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Follow-up of national market surveillance plan 2016

In accordance with the Ordinance (2005:893) on Market Surveillance of Goods, the Market Surveillance Council should draw up national action plans for market surveillance and annually follow up and report on them to the Government. In accordance with the Ordinance (2014:1039) on Market Surveillance that entered into force in 2014, and which repealed the first mentioned ordinance, the Market Surveillance Council shall draw up a national action plan. However, the requirement for annual follow-up and reporting to the Government no longer applies, as opposed to what applies for the sector plans that each individual authority shall draw up within its specific areas of responsibility. However, the Market Surveillance Council has chosen to continue to follow up the national plan, and the follow-up of the 2016 national market surveillance plan is hereby submitted. It deals with joint actions by public authorities and consists of 28 activities that are divided into the three main tasks assigned to the Market Surveillance Council by the above-mentioned ordinance: *organisation of continuous exchange of experiences, support market surveillance authorities as well as information and contacts*. The report is structured in accordance with this classification.

Peter Strömbäck
Chairman of the Market Surveillance Council

ORGANISE A CONTINUOUS EXCHANGE OF EXPERIENCES

1. The Market Surveillance Council shall hold ordinary meetings on five occasions

One prerequisite for effective market surveillance is that public authorities are given opportunities to meet and exchange experiences. The foundation of the Market Surveillance Council's work is the ordinary meetings. At such Council meetings, information of general interest is shared, such as legislative work at national and EU level, and various issues of interpretation and practical implementation are discussed. The Council convened five times during 2016.

Among the issues discussed at the Council meetings during 2016, and which have not been highlighted in specific points in the latter part of this report, are the following:

- rules for web sales
- labelling of products that consist of several different parts
- limits for how old products may be relating to decisions on restrictive measures
- trade in second-hand products
- strategies against companies with recurrent shortcomings
- routines for cross-border cooperation within the EU
- bankruptcy trustee's obligations
- considerations and routines for establishing penalty payments
- purchase of products and reimbursement of testing costs
- information to the general public on decisions made
- quality, comparability and usefulness of market surveillance plans
- evaluation and reporting methodology
- safeguard clause procedure in ICSMS and the link to the Rapex procedure
- applicability of the Product Safety Act
- possible links to the Swedish Work Environment Authority's Government assignment "unfair competition in working life"
- counterfeiting and piracy
- consequences of DG TAXUD disbanding the Expert Working Group for customs and market surveillance authorities
- how to handle the safety of digital products, such as health apps, third party apps in cars and 3D-printed products
- how to handle new economic operators and business models in a circular economy
- legal basis and routines for "system inspection" and surveillance of the manufacturer's internal surveillance as well as quality and management systems
- applicability of Ordinance (1982:668) on the collection of data by public authorities from traders and municipalities in cases of market surveillance
- applicability of Ordinance (1994:2035) on certain obligations for authorities regarding membership of the EU

2. The Market Surveillance Council shall invite representatives from business, consumer and employee organisations to two of the Council's ordinary meetings

Close and regular dialogue between public authorities and business and consumer organisations is an important part of the authorities' market surveillance. The Market Surveillance Council has established links with contact persons from the Association of Swedish Engineering Industries, the Swedish Trade Federation, Business Sweden, the Swedish Consumers' Association, LO the Swedish Trade Union Confederation and the Swedish Association of Local Authorities and Regions.

In 2016 the participation of several of these organisations was slightly better than in 2015, but still not as good as in previous years. This applies in particular to the Swedish Association of Local Authorities and Regions and the Swedish Trade Union Confederation, which did not participate at all in the Council's ordinary meetings to which they were invited in recent years, but the contacts with the Swedish Consumers' Association, the Swedish Trade Federation and the Association of Swedish Engineering Industries have also been less frequent in 2015 and 2016. Although we did see increased commitment in the latter part of 2016, including through the new contact persons from the Swedish Trade Federation and the Swedish Consumers' Association.



Teknikföretagen



3. The Market Surveillance Council shall arrange two meetings of the Forum for customs-related issues

From a market surveillance perspective, the most effective approach is if it is possible to stop products that do not comply with the requirements of the legislation already at the external borders of the EU, i.e. before they are placed on the market. The prerequisite for this is a good cooperation between the customs and market surveillance authorities. The Market Surveillance Council has a permanent working group for this purpose, the Forum for customs-related issues, which shall meet at least twice per year. Swedish Customs chairs the working group, but the responsibility for hosting these meetings is rotated between authorities.

