

A. Review of the general market surveillance activities in the sectors covered by directives 89/686/EEC, 2006/42/EC, 2001/14/EC, 1994/9/EC, 2007/23/EC, 93/15/EEC, 2006/95/EC and 97/68/EC.

Market surveillance authority – Labour Inspection

Internet address where the Market Surveillance Sectoral Programme can be found:
<http://www.inspectmun.ro/site/Supravegherea%20pietei/Supravegherea%20Pietei.html>

Data concerning the general organisation of market surveillance and of the infrastructures in place for the period 2010-2013

As of 2010, the market surveillance activity has been carried out on the basis of the sectoral programme drawn up by the Labour Inspection.

In the territory, the market surveillance activity is carried out within the specialised units of the 42 local labour inspectorates coordinated at central level by the Market Surveillance and Prevention Policies Unit of the Labour Inspection. A total number of 86 labour inspectors working in the system have control tasks in the area of market surveillance.

Local inspectors allocate approximately 20% of their time to control actions in the area of market surveillance.

The results of the control activity in the area of market surveillance are managed through the specific information system developed at the level of the Labour Inspection through entry of data by the local labour inspectors and managed by the Market Surveillance and Prevention Policies Unit of the Labour Inspection.

Training with regard to legislative news in the area of market surveillance is ensured constantly at annual meetings in which take part labour inspectors with tasks in the area of market surveillance and which approach theoretical and practical topics and include joint inspections at economic operators with a view to promote good practices.

Information sessions for the producers, importers and distributors of products falling under the competence of the Labour Inspection were carried out in each county in 2103. The provisions of the legislative acts and the requirements the products have to comply with upon placing on the market and the main non-compliances found during the controls were explained during these sessions.

Information on the total resources available for market surveillance activities

		2010	2011	2012	2013
1.1	Budget available for the market surveillance authorities in nominal terms (Euro)*	205 427	242 410	250 241	280 200
1.2	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)	n.a			
2	Personnel available for the market surveillance authorities (in full-time equivalent)	22	22	22	22
3	Number of inspectors available for the	22	22	22	22

market surveillance authorities (in full-time equivalent)				
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- the amounts concerned refer to expenditure incurred for the market surveillance activity from the budget allocated to the Labour Inspection.
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Market surveillance activities in specific sectors

4. A. Review of the market surveillance activities in sector 4 Personal protective equipment (Directive 89/686/EEC)

		2010	2011	2012	2013
1	Number of accidents/users' complaints related to products	0	0	0	0
2	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3	Total number of inspections	187	239	398	355
3.1	Number of reactive inspections	2	3	0	2
3.2	Number of own initiative inspections	185	236	398	353
3.3	Number of inspections launched by the customs authorities	0	0	0	0
4	Number of inspections based on:				
4.1	Laboratory tests	0	0	0	0
4.2	Physical checks of the products	187	239	398	355
5	Number of inspections leading to:				
5.1	Non-compliance findings	16	21	17	11
5.2	Corrective actions undertaken by the economic operators (voluntary measures)	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities	16	21	17	11
5.4	Infliction of sanctions/penalties	16	21	17	11
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

9.A . Review of the market surveillance activities in sector 9 Machinery (Directive 2006/42/EC)

		2010	2011	2012	2013
1	Number of accidents/users' complaints related to products	0	0	0	0
2	Number of justified complaints related to unfair competition filed by undertakings	1	0	0	1
3	Total number of inspections	370	330	740	794
3.1	Number of reactive inspections	3	5	8	6
3.2	Number of own initiative inspections	367	325	717	775
3.3	Number of inspections launched by the customs authorities	8	6	15	13
4	Number of inspections based on:				
4.1	Laboratory tests	0	0	0	0
4.2	Physical checks of the products	370	330	740	794
5	Number of inspections leading to:				
5.1	Non-compliance findings	52	36	31	22

5.2	Corrective actions undertaken by the economic operators (voluntary measures)	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities	52	36	31	22
5.4	Infliction of sanctions/penalties	52	36	31	22
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

12.A. Review of the market surveillance activities in sector 12 Noise emission in the environment by equipment for use outdoors (Directive 2000/14/EC)

		2010	2011	2012	2013
1	Number of accidents/users' complaints related to products	0	0	0	0
2	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3	Total number of inspections	192	219	312	506
3.1	Number of reactive inspections	1	3	2	5
3.2	Number of own initiative inspections	191	216	260	500
3.3	Number of inspections launched by the customs authorities	0	0	0	1
4	Number of inspections based on:				
4.1	Laboratory tests	0	0	0	0
4.2	Physical checks of the products	192	219	312	506
5	Number of inspections leading to:				
5.1	Non-compliance findings	15	11	18	14
5.2	Corrective actions undertaken by the economic operators (voluntary measures)	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities	15	11	18	14
5.4	Infliction of sanctions/penalties	15	11	18	14
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

13.A. Review of the market surveillance activities in sector 13 Equipment and protective systems intended for use in potentially explosive atmospheres (Directive 1994/9/EC)

		2010	2011	2012	2013
1	Number of accidents/users' complaints related to products	0	0	0	0
2	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3	Total number of inspections	22	19	25	18
3.1	Number of reactive inspections	0	0	0	0
3.2	Number of own initiative inspections	22	19	25	18
3.3	Number of inspections launched by the customs authorities	0	0	0	0
4	Number of inspections based on:				
4.1	Laboratory tests	0	0	0	0
4.2	Physical checks of the products	22	19	25	18
5	Number of inspections leading to:				

5.1	Non-compliance findings	0	0	0	0
5.2	Corrective actions undertaken by the economic operators (voluntary measures)	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities	22	0	0	0
5.4	Infliction of sanctions/penalties	22	0	0	0
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

14.A. Review of the market surveillance activities in sector 14 Pyrotechnic articles (Directive 2007/23/EC)

		2010	2011	2012	2013
1	Number of accidents/users' complaints related to products	0	0	0	0
2	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3	Total number of inspections	42	45	66	79
3.1	Number of reactive inspections	0	0	0	0
3.2	Number of own initiative inspections	42	45	66	79
3.3	Number of inspections launched by the customs authorities	0	0	0	0
4	Number of inspections based on:				
4.1	Laboratory tests	0	0	0	0
4.2	Physical checks of the products	42	45	66	79
5	Number of inspections leading to:				
5.1	Non-compliance findings	0	5	6	4
5.2	Corrective actions undertaken by the economic operators (voluntary measures)	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities	0	5	6	4
5.4	Infliction of sanctions/penalties	0	5	6	4
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

15.A. Review of the market surveillance activities in sector 15 Explosives for civil uses (Directive 93/15/EEC)

		2010	2011	2012	2013
1	Number of accidents/users' complaints related to products	0	0	0	0
2	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3	Total number of inspections	15	13	22	12
3.1	Number of reactive inspections	0	0	0	0
3.2	Number of own initiative inspections	15	13	20	12
3.3	Number of inspections launched by the customs authorities	0	0	0	0
4	Number of inspections based on:				
4.1	Laboratory tests	0	0	0	0
4.2	Physical checks of the products	15	13	22	12

5	Number of inspections leading to:				
5.1	Non-compliance findings	0	0	0	1
5.2	Corrective actions undertaken by the economic operators (voluntary measures)	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities	0	1	0	1
5.4	Infliction of sanctions/penalties	0	1	0	1
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

20.A. Review of the market surveillance activities in sector 20 Electrical equipment designed for use at low voltage (Directive 2006/95/EC)

		2010	2011	2012	2013
1	Number of accidents/users' complaints related to products	1	0	0	1
2	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3	Total number of inspections	402	496	865	811
3.1	Number of reactive inspections	3	1	2	1
3.2	Number of own initiative inspections	399	495	858	797
3.3	Number of inspections launched by the customs authorities	8	6	5	13
4	Number of inspections based on:				
4.1	Laboratory tests	0	0	0	0
4.2	Physical checks of the products	402	496	865	811
5	Number of inspections leading to:				
5.1	Non-compliance findings	32	41	35	19
5.2	Corrective actions undertaken by the economic operators (voluntary measures)	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities	32	41	35	19
5.4	Infliction of sanctions/penalties	32	41	35	19
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

28.A. Review of the market surveillance activities in sector 28 Engines installed in non-road mobile machinery (Directive 97/68/EC)

		2010	2011	2012	2013
1	Number of accidents/users' complaints related to products	0	0	0	0
2	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3	Total number of inspections	107	105	73	193
3.1	Number of reactive inspections	1	0	0	1
3.2	Number of own initiative inspections	106	105	65	182
3.3	Number of inspections launched by the customs authorities	8	5	0	10
4	Number of inspections based on:				
4.1	Laboratory tests	0	0	0	0

4.2	Physical checks of the products	107	105	73	193
5	Number of inspections leading to:				
5.1	Non-compliance findings	12	9	5	10
5.2	Corrective actions undertaken by the economic operators (voluntary measures)	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities	12	9	7	10
5.4	Infliction of sanctions/penalties	12	9	7	10
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

I. Report concerning the market surveillance activities pursuant to Article 18(6) of Regulation (EC) No 765/2008 - for recreational craft and marine equipment

Sector 25 - Recreational craft

The legislative act transposing Directive 94/25/EC relating to recreational craft, as amended by Directive 2003/44/EC in Romania is *GD 2195/2004 establishing the conditions for placing on the market and/or putting into service recreational crafts.*

Pursuant to *Order 42/1997 concerning transport on sea and on inland waterways, republished, as subsequently amended and supplemented,* the registration of recreational crafts more than 7 m long and/or with propulsion power higher than 15 kW is mandatory in Romania.

The Romanian Naval Authority (ANR) is responsible for market surveillance in the area of recreational crafts. The Market Surveillance Unit within the ANR was the body responsible for market surveillance during the period 2010-2013.

The Market Surveillance Unit was made up of four specialised inspectors and one head of unit. In order to ensure operative coverage of the territory, this unit cooperated with other ANR departments from the river area (Danube) in six localities and from the seaside area of the Black Sea, in Constanța city, where the head office of the ANR is sited.

The costs for market surveillance were supported from ANR budget. No State budget funds were used.

The recreational crafts and the accompanying documentations are checked in terms of compliance with the applicable European directive. The checks are performed during specific exhibitions at distributors and producers. The authorised inspectors may enter the production or marketing areas at reasonable hours in order to carry out the market surveillance control. Imports from third countries are checked in cooperation with the customs authorities. The purpose of the market surveillance activity is to encourage voluntary actions rather than using the coercive power granted by the law.

Failure to comply with the main requirements for the products placed on the market, as well as with the provisions concerning the placing on the market or the EC marking shall incur sanctions for the controlled by fines, withdrawal from the market and/or prohibition of product use and placing on the market.

25.A. Review of the market surveillance activities in sector 25

Information on GD 2195/2004 enforcement activities carried out during the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	-	-	-
2.	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3.	Total number of inspections	38	17	17	16
3.1	Number of reactive inspections	-	-	-	-
3.2	Number of own initiative inspections	38	17	17	16

3.3	Number of inspections launched by the customs authorities	-	-	-	-
4.	Number of inspections based on:	-	-	-	-
4.1	Laboratory tests	-	-	-	-
4.2	Physical checks of the products	38	17	17	16
5.	Number of inspections leading to:				
5.1	Non-compliance findings	3	1	2	0
5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	-	-	-	-
5.3	Restrictive measures taken by the market surveillance authorities	-	-	1	-
5.4	Infliction of sanctions/penalties	-	-	-	-
6.	Number of inspections where the Member States were invited to cooperate	-	-	-	-

Information on the communication activities carried out during the period 2010-2013

The producers and users of recreational crafts were informed on the rights and obligations granted by the specific legislation through information published on ANR website (<http://www.rna.ro/servicii7supraveghere%20Piata.html>), through articles published in specialised magazines (Yachting Pleasure, Yachting Magazin), or through TV broadcasts.

