1. Basic Information
1.1. CRIS number: 2002/000-605-02.01
1.2. Title: Market Surveillance
1.3. Sector: Internal Market
1.4. Location: Poland

2. Objectives:

2.1. Wider objective:
- effective enforcement of acquis communautaire in the field of free movement of goods in the Single Market through a smooth transition from existing inspection system in Poland to the market surveillance system in line with the EU requirements.

2.2. Immediate objectives:
Alignment of institutions involved in the Polish market surveillance system with the requirements of European competent bodies by:
- adaptation to meet requirements of the market surveillance competent bodies and market surveillance organs (modernisation, complementation of equipment of their laboratories and training),
- market surveillance databases for processing information on compliant products available for use,
- upgrading professional skills of the market surveillance personnel through specialised training,
- strengthening technical infrastructure supporting market surveillance activities in Poland,

2.3. Accession Partnership and National Programme for the Adoption of the Acquis:
The Accession Partnership defines the following priorities:

Free movement of goods:
- Continue transposition of New Approach Directives and adopted related European standards.
- Establish well-functioning market surveillance system and ensure implementing structures for all sectors.

Telecommunications and information technologies:
- Consolidate national regulatory authority for telecommunications.

Consumer and health protection:
- Continue alignment of legislation, strengthen market surveillance and enforcement including through strengthening of consumer organisations and consumer awareness.

In reference to the system of market surveillance Regular Report states in Chapter 23 that:
“The Trade Inspection is responsible for market surveillance. Its position was strengthened by the Act on Trade Inspection which was adopted in December 2000 and entered into force in April 2001. The act specifies the tasks and organisation of the Inspection and awards it the status of a supervisory body, subordinated to the President of the Office for Competition and Consumer Protection (UOKiK) The Trade Inspection was also granted additional resources in 2000. A comprehensive strategy for the proper implementation of a market surveillance system (MSS) is essential and will need to ensure that legislative gaps are identified and filled, as well as to address the development of appropriate enforcement procedures”

In April 2000 the Council of Ministers approved the Governmental Programme on Consumer Policy for the years 2000-2001 and Report on the implementation of the Programme for the years 1998-1999. The main objectives of the new Programme are; enhancement of the consumers’ health and safety, enhancement of economic safety, further adjustment of the Polish consumer protection law to EC standards, improvement of the market surveillance system (MSS), provision of legal and financial conditions for development of consumers movement and ensuring universal access to consumer information and education. These objectives are an accurate summary of main challenges which Poland faces in the effective adoption and implementation of the acquis in this field.” At present a report on implementation of tasks has been prepared and a new draft strategy for the years 2002-2003 elaborated.
In its Chapter 1 the Regular Report states:

“Regarding market surveillance, the strategy recently adopted points to the Office for Competition and Consumer Protection (UOKiK) as the main market surveillance authority. It will co-operate with the customs services, the Trade Inspection (IH), the National Labour Inspectorate (PIP) and other inspection bodies.”

Chapter 19“(…) the National Regulating Authority (Office for Telecommunication and Post Regulation - URTIP) is now fully functioning as a separate independent body with the wide powers to regulate the sector. Poland has advances considerably in the telecommunications sector over the last few years in respect of regulation and privatisation. The speed of implementation has not, to date, matched this progress. In view of the above statement, URTIP has to strengthen the main area of activities, with market surveillance as a new obligation under the acquis.”

“In July 2001, the Geological and Mining Law was adopted. This law will enter into force in January 2002 and provides for the legal basis for the transposition of the New Approach directive on equipment being used in explosive atmospheres (the ATEX directive) (not transposed yet) and part of the machinery directive (transposed in July 2001).”[this directives are among responsibilities of the Supreme Mining Office - WUG]

NPAA reflects the above tasks in its relevant Chapters.

In the area of market surveillance the main legislative activities focused on horizontal acts related to general safety and liability for dangerous products. However, the remaining priority goals written in NPAA require intensified sectorial assistance, e.g. creating databases of persons responsible for placing products on the market, manufacturers, authorised representatives and product classes.

In the implementation of the above listed tasks a very important role is to be played by the above pointed out inspection bodies.

2.4 Contribution to National Development Plan: n.a.
2.5 Cross Border Impact: n.a.

3. Description
3.1 Background and justification:

During the course of review of laws within the negotiating groups on the Free Movement of Goods, Poland accepted the obligation of implementing New Approach Directives into domestic legislation before the end of the year 2002. In order to ensure the free movement of goods within the internal market after the transposition of New Approach Directives, 2 groups of activities are needed: preparation of technical infrastructure of the competent conformity assessment bodies and structured build-up of market surveillance authorities. The overall aim is to provide proper ex-post control through sampling of specific products from the market and testing.

The new PECA is now being negotiated and the Ministry of Economy is the Polish authority responsible for results of this process. In this respect it should be clearly pointed out that the new Law on the System of Conformity Assessment and Amendments to Certain Acts which contains a separate chapter 6 titled “Surveillance of products placed on the market” (see Annex 5) was approved by the Council of Ministers on April 9, 2002 and consequently submitted to the Polish Parliament due to the further stage of legislative process.

The following description presents the steps already taken by the Polish authorities in order to improve the organisational, administrative and legislative framework of the MSS in Poland.

The former Antimonopoly Office, set up in 1990 by virtue of the Act of 24 February 1990 on countering monopolistic practices, in 1996 was transformed into the Office for Competition and Consumer Protection (UOKiK). It was connected with assuming the function of consumer protection authority. The significant part of the UOKiK’s responsibilities is related to the competition policy, both antitrust and state aid, nevertheless for the purpose of the present project we will concentrate on the field of consumer protection, namely market surveillance issues.

To perform efficiently the function of consumer protection authority the UOKiK needed an executive body in order to be able to monitor the enforcement of consumer protection provisions and the observance of consumer rights. Consequently, at the same time, i.e. in 1996, the Trade Inspection (IH), a market surveillance body active since 1958, was subordinated to the President of the UOKiK. Among market sur-
Market surveillance bodies controlling consumer goods the range of the IH’s competence is the widest one as it covers non-food and food products as well as services. Gradually, together with the transposition into the Polish law of several EU directives, the UOKiK’s involvement in market surveillance issues has been growing. In order to enable the Office to perform the new tasks, the relevant legal frameworks had to be created by way of adopting new regulations or amending the existing ones to ensure adequate protection of consumer health and life as well as economic interests. The basic legal acts in the competence of the UOKiK are the following:

- **new Act of 15 December 2000 on competition and consumer protection**, effective since 1 April 2001;
- **new Act of 15 December 2000 on Trade Inspection**, effective since 1 April 2001;


“Article 11:

1. The function of a body supervising product safety shall be performed by the President of the Office for Competition and Consumer Protection, hereinafter referred to as the “monitoring authority”.

2. The supervision referred to in section 1 shall include taking actions and applying measures provided for by the present Act and by the provisions related to the scope of responsibilities of the monitoring authority and also of the Trade Inspection.

3. The provision in section 1 is without prejudice to the competence of another appropriate organs resulting from separate provisions governing specific safety conditions for defined products.”

