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## Follow-up of the National Market Surveillance Plan 2017

In accordance with Regulations (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 In accordance with Regulations (2014:1039) on Market Surveillance that entered into force in 2014, and which repealed the first mentioned ordinance, the Market Surveillance Council should draw up a national action plan.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 should draw up within its specific areas of responsibility. However, the Market Surveillance Council has chosen to continue to follow up the joint plan, and the follow-up of the 2017 national market surveillance plan is hereby submitted. It deals with multi-agency issues and consists of 33 activities that are divided into the three main tasks assigned to the Market Surveillance Council by the above-mentioned regulations: *exchange of experiences, cooperation and efficiency as well as information*. The report is structured in accordance with this classification.

Merih Malmqvist  
Acting Director-General, Swedac

## Exchange of experiences

### **1. The Market Surveillance Council shall hold five ordinary meetings**

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, such as legislative work at national and EU level, is shared and various issues of interpretation and practical implementation are discussed. The Council convened five times during 2017.

Among the issues discussed at the Council meetings during 2017, and which have not been highlighted in specific points in the latter part of this report, are the following:

- Application of Regulation 764/2008 on Mutual Recognition and the relationship to the General Product Safety Directive (2001/95/EC)
- Reporting procedures for technical regulations
- Brexit-related issues
- Challenges when standards (for products or testing methods) are inadequate or absent
- Consequences of Supreme Court judgment (case no. Ö 4833-16) regarding reference in legislation to standards that are not publicly available
- OECD product safety work, incl. the global database for recalls, Global Recall Platform
- The link between the Commission's proposal for a new regulation on consumer protection cooperation and the market surveillance regulation
- Procedures for the procurement of testing bodies
- Organisation of market surveillance activities in the sector authorities
- Financing of market surveillance
- Privacy, data protection and marketing issues regarding digital products
- Information to bankruptcy administrators
- Joint portal for product notifications/complaints

### **2. The Market Surveillance Council shall plan "Market Surveillance Day 2018"**

It is 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 arranged a special seminar exclusively for market surveillance authorities for the first time in 2016. This was experienced as very rewarding and the Council decided to arrange such seminars every two years. In 2017, the Council appointed a working group to plan and arrange "Market Surveillance Day 2018". Participants in the working group include representatives from Swedish Work Environment Authority, Swedish National Board of Housing, Building and Planning, National Electrical Safety Board, Swedish Consumer Agency, Swedish Post and Telecom Authority and Swedish Customs. The seminar will be held on 18 April 2018 at Nalen in Stockholm.

**3. 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 Business Sweden, the Swedish Trade Union Confederation, the Swedish Association of Local Authorities and Regions, the Swedish Trade Federation, the Swedish Consumers’ Association and the Association of Swedish Engineering Industries.

Participation by these organisations has varied. From a historically high participation from most organisations we saw a decline in 2014 and 2015, probably due to staff turnover, to then increase in 2016 and 2017. With the exception of the Swedish Association of Local Authorities and Regions, all contact organisations attended Council meetings in 2017.

		 <p>Sveriges Kommuner och Landsting</p>
		 <p>Teknikföretagen</p>

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

Form 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 immediately 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 Customs Forum, which shall meet at least twice per year. Swedish Customs chairs the working group, but the host for these meetings rotates.

The participation of the market surveillance authorities in the forum since it was established in 2011 has been limited to the same few authorities: the Swedish National Board of Housing, the National Electrical Safety Board, the Swedish Chemicals Agency, the Swedish Consumer Agency, the Swedish Civil Contingencies 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

Swedac (Swedish Board for Accreditation and Conformity Assessment). During 2015, however, participation increased and amounted to about ten public authorities. In 2016, participation was again limited, but increased in 2017.

In 2017 the forum met twice, once in the spring and once in autumn. The Swedish National Board of Housing, Building and Planning was the host for the spring meeting in Karlskrona and the Swedish Transport Agency for the autumn meeting in Norrköping. Eight market surveillance authorities participated at the spring meeting: the Swedish Work Environment Authority, the Swedish National Board of Housing, Building and Planning, the Swedish Chemicals Agency, the Swedish Consumer Agency, the Swedish Civil Contingencies Agency, the Swedish Post and Telecom Authority, the Swedish Radiation Safety Authority and the Swedish Transport Agency; and 11 authorities participated at the autumn meeting: the Swedish Work Environment Authority, the Swedish National Board of Housing, Building and Planning, the National Electrical Safety Board, the Public Health Agency of Sweden, the Swedish Chemicals Agency, the Swedish Consumer Agency, the Swedish Civil Contingencies Agency, the Swedish Post and Telecom Authority, the Swedish Radiation Safety Authority, Swedac and the Swedish Transport Agency.