Information on the resources (as available)¹

		2010	2011	2012	2013
7.1	Budget available for the market surveillance authorities in nominal terms (EUR) ²	128 480	89 460	76 840	63 450
7.2	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)	-	-	-	-
8.	Personnel available for the market surveillance authorities (in full-time equivalent)	5	4	4	3
9.	Number of inspectors available for the market surveillance authorities (in full-time	5	4	4	3

¹ The table contains the resources cumulated for the two market surveillance activities under the responsibility of the ANR: recreational crafts and marine equipment, as the breakdown by the two components is not possible.

² The budget for the market surveillance activities is ensured from own funds of the Romanian Naval Authority. No funds from the State budget are received for this activity.

	equivalent)				
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25.B. Assessment of the operation of the market surveillance activities in the recreational craft sector

The Romanian sector of recreational craft manufacturing contains a low number of small enterprises. The list of manufacturer identification codes (MIC) allocated by the ANR by the end of 2013 contained 81 companies building recreational crafts (including inflatable boats and rigid hull inflatable boats).

Recreational craft manufacturing mainly consists of outboard engine boats, as few manufacturers have the possibility to manufacture inboard engine boats. No companies manufacturing craft components have been registered.

Most manufacturers are concentrated in several towns and cities on the Danube or at the Black Sea: Galați, Tulcea and Constanța. The production mainly consists of fiberglass reinforced polyester (FRP) boats with lengths ranging between 2.5 m and 10 m. They are all small manufacturers with less than 10 members of staff.

A significant share in the sales of recreational crafts of the Romanian producers refers to the 6 m long crafts (and C and D design categories). The total sales of recreational crafts of the Romanian manufacturers represent approximately EUR 1 million/year (our estimation based on the data collected from the main recreational craft manufacturers).

The sales of recreational crafts originating from the European area have a significant share in craft trade. A significant share is also represented by the sales of recreational crafts originating from third countries, in particular from the USA and Canada.

A number of 4 recreational and fishing boat fairs are organised every year: Romanian Boat Show (in Bucharest and Constanța), the International Boat Show (Bucharest) and Fish Delta (Tulcea).

Market surveillance in the period 2010-2013 was carried out on the basis of annual plans approved and posted on ANR website, through quarterly campaigns, such as:

- Inflatable boats and RIB;
- New and second hand personal watercraft;
- Second hand recreational craft and related engines;
- Fiberglass crafts, yachts and related engines;
- Crafts manufactured by Romanian manufacturers – verification of manufacturing documentation;
- Crafts manufactured by Romanian manufacturers – verification of stability and buoyancy;
- Crafts manufactured by Romanian manufacturers – verification of sampling/openings in hull.

The checks were carried out in the whole country, in a proactive manner, through inspections at manufacturing companies, distributors or importers. During the period from 2010 to 2013, 88 inspections were carried out at economic operators, producers and distributors of recreational crafts.

The controls consisted in checking, on a case by case basis, the declaration of conformity, the owner's manual, the manufacturer's plate, the conformity marking, the craft identification number (CIN), the accuracy in specifying the standards harmonised in the documentation and, where possible, the manufacturing technical file. Control

reports were drawn up. Except for one case, no significant infringements of the applicable legislation were found.

Market surveillance inspector teams carried out controls on the exhibitors in terms of placing on the market recreational crafts at the following specialised fairs and exhibitions organised.

The achievement of the work programme related to recreational crafts was assessed quarterly and activity reports were submitted to ANR management.

Sector 26 - Marine equipment

The legislative act transposing Directive 96/98/EC on marine equipment (MED), as subsequently amended, in Romania is *GD 494/2006 on marine equipment*. This legislative act was subsequently amended and supplemented by *GD 513/2009*, *GD 267/2010*, *GD 751/2011*, *GD 883/2012* and *1094/2013*, which transposed the annual amendments to the MED.

The Romanian Naval Authority (ANR) is responsible for market surveillance in the area of recreational crafts. The Market Surveillance Unit within the ANR was the body responsible for market surveillance during the period 2010-2013.

The Market Surveillance Unit was made up of four specialised inspectors and one head of unit. In order to ensure operative coverage of the territory, this unit cooperated with other ANR departments from the river area (Danube) in six localities and from the seaside area of the Black Sea, in Constanța city, where the head office of the ANR is sited.

The costs for market surveillance were supported from ANR budget. No State budget funds were used.

The marine equipment and the accompanying documentations are checked in terms of compliance with the applicable European directive. The checks are performed during specific exhibitions and during visits paid to distributors and producers. The authorised inspectors may enter the production or marketing areas at reasonable hours in order to carry out the market surveillance control. Imports from third countries are checked in cooperation with the customs authorities. The purpose of the market surveillance activity is to encourage voluntary actions rather than using the coercive power granted by the law.

Failure to comply with the trial standards for the products placed on the market, as well as with the provisions concerning the placing on the market or the EC marking shall incur sanctions for the controlled by fines, withdrawal from the market and/or prohibition of product use and placing on the market.

26.A. Review of the market surveillance activities in sector 26

Information on enforcement activities for GD 494/2006 as amended and supplemented carried out during the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	-	-	-
2.	Number of justified	-	-	-	-

	complaints related to unfair competition filed by undertakings				
3.	Number of inspections (total number)	11	8	7	10
3.1	Number of reactive inspections	-	-	-	-
3.2	Number of own initiative inspections	11	8	7	10
3.3	Number of inspections launched by the customs authorities	-	-	-	-
4.	Number of inspections based on:				
4.1	Laboratory tests	-	-	-	-
4.2	Physical checks of the products	11	8	7	10
5.	Number of inspections leading to:				
5.1	Non-compliance findings	-	-	-	-
5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	-	-	-	-
5.3	Restrictive measures taken by the market surveillance authorities	-	-	1	-
5.4	Infliction of sanctions/penalties	-	-	-	-
6.	Number of inspections where the Member States were invited to cooperate	-	-	-	-

Information on the communication activities carried out during the period 2010-2013

The producers and users of marine equipment were informed on the rights and obligations granted by the specific legislation through information published on ANR website (<http://www.rna.ro/servicii/supraveghere%20Piata.html>).

Information on the resources (as available)³

		2010	2011	2012	2013
7.1	Budget available for the market surveillance authorities in nominal terms ⁴	128 480	89 460	76 840	63 450

³ The table contains the resources cumulated for the two market surveillance activities under the responsibility of the ANR: recreational crafts and marine equipment, as the breakdown by the two components is not possible.

⁴ The budget for the market surveillance activities is ensured from own funds of the Romanian Naval Authority. No funds from the State budget are received for this activity.

	(EUR)				
7.2	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)	-	-	-	-
8.	Personnel available for the market surveillance authorities (in full-time equivalent)	5	4	4	3
9.	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	5	4	4	3

26.B. Assessment of the operation of the market surveillance activities in sector 26 marine equipment

The autochthonous production of marine equipment is achieved by several small private manufacturers of marine equipment. Most of the equipment mounted on boats manufactured in the Romanian naval sites comes from foreign manufacturers. There are dealers who trade equipment manufactured by the big European and international manufacturers. A marine equipment fair is organised every two years, in the spring, by the Office for Trade, Industry, Navigation and Agriculture in Constanța in cooperation with AHOY Exhibition Complex - Rotterdam.

Market surveillance in the period 2010-2013 was carried out on the basis of annual plans approved and posted on ANR website, through quarterly campaigns, such as:

- Life-saving appliances: lifebuoys, lifejackets, immersion suits, light signals;
- Pyrotechnics, rocket parachute flares, hand flares, smoke light signals
- Navigation and radio-communication equipment
- Inflatable liferafts.

The checks were carried out in the whole country, in a proactive manner, through inspections at manufacturing companies, distributors or importers. During the period from 2010 to 2013, 36 inspections were carried out at economic operators, producers and distributors of marine equipment. The controls consisted in checking the declaration of conformity and the conformity marking. Control reports were drawn up. No significant infringements of the applicable legislation were found.

Market surveillance inspector teams carried out controls on the exhibitors in terms of placing on the market marine equipment at the specialised fairs of 2010 and 2012.

The achievement of the work programme related to marine equipment was assessed quarterly and activity reports were submitted to ANR management.

Currently, there is no link intended to the market surveillance programme, but a procedure was launched to set up such a link on the website of the Ministry of Transport.

II. Report concerning the market surveillance activities pursuant to Article 18(6) of Regulation (EC) No 765/2008 - for sector 27 Motor vehicles and tyres:

Sector - Motor vehicles and tyres⁵

Overview of the specific market surveillance activities

The market surveillance and control activity in the area of road vehicles is carried out by the personnel of the Market Surveillance Department of the Romanian Vehicle Register 'Registrul Auto Român', who is empowered by the Ministry of Transports based on MTCT Order No 458/2006 concerning the control of the compliance with the rules and the sanctions related to the trade or use of road vehicles and their related equipment, spare parts and materials, as well as the operation of vehicle repairs and reconstruction shops, of the technical inspection stations, and the methodology for performing the periodic technical inspection.

The control, verification and surveillance of economic operators with regard to the compliance with the rules concerning the manufacturing/import/distribution of road vehicles, and of related products and materials are based on:

- GO No 78/2000 on the approval, the issuance of vehicle identity cards and the certification of road vehicle authenticity with a view to their marketing, registration or recording in Romania;
- GO No 80/2000 on the approval and the certification of operational products and materials used for road vehicles, and on the conditions for their placing on the market and marketing.

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

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	-	-	-
2.	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3.	Number of inspections (total number)	1 154	883	1 103	596
3.1	Number of reactive inspections	-	-	-	-
3.2	Number of own initiative inspections	1 154	883	1 103	596
3.3	Number of inspections launched by the customs authorities	-	-	-	-
4.	Number of inspections based on:				
4.1	Laboratory tests	-	-	-	-
4.2	Physical checks of the products	1 154	883	1 103	596
5.	Number of inspections leading to:				
5.1	Non-compliance findings	511	228	585	279
5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	-	-	-	-

⁵ The information only refers to the motor vehicle sector.

5.3	Restrictive measures taken by the market surveillance authorities	511	228	389	279
5.4	Infliction of sanctions/penalties	851	420	509	405
6.	Number of inspections where the Member States were invited to cooperate	-	-	-	-

Information on the resources (as available)

		2010	2011	2012	2013
7.1	Budget available for the market surveillance authorities in nominal terms (EUR)	na ^{*)}	na ^{*)}	na ^{*)}	na ^{*)}
7.2	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)	-	-	-	-
8.	Personnel available for the market surveillance authorities (in full-time equivalent)	29	29	31	33
9.	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	27	27	29	31

^{*)} The budget for the market surveillance activities is included in the own budget of the Romanian Vehicle Register. No funds from the State budget are received for this activity. Whereas the market surveillance activities carried out also include other issues than the issues referred to in this report, the budget specific for market surveillance under Directives 2002/24/EC and 2007/46/EC cannot be specified clearly.

**QUESTIONNAIRE ON ENFORCEMENT OF DIRECTIVE 2004/22/EC ON
MEASURING INSTRUMENTS (MID) AND DIRECTIVE 2009/23/EC ON NON-
AUTOMATIC WEIGHING INSTRUMENTS (NAWI)
ROMANIA**

A) National legislation providing for enforcement of MID and NAWI

1. Is there national legislation providing for penalties for non-compliance with MID and NAWI? If so, please specify the relevant national legislation and the content of the provisions.

Answer: NAWI: Decision No 617/2003 of the Government of Romania establishing the conditions for placing on the market and putting into service non-automatic weighing instruments, republished, as amended by GD No 1302/2009.

ARTICLE 4

(1) Instruments used for the applications listed in point (A) of Article 3 must satisfy the essential requirements set out in Annex 1.

ARTICLE 6

(1) The instruments may be placed on the market only if they meet the applicable requirements laid down in this Decision.

(2) Instruments used for the applications listed in point (A) of Article 3 may be put into service only if they meet the applicable requirements laid down in this Decision, as well as the conformity assessment procedures laid down in Chapter II, and if they bear the 'CE' conformity marking, hereinafter CE marking, affixed pursuant to the provisions in Article 10.