The above law contains also a legal delegation for the Council of Ministers to issue several implementing regulations including, *inter alia*, transposition of Directive No 88/378/EEC concerning the safety of toys, which is among those of high priority.

Based on such legal delegation the National System of Information on Dangerous Products has been already established and upon the accession Poland will be ready to join the Community RAPEX system.

From the New Approach Directives, Directive 88/378/EEC falls within the scope of the UOKiK’s responsibility. The draft regulation has been elaborated by the UOKiK and on 18 September 2001 was adopted by the Council of Ministers. The Regulation will come into force on 1 January 2002. Thus, such is the UOKiK’s contribution to the transposition of **New Approach Directives**, in preceding years by way of legislative efforts, since 2002 by enforcement. Other directives are being transposed by several central administration bodies listed in Annex 5. Several regulations have been already adopted, draft regulations are on a different stage of works (under elaboration, subject to inter-ministerial consultations, presented to the Council of Ministers) and Poland has undertaken obligation to transpose all of them till the end of the year 2002. To finance implementation of the said directives all responsible authorities are planning necessary funds in their budgets.

In June 2001 the Committee for European Integration adopted resolution appointing the Inter-Ministerial Team in order to elaborate a detailed concept of the implementation of market surveillance system in the field of New Approach Directives. “Guidelines for a concept of market surveillance system in relation to New Approach Directives” (see Annex 5) were elaborated in August 2001. These guidelines assume attributing the co-ordinating and monitoring function to the President of the Office for Competition and Consumer Protection, which is reflected in the attached “Market Surveillance Organisational Chart”. The final report of the Team is expected to be ready in the near future and will be presented to the Council of Ministers.

The draft report assumes appointing the President of the UOKiK as the chief market surveillance authority performing its functions supported by 4 inspections described in Annex 5 and customs services in relation to imported products. The scope of the UOKiK’s competence shall include:

- giving opinions and comments on control plans of inspection bodies, in particular in relation to sensitive market segments and on joint actions of different inspections,
• ordering specific controls in the case of acquiring information about negative phenomena concerning given market or product and complex controls,
• gathering information about decisions on withdrawal from the market of products incompatible with binding requirements and about sanctions imposed upon entrepreneurs,
• presenting to inspections motions concerning undertaking measures in defined cases,
• gathering data concerning incompatible products which were being released for circulation on the Polish market and exchanging such information with Polish and foreign institutions,
• providing customs services with information about incompatible and contrary to the law products and presenting motion to prohibit their entering to the Polish customs territory,
• appointing Consultative Council composed of members of particular inspections.

Each inspection, in the field of its competence, will be authorised to perform control in conformity with hitherto rules, taking decisions to sanction entrepreneurs and to order market withdrawal, and will be obliged to co-operate with other territorial inspectorates in respect of particular requirements and products.

Implementation of these tasks will require amendments to several legal acts, but first of all will impose organisational changes and will call for investments. It is foreseen that a separate organisational unit (Department) responsible for the implementation of the New Approach Directives should be created within the organisational structure of the UOKiK in order to perform above listed tasks. Moreover, this unit should offer Internet services providing information on requirements of the New Approach Directives.

The Trade Inspection will be obliged to strengthen its control powers, in particular in relation to new kinds of products (toys). Additional laboratory equipment will be needed to test wider range of products (i.e. toys). Within the organisational structure of the Chief Inspectorate a separate unit should be established with tasks including co-ordination, analyses and supervision over the activities of territorial inspectorates in the field of market surveillance in the context of New Approach Directives. In each territorial inspectorate a special post must be created for the purpose of monitoring the observance of provisions of the New Approach Directives.

Some specific training should be provided to the employees of the UOKiK and IH in a form of workshops and study visits to the relevant organs and laboratories in selected Member States in order to get them acquainted with practical solutions adopted in these countries.

A highly specialised support in the field of market surveillance should be addressed to the National Labour Inspectorate (PIP).

PIP is a supervisory and control body dealing with enforcement of the provisions of labour law, in particular regulations and rules of occupational health and safety (OHS) at working establishments. Its importance is reflected by the fact of being subordinated directly to the Polish Parliament. Currently PIP acts by virtue of the act of 6 March 1981. Employer’s responsibilities and duties in respect to OHS have been defined in Labour Code, the Act of 26 June 1974, as well as by various sectorial regulations.

The scope of PIP’s inspections encompasses safety of various types of equipment, products and activities found in working sites and on the market, such as personal protective equipment (89/686/EEC), machinery (98/37/EC), electrical equipment (73/23/EEC), packaging and packaging waste (94/62/EC), hot-water boilers (92/42/EEC), explosives for civil uses (93/15/EEC), protective systems intended for use in potentially explosive atmospheres (94/9/EC), lifts (95/16/EC), pressure equipment (97/23/EC) and construction products (89/106/EEC).

Consequently, there is a need for support in order to adopt European rules for market surveillance. The Central Institute for Labour Protection (CIOP), an institution co-operating with PIP, will also require support being a certification body collecting information about manufacturers, suppliers and products placed on the Polish market. Moreover, CIOP has technical competence and skilled staff for testing personal protective equipment and machinery (accredited laboratories). The needs of both institutions include extensive training, study visits and development of computer system (hardware and software).

Highly specialised assistance is needed for market surveillance authorities in the telecommunications sector. According to the „Telecommunication Law“ of 2000, in this field the URTiP, executes market control in regard to New Approach Directives 89/336/EEC and 99/5/EC. President of URTiP is a regula-
tory body in regard to telecommunications activities, frequency spectrum management, and acts to assure compliance with EC directive requirements referring to EMC and R&TTE. URTiP’s structure includes “local units” for internal market surveillance and inspection in compliance with Directives 89/336/EEC and 99/5/EC, each of them is to supervise a clearly-defined geographical market. Local markets converge with the administrative division of the territory of Poland into regions.

However, currently in Poland there is no system of market surveillance for the market of telecommunications devices and other products covered by the requirements of the Telecom Law and regulated by the R&TTE and EMC directives. Therefore, it is necessary to build a nationwide system of surveillance based on URTiP’s regional offices. It requires employing more staff and supplying the relevant equipment. In particular, it is essential to:

- provide all the regional offices with a measuring equipment enabling the monitoring of devices covered by market surveillance (creation of local laboratories),
- provide all the regional laboratories with an appropriate measuring equipment, considered the assortment and geographical location characteristic of laboratories,
- equip URTiP’s Central Laboratory with the lacking measuring equipment enabling the monitoring of telecommunications devices and apparatuses.

Until now, institutional building for the market surveillance system in Poland has been implemented under Phare 1999 project “Certification and standardisation” with the aid of twinning partners from Afnor and RegTP. The last part of the project foresees the transfer of know-how related to market surveillance data processed in the IT system managed by RegTP, advice on market research and data gathering by local offices of URTiP. There was no investment component in that project. To complete the situation, an overview of the British market surveillance system in regard to RTTE and EMC is to be given within a market surveillance component under the second related twinning - in the framework of another Phare 1999 that is “Telecommunications Regulatory Authority”. Expert advice is provided in this case by Oftel and the Radio-communications Agency.