In 2016, the forum met twice, once in the spring and once in autumn. The Swedish Work Environment Authority was the host for the spring meeting and the Swedish Post and Telecom Authority for the autumn meeting. The participation of the market surveillance authorities in the forum has been limited to the same six authorities during the years following its establishment in 2011 (the Swedish National Board of Housing,

Building and Planning, the National Electrical Safety Board, the Swedish Chemicals Agency, the Swedish Consumer Agency, the Swedish Post and Telecom Authority and the Swedish Transport Agency). This is in addition to Swedish Customs and the Council's secretariat from the Swedish Board for Accreditation and Conformity Assessment, but during 2015 participation increased and amounted to about ten public authorities. In 2016, participation was again limited. At the spring meeting, only six market surveillance authorities participated (the Swedish Work Environment Authority, the Swedish National Board of Housing, Building and Planning, the National Electrical Safety Board, the Swedish Chemicals Agency, the Swedish Consumer Agency and the Swedish Civil Contingencies Agency) and at the autumn meeting, eight market surveillance authorities participated, the same as at the spring meeting plus the Swedish Energy Agency and the Swedish Post and Telecom Authority.

Among the issues addressed in this forum during 2016, special reference can be made to customs procedures for the import of products which, at the time of import, do not comply with EU product legislation in order to take measures to meet the requirements set for being placed on the market. This is no new issue for the Swedish customs and market surveillance authorities, but it gained renewed attention in connection with the new customs code, applicable from 1 May 2016. Sweden's representatives raised the issue at EU level, and the Market Surveillance Council's working group that was appointed in 2015 continued its work during 2016 (see activity no. 12).

Other issues discussed at these meetings consisted of practical questions about risk profiling, possible joint actions nationally, but also within the framework of Prosafe.

There was a reminder that products stopped at the border for being considered dangerous must be reported via the Rapex system, which had been unclear to some authorities. However, it remains unclear whether information about these products – as well as those that do not meet other requirements not related to health or safety – must or should be entered into ICSMS.

Another issue that has also been discussed extensively is the usefulness of the product-specific checklists that have been developed at EU level as a part of the Commission's guidelines on import controls from 2011. Some authorities and Member States have not been aware of these lists, others are dissatisfied with existing lists and want to create national ones instead. The Swedish authorities have drawn up their own list that Swedish Customs shall use as support during interventions.

There is some frustration at both Swedish Customs and the market surveillance authorities regarding the cooperation. In principle, everyone agrees that the cooperation should increase and made more efficient, but for most market surveillance authorities there are obstacles of various types, but above all an uncertainty about what is applicable, lack of experience and limited resources. There are several examples of successful collaborative projects, initiated by the National Electrical Safety Board, the Swedish Chemicals Agency and the Swedish Consumer Agency, but for most other authorities, working routines for cooperation have yet to be developed. Discussions have been

held on how to overcome existing obstacles. For the cooperation with Swedish Customs to become an important and natural part of the authorities' market surveillance, such cooperation should, for example, be planned into the process of preparing the annual market surveillance plans. In 2017, the Market Surveillance Council established a working group for e-commerce that shall focus in particular on e-commerce from third countries and the cooperation with Swedish Customs.

4. The Market Surveillance Council shall carry out an evaluation of its function, tasks, working practices, composition, etc.

In recent years, annual evaluations of the Market Surveillance Council's tasks, working practices, composition, etc. have been carried out, which have provided good input for continuous improvement in order to achieve the overall goals. As a basis for this evaluation, a questionnaire is sent to all members and deputies in the Market Surveillance Council. As in previous years, the ratings and comments in the 2016 survey were generally very positive. It is considered that the Council is a very good forum for information, inspiration and discussion, that the meetings are well prepared and organised, that the secretariat provides good support and good information to the authorities and represents their interests in a good way, both nationally and internationally. As in previous years, uncertainties about Swedac's coordination responsibilities in relation to the Market Surveillance Council's tasks as established in Ordinance 2014:1039 were identified. As in previous years, it was also regretted that the National Food Agency was not member of the Council.

SUPPORT MARKET SURVEILLANCE AUTHORITIES

Public authorities have differing experiences and perceptions of how market surveillance can, shall and should be carried out. They have to relate to several different regulatory frameworks, which are often overlapping, and sometimes there is also uncertainty over what legislation is applicable. The Government's instructions to the public authorities concerning market surveillance are in many cases unclear. The authorities of the Market Surveillance Council therefore have the important task of supporting each other in the interpretation and implementation of legislation and in developing best practice for cooperation.

5. The Market Surveillance Council shall continue to work for market surveillance responsibility to be included in the instructions to authorities

The market surveillance task is missing in the vast majority of the Government's instructions to the authorities. According to the authorities, this is a strong contributing factor to the activity having a secluded role and severely limited resources, as this quite simply drops out in the governmental dialogues between the managements of the authorities and the responsible main ministries, and thus also in the appropriation directives. Even though market surveillance activities generally constitute a small part of the authorities' overall operations, it is still an important task that should have a higher profile. For many years, the Market Surveillance Council has sought to reintroduce market surveillance responsibility in the instruction to the authorities. During 2016,

this issue has been taken up within the framework of the Inquiry Commission on market surveillance (see below), sectoral meetings at the Government Offices (see below) and in internal discussions and seminars.