ARTICLE 10

(1) The CE marking and the other supplementary data as described in Annex 4, point 1, shall be affixed in a clearly visible, easily legible and indelible form to instruments for which EC conformity has been established.

(2) The inscriptions referred to in Annex 4, point 2, shall be affixed in a clearly visible, easily legible and indelible form to all other instruments.

(3) Any other marking may be affixed to the instruments provided that the visibility and legibility of the CE marking is not thereby reduced.

(4) The affixing on the instruments of markings which are likely to deceive as to the meaning and form of the CE conformity marking shall be prohibited.

ARTICLE 11

Where an instrument which is used for the applications referred to in point (A) of Article 3 includes, or is connected to, devices that have not been subject to conformity assessment as referred to in Article 8(1) and (2), each of those devices shall bear the symbol restricting its use as defined by Annex 4, point 3. That symbol shall be affixed to the devices in a clearly visible and indelible form.

ARTICLE 12

(1) The market surveillance body shall be the Directorate for Market Inspection and Surveillance within the Romanian Office for Legal Metrology, hereinafter BRML-SP.

(2) BRML-SP shall take the necessary measures to ensure continuous compliance of the instruments bearing the CE marking with the requirements that were the basis for affixing that marking.

(3) Where BRML-SP considers that the instruments bearing the CE conformity marking referred to in Annex II, points 2, 3 and 4, do not meet the requirements in this Decision, even if they are correctly installed and used for the purposes for which they are intended, it shall take all appropriate measures to withdraw those

instruments from the market or to prohibit or restrict their putting into service and/or their placing on the market.

ARTICLE 13

Without prejudice to Article 12(3) to (5):

- a) where BRML-SP establishes that the CE marking has been affixed unduly, the manufacturer or his authorised representative shall be obliged to make the instrument conform as regards the provisions concerning the CE marking and to end the infringement of the provisions of this Decision;
- b) where non-conformity continues, BRML-SP shall take all the necessary measures to restrict or prohibit the placing on the market of the instrument in question or to ensure that it is withdrawn from the market in accordance with the provisions of this Decision.

ARTICLE 16

(1) The following shall be considered civil offences and shall be penalised as follows:

- a) infringement of the provisions in Article 4(1) and Article 6, by fine ranging from RON 5 000 to RON 10 000, withdrawal from the market and/or prohibition of placing on the market or putting into service the non-compliant instruments;
- b) infringement of the provisions in Articles 10 and 11, by fine ranging from RON 2 500 to RON 5 000, withdrawal from the market and/or prohibition of placing on the market the instruments without marking or affixed unduly.

(2) BRML-SP empowered staff shall be in charge of finding civil offences and applying penalties.

(3) The offender may pay on the spot or within at most 48 hours from the date of the civil offence report or, as appropriate, from the date of its notification, half of the minimum fine laid down in paragraph (1), and the official agent shall specify this possibility in the report.

(4) The civil offences laid down in paragraph (1) shall fall under the provisions of Government Order No 2/2001 on the legal status of civil offences, approved as amended and supplemented by Law No 180/2002, as subsequently amended and supplemented.'

MID: Decision No 264/2006 of the Government of Romania establishing the conditions for placing on the market and putting into service measuring instruments, as amended by GD No 962/2007 and GD No 574/2010.

'ARTICLE 7

(1) The conformity of a measuring instrument with all the provisions of this Decision shall be indicated by the presence on it of the "CE" European conformity marking, hereinafter CE marking, and the supplementary metrology marking as specified in Article 17.

(3) The affixing of markings on a measuring instrument that are likely to deceive third parties as to the meaning and/or form of the CE marking and the supplementary metrology marking shall be prohibited. Any other marking may be affixed on a measuring instrument, provided that the visibility and legibility of the CE marking and the supplementary metrology marking is not thereby reduced.

(4) Where the measuring instrument is subject to measures adopted under other technical rules transposing directives, covering other aspects which require the affixing of the CE marking, the marking shall indicate that the instrument in question is also presumed to conform to the requirements of those technical rules. In such cases, the publication reference of the said Directives, in the Official Journal of the European Union, must be given in the documents, notices or instructions required by the applicable technical rules and accompanying the measuring instrument.

ARTICLE 8

(2) Measuring instruments shall be placed on the market and/or put into use only if they satisfy the requirements of this Decision.

(5) The showing of instruments not in conformity with the provisions of this Decision shall be allowed at trade fairs, exhibitions, demonstrations, etc., provided that a visible sign clearly indicates their non-conformity and their non-availability for placing on the market and/or putting into use until brought into conformity.

ARTICLE 17

(1) The CE marking referred to in Article 7 consists of the symbol "CE" according to the design and height laid down in the provisions of Annex 3 to Law No 608/2001 on product conformity assessment, as subsequently amended and supplemented.

(2) The supplementary metrology marking consists of the capital letter "M" and the last two digits of the year of its affixing, surrounded by a rectangle. The height of the rectangle shall be equal to the height of the CE marking. The supplementary metrology marking shall immediately follow the CE marking.

(3) The identification number of the notified body concerned referred to in Article 11, if prescribed by the conformity assessment procedure, shall follow the CE marking and supplementary metrology marking.

(4) When a measuring instrument consists of a set of devices, not being sub-assemblies, operating together, the markings shall be affixed on the instrument's main device.

When a measuring instrument is too small or too sensitive to carry the CE marking and supplementary metrology marking, the markings shall be carried by the packaging, if any, and by the accompanying documents required by this Decision.

(5) The CE marking and supplementary metrology marking shall be indelible. The identification number of the notified body concerned shall be indelible or self-destructive upon removal. All markings shall be clearly visible or easily accessible.

ARTICLE 19

(1) Where all or part of the measuring instruments of a particular model that bear the "CE" marking and the supplementary metrology marking are found not to satisfy the essential requirements relating to metrological performance set out in this Decision, when correctly installed and used in accordance with the manufacturer's instructions, BRML-SP shall take all appropriate measures to withdraw these instruments from the market, prohibit or restrict their further being placed on the market, or prohibit or restrict their further being used.

(2) When deciding on the measures laid down in paragraph (1), BRML-SP shall take account of the systematic or incidental nature of the non-compliance.

(3) Where BRML-SP has established, in the conditions laid down in paragraph (1), that the non-compliance is of a systematic nature, it shall inform the Ministry of Economy and Finances, which shall immediately inform the Commission of the measures taken, indicating the reasons for its decision.

(4) Should the Commission, further to consultation with the parties concerned, inform the Ministry of Economy and Finances that the measures taken are justified, the latter shall order BRML-SP to take appropriate action against any person who affixed the markings and shall inform the Commission and the other Member States thereof.

(5) Should the Commission find that the measures taken are not justified, it shall inform the Ministry of Economy and Finances thereof, as well as the manufacturer concerned or his authorised representative, and the Ministry of Economy and Finances shall order BRML-SP to immediately cancel the withdrawal, prohibition or restriction measures laid down in paragraph (1).

ARTICLE 20

(1) Where BRML-SP establishes that the CE marking and supplementary metrology marking have been affixed unduly, the manufacturer or his authorised representative shall be obliged:

- a) to make the instrument conform as regards those provisions concerning the CE marking and supplementary metrology marking not covered by Article 19(1) and
- b) to end the infringement of the provisions of this Decision under the conditions imposed by BRML-SP.

(2) Should the infringement of the provisions in paragraph (1) persist, BRML-SP shall take all appropriate measures to restrict or prohibit the placing on the market of the instrument in question or to ensure that it is withdrawn from the market or prohibit or restrict its further use in accordance with the procedures laid down in Article 19.

ARTICLE 21

Any decision taken pursuant to this Decision entailing the withdrawal from the market of a measuring instrument, or prohibiting or restricting the placing on the market or putting into use of an instrument, shall state the exact grounds on which it is based. The decision shall be notified forthwith to the party concerned, who shall at the same time be informed of the legal remedies available to him under the legislation in force.

ARTICLE 22

(1) The infringement of the provisions of this Decision shall trigger, pursuant to law, material, civil, disciplinary, administrative or criminal liability, as appropriate.

(2) The following shall be considered civil offences and shall be penalised as follows:

a) infringement of the provisions in Article 7(1), by fine ranging from RON 2 500 to RON 5 000, withdrawal from the market and/or prohibition of placing on the market or putting into use measuring instruments without marking or with marking non-compliant with the provisions in Article 7(1);

b) infringement of the provisions in Article 7(3), by fine ranging from RON 2 500 to RON 5 000, withdrawal from the market and/or prohibition of placing on the market or putting into use measuring instruments incorrectly marked, until removal of non-compliances;

c) infringement of the provisions in Article 7(4), by fine ranging from RON 500 to RON 1 000, as well as redrafting of the documents, notices or instructions in accordance with the provisions in Article 7(4);

d) infringement of the provisions in Article 8(2), by fine ranging from RON 5 000 to RON 10 000, withdrawal from the market and/or prohibition of placing on the market or putting into use non-compliant measuring instruments;

e) infringement of the provisions in Article 8(5) when showing measuring instruments at trade fairs, exhibitions, demonstrations, etc., by fine ranging from RON 500 to RON 1 000, as well as prohibition to show these measuring instruments until compliance with the conditions laid down in Article 8(5);

f) infringement of the provisions in Article 17(1), by fine ranging from RON 500 to RON 1 000, as well as withdrawal from the market and/or prohibition of placing on the market or putting into use measuring instruments with non-compliant CE conformity markings, until settlement of the non-compliances;

g) infringement of the provisions in Article 17(2), by fine ranging from RON 500 to RON 1 000, as well as withdrawal from the market and/or prohibition of placing on the market or putting into use measuring instruments with non-compliant supplementary metrology marking, until settlement of the non-compliances;

h) infringement of the provisions in Article 17(3), by fine ranging from RON 500 to RON 1 000, as well as withdrawal from the market and/or prohibition of placing on the market or putting into use measuring instruments that do not contain the notified body's identification number, until settlement of the non-compliances;

i) infringement of the provisions in Article 17(4), by fine ranging from RON 500 to RON 1 000, as well as withdrawal from the market and/or prohibition of placing on the market or putting into use non-compliant measuring instruments, until settlement of the non-compliances;

j) infringement of the provisions in Article 17(5), by fine ranging from RON 1 000 to RON 2 000, as well as withdrawal from the market and/or prohibition of placing on the market or putting into use non-compliant measuring instruments, until settlement of the non-compliances.

(3) BRML-SP empowered staff shall be in charge of finding civil offences and applying penalties.

(4) The offender may pay, on the spot or within at most 48 hours from the date of the civil offence report or, as appropriate, from the date of its notification, half of the minimum fine laid down at paragraph (2), and the official agent shall specify this possibility in the report.

ARTICLE 23

The provisions laid down in Article 22 concerning civil offences shall be supplemented by the provisions of Government Order No 2/2001 on the legal status of civil offences, approved as amended and supplemented by Law No 180/2002, as subsequently amended and supplemented.'

2. Please indicate the authorities responsible for investigating infringements of the national provisions adopted pursuant to the MID and NAWI and the authority responsible for imposing penalties, and describe in detail the procedure that needs to be followed.

Answer: The Unit for Market Inspection and Surveillance (SISP) within the Romanian Legal Metrology Office, hereinafter BRML-SP, is responsible for finding infringements and applying penalties.

Pursuant to Articles 14 and 15 of GD No 306/2011 on certain market surveillance measures for products that are regulated by the European Union legislation harmonising the marketing conditions for these products, where BRML-SP establishes that a certain product is not in line with the provisions of the legislative acts implementing the harmonising European Union legislation applying thereto, it shall take the necessary measures and shall act with a view to achieving compliance. The corrective measures shall be in line with the level of non-compliance and shall be established on a case-by-case basis in accordance with the applicable legal provisions and with the principle of proportionality, as follows:

a) BRML-SP shall ask the economic operator to make the product compliant, in accordance with its obligations;

b) where the initial measures have not led to the expected results or the results obtained are considered insufficient, BRML-SP shall take measures to restrict or prohibit the product concerned from being made available on the market and/or being put into use and/or to ensure its withdrawal and/or its recall. The non-compliant products shall be withdrawn and/or recalled by the producer, its authorised representative or the importer.