Remark: in the Phare 2001 fiche project entitled “Conformity assessment, accreditation and standardisation strengthening” a provision was made that intensified support for the market-surveillance system in Poland, and especially for the segment remaining in URTiP’s competence, would be considered as subject of a separate, comprehensive and complex PHARE project. Phare 2002-2003 should then be a closing programme.

In the organisational structure of URTiP there is a division between pre-market and post-market testing of products. The technical laboratory exists by the URTiP and has been set as part of the so-called “subsidiary household” in order to ensure a firewall between testing and certification, and market surveillance. A separate organisational unit (in the rank of “department”) bears responsibility for market surveillance duties and co-ordination of collecting market surveillance data.

The State mining authority, Supreme Mining Office (WUG), acts by virtue of the Geological and Mining Act of 4 February 1994.(with later amendments), since January 2002 superseded by the law adopted in July 2001. The last amendment in the year 2001 partly harmonised this law with the EU provisions, further adjustments will be effected by way of implementing regulations. At present, by virtue if Article 111 of the law, the President of WUG is responsible for releasing products for use in mining plants. After enactment of provisions of NAD this obligation will be abrogated, and he will start to function as market surveillance body in the field of products used in mining plants.

The competence and responsibilities of WUG are related to the equipment and products used in mining industry, enforcement of the provisions of New Approach Directives will result in the change of methods by which WUG used to perform its market surveillance functions. Such change will require investments, training for WUG’s staff and information campaign for manufactures and users of the equipment and products in question.

New Approach Directives in the field of WUG’s competence and responsibilities include:
- Directive 98/37/EC (machinery) – transposed by the Regulation of the Council of Ministers of 3 July 2001,
- Directive 94/9/EC (protective systems intended for use in potentially explosive atmospheres) - regulation transposing this directive is under elaboration of the Ministry of Economy,
- Directive 93/15/EC (explosives for civil use) – regulation transposing this directive was submitted to
3.2. Linked activities:

As regards projects related to the area covered by this project, the Office for Competition and Consumer Protection benefited from the following assistance:

**PHARE’00 Programme - PL0004.03:** based on the UOKiK project addressed to consumer protection and market surveillance issues and to antitrust policy and on the offer of French DGCCRF in consortium with Finnish partner, the *twinning* covenant was signed on 31 July 2001 and endorsed by the EC Delegation in Warsaw on 21 August 2001. The main focus of the project consists in creating market surveillance system consistent with the EU models, in its antitrust part the project foresees legal assistance in drafting secondary legislation and in improving existing enforcement procedures, as well as improvement of professional skills of the UOKiK staff. This objective will be met by:

- training civil servants of the UOKiK on the methods and experience of public administration control bodies (considering both aspects: protection of consumer economic interests and the safety of products available on the marketplace);
- proposing to the UOKiK the definition of a market surveillance system designed to increase the level of protection of the health and the safety of consumers;
- promotion of consumers interests and strengthening of consumer awareness in Poland, by reinforcing the consumers representation (eg. Consumer NGOs),

Recommendations and a project of frameworks for MSS aimed at improvement of the legislation and the functioning of the existing MSS in Poland made by French short-term experts should help to elaborate the effective MSS with accordance to EU requirements.

**PHARE’01 Programme - PL0102.05:** project addressing competition and consumer protection in its main part is a follow-up of Phare 2000, with additional component dedicated to state aid issues. The project was assessed by the European Commission as eligible for implementation and offers of Member States were presented in January 2002; state aid component will be implemented under Technical Assistance and subject to tendering. In February 2002 Germany in consortium with Austria was chosen. At present negotiations on the covenant are in progress.

The above projects contain elements of market surveillance (component regarding IH) but they do not encompass New Approach Directives, they mainly focus on consumption goods.

In order to complete the harmonisation of Polish market surveillance system with EU standards, the implementation of the New Approach Directives into Polish legislation is needed. Component of Phare 2000 concerning MSS encompass only surveillance of consumption goods. Therefore, the fiche for Phare 2002 includes the remaining element of EU MSS, i.e. New Approach Directives. Thus, all two Phare projects are closely linked in order to achieve the harmonisation in above-mentioned respect.

**Bilateral co-operation:** The UOKiK is since 1995 the party to a bilateral co-operation with the French DG for Competition, Consumption and Combating Abuses (DGCCRF): seminars, study visits to France for UOKiK and IH’s officials (visiting both central administration and decentralised organs), preparing a draft specification for a uniform information technology infrastructure of the UOKiK and Trade Inspection (central and local levels), diagnosis on equipment needs in IH laboratories in the context of EU technical standards.

Office for Telecommunications and Post Regulation (URTiP) benefited from the following PHARE programmes:

**PHARE’99 Programme - PL9905.03:** Telecommunications Regulatory Authority

Twinning assistance under this project concentrates on training of URTiP’s staff in 17 areas (matching components described in the twinning covenant) – legislative framework for the adoption of the acquis, organisation of the national regulatory authority, interchange, universal service policy, licensing regime and allocation of scarce resources, billing systems, establishing a numbering plan, development of policies to promote competition, development of the terminal equipment market, pricing policies, creation of market surveillance systems, monitoring methods, promotion, information and international strategy, consumer protection strategy including procedures for handling consumer complaints, co-operation with other Polish dealing with emergency situations, broadcasting and multimedia, quality of postal service. In the investment part of the project, a frequency management database is being created.
In the twinning component related to market surveillance, the focus is on RTTE and EMC. Since market surveillance provisions operate in market surveillance countries on the national level, solutions characteristic of the British market surveillance model and the fully liberalised market are presented under this project.

**PHARE’99 Programme - PL9905.01: Certification and Standards**

The wider objective of the project is to increase Poland’s ability to adopt a certification and standardisation system in conformity with the EU requirements with regard to the New Approach Directives 89/336/EC (EMC) of the European Parliament and of the Council of 9 March 1999 relating to radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity and Council Directive 99/5/EC (RTTE) of May 1989 on the approximation of the laws of Member States relating to simple pressure vessels amended by Directive 90/488/EEC and Directive 92/31/EEC of 28 April 1992 and amended by Directive 93/68/EEC of 22 July 1993. The Phare’99 project for the telecommunications sector is implemented in the Office for Telecommunication and Post Regulation but the lead institution is the Ministry of Economy. Activities under the project include the organisation of local offices of the URTiP and advice for their local laboratories on obtaining accreditation, notification of equipment in non-harmonised frequencies, publication of interfaces in public telecommunications networks and working out plans for the system of market surveillance under the two Directives. The project’s formula will entail seminars, expert advice from the twinning partner (French Association of Standardisation / AFNOR/ in cooperation with Regulatory Authority for Telecommunications and Posts from German - /RegTP/) and activities in internal working groups in the URTiP (framework co-operation with other market surveillance organs, notified bodies and international conformity assessment associations).

In the framework of twinning there are 4 working groups, acting on the basis of decision of the President of URTiP, which deal with 4 groups of issues: duties of the notified body, notification of interfaces on non-harmonised frequencies, secondary legislation and market surveillance. Also, in result of the project a special inter-sectorial group was established for the implementation of NA directives in the Ministry of Economy.

