- *Cooperation* is the key to product market surveillance, whether it be with other surveillance authorities in the Netherlands, with surveillance authorities in the EEA or with trade

associations. Non-compliant products can be dealt with effectively in the EEA market through joint actions and by using external border checks.

- Compulsory certification for the most dangerous products is an extra guarantee that a product meets requirements. Improving the functioning of the certification system has a leveraging effect with respect to the conformity of many products. Certification aspects therefore form an integral part of market surveillance. Action is taken against certification bodies where necessary.
- The whole chain (all market operators) are involved the fight against non-compliant products as are, where appropriate, certification and accreditation bodies.
- Alerts about non-compliant products from the inspectors of the Social Affairs and Employment Inspectorate constitute an important input for market surveillance, as do notifications from external organisations and individuals.
- There is an intensive approach for dealing with recurrent offenders.

Based on the assumptions and analyses, the Market Surveillance on Product Safety programme plan for 2015–2018 contains four external pillars resting on an internal foundation. Section 2.5.4. provides concrete details on the external activities. The internal organisation will be reviewed, modified and strengthened over the next few years.

Main objective: safe and healthy products for professional use, by excluding non-compliant products from the market			
Communication	Cooperation	Active interventions	Reactive interventions
Supported by a base of activities in collaboration with: product specialists, trainers, certification specialists, information analysts, researchers, lawyers, policy officers, ICT staff, intakers and strategists.			

2.5.3 A look back at 2014

Various interventions in the market surveillance on product safety were started by the Social Affairs and Employment Inspectorate in 2014. There were interventions relating to the product groups: lifts, machinery (in the waste sector) and personal protective equipment (safety shoes). In addition, notifications led to reactive inspections: RAPEX notifications, notifications via ICSMS, notifications from external organisations and notifications from the inspectorate's health and safety inspectors. Various communication activities took place, such as: a contribution to the safety event, feedback of inspections results to manufacturers of pipe rail trolleys, and updating of the inspectorate's website in the area of market surveillance. The results will be published in 2015.

2.5.4 Activities in 2015

The market surveillance activities will continue in 2015 based on the Market Surveillance on Product Safety programme plan for 2015–2018 that was developed in 2014. The activities in the different pillars are set out in a work breakdown structure. The inspection activities are filled in in the format of the Sectoral National Market Surveillance Programme.

Market surveillance 2015–2018 : Doelenboom / Work Breakdown Structure (WBS), external pillars

Purpose (= why)	Safe and healthy products at work, by preventing non-compliant products from coming on to the market			
Activities (= how)	Communication	Cooperation	Reactive inspections	Active inspections
	<p>General</p> <ul style="list-style-type: none"> • Increase knowledge about rules and role • Social Affairs & Employment Inspectorate for target groups • Publish results • Increase perceived chance of getting caught <p>Specific</p> <ul style="list-style-type: none"> • Specific communication activities targeted on products: <ul style="list-style-type: none"> * access systems, * transporters, and * breathing equipment. 	<ul style="list-style-type: none"> • International <ul style="list-style-type: none"> * ADCOs * Joint Actions * RAPEX and ICSMS • National government services: <ul style="list-style-type: none"> * Alliance working group (Dutch market surveillance authorities) * Customs * Ministries (Economic Affairs, Health) health & Safety at Work Directorate * Trade associations * Internal (with working conditions & MHC inspectors) 	<p>Reactive inspections in response to alerts about non-compliant products and enforcement (see active)</p>	<ul style="list-style-type: none"> • Stopping non-compliant products: allowing adaptations, placing under seal, removal, informing users, informing EEA • Punishing market operators responsible
<p>Products / results External</p>	<p>General</p> <ul style="list-style-type: none"> • Stands at trade fairs, presentations at information meetings and conferences • Articles in trade journals • Communication resources <p>Specific</p> <ul style="list-style-type: none"> • Communication strategy for priority products 	<ul style="list-style-type: none"> • Joint plan and reporting Alliance working group for European Commission • Joint approach to e-commerce • Annual (joint) meetings with Customs • Inspections in response to RAPEX notifications and ICSMS alerts (reactive) • ADCO reports (ca 10 per year) • EEA plan and EEA report on Joint Actions • Sectoral consultations 	<ul style="list-style-type: none"> • Updated notification form • Communication about opportunities to issue alerts • Reactive inspections 	<ul style="list-style-type: none"> • Reinspections (reinspect those who offended in previous years) • Exploratory inspections (incl. enforcement) for access systems, transporters and protective breathing equipment • Other market interventions (adjusting the standard, credit checks, accreditation council, etc.) • Inspection project in response to reactive reports • Joint Actions, incl. external border checks

Sectoral National Market Surveillance Programme

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
Directive 2006/42/EC Machinery	Bulk transport Industrial sites	Transport systems Entry systems	Proactive	Compliance campaign	Campaigns, monitoring and sectoral enforcement	High	01/05/2015 to ... 01/11/2015	Exchange of Information within the branch of industry	Continuing actions and campaign	Liesbeth Kroon ekroon@minszw.nl
Directive 2006/42/EC Machinery	Agricultural Automotive Agricultural sector	Pipe rail trolleys Vehicle servicing lifts, Stable screens	Reinspections	Compliance campaign	Campaigns, monitoring and sectoral enforcement	High	01/02/2015 to ... 01/05/2015			Liesbeth Kroon ekroon@minszw.nl
Directive 2006/42/EG/ on machinery	Chainsaws	Chainsaws	Joint action Border checks	Compliance campaign	Campaigns, monitoring and sectoral enforcement	High	01/08/2015 to ... 01/02/2016	-	Sharing information in ADCO MD Sectoral enforcement	Liesbeth Kroon ekroon@minszw.nl
Directive 89/686/EEC PPE	Safety shoes	S3 Safety shoes	Joint action	Compliance campaign	Campaigns, monitoring and sectoral enforcement	High	01/11/2014 to ... 01/05/2015	The Forum on Enforcement	Sharing information in ADCO for PPE Sectoral	Liesbeth Kroon ekroon@minszw.nl

No of EU legislation applicable	Division	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcomes or further initiatives	Project manager generalities
									enforcement	
Directive 2006/42/EC Directive 89/686/EEC Directive 95/16/EC Directive 97/23/EC Directive 2009/105/EC Directive 94/9/EC	All sectors		Controls RAPEX, ICSMS, Other alerts	Compliance campaign		High	All year		Reactive controls in 2016	Liesbeth Kroon ekroon@minszw.nl