6. The Market Surveillance Council shall continue to work for market surveillance objectives to be included in the Swedish regulations on market surveillance

The absence of overall objectives for market surveillance in the Swedish market surveillance ordinance (2014:1039) and in the various sectors makes it difficult for the authorities to evaluate the surveillance conducted, e.g. whether market surveillance has been effective, or assessments as to whether any possible government expectations have been met. During 2016, this issue has been taken up within the framework of the market surveillance inquiry commission (see below), sectoral meetings at the Government Offices (see below) and in internal discussions and seminars.

7. The Market Surveillance Council shall monitor the Government's follow-up of the request for a public inquiry to map the market surveillance authorities and their powers

It is far from satisfactory that it is not fully clear which authorities are actually responsible for conducting market surveillance in Sweden, and in which areas. For many years, the Market Surveillance Council has highlighted ambiguities in the legislation in force from a wide range of approaches such as gaps or overlaps in legislation, or conceptual confusion about what market surveillance really is. The fact that authorities' powers and sanction mechanisms also vary - often seemingly unjustifiably - between sectors and authorities is also unsatisfactory, as this complicates both effective market surveillance and opportunities for cooperation between authorities, but it also counteracts transparency and legal certainty for economic operators. In February 2014, the Market Surveillance Council submitted to the Government a request for an overview of market surveillance authorities and their powers and sanction mechanisms.

It is therefore very encouraging that in June 2016 the Government appointed an Inquiry Commission to look into these issues more closely. According to the directive, which the Council is very pleased with, the investigator shall:

- identify which Swedish government authorities are conducting market surveillance
- identify the extent to which and within what sectors the municipal authorities are conducting market surveillance
- analyse whether the different regulations that assign market surveillance authorities and govern their market surveillance responsibilities are clear and appropriate
- identify the powers and sanction mechanisms available to market surveillance authorities in Sweden
- investigate how powers and sanction mechanisms for market surveillance are regulated in comparable countries
- analyse whether existing powers and sanction mechanisms are suitable for achieving appropriate and efficient market surveillance

- analyse the impact of differences in powers and sanction mechanisms between the authorities affected on the market surveillance conducted in Sweden,
- submit the regulatory proposals or proposals for other measures that there is cause for.

Annika Brickman has been appointed as special investigator and the principal secretary is Sara Vinnefors. Representatives from the Swedish Work Environment Authority, the Swedish Chemicals Agency, the Swedish Consumer Agency, the Swedish Board for Accreditation and Conformity Assessment and the Ministry for Foreign Affairs are included in the expert group, but all of the Market Surveillance Council's authorities have assisted the Inquiry during its work. The report shall be submitted no later than 31 August 2017.

8. The Market Surveillance Council's authorities shall, within the framework of their sector market surveillance plans, further develop their methods for market analysis, data collection, follow-up and reporting in accordance with the Council's guidelines

The evaluation of the Swedish market surveillance during the period 2010-2013 in accordance with Art. 18.6 of Ordinance 765/2008 showed a lot of weaknesses in both implementation and reporting. Many authorities had difficulty reporting both resources and actual activities, but the main weaknesses were to be found in the analysis and assessment part. If the authorities had more closely followed the guidelines established by the Market Surveillance Council in 2008, the results would have been better. However, it did not look much better in the rest of the EU.

In autumn 2015 and spring 2016, the Commission appointed a task force to develop better support, including key indicators, for the authorities. Sweden participated in the working group which presented its proposals in the form of a template that will be used in the next evaluation for the period 2014-2016. In addition to statistics on e.g. resources, number of inspections, number of non-compliant products, restrictive measures taken and notifications per sector, there is great focus on market analysis in order to better identify economic operators supplying products that do not comply with legislation, as well as on assessing the effectiveness of the surveillance.

In 2016, the Swedish Work Environment Authority was tasked with a special government assignment to make its market surveillance more effective, including by means of mapping the markets for the products that fall within the scope of the authority's responsibility. The Swedish Work Environment Authority took the Market Surveillance Council's memorandum on market analysis from 2014 as the starting point for this work. The assignment will be reported in 2017 and will hopefully serve as an inspiration for other market surveillance authorities.

9. The Market Surveillance Council shall work for studies on the importance of market surveillance for society to be conducted.