**PHARE’00 Programme – PL0004.05: Universal service in telecommunications**

Activities have been undertaken to prepare for the investment part of the project, which is the database for processing information on the provision of universal service and its economic determinants. The URTiP is preparing a project design of the relevant database, sub-bases and relational databases, to be later verified by an analyst who should also categorise the proposed data/parameters. At present, negotiations on the twinning covenant are in progress. With regard to the investment component, the Technical Specification for computer system for monitoring and analysing on universal service in telecommunications in Poland was submitted in the Polish version to the CFCU on 26 April 2002.

**PHARE’00 Programme – PL0002.04: Certification Phase II**

Twinning/investment programme with focus on conformity assessment, being in the initial stage of investment preparation. Additional data is gathered to prepare Terms of Reference ToR and Technical Assistance (TA) contract for equipment enhancing the technical capability of measurement testing in the URTiP’s laboratory. The equipment is providing the up-to-date infrastructure for measurement in the scope of Directives 89/336/EC and 99/5/EC.

In twinning part the twinning partner from market surveillance was selected (AFNOR). The Twinning Covenant was prepared, and acceptance and endorsement procedure was initiated. URTiP will take part in general training related to NA directives and will host occasional visits of the twinning expert. The investment component for URTiP is verified outside the twinning covenant on the basis of framework contract.

This project contains only one small component devoted to market surveillance – sub-project 07. In the updated version of the Phare 2000 project fiche the sub-project focuses on the initial preparation for setting up a market surveillance system in regard to essential requirements of Directives 99/5/Ec and 89/336/EC. The purchase of basic monitoring equipment will support activities of the Control Department of URTiP and local offices monitoring EMC disturbances in the country and laboratory conditions. Assistance within Phare 2002 will then logically focus on completing the market surveillance infrastructure, primarily – integration of market surveillance data and set-up of an IT system to collect information from local markets, producers, manufacturers, warehouses, with special attention on registering non-compliant products, which were identified on the market through ex post testing.

**PHARE’01 Programme – PL0102.01: Certification, Accreditation and Standardisation Strengthening**
The project fiche was completed and accepted by the Commission. The Financial Memorandum was signed on 20 December 2001. The project includes a market surveillance component, which is supposed to be developed under subsequent PHARE programmes.

The project uses the formula of twinning. Professional advice on practical market surveillance solutions and comparative laboratory tests is expected from an expert who should possess the knowledge of the scope of market surveillance regulation under selected NA directives (as specified in “the requested qualifications”).

Assistance indicated in the description of the above projects was possible due to successful implementation of a much earlier national PHARE program PL9313, in the frame of which the predecessor of UR-TIP - National Radio-communications Agency was helped in construction of an anechoic chamber for the EMC Laboratory. Together with the beneficiary’s investment in laboratory equipment the project created a basis for implementing the two NA directives related to the telecommunications field – 89/336/EEC and 99/5/EC.

The following projects – PHARE 1999, 2000 and 2001 were developed on the basis of a strategy, which first lays down the basis for the administrative structures of institutions responsible for NA Directives and training of human resources (Phare 1999), enhances technical competence of these institutions to participate in the conformity assessment system through investment purchase and allows for networking of competent notified bodies (Phare 2000), strengthens implementation of standards harmonised with NA directives through equipment supply (Phare 2001) and only then allows to create IT and additional technical infrastructure for ex-post control (market surveillance) of compliance with relevant directives – 89/336/EEC and 99/5/EC.

Thanks to Phare support, URTIP should gain necessary competence to duly execute its duties within the market surveillance system presented in Annex 5 to this project fiche. The National Labour Inspectorate (PIP) and Supreme Mining Office (WUG) have not been beneficiaries of Phare support.

3.3. Results:

The implementation of the project will enable to remodel the existing inspection system to MSS by supporting to attain the competences of market surveillance bodies in compliance with the EC requirements and providing the necessary IT and laboratory equipment and databases. The project, accordingly with its objectives, should result in the establishment of the effective MSS with regard to the New Approach Directives. The base for the creation of the MSS is the new Law on the System of Conformity Assessment and Amendments to Certain Acts (see Annex 5).

The project is expected to bring the following results:

- The UOKiK, national consumer protection authority, prepared for performance of its functions of coordination of several control bodies and monitoring of the New Approach Directives’ implementation;
- The IH, Chief and territorial inspectorates, able to more efficiently perform their duties of market surveillance bodies;
- PIP, the Chief Labour Inspectorate and territorial inspectorates, in co-operation with CIOP, more efficiently fulfil their inspection duties directed to market surveillance due to having acquire specific control know-how;
- Trained labour inspectors more efficiently perform their duties;
- In PIP’s (Chief and territorial inspectorates) internal system created for data collection and registering, co-operation with CIOP enhances exchange of information related to PPE and machinery;
- PIP, URTiP, WUG and UOKiK agreed upon rules of their co-operation and mutual exchange of information;
- Modernisation of technical equipment of the chosen bodies to carry out testing procedures according to relevant directives;
- Due to the offered expertise, additional investment in laboratory equipment and training of employees institutions involved in the project improve their professional skills in order to ensure efficient market surveillance in this field:
• Office for Telecommunication and Post Regulation (URTiP) – ready to control fulfilment of requirements related to 89/336/EEC and 99/5/EC Directives in view of its market surveillance obligation;
• regional units of URTiP fully adapted for surveillance of the telecommunications equipment market in conformity with the EU standards;
• new specialised laboratory enabling the proper control of the safety of toys,
• WUG’s inspectors better prepared to perform their tasks, manufacturers and users of mining equipment and products informed about requirements of the New Approach Directives.

3.4. Activities:

CONTRACT 01 (INVESTMENTS):

Taking into consideration the results of Phare IB programmes dedicated to the implementation of Directives 89/336/EC and 99/5/EC, the crucial point is the optimal utilisation of URTiP’s resources related to market surveillance. The key problem lies in the application of proper IT technology. Under this task the focus will be on the structuring of market surveillance local databases in local offices of the Office of Telecommunications Regulation. The databases will serve processing information on local manufacturers responsible for placing products on the market, storing places, warehouses, bulk sales and in some cases - retail price distributors, who take initial responsibility for the circulation of telecommunications products. Integration of these databases aggregation of the indispensable information will proceed with the use of mechanism of database management in the environment of spreaded network of URTiP.

In result of integrating URTiP’s IT resources and setting up market surveillance databases, market surveillance telecommunications data can be exchanged with the EU countries. Polish market surveillance authorities in the telecommunications sector will enter the EU network of mutual information on hazardous and non-compliant products in the scope defined by NA directives. In regard to electromagnetic compatibility and consumer products this will be PROSAFE system, and on a wider scale – RAPEX.

