Effective Market Surveillance

German Experience

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Thuringian Authority of Occupational Safety and Health
Department of Technical Consumer Protection and Market Surveillance

PED Workshop, Nicosia - 03./05. Oct. 2005
TOPICS

• Legislation
  • Organisation
  • Tools
  • Activities
  • Experience / Future Plans
Act for Technical Work Equipment and Consumer Products
(Equipment and Product safety Act - GPSG)

- General regulations
- Bringing products into circulation and marking of products
- Surveillance of bringing products into circulation
- Special regulations
- Regulations governing penalties and administrative fines

6. Statutory ordinance under the GPSG (Implementation of SPVD)

14. Statutory ordinance under the GPSG (Implementation of PED)
GPSG - Surveillance of bringing products into circulation

**Tasks** of the competent authorities

- effective monitoring of the market
- logging and evaluation of information to determine deficiencies and goods flow
- establishment, adjustment and implementation of monitoring programmes
- logging and evaluation of these programmes
- regular checking and evaluation of the efficiency of the approach

A competent authority assumes the requirements of the directives are fulfilled when products bear the CE mark.
GPSG - Surveillance of bringing products into circulation

 Tasks of the competent authorities – cont’d

Necessary measures if a product does not satisfy the requirements:

1. to prohibit the display
2. to order measures to be taken
3. to order the inspection by an approved body
4. to order that warning signs are affixed
5. to prohibit the bringing of a product into circulation while testing it
6. to prevent a product from being brought into circulation
7. to order the withdrawal or recall of the product
8. to order that all those who may be exposed to a danger are informed

The authority itself may warn the general public.

There is no activity by the authority, if measures are taken by the person responsible for bringing the product into circulation to ensure that the danger is avoided.
Tasks of the competent authorities – cont’d

Measures shall:

- primarily address the manufacturer, his authorised representative or the importer

- according to relevant needs also the dealer

- any other person only in the case where major and present danger cannot be avoided in any other way
GPSG - Surveillance of bringing products into circulation

**Powers** of the competent authorities

- to enter premises or sites in which products are manufactured or stored
- to inspect the products
- to test them or to have them tested, and in particular to have them put into operation for this purpose.
- the persons who manufacture the product or who store or display it for the purpose of bringing it into circulation can be called upon to bear the cost of the tests, if the test shows that the requirements are not satisfied.
- samples and specimens are free of charge
- the manufacturer, his authorised representative, the importer and the dealer shall accept these measures in each case and are compelled to support the competent authorities
Principle:
Federal laws are enforced by the 16 states

market surveillance is carried out by the states
(16 different strategies ?)

needs to be organized

WG “Market Surveillance”
Co-operation in Germany

Working Group Market Surveillance

Members:
individual states, nation, authority specialists

Tasks:
consultation, exchange of experience, co-operation, organisation of activities

Tools:
regular meetings, Guide “MS”, ICSMC

- simple pressure vessels
- pressure equipment
- recreational craft
- medical devices
- gas appliances
- equipment for explosive atmospheres
- PPE
- machinery
- GPSD
- LVD
- In-vitro-Diagnostika
- toys
- cableway installations

source: Dr. Beck
Market Surveillance “Networks”

✓ Co-operation Model South Germany
   Start 1999 between states Bavaria and Baden-Württemberg
   2002/2004: Austria, Baden-Württemberg, Bavaria, Czechia, Hesse, Saxony and Thuringia

✓ Baltic Sea Market Surveillance Network
   Start 05/2004: Denmark, Estonia, Finland, Hamburg, Lithuania, Poland and Sweden

✓ North Germany co-operation
   Schleswig-Holstein, Mecklenburg-Vorpommern 07/2004

source: Dr. Beck
Tools

- ICSMS

- Guide for the Market Surveillance in Germany
  - rules for co-operative government implementation
Efficient and effective market surveillance requires efficient co-operation, communication and interplay of market surveillance authorities.

www.icsms.org
European Market and ICSMS

ICSMS: initiated by the EU, Belgium, Sweden and Germany.

Austria and Luxemburg joined the system during the development phase.