As indicated above, the statistics and information available on dangerous or non-compliant products are fragmented and difficult to draw conclusions from. In addition,

there are no qualitative or quantitative studies on the importance of market surveillance in society, such as for the protection of consumers, employees and the environment, or for job creation, competitiveness and growth. The lack of such basis for decision making can be a contributing factor to market surveillance not being given sufficient attention or resources. During 2014 and 2015, some attempts were made to encourage Swedish authorities and researchers to conduct studies in the field, but they were unsuccessful due to, among other things, inadequate funding sources. In 2016, efforts and hopes were instead focused on approaching the Commission to conduct or having such studies conducted within the context of the Internal Market Strategy. This has been given some attention, and we hope to see concrete results in the near future. Of course, this does not rule out that we will continue attempts to encourage studies in the field that focus on the Swedish market.

10. The Market Surveillance Council shall contribute to the implementation of the EU Internal Market Strategy on the issues linked to market surveillance

The free movement of goods on the internal market is one of the fundamental principles of the EU. European cooperation in market surveillance issues is a prerequisite to ensuring fair competition and a high level of protection. On 28 October 2015, the Commission presented a new Internal Market Strategy (COM (2015) 550 final). The strategy announces several measures for improving compliance with EU regulations, including strengthened market surveillance. A review of the regulations on mutual recognition (764/2008), market surveillance (765/2008) and consumer protection cooperation (2004/2006) was conducted in 2016 and will continue during 2017.

The authorities of the Market Surveillance Council have responded to public consultations and questionnaires launched by the Commission and have participated in two major conferences in the Netherlands and Brussels. The issues have also been discussed in the Committee established under Regulation 764/2008, in the Commission's Expert Group IMP-MSG (*Internal Market for Products – Market Surveillance Group*) and, of course, in the Market Surveillance Council. Legislative proposals are expected to be presented 13 June 2017.



11. The authorities of the Market Surveillance Council shall inform about issues of horizontal interest from the various sector networks

Most public authorities participate in working groups or similar at EU level where issues relating to interpretation and implementation of various legal product acts are discussed. It is not rare for issues of horizontal interest to be raised and these should be brought to the attention of the entire Market Surveillance Council. Each authority

should therefore send agendas and minutes from such meetings to the secretariat, which, in consultation with each individual authority, identifies issues that should be addressed at the ordinary meetings of the Market Surveillance Council or in some other way.

During 2016, the secretariat has received the agendas for the meetings of the AdCo groups for recreational craft, radio equipment, machinery, construction products, gas appliances and transportable pressure equipment, as well as minutes for the latter two. In general, this is a deterioration in relation to 2015 and there is no information from a large number of sector groups. According to the agendas received, it can be concluded that several AdCo groups discuss the same issues, such as on the newly-issued guide of best practices for market surveillance, the safeguard clause procedure and ICSMS, that are common for the majority of sectors. These issues are also discussed in horizontal working groups such as the AdCo chair group and IMP, and it would be worthwhile if the Swedish authorities could coordinate their policy positions in the various fora. Some attempts on this have been made, but since there are no minutes in most cases or concrete proposals from the sector authorities, it has been difficult for the secretariat to identify specific issues to raise. The activity is also included in the 2017 national market surveillance plan and hopefully both authorities and secretariat can contribute more in this work.

12. The Market Surveillance Council shall review the model for cooperation between Customs and market surveillance authorities

The Market Surveillance Council's forum for customs-related issues has identified a need to review the national model for cooperation, which should, amongst other things, be extended to include additional customs procedures, where the market surveillance authorities may become involved. In the current situation, the model only takes its starting point from the customs procedure "release for free circulation" which is described in EU Regulation 765/2008 on accreditation and market surveillance. On 1 May 2016, the new union customs code – which entailed changed conditions for certain customs procedures – began to apply and the issue gained renewed attention. In the autumn of 2015, the Market Surveillance Council appointed a working group to review the new regulation in relation to the cooperation model, but unfortunately the work has not progressed very far. Bearing in mind the importance we attach to the cooperation between Swedish Customs and the market surveillance authorities in order to prevent non-compliant produces from being placed on the Swedish market, it is essential that the work is completed as soon as possible in 2017.

13. The Market Surveillance Council shall ensure a smooth transition to the new system for internal information exchange

Both national and international cooperation requires well-functioning IT solutions. Since 2008, Swedac has been financing a web-based system that functions as the Market Surveillance Council's internal system for information exchange and document management. Since there was dissatisfaction with the functionality in this system, an investigation into alternative solutions was conducted in 2015, and a new system was

procured. The new system, Webforum, was made operational on 1 February 2016. The transition has gone smoothly and there is great satisfaction with the new system.