The following tasks are foreseen under this sub-project:

• enhancement or exchange of new servers for the maintenance of local databases in line with modern technological development and the structure of other data processed by URTiP,
• consolidation of IT systems overtaken by URTiP from the National Radio-communications Agency and the Polish State Inspection for Telecommunication and Posts, extension of the basic platform for databases by equipment purchase to put in line different environments of present local databases and central databases previously set-up in the National Radio-communications Agency and Polish State Inspection for Telecommunications,
• migration of data from the former National Radio-communications Agency and the Polish State Inspection for Telecommunication and Posts to the target environment in line with the above conception, set-up of the synchronising and data aggregation, set-up of selected application modules,
• expert work by a hired IT integrator with the aim to place the already existing databases and the future ones on the common platform,
• increasing volume of the former PAR network and extension of the nodes,
• purchase and implementation of software for securing data obtained from the market, privacy enhancement software should be purchased (to protect personal and business data of the manufacturers and persons responsible for placing products on the market under Directives 89/336/EC and 99/5/EC).

Breakdown of the costs (Phare part):

<table>
<thead>
<tr>
<th>TITLE</th>
<th>COST PER 1 NODE</th>
<th>INTEGRATED COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local data/base server</td>
<td>10 000 €</td>
<td>170 000 €</td>
</tr>
<tr>
<td>Local NT network server</td>
<td>6 000 €</td>
<td>102 000 €</td>
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<td>Central data/base server</td>
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<td>62 000 €</td>
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<td>Consolidation of the system</td>
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<td>Data migration to the consolidated base in the system</td>
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<td>Data storage and archives in the system</td>
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<td>Security assurance and coding of data processed in the system</td>
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<tr>
<td>Supervision of system implementation</td>
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<td>26 000 €</td>
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<td>TOTAL</td>
<td></td>
<td>620 000 €</td>
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Market surveillance - p. 9
Analysis of data processing models by URTIP in line with the EU legal requirements, adjustment IT system of URTIP to the EU requirements and a conception of the future co-operation with the Central Statistical Office and Eurostat (national co-financing) - 0,21 MEUR.

**CONTRACT 01:** Total = 0,83 MEUR (Phare 0,62 MEUR and Polish co-financing 0,21 MEUR)

**CONTRACT 02 (INVESTMENTS):**

In connection with the necessity to establish in the UOKiK and in the IH of a new monitoring, integrated systems addressed to the new area of products, creating in both institutions of the new organisational units will be required. Delivery of an IT system and additional supporting equipment is planned. It should enable operation of the register of investigations, data related to product, its producer or importer, features under investigation, date of initiating investigation, its result, as well as the register of products withdrawn from the market. Database of requirements related to specific groups of products, to procedures and inspections will be set-up. Additionally, the system should ensure proper flow of information among all inspections involved in market surveillance and the monitoring authority in order to plan and co-ordinate control plans. Based on the gathered data the monitoring authority will be able to assess and approve control plans, as well as order controls where it shall find it necessary.

Equipment for new staff who will be responsible for performing IH's new MSS tasks (total quantity of 51 PCs distributed between the Chief Inspectorate, 16 Voivodeships Inspectorates and 34 local offices; 25 notebooks for the Chief Inspectorate and certain number of regional units and 17 laser printers for the Chief Inspectorate and 16 Regional Inspectorates)

It is assumed that this system will be running in parallel to the National System of Information on Dangerous Products, in order to respect the difference between dangerous and incompatible products. Upon accession Poland should be ready to join the relevant system functioning in the EU.

**Envisaged purchases:**

<table>
<thead>
<tr>
<th>Equipment</th>
<th>PHARE</th>
<th>National co-financing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>UOKiK</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 PC sets with software</td>
<td>0,08 MEUR</td>
<td>0,03 MEUR</td>
</tr>
<tr>
<td>5 laptops and notebooks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 laser printers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 servers</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>IH</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>51 PC sets with software</td>
<td>0,23 MEUR</td>
<td>0,08 MEUR</td>
</tr>
<tr>
<td>25 laptops and notebooks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17 laser printers</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>0,31 MEUR</td>
<td>0,11 MEUR</td>
</tr>
</tbody>
</table>

Contract 02: Total = 0,42 MEUR (Phare 0,31 MEUR and Polish co-financing 0,11 MEUR)

**CONTRACT 03 (INVESTMENTS)**

By virtue of the new Act of 15 December 2000 on Trade Inspection, the IH is taking over control on analytic laboratories previously subordinated to the territorial administration. The scope of the IH’s laboratories controls covers mainly foodstuffs. As a result of the new concept of Polish MSS the subject of controls has been changing into industrial goods. That is why, for example, a laboratory in Lodz is being prepared for checking the safety of soft toys as prescribed by the provisions of the Directive 88/378/EEC (partly included in the purchases within Phare 2000). Additionally, transposition of new directives, EU and international norms and standards will require purchase of up-to-date equipment which enable IH to perform examinations (instrumental analyses) properly, e.g. mass spectrometry, atomic absorption, NIR (system of spectrometry not yet performed by any laboratory) etc. The equipment should include, in particular, appliances for checking properties of the safety of mechanical toys (not checked by the laboratory in Lodz), cosmetics, materials having contact with foodstuffs; glass, paper, plastic packaging and chemicals for household use, in the scope of:

- physical, mechanical and chemical features,
• combustibility,
• migration of elements, durability,
• shock resistance,
• geometrical forms etc.

Within the national co-financing, the IH presumes to upgrade and replace the elementary and auxiliary obsolescent laboratory equipment for classic analyses (i.e. measurement appliances - balances, pH/mV meters, conductivity meters as well as water baths, redistilling apparatus, blenders etc.).

Envisaged laboratory equipment:
PHARE: 0,38 MEUR
National co-financing: 0,14 MEUR

CONTRACT 03: Total = 0,52 MEUR (Phare 0,38 MEUR and Polish co-financing 0,14 MEUR)

**CONTRACT 04 (INVESTMENTS)**

The need to provide PIP with specified below equipment results form the certain number of new MSS tasks imposed on PIP.

In order to develop a computer system supporting the surveillance over conformity of products placed on the market, being the subject to PIP inspections, it is indispensable to create sub-databases in 62 administrative units of PIP (the Chief Inspectorate, 16 Regional Inspectorates, 45 local offices) as a part of national database used in tasks of market surveillance over products placed on the market - particularly, products which are subject to the following EC directives 98/37/EC, 89/696/EEC, 73/23/EEC, 94/62/EC, 92/42/EEC, 94/9/EC, 93/15/EEC, 95/16/EC, 97/23/EC, 89/106/EEC as well as to provide each of 17 PIP administrative units (Chief Inspectorate and 16 Regional Inspectorates) with 2 operational notebooks (be destined for on-the-spot controls of labour inspectors) and 1 laser printer.

**Total quantity of hardware:**

<table>
<thead>
<tr>
<th>PHARE</th>
</tr>
</thead>
<tbody>
<tr>
<td>62 PC sets</td>
</tr>
</tbody>
</table>

• software ensuring operation of the system, secured by recipient (PIP – National co-financing)

Software generation process is consisted of:

– developing the guidelines for the project's assumptions, i.e. developing the project documentation, the schedule and scope of the programming and logistic work, as well as the schedule of technical receipt and verification of the sub-products (substages of the project);

– developing tender documentation (TOR) and carrying out tender procedures in order to select the project contractors, complying with the guidelines requirements;

– carrying out the project by contractors in compliance with the chosen methodology of developing the information technology systems;

– supervising the system testing and implementation, as well as of hardware and software supply, conducted by the contractors;

– audit of the system during the development and implementation process, and the receipt of final products, carried out by an external company independent of the contractor;

– gearing up to the CIOP data base on manufacturers and supplier of products in question.