Estonia started with the system in September 2003.

Slovenia started a trial in 2003 and will join ICSMS in 2005.

United Kingdom started the trial in June 2004 and will continue its research.

Switzerland started with the system in September 2004.

The Netherlands will start with the system in the summer of 2005.

Malta will start with the system in the summer of 2005.

source: UMEG
Throughout Europe

EXCHANGE OF PRODUCT INFORMATION

IMMEDIATE CONTACT

QUICK REACTION

source: UMEG
SYSTEM

CENTRAL Data Storage

Independent Data INPUT by ANY market surveillance authority

Access requirements:
Personal Computer
Internet access
Browser Netscape 4.x or MS Explorer 5.0
Windows 95

source: UMEG
Overview

Information and Communication System

Confidential Section
- Product Information
- Test results
- Measures taken
- .......

Public Section
- Faulty products
- Voluntary recalls
- .......

source: UMEG
Which DIRECTIVES are covered today?

98/37/EC – Machinery Directive
73/23/EEC – Low Voltage Directive
97/23/EC – Pressure Equipment Directive
89/686/EEC – Personal Protective Equipment Directive
95/16/EC – Lift Directive
87/404/EEC – Simple Pressure Vessels Directive
94/25/EC – Recreational Craft Directive
2001/95/EC – General Product Safety Directive
89/336/EEC – Electromagnetic compatibility (EMC)
1999/5/EC R&TTE – Radio equipment and telecommunications terminal equipment
90/396/EEC – Appliances Burning Gaseous Fuels
94/9/EC – Potentially explosive atmospheres (ATEX)
2001/14/EC – Noise Emission (Outdoor Directive)
... to be continued

source: UMEG
# A PRODUCT INFORMATION DATA SET

<table>
<thead>
<tr>
<th>Summary</th>
<th>General</th>
<th>Product</th>
<th>Distributor</th>
<th>Standards</th>
<th>Conformity</th>
<th>Testing</th>
<th>Accidents</th>
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</table>
ADVANTAGES of ICSMS

→ Fast exchange of information

→ Immediate measures may be taken

→ Deterrence

→ Avoiding redundant work

→ Strengthening co-operation with Customs authorities

source: UMEG
ADVANTAGES OF ICSMS, cont`d

→ Evaluation tools
→ Appropriate platform for complaints:
→ RAPEX and safeguard clause notifications
→ Uniform operating language,
Keyfigures 08/2005

→ Number of installed administrations: > 270

→ Number of user accounts: > 1200

→ Present number of PIs: > 9700

source: UMEG
Keyfigures 08/2005

Number of product information (PI's) in ICSMS

source: UMEG
Partner of the Information System ICSMS

- consumer agencies
- notified bodies
- customs authorities
- commission
- market surveillance authorities
- professional associations
- industrial safety authorities
- industry

Information System -ICSM-

source: UMEG
Welcome to the Website of ICSMS
The internet-supported information and communication system
for the pan-European market surveillance of technical products.

ACCESS to the SYSTEM:  ➤ www.icsms.org

source: UMEG
Activities in the field of SPVD
<table>
<thead>
<tr>
<th>Type / Model</th>
<th>Product designation</th>
<th>Product designation (notifying state)</th>
<th>PI</th>
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<tr>
<td>33V510</td>
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<td>Flood light with IR-sensor</td>
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<td>55</td>
<td>Defect risks classification</td>
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<tr>
<td>56</td>
<td>Description of defects</td>
<td>Fehlerhafte Schweissnaht: Im Rahmen der Druckwechselprüfung von 10 (aus einer Gesamtzahl von 50 mittels Röntgen überprüften Druckbehältern), wurde festgestellt, dass im Rahmen der bestimmungsgemäßen Verwendung des Kompressors die Sicherheit von Benutzern oder Dritten nicht gefährdet ist.</td>
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<tr>
<td>58</td>
<td>Voluntary measures</td>
<td>Manufacturer (insert free text) Auslieferung gesperrt</td>
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<td>21</td>
<td>Photo or drawing of product / packaging</td>
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</table>
Weld Imperfection

lack of fusion
X-ray of a welding seam

incomplete fusion
Actual Example

weld imperfection
48 Test/engineer's report available

49 Name / File ref. no. SAM/0034/03

50 Test/examination date 23 January 2003

51 Test report(s) Druckwechselprüfung

52 Test laboratory

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<th>Name</th>
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</table>