The market surveillance actions to be conducted by BRML-SP shall consist in examining and deciding, on a case-by-case basis, whether the infringements found are minor or serious.

Before taking any decision related to the measures to restrict or prohibit the non-compliant product from being made available on the market and/or being put into use and/or to ensure its withdrawal and/or its recall, with regard to the infringements found, BRML-SP shall notify the economic operator, who shall thus have the

possibility to be consulted. Where the issue at stake is a matter of emergency, due to a serious and imminent danger, BRML-SP shall take the necessary measures without consulting the economic operator.

Where the economic operator fails to react within the time limit established by BRML-SP, which cannot be less than 10 days, the latter may take the decision it considers necessary.

BRML-SP shall justify any decision on the restriction or prohibition on making available on the market and/or putting into use, on withdrawal and/or recall of products, and the economic operator shall be notified in writing thereof. This notification shall also contain the information on the right of the person concerned to appeal the decision, as well as the time limit for lodging the appeal in accordance with the provisions of the legislation in force.

B) Types of infringements

3. Does the legislation in your Member State make a distinction between the different 'types' of infringements - formal non-compliance v. non-compliance with essential requirements?

Answer: Pursuant to Articles 16 and 17 of GD No 306/2011, the following non-compliances are classified as 'formal': using and affixing the CE marking incorrectly with regard to the shape, size, visibility, legibility, failing to submit the declaration of conformity or failing to accompany the product by this document, missing or incomplete information accompanying the product as provided for by the applicable harmonised technical rules, failing to write down the identification number of the notified body next to the CE marking, while the non-compliances of the products with essential requirements providing a high level of protection of public interests are classified as 'serious'.

4. In practice what penalties are imposed in your Member State in the following situations:

a. Formal non-compliance:

i. The CE or supplementary metrology marking has been affixed in violation of articles 11 NAWI or 17 MID;

Answer: NAWI: Article 13 and Article 16(b) specified under point 1;

MID: Article 20 and Article 22(f), (g), (h), (i) and (j) specified under point 1;

ii. the EC declaration of conformity has not been drawn up correctly:

Answer: NAWI: Article 16(a) specified under point 1;

MID: Article 22(c) specified under point 1;

iii. the EC declaration of conformity has not been drawn up:

Answer: NAWI: Article 16(a) specified under point 1;

MID: Article 22(d) specified under point 1;

iv. the CE or supplementary metrology marking has not been affixed:

Answer: NAWI: Article 16(a) specified under point 1;

MID: Article 22(d) specified under point 1;

v. the technical documentation is either not available or not complete:

Answer: no specific penalties have been provided for;

b. Failure to meet one or more essential requirements set out in the MID or NAWI:

Answer: NAWI: Article 16(a) specified under point 1;

MID: Article 19(1), Article 22(d) specified under point 1;

c. Failure to comply with the applicable conformity assessment procedures:

Answer: NAWI: Article 16(a) specified under point 1;

MID: Article 22(d) specified under point 1.

5. What is the most common type of MID- and NAWI-related infringement in your Member State?

Answer: Formal non-compliances.

6. Do you follow with infringement proceedings towards the imposition of a penalty against the economic operator any instances of non-compliance with the national provisions adopted pursuant to the MID and NAWI? On what do your authorities base the decision to pursue?

Answer: Infringement proceedings are launched only if the economic operator has refused to take the measures established by the surveillance authority with a view to removing the non-compliances, and which are set forth in the applicable legislation.

7. How many cases of infringement (by total numbers and as a percentage on a yearly basis) are actually pursued all the way to imposition of a penalty?

Answer: None

8. Where the infringement relates to several products or where by the same conduct several and different infringements are committed, how are these treated: as separate offences or as one offence?

Answer: Articles 10 and 20 of GO No 2/2001 provide for the following:

'ARTICLE 10

(1) Where the same person has committed several civil offences, each such civil offence shall be penalised.

(2) Where the civil offences have been reported in the same civil offence report, penalties shall be cumulated but cannot exceed the double of the maximum fine set forth for the most serious offence or, as appropriate, the general maximum penalty set forth in this order for the provision of a general interest activity.

(3) Where a civil offence was committed by several persons, the penalty shall be applied to each person separately.'

'ARTICLE 20

(1) Where one person has committed several civil offences that have been found at the same time by the same inspector, one single report shall be drawn up.'

C) Types of penalties

9. What is the nature of the penalties that are in force in your country?

a) Only administrative penalties;

b) Only criminal penalties;

c) Both criminal and administrative penalties.

Answer: In Romania, the technical rules implementing the NAWI and MID only provide for administrative penalties.

10. For which infringements do you apply criminal and for which administrative penalties?

Answer: See answer at point 9 in connection with the answer at point 4.

11. Please explain under which circumstances an infringement may be regarded as a criminal offence. Is there a minimum threshold or delimitation criteria setting out when an infringement is handled under administrative or criminal proceedings?

Answer: National legislation only provides for administrative penalties in case of infringements of the legislation transposing the MID and NAWI.

12. What type of penalties or sanctions can be imposed?

- a. Economic sanctions
- b. Imprisonment
- c. Seizure or destruction of the product
- d. Publication of the fines imposed or of the judgement
- e. Temporary or permanent disqualification from the practice of industrial or commercial activities, including stopping production
- f. Others (please provide details)

Answer: The surveillance authority may apply the penalties mentioned at point c) above, namely the seizure or destruction of the product, in accordance with Article 29(4) of Regulation 765/2008, and those mentioned at point e), namely the temporary or permanent disqualification from the practice of commercial activities with own products that fall under the two Directives.

13. What is the highest level of economic penalty foreseen, and in which cases would it apply?

Answer: The penalties mentioned at point 4(b) and (c).

14. Is there a minimum threshold under which, or certain cases where, the infringement is deemed to have no relevance and is not punishable?

Answer: The applicable legislation in force provides for no such threshold or exemption cases.

15. Does your legislation foresee any limitations in time when imposing penalties for infringements of the national provisions adopted pursuant to the MID and NAWI? If so, what are they and in which cases would they apply?

Answer: OG nr.2/2001: GO No 2/2001: Pursuant to Article 13(1) and (2) of Romanian Government Order No 2/2001 on the legal status of civil offences, as subsequently amended and supplemented, as legislative act referred to in Articles 16(4) and 23 mentioned above, the time limitation on applying an administrative penalty is 6 months since the deed was committed, except for continuous offences, where the 6 month-time limitation runs from the moment when the deed was reported. Moreover, pursuant to Article 31, the complaint against the civil offence and penalty report, which was lodged within at most 15 days from the handing in or the notification of the report to the competent court in the area where the civil offence was committed, shall suspend the enforcement.

Pursuant to Article 25, the body inflicting the penalty shall notify the offender of the civil offence report within one month at the most since the penalty was inflicted. Failure to notify within this time limit shall trigger time limitation on the administrative penalties.

D) Administrative sanctions

16. If your legislation foresees a system of administrative sanctions for infringements of the national provisions adopted pursuant to the MID and NAWI, can these sanctions be imposed on any kind of offences (ranging from minor to very serious) or only to certain types of offences (e.g. minor offences)?

Answer: Article 8 of GO No 2/2001 sets out that contraventional fines have an administrative nature. The legislative acts that implement the two Directives in the national legislation provide for contraventional fines accompanied, where appropriate, by additional sanctions, depending on how serious the offence is, and, consequently, on

the infringed article. The amount of the sanctions shall be established in rules complying with the principle of proportionality.

17. Which are the rules of procedure to guarantee the person's constitutional rights and to ensure consistency, transparency and fairness in the decision-making process leading to the imposition of administrative sanctions?

Answer: GO No 2/2001 on the legal status of civil offences, as subsequently amended and supplemented.

18. Is the decision to initiate administrative proceedings left to the full discretion of the executive authority or is it subject to the approval of a third party, for example the public prosecutor?

Answer: The decision to initiate administrative proceedings is left to the full discretion of the executive authority, i.e. BRML-SP, in accordance with the provisions of Article 16(2) of GD No 617/2003 and of Article 22(3) of GD No 264/2006, in connection with the provisions of Article 15(1) of GO No 2/2001.

19. Any person who is aggrieved by a decision taken by an administrative authority should be able to contest the decision before a court of competent jurisdiction or appeal it to a higher administrative authority. Where an internal administrative appeal procedure has been provided for under your national law:

- a. To which authority should the appeal be lodged?
- b. What is the timeframe within which action can be taken?
- c. What is the kind of measure that the authority to which the appeal is lodged may take?
- d. Is this decision final or can it be further appealed?

Answer: Pursuant to the provisions of Article 32 of GO No 2/2001:

- a. The competent court in the area where the offence was committed;
- b. 15 days from notification of the civil offence report;
- c. Accepting the claim and cancelling the civil offence report, partly accepting the claim and reducing the fine, partly accepting the claim and replacing the fine by warning, rejecting the claim and maintaining the civil offence report;
- d. The decision may be appealed in court within 15 days from its notification.

E) Aggravating and mitigating factors

20. How is the particular penalty to be imposed for a given infringement determined?

Answer: Article 21(3) of GO No 2/2001 sets forth that the penalty shall be applied within the limits laid down in the legislative act and shall be proportionate with the level of social danger of the deed concerned, taking into account the circumstances of the offence, the manner and means used to commit it, the purpose sought, the consequences occurred, and the personal circumstances of the offender and the other data in the offence report.

Article 3(1) of GO No 2/2001 sets forth that the legislative acts establishing fines shall contain the description of the deeds considered to be civil offences as well as the penalty to be applied to each of them; in case of penalties by fine, the minimum and maximum limit of the fine or, as appropriate, percentage rates of certain values shall be established; fees for establishing the claim for damage caused by committing the civil offences may also be established.

Article 16(1) of GD No 2/2001 sets forth the following:

'ARTICLE 16

- (1) The civil offence report shall contain: the date and place of drafting; the name,

surname, position and institution where the official agent works; identification data of the offender, including unique identification number, profession and place of work; description of the civil offence by indicating the date, time and place where it was committed, as well as all the circumstances that may help to establish the seriousness of the deed and to assess the damage that might have been caused; specification of the legislative act establishing and penalising the civil offence; specification of the insurance company, where the deed resulted in a car accident; the possibility to pay half of the minimum fine provided for in the legislative act within 48 hours, where this possibility is provided for; the time limit for lodging an appeal and the body where a complaint may be lodged.'

21. Are aggravating or mitigating circumstances taken into account when setting the penalty? If so, which ones?

Answer: The applicable specific legislation contains no explicit provisions with regard to aggravating circumstances.

22. Does recidivism affect the level of the penalty?

Answer: The applicable specific legislation specified under point 1, or GO 272001 contain no explicit provisions with regard to recidivism.

23. Does the penalty vary according to whether the infringement was intentional or not? In particular, is account taken of whether the infringement has been committed in good faith, with negligence or with fraudulent intent when the penalty is imposed?

Answer: No legislative provisions exist in this respect.

F) Procedural issues

24. How is the liable person identified? How does your national legislation provide for responsibility of legal persons, in particular in case of criminal sanctions?

Answer: The legislative acts specified under point 1, which implement the two Directives, set forth the categories of persons with responsibilities upon placing on the market and/or putting into use the measuring instruments that are object of these Directives, namely the producers and/or their authorised representatives, as well as their obligations. With regard to the measuring instruments that are object of Annexes MI 001, MI 002, MI 003 and MI 004 to GD No 264/2006, limited responsibility upon putting into use shall be borne by the distributor or the person who was duly designated to install the measuring instrument. The essential requirements that the measuring instruments falling under these technical rules have to meet contain clear provisions with regard to the inscriptions to be affixed on the measuring instruments, identifying the product and the producer, as well as to the specific documents that the persons responsible with the placing on the market and/or the putting into use have to issue or to obtain on their own behalf. On the basis of those inscriptions and specific documents, as well as on the basis of the provisions in Article 19(1), the second sentence, of Regulation No 765/2008, BRML-SP shall establish the traceability of the product, by identifying the responsible persons. The national legislation provides for no criminal sanctions for infringements of the provisions in the technical rules transposing the MID and the NAWI.