Software cost – 0,10 MEUR

CONTRACT 04: **Total = 0,38 MEUR (Phare 0,28 MEUR and Polish co-financing 0,10 MEUR)**
**CONTRACT 05 (INVESTMENTS)**

Providing for inspectors performing market control the IT equipment (PCs, printers) is necessary in order to enable efficient gathering and processing data obtained during the control. Such equipment will allow for exchange of information between Territorial Mining Offices and Supreme Mining Office, as well as data transmission, including reporting to the co-ordinating and monitoring authority. The envisaged purchases for territorial offices are of a special importance due to the fact that 3 of 13 offices are not computerised yet. Development of special software will provide for secure storage of collected data and quick access.

Creation of database (hardware and software) containing, in particular, technical requirements, procedures for conformity assessment and harmonised standards for products intended for use in mining enterprises, as well as results of investigation conducted after accidents; training for system operators.

<table>
<thead>
<tr>
<th></th>
<th>PHARE</th>
<th>National co-financing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase of 20 computer sets:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 for district mining offices, 7 for WUG (Supreme Mining Office)</td>
<td>25 000 EUR</td>
<td>5 000 EUR</td>
</tr>
<tr>
<td>Purchase of specialized software for computer sets - 20 licences</td>
<td>5 000 EUR</td>
<td>5 000 EUR</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>30 000 EUR</td>
<td>10 000 EUR</td>
</tr>
</tbody>
</table>

**CONTRACT 05: Total = 0,04 MEUR (Phare 0,03 MEUR and Polish co-financing 0,01 MEUR)**

**Investment contracts – general remark:**

Because of the fact that it is the last assistance project for market surveillance, it should be clearly emphasised that the necessary measurement equipment in the priority areas exist and no additional support is needed. Hence, only the UOKiK has investments in measurement equipment and other beneficiaries of the referenced project request solely for the computer one.

Due to a quite long period between the planning and the completion of the project, its Beneficiaries reserve the right to make some variations in the quantity of the above-mentioned equipment.

**CONTRACT 06 (TECHNICAL ASSISTANCE)**

**Task 1: UOKiK**

- preparation for the UOKiK of detailed analysis of amendments to the New Approach Directives (if any), or expertise about projects of such amendments under discussion in the European Commission and on the eventual changes in the market surveillance system upon their adoption;
- 2 days training (1 concerning technical and practical implementation, 1 about systemic solutions) related to the implementation of Directive no 88/378/EEC on the safety of toys. Location: Warsaw, 2 experts, 26 participants from the UOKiK and IH;
- 1 day seminar in Warsaw dedicated to the organisation and functioning of the market surveillance systems in the area of New Approach Directives in the EU Member States;
- study visits of 4 UOKiK representatives to 2 Member States (to be selected later) market surveillance authorities, two persons for each visit;
- study visits for 4 UOKiK representatives to 2 selected Member States to get acquainted with practical aspects of the control of toys safety in respective laboratories, two persons for each visit.

Estimated cost: 0,04 MEUR

**Task 2: PIP and CIOP:**

- preparation of training materials and organisation of training for about 100 persons from PIP and CIOP (4 training sessions, each for 25 persons). Subject: rules of market surveillance with special focus on the role of labour inspectors in the context of provisions of directives 98/37/EC and 89/686/EEC.
- study visits in 2 selected EU Member States (2 visits for 5 employees of PIP and 3 from CIOP,
duration 5 working days plus travel),
- consultations with the EU experts concerning PIP’s organisational structure and its role in market surveillance (2 visits of one expert for 5 days),
- missions of the EU experts in information technology to develop and implement computer system (4 missions of 2 experts for 5 days).

Estimated costs: 0.61 MEUR

**Task 3: URTiP 1**

Introduction of a quality management/assurance system in line with standards EN 45004, EN 45011 /ISO 9001 and assurance of “full quality”.

Although a newly-established institution, URTiP already possess (in the technical laboratory) a quality system fully compatible with the EU requirements (EN 45001), and also holds a certificate of accreditation. Therefore further Phare assistance would embrace activities that are now in progress: audit, preparation and control of documentation to receive accreditation in the scope defined by standards EN45004, EN 45011. The specific tasks include work by independent auditors and training of URTiP employees in QA: a 3 day-seminar on ENs of 4500 series for 20 persons, a 2-day seminar on full/total/global quality, and 2 study visits to a regulator possessing a QA system in a Member State of the EU, each for 5 persons.

Assurance of full quality will increase confidence in testing of compliance with the New Approach Directives (89/336/EC and 99/5/EC) performed by URTiP.

Estimated costs: 0.2 MEUR

**Task 4: URTiP 2**

Verification of system requirements (software and hardware needs) presented in Sub-project 1 and accompanying measures:
- elaboration of a conception on the scope of market surveillance data gathered from regional markets by 16 different local offices in regard to Directive 89/336/EC and 99/5/EC,
- differentiation of data processing transmitting results to Warsaw,
- review of the existing systems, network and platform on which market surveillance data will be based (3 study of the EU experts visits to regional offices of URTiP in the country, each for 5 days),
- producing a report on the recommended IT solutions,
- 2 day training for regional IT staff (c.a. 20 persons).

Estimated costs: 0.14 MEUR

**Task 5: WUG**

- training for employees of the State mining authority in the field of market surveillance methodology with the special focus on requirements of Directives 98/37/EC (machinery) 94/9/EC (protective systems intended for use in potentially explosive atmospheres) and 93/15/EC (explosives for civil use),
- introduction of elements of quality management to the market surveillance structures,
- elaboration and edition of informative brochure for mining entrepreneurs and for manufactures of products used in mining industry.

<table>
<thead>
<tr>
<th>Training</th>
<th>40 000 EUR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elements of quality management</td>
<td>40 000 EUR</td>
</tr>
<tr>
<td>Elaboration and publication of informative brochure for mining entrepreneurs</td>
<td>10 000 EUR</td>
</tr>
</tbody>
</table>

Estimated costs: 0.09 MEUR

**Total TA component: 1.08 MEUR**
4. Institutional framework:

4.1. Target Institutions involved in the project are the Office for Competition and Consumer Protection (UOKiK), National Labour Inspectorate (PIP), Office for Telecommunication and Post Regulation (UR-TiP) and Supreme Mining Office (WUG).

4.2. Basically, this is an investment project, parallel with the activities carried out under the preceding IB projects - PHARE 1999, 2000 and 2001, and related to the institutional changes mentioned in the Background 3.1.

4.3. The beneficiaries will obtain ownership of the equipment. All purchase contracts will be executed by CFCU. In order to support CFCU, the Steering Committee will be established to efficiently carry out implementation works and co-ordinate them. Its task will be to prepare technical specification and TOR (terms of reference) and to co-operate with CFCU on carrying out contracts. All procedures will be conducted accordingly with the DIS and Practical Guide regulations.