14. The authorities of the Market Surveillance Council shall organise and take part in ICSMS training courses

According to EU Regulation 765/2008 on accreditation and market surveillance, all market surveillance authorities are obliged to enter information about products in ICSMS (*International Communication System for Market Surveillance*). Swedac, which is the national administrator of ICSMS, shall arrange training courses and all authorities shall ensure that they have the required knowledge in-house to use the system.

In 2016, two core training courses were conducted at Swedac; an introductory course and a training course focusing on the new safeguard clause procedures. In addition, authority-adapted training courses have been carried out at the Swedish Chemicals Agency, the Swedish Transport Agency, the Swedish Work Environment Authority and the Swedish Civil Contingencies Agency.

15. The authorities of the Market Surveillance Council shall participate in joint Rapex and ICSMS network meetings

The market surveillance authorities shall also, via the Rapex system (*Rapid exchange of information system*), inform other Member States and the Commission of dangerous products. The Swedish Consumer Agency, which is the national contact point for Rapex, shall arrange network meetings for use of the system. These network meetings shall take place in connection with network meetings in ICSMS, for which Swedac is national administrator. In 2014, the Swedish Consumer Agency and Swedac arranged a joint two-day network meeting for the first time. A similar joint network meeting was also planned for 2015, but for various reasons, including a significant restructuring of ICSMS and the launch of an integration project for ICSMS and Rapex, the date was postponed to February 2016.

Two network meetings were therefore held in 2016. These meetings, where we inform about legislation and news on the systems, as well as discuss practical issues, are valuable to and appreciated by the users. Among the agenda items for 2016, attention can be given to the development of the new interface between ICSMS and Rapex (which means that you can transfer data from ICSMS and create a Rapex notification), the Personal Data Act, the Commission's questions about how we can make the information more quickly available in Rapex, safeguard clause procedure and quality assessment in ICSMS.

16. The Market Surveillance Council shall participate in the Commission's pilot project on the integration of Rapex and ICSMS

For many years, the Market Surveillance Council has promoted an integration of Rapex and ICSMS to avoid duplication of data input in different systems. Such a pilot project has now been initiated within the Commission with a project group consisting of six participants each from the Member States' Rapex contact points and the ICSMS national contact points. Sweden participates in the project with representatives from the

Swedish Consumer Agency and Swedac. The group has held two meetings in 2016 where the participants have actively contributed with their points of view and comments on what a new system should contain and which functions are required.

More about Rapex 2016

In 2016, Swedish authorities made 72 notifications and 307 reactions in Rapex. These figures come from the Swedish Rapex contact point, i.e. the Swedish Consumer Agency, and differ from the Commission's figures in the official Rapex report for 2016. Several Member States have questioned the Commission's figures because they did not agree with the national data and the answer was that the report did not include products for professional use and risks other than to safety and health. This is not appropriate since the Rapex procedure covers all types of products and aspects, and will be followed up in 2017.

The Swedish Chemicals Agency is the authority that has made most notifications in Sweden during 2016. However, they have not submitted so many reactions. The Swedish Transport Agency is the authority that has submitted most reactions. Some authorities, such as the Medical Products Agency and the National Electrical Safety Board, have become more active with notifications. Using the new interface between ICSMS and Rapex, notifications in Rapex from Sweden may increase in 2017 as the same data does not need to be entered into two systems.

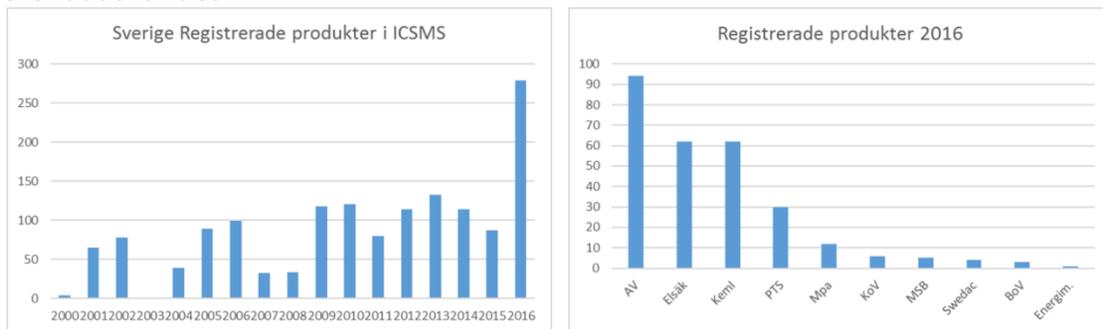
Myndigheter	Notifikationer art 12/art 22	Kommentarer art 12/art22	Notifikationer art 11/art 23	Notifikationer INFO	Kommentarer INFO not	Reaktioner	Kommentarer reaktioner
Arbetsmiljöverket	0		0	0		0	
Boverket	0		0	0		0	
Elsäkerhetsverket	8	Elprodukter 4, belysning 4,	0	0		0	
Kemikalieinspektionen	30	Smycken 15, leksaker 4, barnprodukt 1, hobby och sportartiklar 5, elprodukter 4, Kläder 1,	0	21	20 st gäller smycken och 1 st gäller klädesplagg	1	Kläder 1,
Konsumentverket	5	Leksaker 1, kläder 1, barnprodukter 2, dekorationsprodukt 1,	0	1	Gäller en leksak	33	Leksaker 18, barnartiklar 6, Hobby och sport 8, Personlig skyddsutrustning 1,
Läkemedelsverket	6	Kosmetika 6 st	0	0		3	Kosmetika 3,
MSB	0		0	0		2	Gaskomponent 1, tändare 1,
Strålsäkerhetsmyndigheten	0		0	0		0	
Swedac	0		0	0		0	
Transportstyrelsen, väg	0		0	0		268	Motorfordon och cyklar
Transportstyrelsen, sjö	1	Gäller ett tillbehör till livbåtar	0	0		0	Båtar och båtmotorer
Summa	50		0	22		307	