25. Are there procedures for settlement of infringements of the national provisions adopted pursuant to the MID and NAWI in your Member State?

Answer: Articles 14 and 15 of GD No 306/2011. The procedure related to these articles is detailed in the answer to question no 2.

26. If so, what is the scope for settlement procedures and to which infringements do they apply?

Answer: The procedure above only applies in case of formal non-compliances. In case of non-compliance with the essential requirements, the administrative penalties laid down in the specific technical rules shall apply.

27. Are there preliminary procedures (i.e. warning letters) which are followed prior to the initiation of the formal procedure for setting a penalty for the infringement?

Answer: Yes, in accordance with the answer under point 2.

28. Do the responsible authorities enjoy discretion in issuing a penalty for an infringement?

Answer: Yes

G) Cross-border issues

29. How do you enforce penalties imposed on economic operators based in another MS for infringements committed in your Member State?

Answer: The national legislation only provides for administrative sanctions for infringements of the legislation transposing the MID and the NAWI committed by economic operators based in Romania. Where a product belonging to a producer based in another EU Member State (which has no authorised representative in Romania) is found to be non-compliant, BRML-SP notifies this operator and the market surveillance authorities in the origin Member State, pursuant to Article 24(2) of Regulation No 765/2008, of the obligation to withdraw/recall the non-compliant product from the market.

30. Do you have problems in enforcing penalties imposed on economic operators based in another Member States for infringements committed in your Member State? If yes, please describe in as much detail as possible the type of problems and methods/instruments that you use to overcome them.

Answer: No problems have been encountered so far, and we had a good cooperation with the surveillance authorities in the Member States of origin of the economic operators. As additional information and cooperation means, we can mention accessing and informing the other surveillance authorities of the Member States via the ICSMS platform, and, in serious cases, using the RAPEX information system, as well as presenting and analysing such cases during the private section of the WELMEC meetings WG5 'Metrological Supervision', a working group gathering representatives of the market surveillance authorities for the NAWI and MID from all the Member States.

31. Have you been asked by another Member State to enforce penalties on economic operators based in your Member State for infringements committed and prosecuted in another Member State?

Answer: No

32. Is there an instrument in your Member State that would allow you to enforce penalties on economic operators based in your Member State for infringements committed and prosecuted in another Member State? If yes, please describe its functioning.

Answer: No

33. Do you pursue infringements committed by online retailers located outside the EU? If so, how and in which cases?

Answer: No.

Review and assessment of the operation of the market surveillance activities pursuant to Article 18(6) of Regulation (EC) No 765/2008 for Directives 2004/108/EC and 1995/5/EC

2010-2013

Market surveillance authority - ANCOM

Internet address where the Market Surveillance Sectoral Programme can be found:

<http://www.ancom.org.ro/programul-sectorial-de-supraveghere-a-pietei-4093>

Market surveillance activities in specific sectors

Sector 18– Equipment pursuant to the Directive relating to electromagnetic compatibility

[The market surveillance authorities should provide data for all relevant sectors where they carried out market surveillance in the period 2010-2013. A list of the reference sectors is attached to this model. Moreover, national authorities are certainly free to provide data that are more detailed than suggested in this list of sectors (for example, breaking down of the data referring to the inspections of pressure equipment by the complexity of the equipment treated), where appropriate, taking into account the characteristics of a specific sector]

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

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	-	-	-
2.	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3.	Number of inspections ¹ (total number)	573	287	459	244
3.1	Number of reactive inspections ²	2	-	-	1
3.2	Number of own initiative inspections ³	571	277	429	231

¹ Inspections are regular or ad-hoc visits, checks (including checks via the internet) or other contact means (e-mail, telephone), carried out by an inspector, for enforcement purposes (except for simple exchange of data) intended to verify product safety and conformity. Where several products/models/rules are checked under the same action, this should be considered as one inspection. In order to be considered as inspection, an action should be ended by drawing up an official report.

² Inspections resulting from specific complaints (made by consumers/users, notified bodies, competitor undertakings, trade unions, etc.), accidents or incidents, information from the authorities of other Member States (for example, via RAPEX notifications), etc.

3.3	Number of inspections launched by the customs authorities ⁴	-	10	30	12
4	Number of inspections based on:				
4.1	Laboratory tests	4	5	-	7
4.2	Physical checks of the products ⁵	569	282	459	237
5	Number of inspections leading to:				
5.1	Non-compliance findings ⁶	45	41	31	55
5.2	Corrective actions undertaken by the economic operators ('voluntary measures') ⁷	44	36	28	52
5.3	Restrictive measures ⁸ taken by the market surveillance authorities	1	5	3	3
5.4	Infliction of sanctions/penalties	10	8	3	3
6	Number of inspections where the Member States were invited to cooperate	1	1	2	1

Information on the resources (as available)

		2010	2011	2012	2013
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³ This item refers to 'proactive' inspections that are explicitly planned to target a certain category of products/an economic operator that may be considered non-compliant based on the knowledge acquired and on the priorities established by the authorities.

⁴ These are inspections launched either further to suspension of the release of products for free circulation by customs authorities or directly by the market surveillance authorities where they are responsible for the control of products at the border, pursuant to Articles 27 to 29 of Regulation No 765/2008.

⁵ They refer to visual examination of the product with a view to check the existence of markings, warnings and information and to determine obvious technical faults of the products pursuant to the requirements laid down in the applicable EU legislation.

⁶ They refer to any non-compliance (formal or substantial, minor, or serious) of a product with the law.

⁷ Voluntary measures are defined as corrective measures undertaken by producers, importers or distributors, either to make the product compliant, or to limit its availability on the market (for example, stopping sales, informing the consumers/users, withdrawals from the market, recall from consumers/users) at the own initiative of the undertaking, potentially through consultation with the authorities, but without the latter imposing measures.

⁸ Mandatory measures consisting in forbidding or restricting the availability of the product on the national market, in withdrawing or recalling it. These measures are taken when the economic operators have failed to satisfy to a previous request of the market surveillance authorities to take corrective measures or when the authorities have to respond as a matter of emergency.

7.1	Budget available for the market surveillance authorities in nominal terms ⁹ (EUR)	75 000	76 000	67 000	75 000
7.2	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)				
8	Personnel available for the market surveillance authorities (in full-time equivalent)	5	5	5	5
9	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	4	4	4	4

Sector 19 - Radio equipment and telecommunications terminal equipment (R&TTE)

19.A. Review of the market surveillance activities in this sector

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	-	-	-
2.	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3.	Number of inspections ¹⁰ (total number)	939	764	649	708
3.1	Number of reactive inspections ¹¹	15	-	-	2

⁹ The budget should cover all the financial resources allocated by the public authorities for market surveillance and enforcement activities, and for projects and measures intended to ensure compliance of the economic operators with the legislation concerning the products. These measures vary from communication activities (information and education of the consumers/undertakings) to simple enforcement and market surveillance activities. They include the remuneration of the staff, the direct costs of the inspections, the laboratory tests, the training and the cost of office equipment. Enforcement activities at regional/local level should also be reported. Other activities carried out by these authorities and which are not related to the enforcement of the legislation concerning the products should be excluded from the calculations.

¹⁰ Inspections are regular or ad-hoc visits, checks (including checks via the internet) or other contact means (e-mail, telephone), carried out by an inspector, for enforcement purposes (except for simple exchange of data) intended to verify product safety and conformity. Where several products/models/rules are checked under the same action, this should be considered as one inspection. In order to be considered as inspection, an action should be ended by drawing up an official report.

3.2	Number of own initiative inspections ¹²	924	755	619	694
3.3	Number of inspections launched by the customs authorities ¹³	-	9	30	12
4	Number of inspections based on:				
4.1	Laboratory tests	-	1	1	2
4.2	Physical checks of the products ¹⁴	939	763	648	706
5	Number of inspections leading to:				
5.1	Non-compliance findings ¹⁵	222	256	80	141
5.2	Corrective actions undertaken by the economic operators ('voluntary measures') ¹⁶	218	256	79	138
5.3	Restrictive measures ¹⁷ taken by the market surveillance authorities	4	-	1	3
5.4	Infliction of sanctions/penalties	54	29	2	7
6	Number of inspections where the Member States	1	-	1	1

¹¹ Inspections resulting from specific complaints (made by consumers/users, notified bodies, competitor undertakings, trade unions, etc.), accidents or incidents, information from the authorities of other Member States (for example, via RAPEX notifications), etc.

¹² This item refers to 'proactive' inspections that are explicitly planned to target a certain category of products/an economic operator that may be considered non-compliant based on the knowledge acquired and on the priorities established by the authorities.

¹³ These are inspections launched either further to suspension of the release of products for free circulation by customs authorities or directly by the market surveillance authorities where they are responsible for the control of products at the border, pursuant to Articles 27 to 29 of Regulation No 765/2008.

¹⁴ They refer to visual examination of the product with a view to check the existence of markings, warnings and information and to determine obvious technical faults of the products pursuant to the requirements laid down in the applicable EU legislation.

¹⁵ They refer to any non-compliance (formal or substantial, minor, or serious) of a product with the law.

¹⁶ Voluntary measures are defined as corrective measures undertaken by producers, importers or distributors, either to make the product compliant, or to limit its availability on the market (for example, stopping sales, informing the consumers/users, withdrawals from the market, recall from consumers/users) at the own initiative of the undertaking, potentially through consultation with the authorities, but without the latter imposing measures.

¹⁷ Mandatory measures consisting in forbidding or restricting the availability of the product on the national market, in withdrawing or recalling it. These measures are taken when the economic operators have failed to satisfy to a previous request of the market surveillance authorities to take corrective measures or when the authorities have to respond as a matter of emergency.

	were invited to cooperate				
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Information on the resources (as available)

		2010	2011	2012	2013
7.1	Budget available for the market surveillance authorities in nominal terms ¹⁸ (EUR)	75 000	76 000	67 000	75 000
7.2	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)				
8	Personnel available for the market surveillance authorities (in full-time equivalent)	5	5	5	5
9	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	4	4	4	4

¹⁸ The budget should cover all the financial resources allocated by the public authorities for market surveillance and enforcement activities, and for projects and measures intended to ensure compliance of the economic operators with the legislation concerning the products. These measures vary from communication activities (information and education of the consumers/undertakings) to simple enforcement and market surveillance activities. They include the remuneration of the staff, the direct costs of the inspections, the laboratory tests, the training and the cost of office equipment. Enforcement activities at regional/local level should also be reported. Other activities carried out by these authorities and which are not related to the enforcement of the legislation concerning the products should be excluded from the calculations.

Review and assessment of the operation of the market surveillance activities pursuant to Article 18(6) of Regulation (EC) No 765/2008 for Directives 2011/65/EC, 2002/96/EC, 2006/66/EC, 2004/42/EC and for Regulations 648/2004 and 850/2004

The Ministry of Environment and Climate Change is responsible for the market surveillance activity related to the Community legislation mentioned in the title.