5. Detailed budget (M€):

<table>
<thead>
<tr>
<th>Contract</th>
<th>Investment</th>
<th>TA</th>
<th>Total PHARE</th>
<th>National Co-financing</th>
<th>Total budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract 01</td>
<td>0.62</td>
<td>0.62</td>
<td>0.21</td>
<td>0.83</td>
<td></td>
</tr>
<tr>
<td>Contract 02</td>
<td>0.31</td>
<td>0.31</td>
<td>0.11</td>
<td>0.42</td>
<td></td>
</tr>
<tr>
<td>Contract 03</td>
<td>0.38</td>
<td>0.38</td>
<td>0.14</td>
<td>0.52</td>
<td></td>
</tr>
<tr>
<td>Contract 04</td>
<td>0.28</td>
<td>0.28</td>
<td>0.10</td>
<td>0.38</td>
<td></td>
</tr>
<tr>
<td>Contract 05</td>
<td>0.03</td>
<td>0.03</td>
<td>0.01</td>
<td>0.04</td>
<td></td>
</tr>
<tr>
<td>Contract 06</td>
<td>1.08</td>
<td>1.08</td>
<td>1.08</td>
<td>1.08</td>
<td></td>
</tr>
<tr>
<td><strong>PROJECT TOTAL</strong></td>
<td><strong>1.62</strong></td>
<td><strong>1.08</strong></td>
<td><strong>2.70</strong></td>
<td><strong>0.57</strong></td>
<td><strong>3.27</strong></td>
</tr>
</tbody>
</table>

Co-financing will be available.

6. Implementation Arrangements:

6.1 Implementing agency:

PAO:
Ms. Krystyna Gurbiel, Under-secretary of State, Office of the Committee for European Integration, Aleje Ujazdowskie 9, 00-918 Warsaw, tel.: +48 22 455 52 40, fax number: +48 22 455 52 43.

CFCU:
Mr. Wojciech Paciorkiewicz, Director, Co-operation Fund, Central Finance and Contracts Unit, ul. Górnoślaska 4A, 00-444 Warsaw, tel.: +48 22 622 84 64, 622 97 01, fax number: +48 22 622 72 12

CFCU as the Implementing Agency will be responsible for handling tendering, contracting and payments of contracts.

6.2 Twinning and Twinning Light:
No twinning assistance is foreseen for the project implementation.

6.3 Non-standard aspects:

**Contact person in the UOKiK:**
Magdalena Jaworska, Acting Deputy Director, Department for European Integration. Phone: (+48) 22 826 14 35, fax: (+48) 22 827 03 04, e-mail: mjaworska@uokik.gov.pl

**Contact person in PIP:**
Elzbieta Kossakowska, chief specialist, Department of Work Conditions, phone: (+48) 22 661 89 95, fax: (+48) 22 629 32 39, e-mail: ekossakowska@gip.pl

**Contact person in UR-TiP:**
Józef Marciniak, Director of Control Department, phone: (+48) 22 640 21 70, fax: (+48) 22 640 21 51

**Contact person in WUG:**
Grzegorz Pazdziorek, Deputy Director, Legal and European Integration Department, phone (+48) 32 251 42 24, e-mail: ie.wug@it.com.pl.
6.4 Contracts:

General remarks: Joint co-financing will be applicable to the co-financing regarding five investment contracts foreseen in the referenced project.

Contract 01 – Investments

0.62 MEUR (Phare) + 0.21 MEUR (national co-financing) = 0.83 MEUR – joint co-financing
The total amount of 0.83 MEUR will be devoted for the following activities:
- setting up market surveillance databases in local offices of the URTiP,
- analysis of market surveillance data processing models in accordance with the EU requirements,
- purchase and implementation of software for securing data obtained from the market.

Contract 02 – Investments

0.31 MEUR (Phare) + 0.11 MEUR (national co-financing) = 0.42 MEUR – joint co-financing
The total amount of 0.42 MEUR will be devoted for the following activities:
- delivery of IT system and additional supporting laboratory equipment for gathering data on products, their producers or importers, features and suitable investigation procedures

Contract 03 – Investments

0.38 MEUR (Phare) + 0.14 MEUR (national co-financing) = 0.52 MEUR – joint co-financing
The total amount of 0.52 MEUR will be devoted for the purchase of laboratory equipment for laboratories of Trade Inspection.

Contract 04 – Investments

0.28 MEUR (Phare) + 0.10 MEUR (national co-financing) = 0.38 MEUR joint co-financing
The total amount of 0.38 MEUR will be devoted for the following activities:
- development of computer system supporting the surveillance of conformity of products,
- purchase of hardware for PIP and CIOP to install the above-mentioned software ensuring data flow.

Contract 05 – Investments

0.03 MEUR (Phare) + 0.01 MEUR (national co-financing) = 0.04 MEUR – joint co-financing
The total amount of 0.04 MEUR will be devoted for the following activities:
- purchase of the equipment for the Supreme Mining Office and its territorial offices
- creation of data base for exchange and data transmission.

Contract 06 – Technical Assistance

1.08 MEUR (Phare), Technical assistance contract for verification of investment needs and expertise. (Detailed description contained in Action plan in point 3.4).

7. Implementation schedule:

7.2. Start of project activity: II quarter 2003
7.3. Project completion: IV quarter 2004

8. Equal Opportunity:

Women will be integrated into all levels of the objectives and actions under the project, getting new opportunities for professional growth in the field of conformity assessment and the telecommunications sector.


11. Investment criteria: n.a.

12. Conditionality and sequencing:

Conditionality:

- Enforced the Law on the System of Conformity Assessment and Amendments to Certain Acts as well as executive acts to that approved before the beginning of the project.
- The directive on toys as well as the directive on dangerous substances, referred to in the toys directive, have to be transposed before investments for the toys laboratory can start.
The directives in the sectors where investments are proposed fully adopted before the investments can start.

Results of the market surveillance component of the Phare 2000 project available before the launch of Phare 2002 one.

Polish authorities must provide the necessary personnel resources to the UOKiK for its surveillance authority tasks before the project can start.

Regular reviews will be held on legislative issues and transposition measures in the field of directives directly linked to the sub-projects, to verify the current status of progress on such issues as required modifications to the Copyright Law, which entered into force on 22 April 2000.

Executive acts to the Telecommunications Law issued.

Implementing regulation to the Law on General Safety of Products concerning the safety of toys - effective.

Harmonised EN standards related to the concerned directives implemented into the Polish standards set.

Maintaining linkages with the timetables set in the specific components of the Action Plan and regulatory/institutional processes.

Meeting by the Polish Government of the obligations included in the strategic documents e.g. the National Programme for the Adoption of the Acquis and the Accession Partnership.

Co-financing of project costs from Polish sources.

Government commitment to improve competitiveness of Polish industry and to increase its capacity to operate on the Single Market.