Currently, the Commission's Rapex team is holding only one meeting per year, and such a meeting was scheduled for March 2016. Unfortunately an act of terrorism occurred, which prevented the majority of participants from travelling to Brussels, so it was decided to hold a webinar instead. This seemed like a very good idea, but due to technical difficulties the meeting was a bit disorderly. As a result of this, the Rapex team decided to hold an autumn meeting, which discussed how to speed up the work

of publishing information, a more modern layout for the Rapex weekly report, and which audience it addresses: authorities or the general public. There was also information on the project to merge Rapex and ICSMS. The international meetings are valuable, not least because the contact points for the Nordic countries usually meet to talk about problems concerning the Nordic market.

More about ICSMS 2016

Encouragingly, a significantly increased use of ICSMS from Swedish authorities has been noted for 2016. The number of registered products has more than doubled compared to previous years. As before, activities in the system differ widely between different authorities.



Extensive development work within the Commission has added new functionality to the system, which has also resulted in increased interest from the authorities. Examples of new functions that are, or about to be, incorporated include a sector specific adaptation of information fields (DRPI, **D**irective **R**elated **P**roduct **I**nformation), incorporation of the safeguard clause procedures for legal acts adapted to Decision 768/2008 as well as an interface that allows the generation of a Rapex notification directly from ICSMS. A greater involvement of the AdCo groups in the development work may also have contributed. Training initiatives, both from Swedac and the Commission, as well as initiatives for internal training courses at some authorities, have also contributed to increased use.

However, in a comparison with other Member States, it can be concluded that Swedish activities in ICSMS lag far behind the most active countries.

17. The Market Surveillance Council shall arrange the “Market Surveillance Day 2016”

Even if internal cooperation at each respective authority works well, it is important to exchange experiences across sector and authority boundaries as well. This takes place within the framework of the Market Surveillance Council, where the participants often have good contacts. It is, however, also important that other than Council representatives, who also work with market surveillance at the authorities, have the opportunity to meet and exchange experiences. The Council therefore decided to arrange a special seminar for inspectors, legal experts and other desk officers during 2016. A working group for this purpose was established in 2015, and it consisted of participants from eight authorities: the Swedish Work Environment Authority, the Swedish National Board of Housing, Building and Planning, the Swedish Chemicals Agency, the Swedish

Consumer Agency, the Swedish Post and Telecom Authority, Swedac and Swedish Customs. 14 authorities, all authorities in the Council, apart from the Swedish Environmental Protection Agency, the Swedish Press and Broadcasting Authority, the National Board of Health and Welfare and the Swedish Radiation Safety Authority contributed financially. The seminar was held on 13 April at Nalen in Stockholm.



State Secretary Oscar Stenström, Ministry of Enterprise and Innovation, gave the Government's view of market surveillance and stressed the important work being done by the attendees to ensure a high level of product safety and an effective internal market without unfair competition. Representatives from business gave their perspective on market surveillance and intensive discussions were held on, for example, which tools were available to the authorities, interpretation of different types of legislation, application of the principle of mutual recognition, positive experiences of, but also difficulties with, cooperation between market surveillance authorities and cooperation with Swedish Customs.



The seminar attracted more than 140 participants from the authorities of the Market Surveillance Council, something we are very pleased with. The event was both necessary and appreciated, and similar seminars will continue to be held every two years.