Electrical and electronic equipment pursuant to RoHS, WEEE and batteries Sector 21

Relevant legislation:

Directive 2011/65/EC (RoHS 2)

Directive 2014/4/EU amending, for the purposes of adapting to technical progress, the Annex IV to Directive 2011/65/EU

Directive 2002/96/EC

Directive 2006/66/EC

Directive 2013/56/EU amending Directive 2006/66/EC

GD No 322/2013 (OG No 348 of 13 June 2013) on the restriction of the use of certain hazardous substances in electrical and electronic equipment

GD No 1037/2010 (OG No 728 of 2 November 2010) on the waste electrical and electronic equipment

GD No 1132/2008 (OG No 667 of 25 September 2008) on batteries and accumulators and waste batteries and accumulators arrangements, as amended by GD 1079/2011 (OG No 780 of 3 November 2011)

1.A. Review of the market surveillance activities in these sectors

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	0	0	0	0
2	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3	Total number of inspections	337	906	215	437
3.1.	Number of reactive inspections	0	0	0	0
3.2.	Number of own initiative inspections	234	771	212	348
3.3.	Number of inspections launched by the customs authorities	0	4	16	0
4	Number of inspections based on:				
4.1.	Laboratory tests	28	32	17	0
4.2.	Physical checks of the products	109	247	26	196
5	Number of inspections leading to:				
5.1.	Non-compliance findings	47	160	31	79
5.2.	Corrective actions undertaken by the economic operators ('voluntary measures')	2	1	3	4
5.3.	Restrictive measures taken by the market surveillance authorities	0	0	0	0
5.4.	Infliction of sanctions/penalties	15	35	5	10

6	Number of inspections where the Member States were invited to cooperate	0	0	0	0
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Information on the resources (as available)

		2010	2011	2012	2013
7.1.	Budget available for the market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2.	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)	n.a.	n.a.	n.a.	n.a.
8	Personnel available for the market surveillance authorities (in full-time equivalent)				
9*	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	6.13	16.47	3.90	7.94

1.B. Assessment of the market surveillance activities in the sector: Electrical and electronic equipment pursuant to RoHS, WEEE and batteries

The inspections mainly referred to checking documents concerning these product categories and were not based on sampling and laboratory tests as no funds were allocated for these activities.

Chemical substances (paints, persistent organic pollutants) Sector 22

Relevant legislation:

Directive 2004/42/EC

Commission Decision 205/2007

Regulation (EC) 850/2004

Regulation (EC) 1195/2006

Regulation (EC) 172/2007

Regulation (EC) 323/2007

Commission Decision 639/2007

GD No 735/2006 (OG No 521 of 16 June 2006) on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products, as amended and supplemented by GD No 1197/2011 (OG No 876 of 8 December 2011) and supplemented by Law No 278/2013 (OG No 671 of 1 November 2013) and by GD No 372/2010 (OG No 278 of 28 April 2010)

GD No 561/2008 (OG No 417 of 3 June 2008) setting up measures for implementing Regulation (EC) No 850/2004 on persistent organic pollutants and amending Directive 79/117/EEC.

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

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	0	1	0	0
2	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3	Total number of inspections	660	398	242	186
3.1.	Number of reactive inspections	0	0		0

3.2.	Number of own initiative inspections	535	360	228	194
3.3.	Number of inspections launched by the customs authorities	0	0	0	0
4	Number of inspections based on:				
4.1.	Laboratory tests	0	0	0	0
4.2.	Physical checks of the products	610	73	4	3
5	Number of inspections leading to:				
5.1.	Non-compliance findings	103	9	21	26
5.2.	Corrective actions undertaken by the economic operators (voluntary measures)	0	0	0	0
5.3.	Restrictive measures taken by the market surveillance authorities	0	0	0	0
5.4.	Infliction of sanctions/penalties	9	12	3	2
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

Information on the resources (as available)

		2010	2011	2012	2013
7.1.	Budget available for the market surveillance authorities in nominal terms (EUR)	n.a.	n.a.	n.a.	n.a.
7.2.	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)	n.a.	n.a.	n.a.	n.a.
8	Personnel available for the market surveillance authorities (in full-time equivalent)				
9*	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	12	7.23	4.4	3.38

1.B. Assessment of the market surveillance activities in the sector Chemical substances (paints, persistent organic pollutants)

The control activities only covered the varnishes and paints and persistent organic pollutants (POPs) sector. Concerning detergents, the National Environment Guard (GNM) has control tasks only under REACH and CLP regulations.

***Note:**

- at item 9, the figures inserted in the tables were obtained through a calculation starting from the total number of hours spent for inspections on that group of products, in relation with the total number of inspection hours allocated in that year for the whole inspection activity.

Review and assessment of the operation of the market surveillance activities pursuant to Article 18(6) of Regulation (EC) No 765/2008 for Directives 2009/48/EC, 2006/95/EC, 2001/95/EC, 2009/125/EC and Regulation 1007/2011/EC

The National Authority for Consumer Protection - ANPC is the market surveillance authority for the EU legislation mentioned in the title.

Overview of the general market surveillance activities carried out by ANPC

A. Review of the general market surveillance activities

ANPC is the specialised body of the central public administration that coordinates and develops the strategy and policy of the Government in the area of consumer protection, having tasks, competences and responsibilities in the control of non-food products, together with the other competent authorities.

Pursuant to the provisions of GD 700/2012 on the organisation and operation of ANPC, 8 Regional Offices for Consumer Protection are subordinated to the central body and include 41 County Offices for Consumer Protection and the Office for Consumer Protection of Bucharest, where specialists in the area of non-food products work.

The Directorate for Market Control and Surveillance of ANPC ensures coordination of the control activity in its field through its specialised personnel, according to its tasks, as well as a link with the competent authorities having responsibilities in this field, and in implementing the Cooperation Protocol concluded with the National Customs Authority.

The exchange of information from central level to regional/county level and the reporting from regional/county level to central level are carried out by correspondence via fax or e-mail.

The Regional/County Offices for Consumer Protection permanently communicate and work together in order to mitigate infringements of the legislation in the area of consumer protection.

The control/inspection activity is planned taking into account the following:

- a) the national thematic control programmes, drawn up on a quarterly basis, which are mainly based on:
 - the controls laid down in the Sectoral Programme for Market Surveillance (the programme for 2014 is available on ANPC website, at the following link: http://www.anpc.gov.ro/index.php?option=com_content&view=category&layout=blog&id=6&Itemid=29) in the following product fields/sectors: toys; low voltage electrical apparatus and equipment; ecodesign and energy labelling; other consumer goods, pursuant to DSGP; textile products;
 - controls carried out as a result of consumer complaints;
 - controls carried out before holidays, targeting certain categories of products (for example, toys);
- b) controls carried out at regional level based on own control programmes.

In order to ensure uniform implementation of the legal framework, control procedures are used in the control activity.

Information on the total resources available for market surveillance activities (as available)

	ANPC	2010	2011	2012	2013
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1.1	Budget available for the market surveillance authorities in nominal terms (EUR)	3 000.84	2 679.82	3 473.93	3 398.67
		4.2848 exchange rate for lei as of 31 December 2010	4.3197 exchange rate for lei as of 31 December 2011	4.4287 exchange rate for lei as of 31 December 2012	4.4847 exchange rate for lei as of 31 December 2013
1.2	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)				
		n.a	n.a	n.a	n.a
2	Personnel available for the market surveillance authorities (in full-time equivalent)	529	529	530	483
3	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	352	352	368	333

B. Assessment of the operation of the market surveillance activities

ANPC carries out a complex activity in the non-food, food and services areas and the budget for market surveillance presented is related to the fields listed.

In the period 2010 – 2013, in a context of fluctuation of the number of personnel having market surveillance tasks in the areas that are object of this questionnaire (for example, the rate of inspectors in 2013 decreased by 5% as compared to 2010 and by 9% as compared to 2012), and depending on the non-compliances found during the controls carried out in the previous period, ANPC planned its market surveillance activity accordingly.

ANPC market surveillance activity is affected by the lack of certified laboratories in certain fields (for example, toy safety).

Market surveillance activities in specific sectors

Sector 3 Toys

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	0	0	0	0
2.	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3.	Number of inspections (total number)	1 207	1 352	1 592	1 832
3.1	Number of reactive inspections	0	1	5	8
3.2	Number of own initiative inspections	1 205	1 349	1 583	1 821
3.3	Number of inspections launched by the customs authorities	2	2	4	3
4	Number of inspections based on:				
4.1	Laboratory tests	0	0	13	0
4.2	Physical checks of the products	1 205	1 349	1 583	1 821
5	Number of inspections leading to:				
5.1	Non-compliance findings	954	1 092	1 256	1 545
5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities: TP – number measures of temporary prohibition of marketing DP – number measures of definitive prohibition of marketing	632 TP 38 DP	730 TP 87 DP	794 TP 97 DP	863 TP 35 DP
5.4	Infliction of sanctions/penalties: S – number of sanctions inflicted, of which: W – number of warnings F – number of fines A – amount of fines	1 058 S 447 W 611 F/ 1 665.8 thousand lei	1 286 S 549 W 737 F/ 2 149 thousand lei	1 433 S 730 W 703 F/ 1 635 thousand lei	1 647 S 716 W 9 311 F/ 2 603 thousand lei
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

Electrical apparatus and equipment pursuant to the Directive on low voltage - Sector 20

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	0	0	0	0
2.	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3.	Number of inspections (total number)	483	663	418	232
3.1	Number of reactive inspections	0	0	0	0
3.2	Number of own initiative inspections	481	662	416	231
3.3	Number of inspections launched by the customs authorities	2	1	2	1
4	Number of inspections based on:				
4.1	laboratory tests	0	0	0	0
4.2	physical checks of the products	481	662	416	231
5	Number of inspections leading to:				
5.1	Non-compliance findings	274	486	226	116
5.2	corrective actions undertaken by the economic operators ('voluntary measures')	0	0	0	0
5.3	restrictive measures taken by the market surveillance authorities: TP – number measures of temporary prohibition of marketing DP – number measures of definitive prohibition of marketing	192 TP 16 DP	TP DP	TP DP	TP DP
5.4	infliction of sanctions/penalties: S – number of sanctions inflicted, of which: W – number of warnings F – number of fines A – amount of fines	297 S 138 W 159 F/ 552.3 thousand lei	506 S 209 W 297 F/ 942.9 thousand lei	265 S 148 W 117 F/ 313.7 thousand lei	123 S 72 W 51 F/ 470.8 thousand lei
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

Sector 23¹ – Ecodesign and energy labelling

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	0	0	0	0
2.	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3.	Number of inspections (total number)	0	0	272	274
3.1	Number of reactive inspections	0	0	0	0
3.2	Number of own initiative inspections	0	0	272	274
3.3	Number of inspections launched by the customs authorities	0	0	0	0
4	Number of inspections based on:				
4.1	Laboratory tests	0	0	0	0
4.2	Physical checks of the products	0	0	272	274
5	Number of inspections leading to:				
5.1	non-compliance findings	0	0	177	129
5.2	corrective actions undertaken by the economic operators ('voluntary measures')	0	0	0	0
5.3	restrictive measures taken by the market surveillance authorities: TP – number measures of temporary prohibition of marketing DP – number measures of definitive prohibition of marketing	0	0	149 TP 0 DP	109 TP 0 DP
5.4	infliction of sanctions/penalties: S – number of sanctions inflicted, of which: W – number of warnings F – number of fines A – amount of fines	0 S 0 W 0 F/ 0 thousand lei	0 S 0 W 0 F/ 0 thousand lei	228 S 150 W 78 F/ 334 thousand lei	182 S 123 W 59 F/ 206.1 thousand lei
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

¹ The information only refers to the field covered by Directive 2009/125/EC.