Poland will undertake the necessary measures aimed at the implementation and application of the acquis in the area of ‘Free movement of goods’ as declared above by 31 December 2002. “Wherever possible Poland will harmonise its legislation with the acquis and fully implement it as soon as possible before the accession date.” (p.19)

Milestones

- Signing of the Financing Memorandum.
- Action Plan verified and approved in the context of market surveillance in the scope of free movement of goods
- Preparation of background, initial analyses and approval of equipment training needs (operation of equipment according to EN norms).
- Carrying out of training, expertise and secondments-related fulfilment of competence criteria, accreditation or notification.
- Preparation of draft strategic plan for the UOKiK.
- Conducting of training of the beneficiaries’ market surveillance staff.
- Preparation of a study and working procedures related to the co-operation of URTiP in implementing market surveillance system in line with EU requirements with the UOKiK and MG.
- Creation of an integrated information system for beneficiary institutions.
- Providing the equipment as well as training related to the operation of purchased equipment and testing methodology in line with harmonised standards EN (Investment).
- Carrying out of final audit in order to assess the already made progress, as well as other inspections, like: inter-laboratory comparative research tests.

Annexes:

Annex 1 - LogFrame

Annexes 2-4 - Cumulative implementation, contracting and disbursement chart
**Annex 1: Logframe**

**Market Surveillance**

<table>
<thead>
<tr>
<th>Wider objective</th>
<th>Indicators of Achievements</th>
<th>Source of information</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>To achieve the effective functioning of <em>acquis communautaire</em> in the field of free movement of goods in the harmonised area through a smooth transition from existing inspection system in Poland to the market surveillance system in line with the EU requirements.</td>
<td>Passing proper acts and complete implementation of executive acts concerning certification and conformity assessment</td>
<td>Progress Report on Poland's Application for Membership of the European Union</td>
<td>Full implementation of the appropriate law: Law on National Conformity Assessment System; Law on General Product Safety; Law on the Product Liability; Telecommunications Law, Geological and Mining Law Role of ministries and other bodies involved in management of Community funds clearly defined. Continued political stability</td>
</tr>
</tbody>
</table>

**Immediate Objectives**

| Alignment of institutions involved in the Polish market surveillance system with the requirements of European competent bodies by: Adaptation to meet requirements of the market surveillance competent bodies and market surveillance organs (modernisation, complementation of equipment of their laboratories and training), IT in market surveillance work implemented; market surveillance databases, Competencies of the market surveillance personnel upgraded through adequate training, Technical infrastructure supporting market surveillance activities in Poland strengthened, Adaptation of the Polish institutions and infrastructure responsible for market surveillance to the Union requirements on the basis of New Approach Directives implemented to the Polish law: 88/378/EEC (safety of toys), 89/336/EEC (Electromagnetic compatibility), 99/5/EC (Radio and telecommunication terminals), 89/686/EEC (Personal protective equipment), 98/37/EC (Machinery), 93/15/EEC (Explosives for civil use), 94/9/EC (Protective systems intended for use in potentially explosive atmosphere) | Increased confidence in results of market surveillance testing and issued test reports. Increase of competencies of standardisation staff (training certificates), Improved flow of information on products between market surveillance authorities, producers, manufacturers, distribution channels. | Reports of experts. Reports of co-operating institutions. Results of technical audits performed in testing laboratories. Official publication, for example the NRA’s Bulletin. Appropriate applications for EU institutions Lists of market surveillance organs and units. Programme level monitoring data and information. Studies and analyses. The Official Journal of the President of the Office for Competition and Consumer Protection. | Implementation of Phare 1999, Phare 2000 and Phare 2001 programmes and executive acts: to the Act on National Conformity Assessment System, Secondary level legislation to the Law on general safety of products, Harmonised EN standards related to directives concerned implemented to the set of Polish standards; Implementation into Polish law of relevant New Approach Directives will enable introducing comprehensive market surveillance system in this area. |

**Results/Outputs**

<table>
<thead>
<tr>
<th>Indicators of Achievement</th>
<th>Sources of information</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate Objectives</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
• The UOKiK, national consumer protection authority, prepared for performance of its functions of co-ordinating works of several control bodies and monitoring implementation of the New Approach Directives;

• The IH, Chief and territorial inspectorates, able to more efficiently perform their duties of market surveillance bodies;

• Modernisation of technical equipment of the chosen bodies to carry out testing procedures according to relevant directives;

• Readiness of market surveillance authorities to survey national market within the programme of New Approach Directives;

• Due to the offered expertise, additional investment in laboratory equipment and training of employees both institutions improve their professional skills in order ensure efficient market surveillance in this field:
  - National Telecommunications Regulatory Authority (URTiP) – ready to control fulfilment of requirements related to 89/336/EEC and 99/5/EC Directives in view of its market surveillance obligation;
  - regional units of URTIP fully adapted for surveillance of the telecommunications equipment market in conformity with the EU standards;
  - new specialised laboratory permits for proper control of the safety of toys;
  - computer systems functioning in PIP and WUG enables both beneficiary institutions proper gathering and processing data collected during controls, inspectors of the beneficiary institutions trained.

Developed and realised programme of market surveillance training; Developing of additional quality system documentation; Organisational changes of market surveillance system implemented; Increased personnel competence; Performed training on equipment service; Carried out purchase of necessary equipment; Trained staff in scope of European market surveillance information, market promotion, market research tools. Information systems and database operational correctness.

Developed documentation, reports of experts, reports of beneficiary institutions, results of joint audits; Number of organised training List of trained persons Inter-laboratory testing results Reports of realisation of purchase plans Project progress reports Co-operating institutions reports.

The Polish authorities will support development of market surveillance in view of using it in regulatory area in compliance with trends existing in EU. Bodies maintain obtained competencies Transfer of know-how in beneficiary organisation. Competent staff involved permanently in conformity assessment process. Purchased equipment of satisfactory quality. Personnel training in scope of its usage and maintenance. Optimal equipment use Keeping of trained staff within administration.
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Conclusion of technical assistance contracts. Conclusion of investment contracts. Equipment installed and operational. Successful completion of training programmes and expanding of personnel knowledge.</td>
</tr>
<tr>
<td>Keeping procedural time-limits of launching programme and realisation of action plan; Satisfactory quality of training courses and experts; Effective transfer of know-how and appropriate information by beneficiary organisations; Quality of Polish staff involved. Proper overall co-ordination. Partners interested in co-operation.</td>
</tr>
</tbody>
</table>
## ANNEXES 2 - 4 Cumulative implementation, contracting and disbursement chart

### Market surveillance

<table>
<thead>
<tr>
<th>Activities</th>
<th>Implementation chart (cumulated)</th>
<th>Date of drafting: 20 June 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PLANNED - by quarters</td>
<td>Budget allocation (M€)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PHARE: 2,70</td>
</tr>
<tr>
<td>Implementation actions</td>
<td>D</td>
<td>D/C</td>
</tr>
<tr>
<td>Commitments</td>
<td>1,08</td>
<td>1,39</td>
</tr>
<tr>
<td>Disbursement</td>
<td>0,30</td>
<td>0,90</td>
</tr>
</tbody>
</table>

**Legend**
- D – design of sub-projects
- C – tendering and contracting
- I – contract implementation and payment

**Planning period:** 01.2003 - 12.2004

**Budget allocation (M€):** PHARE: 2,70