18. The Market Surveillance Council shall promote an evaluation of the Swedish market surveillance by the Swedish Agency for Public Management and shall assist the agency in this work

The Swedish evaluation of the market surveillance conducted for the years 2010-2013 that was carried out in accordance with EU Regulation 765/2008 showed weaknesses

in some areas, which can partly be explained by a lack of knowledge in evaluation methodology. The Swedish Agency for Public Management could assist with the development of such methodology. The Swedish Agency for Public Management is a government agency that has been commissioned by the Government to carry out investigations, evaluations and follow-ups of state and state-funded activities and overall issues in the functioning of public administration. This includes analysing businesses and authorities from an efficiency perspective, reporting on the effects of government measures, and providing decision data for reassessment and increased efficiency. Contacts with the Swedish Agency for Public Management and the Ministry of Foreign Affairs took place in 2015, but without resulting in any concrete assignment. The Council should have continued to work for such an assignment to materialize in 2016, but it has yet to be accomplished.

In this context it can be mentioned that in 2016, the Dutch Court of Auditors conducted an audit of the CE marking system, including market surveillance, operates in the Netherlands. The report draws many interesting conclusions that are highly likely to be valid for Sweden and other EU Member States as well. The Dutch Court of Auditors has called on all courts of auditors in other Member States to conduct similar audits in other EU Member States and has extended an invitation to a special meeting on this in 2017. It will be interesting to see to what extent this is acknowledged by the Swedish National Audit Office.

INFORMATION AND CONTACTS

19. The Market Surveillance Council shall meet relevant officials at the Government Offices

In order for the market surveillance authorities to have the best possible conditions for performing their tasks, it is important that the assignors are well-informed regarding the activity in question. The Market Surveillance Council has identified a need to organise special meetings for relevant officials at the Government Offices to report on the market surveillance work of the authorities and discuss current issues. In 2015, a general information seminar was held at the Government Offices under the auspices of the Ministry of Foreign Affairs. This meeting was followed up with some sectoral contacts during 2016.

In October, representatives from the Swedish Transport Agency's departments for shipping, roads and railways met with officials from the Ministry of Enterprise and Innovation. Among the issues discussed was the situation of the market for recreational craft, water scooters and marine equipment, as well as challenges to carrying out sufficiently extensive market surveillance in view of the limited resources available to them, stumbling blocks in connection with the revision of the motor vehicle regulation, shortcomings in legislation that mean there is still no responsible market surveillance authority for motorcycle helmets, something the Government has been made aware of on several occasions for several years, as well as uncertainties in the Swedish Transport Agency's market surveillance responsibility for railways.

In November, representatives from the Swedish Work Environment Authority met officials at the Ministry of Employment. Among the issues raised at this meeting were the ambiguities in the legislation regarding the Swedish Work Environment Authority's mandate to inspect machines intended for consumers under the Machinery Directive, and uncertainties regarding the authorisation to conduct market surveillance at workplaces. The Swedish Work Environment Authority's Government assignment to review the market for products in its responsibility areas in order to provide better decision data and thus make market surveillance more effective was discussed, as well as the need for confidentiality waiver rules to allow for better cooperation with other authorities.

Proposals to introduce the authorities' responsibility for market surveillance in their respective instructions were raised at both meetings. These meetings were deemed necessary and will hopefully lead to better conditions for market surveillance. There are also expectations that these contacts will be followed by more sectoral contacts in the coming years.



20. The Market Surveillance Council shall investigate the areas in which and how the Council could contribute to the implementation of the national export strategy

In September 2015, the Swedish Government presented a Swedish export strategy. This strategy does not just concern exports, but also imports and general trade issues. The overall aim is to create growth, employment and increased prosperity. Discussions on how the Market Surveillance Council could contribute to the implementation of the strategy have been carried out primarily with Business Sweden, the National Board of Trade and the Swedish Agency for Economic and Regional Growth.



Information about the Market Surveillance Council has been distributed within Business Sweden's various departments. The National Board of Trade has been commissioned by the Government to investigate what prevents companies from exporting, which is linked to the export strategy and which has been discussed in the Council. The Swedish Agency for Economic and Regional Growth is responsible for the website verksam.se. The Market Surveillance Council has come to the conclusion that the primary means by which the Council's authorities can contribute is through different types of information efforts for economic operators relating to their obligations and current product legislation (see information activities below).

21. The Market Surveillance Council shall prepare the “Your product, Your responsibility 2017” seminar

Good dialogue between authorities and business helps bring about a common goal of safe products and fair competition. All market surveillance authorities should have ongoing contacts with relevant trade organisations. In addition, there is a need for efforts on a more comprehensive level in terms of product legislation, the obligations of economic operators and the role of authorities.