Other consumer products pursuant to DSGP - Sector 30

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	0	0	0	0
2.	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3.	Number of inspections (total number)	1	0	2	23
3.1	Number of reactive inspections	0	0	2	0
3.2	Number of own initiative inspections	0	0	0	23
3.3	Number of inspections launched by the customs authorities	1	0	0	0
4	Number of inspections based on:				
4.1	laboratory tests	0	0	0	0
4.2	physical checks of the products	0	0	2	23
5	Number of inspections leading to:				
5.1	non-compliance findings	0	0	0	23
5.2	corrective actions undertaken by the economic operators ('voluntary measures')	0	0	0	0
5.3	restrictive measures taken by the market surveillance authorities: TP – number measures of temporary prohibition of marketing DP – number measures of definitive prohibition of marketing	0 TP 0 DP	0 TP 0 DP	0 TP 0 DP	23 TP 0 DP
5.4	infliction of sanctions/penalties: S – number of sanctions inflicted, of which: W – number of warnings F – number of fines A – amount of fines	0 S 0 W 0 F/ 0 thousand lei	0 S 0 W 0 F/ 0 thousand lei	0 S 0 W 0 F/ 0 thousand lei	29 S 4 W 25 F/ 44 thousand lei
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

Textile products - Sector 31

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	0	0	0	0
2.	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3.	Number of inspections (total number)	920	1 036	1 836	3
3.1	Number of reactive inspections	0	1	3	2
3.2	Number of own initiative inspections	920	1 035	1 832	0
3.3	Number of inspections launched by the customs authorities	0	1	1	1
4	Number of inspections based on:				
4.1	laboratory tests	3	10	15	0
4.2	physical checks of the products	920	1 035	1 832	0
5	Number of inspections leading to:				
5.1	non-compliance findings	849	913	1 511	0

5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities: TP – number measures of temporary prohibition of marketing DP – number measures of definitive prohibition of marketing	742 TP 0 DP	789 TP 0 DP	1 017 TP 83 DP	0 TP 0 DP
5.4	Infliction of sanctions/penalties: S – number of sanctions inflicted, of which: W – number of warnings F – number of fines A – amount of fines	937 S 257 W 680 F/ 2 121.15 thousand lei	1 059 S 299 W 760 F/ 1 995.25 thousand lei	1 686 S 745 W 841 F/ 2 247.9 thousand lei	0 S 0 W 0 F/ 0 thousand lei
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

Review and assessment of the operation of the market surveillance activities pursuant to Article 18(6) of Regulation (EC) No 765/2008 for sectors 6, 7, 8, 10, 11, 16 and 24

ISCIR is the market surveillance authority for these sectors.

The Market Surveillance Sectoral Programme can be found at the following Internet address:

<http://www.iscir.ro/doc/legislatie/psp2014.pdf>

Market surveillance activities in specific sectors

Sector 6 – Aerosol dispensers

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

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	-	-	-
2.	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3.	Number of inspections (total number)	111	91	22	16
3.1	Number of reactive inspections				
3.2	Number of own initiative inspections	111	91	22	16
3.3	Number of inspections launched by the customs authorities	-	-	-	-
4	Number of inspections based on:				
4.1	Laboratory tests	-	-	-	-
4.2	Physical checks of the products	111	91	22	16
5	Number of inspections leading to:				
5.1	Non-compliance findings	28	16	1	6
5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	28	16	1	6
5.3	Restrictive measures taken by the market surveillance authorities	1	2	4	0
5.4	Infliction of sanctions/penalties	-	2	-	0
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

Market surveillance activities in specific sectors

Sector 7 - Simple pressure vessels and pressure equipment

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

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	3	-	-
2.	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3.	Number of inspections (total number)	132	103	57	33
3.1	Number of reactive inspections				
3.2	Number of own initiative inspections	132	102	57	33
3.3	Number of inspections launched by the customs authorities	-	1	-	-
4	Number of inspections based on:				
4.1	Laboratory tests	-	-	-	-
4.2	Physical checks of the products	89	73	50	28
5	Number of inspections leading to:				
5.1	Non-compliance findings	22	12	2	10
5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	22	12	2	10
5.3	Restrictive measures taken by the market surveillance authorities	6	7	5	0
5.4	Infliction of sanctions/penalties	4	6	2	0
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

Market surveillance activities in specific sectors

Sector 8 - Transportable pressure equipment

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

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	3	-	-
2.	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3.	Number of inspections (total number)	12	7	9	1
3.1	Number of reactive inspections	-	-	-	-
3.2	Number of own initiative inspections	12	7	9	1
3.3	Number of inspections launched by the customs authorities	-	-	-	-
4	Number of inspections based on:				
4.1	Laboratory tests	-	-	-	-
4.2	Physical checks of the products	8	5	8	1
5	Number of inspections leading to:				
5.1	Non-compliance findings	2	1	2	0
5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	2	1	2	0
5.3	Restrictive measures taken by the market surveillance authorities:	1	0	1	0
5.4	Infliction of sanctions/penalties	0	0	1	0
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

Market surveillance activities in specific sectors

Sector 10 - Lifts

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

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	-	-	-
2.	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3.	Number of inspections (total number)	0	0	8	20
3.1	Number of reactive inspections				
3.2	Number of own initiative inspections	0	0	8	20
3.3	Number of inspections launched by the customs authorities	-	-	-	-
4	Number of inspections based on:				
4.1	Laboratory tests	-	-	-	-
4.2	Physical checks of the products	0	0	8	20
5	Number of inspections leading to:				
5.1	Non-compliance findings	0	0	8	20
5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	0	0	1	1
5.3	Restrictive measures taken by the market surveillance authorities:	0	0	1	1
5.4	Infliction of sanctions/penalties	0	0	1	0
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

Market surveillance activities in specific sectors

Sector 11 - Cableway installations

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

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	-	-	-
2.	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3.	Number of inspections (total number)	0	0	1	0
3.1	Number of reactive inspections				
3.2	Number of own initiative inspections			1	
3.3	Number of inspections launched by the customs authorities	-	-	-	-
4	Number of inspections based on:				
4.1	Laboratory tests	-	-	-	-
4.2	Physical checks of the products	0	0	0	0
5	Number of inspections leading to:				
5.1	Non-compliance findings	0	0	0	0
5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	0	0	1	0
5.3	Restrictive measures taken by the market surveillance authorities:	0	0	1	0
5.4	Infliction of sanctions/penalties	0	0	1	0
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

Market surveillance activities in specific sectors

Sector 16 - Appliances burning gaseous fuels

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

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	-	-	-
2.	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3.	Number of inspections (total number)	183	118	68	37
3.1	Number of reactive inspections				
3.2	Number of own initiative inspections	183	118	68	37
3.3	Number of inspections launched by the customs authorities	-	-	-	-
4	Number of inspections based on:				
4.1	Laboratory tests	-	-	-	-
4.2	Physical checks of the products	129	72	58	24
5	Number of inspections leading to:				
5.1	Non-compliance findings	32	12	3	2
5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities:	3	3	3	0
5.4	Infliction of sanctions/penalties	3	3	0	0
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

Market surveillance activities in specific sectors

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

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

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	-	-	-	-
2.	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3.	Number of inspections (total number)	3	8	3	1
3.1	Number of reactive inspections				
3.2	Number of own initiative inspections	3	8	3	1
3.3	Number of inspections launched by the customs authorities	-	-	-	-
4	Number of inspections based on:				
4.1	Laboratory tests	-	-	-	-
4.2	Physical checks of the products	2	6	2	1
5	Number of inspections leading to:				
5.1	Non-compliance findings	0	0	0	0
5.2	Corrective actions undertaken by the economic operators ('voluntary measures')	0	0	0	0
5.3	Restrictive measures taken by the market surveillance authorities:	0	0	0	0
5.4	Infliction of sanctions/penalties	0	0	0	0
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0
-					

**Review and assessment of the operation of the market surveillance activities
pursuant to Article 18(6) of Regulation (EC) No 765/2008 for sector 29
Fertilizers**

The Ministry of Agriculture and Rural Development is the authority responsible for market surveillance.

The Internet address where the Market Surveillance Sectoral Programme can be found:

<http://www.madr.ro/ro/inspectia-in-domeniul-fertilizantilor/planul-national-de-supraveghere-a-pietei-2014.html>

Information on the total resources available for market surveillance activities (as available)

		2010	2011	2012	2013
1.1	Budget available for the market surveillance authorities in nominal terms ¹ (EUR)	289 091	283 936	306 000	327 273
1.2	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)	n.a.	n.a.	n.a.	n.a.
2	Personnel available for the market surveillance authorities (in full-time equivalent)	53	52	51	48
3	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	53	52	51	48

¹ The budget should cover all the financial resources allocated by the public authorities for market surveillance and enforcement activities (including related infrastructures), and for projects and measures intended to ensure compliance of the economic operators with the legislation concerning the products.

These measures vary from communication activities (information and education of the consumers/undertakings) to simple enforcement and market surveillance activities. They include the remuneration of the staff, the direct costs of the inspections, the laboratory tests, the training and the cost of office equipment. Enforcement activities at regional/local level should also be reported. Other activities carried out by these authorities and which are not related to the enforcement of the legislation concerning the products should be excluded from the calculations.

B. Assessment of the operation of the market surveillance activities

The inspectors of the County and Bucharest Agriculture Directorates have encountered the following difficulties in their activity:

- their job description included tasks in 2 to 3 fields of activity in the area of technical inspections;

- they do not have the necessary means of transport and fuel quotas to carry out the inspection activity with a view to achieving the actions established in the Annual Inspection Framework Themes;

- during the control, the inspectors face difficulties related to paying the costs for laboratory tests on fertilizer samples.

Controls revealed non-compliances such as: inconsistencies between the content of nutrients declared in the quality certificate and the one on the labels of the fertilizer, and in the test report issued by ICPA Bucharest laboratory; no translation into Romanian of the labels on the packaging and of the documents accompanying the fertilizer to ensure their traceability and conformity.

Market surveillance activities in specific sectors

Sector 29 - Fertilizers

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

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of accidents/users' complaints related to products	0	0	0	0
2.	Number of justified complaints related to unfair competition filed by undertakings	0	0	0	0
3.	Number of inspections ² (total number)	1 823	1 846	1 640	1 701
3.1	Number of reactive inspections ³	0	0	5	0
3.2	Number of own initiative inspections ⁴	1 823	1 846	1 640	1 701

² Inspections are regular or ad-hoc visits, checks (including checks via the internet) or other contact means (e-mail, telephone), carried out by an inspector, for enforcement purposes (except for simple exchange of data) intended to verify product safety and conformity. Where several products/models/rules are checked under the same action, this should be considered as one inspection. In order to be considered as inspection, an action should be ended by drawing up an official report.

³ Inspections resulting from specific complaints (made by consumers/users, notified bodies, competitor undertakings, trade unions, etc.), accidents or incidents, information from the authorities of other Member States (for example, via RAPEX notifications), etc.

3.3	Number of inspections launched by the customs authorities ⁵	0	0	0	0
4	Number of inspections based on:	1 823	1 846	1 640	1 701
4.1	Laboratory tests	133	110	135	133
4.2	Physical checks of the products ⁶	1 690	1 736	1 505	1 568
5	Number of inspections leading to:	1 823	1 814	1 639	1 699
5.1	Non-compliance findings ⁷	1 823	1 814	1 639	1 699
5.2	Corrective actions undertaken by the economic operators ('voluntary measures') ⁸	Not applicable	Correction of the deficiencies found	Correction of the deficiencies found	Correction of the deficiencies found
5.3	Restrictive measures ⁹ taken by the market surveillance authorities	Not applicable	IGPR withdrew ethnobotanicals from marketing	Fertilizers presenting quantity-related deficiencies were returned to the supplier; accompanying documents contain the phrase 'returned goods'	Submission of notifications on the non-compliances found to the users
5.4	Infliction of sanctions/penalties	0 fines	32 fines	1 fine	3 fines
6	Number of inspections where the Member States were invited to cooperate	0	0	0	0

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

Annual training courses for the inspectors of the County Agriculture Directorates (DAJ) having tasks in the area of fertilizers were provided in the period 2011-2013.

⁴ This item refers to 'proactive' inspections that are explicitly planned to target a certain category of products/an economic operator that may be considered non-compliant based on the knowledge acquired and on the priorities established by the authorities.

⁵ These are inspections launched either further to suspension of the release of products for free circulation by customs authorities or directly by the market surveillance authorities where they are responsible for the control of products at the border, pursuant to Articles 27 to 29 of Regulation No 765/2008.

⁶ They refer to visual examination of the product with a view to check the existence of markings, warnings and information and to determine obvious technical faults of the products pursuant to the requirements laid down in the applicable EU legislation.

⁷ They refer to any non-compliance (formal or substantial, minor, or serious) of a product with the law.