53 Scope of testing Safety relevant tests (pressure aspects)

54 Number of tested items  

55 Defect risks classification Fehlerhafte Schweissnaht

56 Description of defects Im Rahmen der Druckwechselprüfung von 10 (aus einer Gesamtzahl von 50 mittels Röntgen überprüften Druckbehältern), wurde festgestellt, dass im Rahmen der bestimmungsgemäßen Verwendung des Kompressors die Sicherheit von Benutzern oder Dritten nicht gefährdet ist.

Attention: Find comments with regard to this chapter in Comment Section!
<table>
<thead>
<tr>
<th><strong>Summary</strong></th>
<th><strong>General</strong></th>
<th><strong>Product</strong></th>
<th><strong>Distribution</strong></th>
<th><strong>Standards</strong></th>
<th><strong>Conformity</strong></th>
<th><strong>Testing/Examination</strong></th>
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<td>Insgesamt wurden 3 Kompressoren einer Sichtprüfung unterzogen, wobei 1 Exemplar die Auffälligkeiten zeigte.</td>
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<td>21 Photo or drawing of product / packaging</td>
<td>[Image of a compressor]</td>
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</table>
09* EAN Code / Barcode

10* TARIC Code

11* Search criteria (product key words) Compressor

12* Product designation Compressor

13* Product designation (notifying state) Kompressor Euro 2200-1

14* Brand

15* Type / Model Euro 2200-1

16* Serial no. LOT 023030727

17* Year of construction 2003

18* Year of first distribution 2004

19* Type of energy used electrical (mains power supply)

20* Description of product and packaging, dimensions AIR TECH Euro 2200-1, 230V, 50Hz, 2850 l/min, 1,5kW/2,0PS, 24 ltr, 8 bar, 31,3 kg, Art.nr. 40.072.50, I-Nr. 01033

21* Photo or drawing of product / packaging

22* Photo of type identification plate
AIR TECH EURO 2200-1

230 V ~ 50 Hz

1,5 KW 2 PS

210 l/min

2850 min.⁻¹

8 bar max

31 kg

Hans Einhell AG • Wiesenweg 22 • D-94405 Landau/Isar

Bj. / Ser.-Nr.: 2003/07 004914

I.-Nr.: 01033

Art.-Nr.: 40.072.50
**TANK OF AIR COMPRESSOR**

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<td><strong>Max. W. T.</strong></td>
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German Considerations

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<th>pV = 50</th>
<th>50 &lt; pV = 200</th>
<th>200 &lt; pV = 3\cdot10^3</th>
<th>3\cdot10^3 &lt; pV = 10^4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sound engineering practice in one of the MS (Art. 3)</td>
<td>EC-Declaration of Conformity (Art. 12)</td>
<td>EC-Declaration of Conformity + EC-Surveillance (Art. 12 sentence 2)</td>
<td>EG-Examination (Art. 11)</td>
</tr>
<tr>
<td>-SEP-</td>
<td>(\text{\Large CE})</td>
<td>(\text{\Large CE 00XX})</td>
<td>(\text{\Large CE 00XX})</td>
</tr>
</tbody>
</table>

→ to check mainly these vessels - where no conformity assessment body was involved

→ low exposure
German Considerations

➔ 87/404/EEC applies to SPV manufactured in series
➔ Quality assurance systems - CAB

Could the afore mentioned China-case be avoided?
OUR FUTURE

Market surveillance needs TEAMWORK!

- Local market inspection bodies are lacking the means

- REGIONAL level – INTERNATIONAL level

- Efficiency of RAPEX, Safeguard Clause
EFFECTIVE MARKET SURVEILLANCE NEEDS ...

→ Exchange of INFORMATION

→ DATA BASE

→ efficient co-operation

→ means to inform the PUBLIC
Thank you for your attention

- time for discussion!

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