Since 2013, the Market Surveillance Council, together with Business Sweden, Swedish Trade Federation and the Association of Swedish Engineering Industries, has organised the biennial seminar, “Your product, Your responsibility”, which is aimed at manufacturers, importers and distributors. As in previous years, a working group was appointed in 2016 to prepare the seminar for 2017. The working group for the 2017 seminar consisted of representatives from the Swedish Work Environment Authority, the Swedish National Board of Housing, Building and Planning, the National Electrical Safety Board, the Swedish Energy Agency, the Swedish Chemicals Agency, the National Board of Trade, the Swedish Consumer Agency, the Medical Products Agency, Swedac, Swedish Customs, Business Sweden, the Swedish Trade Federation and the Association of Swedish Engineering Industries. In addition, the Health and Social Care Inspectorate, the Swedish Civil Contingencies Agency and the Swedish Post and Telecom Authority contributed financially. The increasing commitment both to participate in the working group and the willingness to contribute financially suggests that the seminar is important and successful.

22. The Market Surveillance Council shall investigate the possibilities for cooperation with the regional chambers of commerce

There have been requests to arrange training courses and seminars similar to “Your Product, Your Responsibility” in geographical locations other than Stockholm. The regional chambers of commerce have important roles to play in disseminating information to local businesses. Contacts were therefore taken with all the 11 regional chambers of commerce during 2016.

The contacts resulted in Swedac and the National Board of Trade, together with the Chamber of Commerce and Industry of Southern Sweden, organising two seminars on trade on the internal market in Malmö and Växjö respectively. We are hoping to be able to implement similar arrangements in cooperation with other chambers of commerce in the future.



23. The Market Surveillance Council shall investigate the possibilities for cooperation with the Enterprise Agency

The Enterprise Agency has a very important role to play in supporting small and new businesses throughout the country. With the starting point that the vast majority of businesses want to do the right thing, and that new entrepreneurs find it difficult to

find and apply an often complex regulatory framework, collaboration with the Enterprise Agency was initiated to try to reach out to this target group with information.



This resulted in meetings with about 30 regional business advisors in Kristianstad, Trollhättan, Katrineholm and Stockholm to provide information on the obligations of economic operators who sell products, and how to get help from authorities to do the right thing from the start.

The cooperation was experienced as very rewarding and will continue during 2017.

24. The Market Surveillance Council shall investigate the possibilities for cooperation with Almi

Almi is also an important organisation for providing various types of support to new entrepreneurs. Contact was made with Almi in 2016, but has so far not led to any concrete cooperation projects. However, a representative from Almi attended one of the seminars organised by the Chamber of Commerce and Industry of Southern Sweden (see above).

25. The Market Surveillance Council shall draw up a brochure on the import of products

The Market Surveillance Council's forum for customs-related issues has identified a need to inform importers about the different rules that apply for the import of products. Such information is currently not available in one place and, at the end of 2015, the Market Surveillance Council appointed a working group which shall review different customs procedures for different import situations, review the national cooperation model (between customs and market surveillance authorities), compile relevant existing information on importing among different authorities, and draw up an information brochure for importers. The first task mentioned above has not progressed very far (see activity no. 12), but a brochure was finalized at the end of 2016. Since the prerequisites for good implementation of the brochure are improved when the first mentioned tasks are completed, the Council has postponed the publication of the brochure.

26. The Market Surveillance Council shall contribute with information to www.marknadskontroll.se to a greater extent

Today, information is primarily sought out on the web. It is therefore important to ensure that useful and topical information is available on the Market Surveillance Council's website, www.marknadskontroll.se, and in particular to attract visitors. In 2014, guidelines were drawn up for publishing information on the Council's website, and in 2016 there was a change of supplier for the website and it was given a new layout. Unfortunately, a lot of information disappeared during the process and much time has been spent restoring the site. The majority of authorities contribute with posts to the DG blog (the blog of the Directors-General of the Council authorities), which is very positive, and each new post attracts more visitors to the site. Unfortunately, there are

still only a few authorities actively contributing with news. The efforts to increase commitment to the website will continue unabated.

27. The Market Surveillance Council shall investigate the possibility for different media to subscribe, link or refer to news on the website

The more information about legislation in force, responsible authorities, news, dangerous products, etc. that can be disseminated, the better. Since the website has not been considered of adequate standard, the Council has not actively attempted to attract media to subscribe to it as a news source. Hopefully this may take place during 2017.

28. The Market Surveillance Council shall investigate the possibilities of contributing information to verksamt.se.

Verksamt.se is a website that compiles a lot of information on what an entrepreneur should think about. However, the website has lacked significant information about the obligations that different economic operators have in the area of product legislation and which authorities can be contacted for information. Cooperation with the Swedish Agency for Economic and Regional Growth, which is responsible for this website, was therefore initiated in 2016. There is now some product information from the Market Surveillance Council, but it is difficult to find and not available in all the locations it should be. This will be followed up during 2017.





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