⁸ Voluntary measures are defined as corrective measures undertaken by producers, importers or distributors, either to make the product compliant, or to limit its availability on the market (for example, stopping sales, informing the consumers/users, withdrawals from the market, recall from consumers/users) at the own initiative of the undertaking, potentially through consultation with the authorities, but without the latter imposing measures.

⁹

Information on the resources (as available)

		2010	2011	2012	2013
7.1	Budget available for the market surveillance authorities in nominal terms (EUR)	289 091	283 936	306 000	327 273
7.2	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)	n.a.	n.a.	n.a.	n.a.
8	Personnel available for the market surveillance authorities (in full-time equivalent)	53	52	51	48
9	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	53	52	51	48

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

In 2010, 679 economic operators producing, importing, storing/distributing and marketing chemical fertilizers were recorded in the database, of which: 8 producers and 671 importers, distributors/depositaries and traders.

In 2011, 514 economic operators producing, importing, storing/distributing and marketing chemical fertilizers were recorded in the database, of which: 6 producers, 40 importers, 312 distributors/depositaries and 239 traders.

In 2012, 755 economic operators producing, importing, storing/distributing and marketing chemical fertilizers were recorded in the database, of which: 16 producers, 53 importers, 308 distributors/depositaries and 377 traders.

In 2013, 785 economic operators producing, importing, storing/distributing and marketing chemical fertilizers were recorded in the database, of which: 16 producers, 67 importers, 344 distributors/depositaries and 358 traders.

Romanian Office for Legal Metrology

Review and assessment of the operation of the market surveillance activities pursuant to Article 18(6) of Regulation (EC) No 765/2008 for Directives 2004/22/EC, 2009/23/EC and 2007/45/EC

Market surveillance authority - BRML (Biroul Român de Metrologie Legală - Romanian Office for Legal Metrology)

Internet address where the Market Surveillance Sectoral Programme can be found:

www.brml.ro/supravegherea_pietei/programul_privind_activitatea_de_supraveghere_a_pietei

Information on the total resources available for market surveillance activities (as available)

Item No		2010	2011	2012	2013
1.1	Budget available for the market surveillance authorities in nominal terms (EUR)*	na	na	na	na
	Expenditure incurred by the Romanian Office for Legal Metrology in order to carry out the market surveillance activity (lei),				
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:	165 670	159 520	456 493	149 040
	b. pursuant to Directive 2007/45/EC:	165 670	127 616	108 692	149 040
1.2	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)*	na	na	na	na
2	Personnel available for the market surveillance authorities (in full-time equivalent)*	na	na	na	na
	Personnel used by the Romanian Office for Legal Metrology for carrying out the market surveillance activity				
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:	5	5	5	4
	b. pursuant to Directive 2007/45/EC:	5	4	4	4
3	Number of inspectors available for the market surveillance authorities (in full-time equivalent)*	na	na	na	na
	Number of inspectors used by the Romanian Office for Legal Metrology for carrying out the market surveillance activity				
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:	5	5	5	4
	b. pursuant to Directive 2007/45/EC:	5	4	4	4

* Information that is not available at the Romanian Office for Legal Metrology.
na = not available

Market surveillance activities in specific sectors

Sector 17 – 'Measuring instruments, non-automatic weighing instruments and prepacked products'

17.A Review of the market surveillance activities in this sector

Information referring to enforcement activities carried out in the period 2010-2013

Item No		2010	2011	2012	2013
1	Number of accidents/users' complaints related to products	-	-	-	-
2	Number of justified complaints related to unfair competition filed by undertakings	-	-	-	-
3	Number of inspections (total number)	1 721	682	378	383
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:				
	b. pursuant to Directive 2007/45/EC:	1 180	920	839	790
3.1	Number of reactive inspections	0	1	0	2
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:				
	b. pursuant to Directive 2007/45/EC:	-	-	-	-
3.2	Number of own initiative inspections	1 721	681	378	381
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:				
	b. pursuant to Directive 2007/45/EC:	1 180	920	839	790
3.3	Number of inspections launched by the customs authorities	-	-	-	-
4	Number of inspections based on:				
4.1	- Laboratory tests	0	0	0	0
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:				
	b. pursuant to Directive 2007/45/EC:	3 320	2 549	2 229	2 109
4.2	- Physical checks of the products	1 721	682	378	383
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:				
	b. pursuant to Directive 2007/45/EC:	-	-	-	-
5	Number of inspections leading to:				
5.1	- Non-compliance findings	12	36	41	26
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:				
	b. pursuant to Directive 2007/45/EC:	47	25	23	2
5.2	- Corrective actions undertaken by the economic operators ('voluntary measures')	0	0	0	1
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:				
	b. pursuant to Directive 2007/45/EC:	0	0	0	0
5.3	- Restrictive measures taken by the market surveillance authorities	105	84	43	26
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:				
	b. pursuant to Directive 2007/45/EC:	0	0	0	0
5.4	- Infliction of sanctions/penalties	1	1	2	1
	a. pursuant to Directives 2004/22/EC and 2009/23/EC:				

	b. pursuant to Directive 2007/45/EC:	47	25	23	2
6	Number of inspections where the Member States were invited to cooperate	-	-	-	-

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

The activities of raising economic operators' awareness on their responsibilities were carried out continuously during the market surveillance activity, through direct dialogue.

Information on the resources (as available)

Item No		2010	2011	2012	2013
7.1	Budget available for the market surveillance authorities in nominal terms (EUR)	na	na	na	na
7.2	Budget available for the market surveillance authorities in relative terms (percentage of the total national budget)	na	na	na	na
8	Personnel available for the market surveillance authorities (in full-time equivalent)	na	na	na	na
9	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	na	na	na	na

Review and assessment of the operation of the market surveillance activities pursuant to Article 18(6) of Regulation (EC) No 765/2008 for Sector 23

The National Energy Regulatory Authority (ANRE) is the authority responsible for the market surveillance activity under Directives 2009/125/EC (ecodesign) and 2010/30/EU (energy labelling) and under the related implementing rules.

Review of the market surveillance activities

4	Number of inspections based on:	78	80	52	69
4.1	- Laboratory tests	-	-	-	-
4.2	- Physical checks of the products	78	80	52	69
5	Number of inspections leading to:	-	-	-	-
5.1	- Non-compliance findings	-	-	-	-
5.2	- Corrective actions undertaken by the economic operators ('voluntary measures')	-	-	-	-
5.3	- Restrictive measures taken by the market surveillance authorities	-	-	-	-
5.4	- Infliction of sanctions/penalties	12	8	6	6
6	Number of inspections where the Member States were invited to cooperate	-	-	-	-

Information on the resources

		2010	2011	2012	2013
7.1	Budget available for the market surveillance authorities in nominal terms (EUR)	-	-	-	-
7.2	Budget available for the market surveillance authorities in relative terms (% of the total national budget)	-	-	-	-
8	Personnel available for the market surveillance authorities (in full-time equivalent)	-	-	-	-
9	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	24	27	27	36

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

Sector 5 Construction products

The State Inspectorate for Construction (ISC) is designated by GD 1236/2012 as market surveillance authority for construction products except for fixed fire-fighting systems - fixed systems for fire alarm/detection, for fire-fighting, for fire and smoke control and for explosion protection.

When achieving its task related to the monitoring of construction products placed/made available on the market, the ISC organises scheduled, thematic, unannounced and targeted checks at the economic operators involved (producers, authorised representatives, importers, distributors), and at the places of use (construction sites), in order to verify the compliance with the EU legal provisions, with their implementing rules and with the other national technical rules.

The market surveillance programmes are available on ISC website at the address <http://www.isc-web.ro/content/serviciul-supraveghere-piata-produselor-pentru-constructii.htm>

5.A. Review of the market surveillance activities in this sector

Information referring to enforcement activities carried out in the period 2010-2013

		2010	2011	2012	2013
1.	Number of users' complaints related to products	9	16	8	9
2.	Number of justified complaints related to unfair competition filed by undertakings	0	1	0	1
3.	Number of inspections ¹ (total number)	1 783	1 257	2 138	1 204
3.1	Number of reactive inspections ²	9	21	8	24
3.2	Number of own initiative inspections ³	1 774	1 236	2 130	1 180
3.3	Number of inspections launched by the customs authorities ⁴				
4	Number of inspections based on:				

¹ Inspections are regular or ad-hoc visits, checks (including checks via the internet) or other contact means (e-mail, telephone), carried out by an inspector, for enforcement purposes (except for simple exchange of data) intended to verify product safety and conformity. Where several products/models/rules are checked under the same action, this should be considered as one inspection. In order to be considered as inspection, an action should be ended by drawing up an official report.

² Inspections resulting from specific complaints (made by consumers/users, notified bodies, competitor undertakings, trade unions, etc.), accidents or incidents, information from the authorities of other Member States (for example, via RAPEX notifications), etc.

³ This item refers to 'proactive' inspections that are explicitly planned to target a certain category of products/an economic operator that may be considered non-compliant based on the knowledge acquired and on the priorities established by the authorities.

⁴ These are inspections launched either further to suspension of the release of products for free circulation by customs authorities or directly by the market surveillance authorities where they are responsible for the control of products at the border, pursuant to Articles 27 to 29 of Regulation No 765/2008.

4.1	Laboratory tests	1	2	1	2
4.2	Physical checks of the products ⁵	1 778	1 251	2 136	1 204
5	Number of inspections leading to:				
5.1	Non-compliance findings ⁶	1 443	955	1 581	800
5.2	Corrective actions undertaken by the economic operators ('voluntary measures') ⁷	14	25	39	17
5.3	Restrictive measures ⁸ taken by the market surveillance authorities	55	24	48	25
5.4	Infliction of sanctions/penalties	9	11	2	8
6	Number of inspections where the Member States were invited to cooperate				

Note: The number of own initiative inspections mentioned at item 3.2 include the actions carried out in order to implement the sectoral programmes, the quarterly programmes, and the inspections resulting from thematic or unannounced actions.

Information on the resources (as available)

		2010	2011	2012	2013
7.1	Budget available for the market surveillance authorities in nominal terms ⁹ (EUR)	680 917	264 574	351 253	299 320
7.2	Budget available for the market surveillance authorities in relative terms (percentage of the total ISC budget)	3.82%	1.72%	2.28%	2.34%
8	Personnel available for the market surveillance authorities (in full-time equivalent)	50	18	23	18

⁵ They refer to visual examination of the product with a view to check the existence of markings, warnings and information and to determine obvious technical faults of the products pursuant to the requirements laid down in the applicable EU legislation.

⁶ They refer to any non-compliance (formal or substantial, minor, or serious) of a product with the law.

⁷ Voluntary measures are defined as corrective measures undertaken by producers, importers or distributors, either to make the product compliant, or to limit its availability on the market (for example, stopping sales, informing the consumers/users, withdrawals from the market, recall from consumers/users) at the own initiative of the undertaking, potentially through consultation with the authorities, but without the latter imposing measures.

⁸ Mandatory measures consisting in forbidding or restricting the availability of the product on the national market, in withdrawing or recalling it. These measures are taken when the economic operators have failed to satisfy to a previous request of the market surveillance authorities to take corrective measures or when the authorities have to respond as a matter of emergency.

⁹ The budget should cover all the financial resources allocated by the public authorities for market surveillance and enforcement activities, and for projects and measures intended to ensure compliance of the economic operators with the legislation concerning the products. These measures vary from communication activities (information and education of the consumers/undertakings) to simple enforcement and market surveillance activities. They include the remuneration of the staff, the direct costs of the inspections, the laboratory tests, the training and the cost of office equipment. Enforcement activities at regional/local level should also be reported. Other activities carried out by these authorities and which are not related to the enforcement of the legislation concerning the products should be excluded from the calculations.

9	Number of inspectors available for the market surveillance authorities (in full-time equivalent)	49	17	22	18
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5.B. Assessment of the market surveillance activities in the specific sector

The control activities in the area of market surveillance for construction products were mainly carried out for products from the national production or from the Community area. Concerning the period 2014-2018, we foresee an increase in the share of checks carried out on importers in order to ensure compliance with the legal conditions for placing construction products from outside the Community economic area.