The issues addressed in this forum during 2017 included:

- demarcation issues between private imports and other imports
- what decisions can be taken by the authorities
- the link between the various interim and final decisions of Swedish Customs and the market surveillance authorities
- which decisions can be appealed
- when a decision on the destruction of products is a proportional measure
- how to verify compliance with restrictive measures
- changed roles for authorized economic operators in the Commission's working document
- the proposal in the market surveillance inquiry to introduce export and exit bans on dangerous products in a new law on market surveillance
- extension of the cooperation model to include more customs procedures
- use of checklists

There is some frustration at both Swedish Customs and the market surveillance authorities regarding the cooperation. In principle, everyone agrees that cooperation should increase and made more efficient, but for most market surveillance authorities there are obstacles of various types, above all an uncertainty about what is applicable, lack of experience and limited resources. There are several examples of successful collaborative projects, but for most authorities, functioning routines for cooperation have yet to get underway. Discussions have been held on how to overcome existing obstacles.

For cooperation with Swedish Customs to become an important and natural part of the authorities' market surveillance, such cooperation should, for example, be integrated in the process of preparing the annual market surveillance plans. Swedish

Customs would prefer to receive applications for planned surveillance operations six months in advance to allow effective preparation. Another proposal is that Swedish Customs should provide the market surveillance authorities with information from the import database, based on pre-specified product codes on an annual and routine basis. The Swedish checklist prepared in Customs Forum to facilitate surveillance operations has not been used and it is recommended that this be done.

A number of activities have been introduced into the National Market Surveillance Plan for 2018 in order to improve customs cooperation, such as that the e-commerce group that was established in 2017, which includes Swedish Customs, should continue its work with specific product inspections, drawing up guidelines and an information campaign. Furthermore, the cooperation model shall be reviewed and all market surveillance authorities should aim to implement at least one joint project with Swedish Customs.

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

In recent years, annual evaluations have been carried out of the Market Surveillance Council's tasks, working practices, composition, etc., 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 alternate members in the Market Surveillance Council. As in previous years, the ratings and comments in the 2017 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. As in previous years, uncertainties about Swedac's coordination responsibilities were identified in relation to the Market Surveillance Council's tasks as established in Regulations 2014:1039 as well as requests for the coordination of specific product inspections.

#### **Support**

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 often overlap, 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 member authorities of the Market Surveillance Council therefore have the important task of supporting each other in the interpretation and implementation of legislation and in finding the best practice for cooperation.

**6. 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 falls away in the dialogues between the managements of the authorities and the responsible ministries, and thus also in the regulatory letters. 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 authorities' instructions. During 2017, this issue has been taken up in the framework for the market surveillance inquiry (see point 8) and in dialogues with relevant ministries.

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

The absence of overall objectives for market surveillance in the Swedish market surveillance regulations (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 2017, this issue has primarily been taken up in the framework for the market surveillance inquiry (see point 8).

**8. The Market Surveillance Council shall contribute to the Government inquiry on the powers and sanction mechanisms of the market surveillance authorities appointed in 2016**

For a long time, there has been no comprehensive picture of all the authorities actually responsible for conducting market surveillance in Sweden, and in which areas. 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 cooperation between authorities. It also counteracts transparency and legal certainty for economic operators. In February 2014, the Market Surveillance Council submitted a request for a survey of market surveillance authorities and their powers and sanction mechanisms. The Market Surveillance Council therefore welcomed the fact that in June 2016 the Government appointed an inquiry to look into these issues more closely.

Former Supreme Court Justice Annika Brickman was appointed as special investigator and representatives from the Swedish Work Environment Authority, the Swedish Chemicals Agency, the Swedish Consumer Agency, Swedac and the Ministry for Foreign Affairs were included in the expert group. However, all authorities in the Market Surveillance Council have assisted the inquiry in its work, including replies

to questionnaires and discussions at the meetings of the Market Surveillance Council, in which Brickman participated on two occasions.

The report was submitted in September 2017.



Minister for European Union Affairs and Trade Ann Linde receives the report from special investigator Annika Brickman.

Photo: Catarina Axelsson/Government Offices

The report proposes a new horizontal law on market surveillance to clarify the tasks of the market surveillance authorities by giving them the same powers and sanction mechanisms. In several cases, this means increased powers than is the case today, such as the possibility of anonymous purchases and compensation for testing costs. The law is proposed to enter into force on 1 January 2019 and shall apply to the surveillance of new and used products in the harmonised area as well as the non-harmonised area.

The inquiry also conducted a survey of the authorities expected to conduct market surveillance and concluded that a further five government agencies in addition to those currently included in the Council have market surveillance responsibilities: the Swedish National Food Agency, the Swedish Board of Agriculture, the Swedish Forest Agency, the Swedish Tax Agency and the Swedish Gambling Authority. The inquiry proposes a review in order to concentrate the responsibility into fewer authorities.

Brickman also points out the need to clarify market surveillance responsibility in a number of areas where it is currently unclear, for example, for motorcycle helmets, taximeters and materials that come into contact with food. She also proposes a review of the regulations for CE marking, increased cooperation between authorities and improved information to companies on product legislation.

**9. The Market Surveillance Council's authorities shall, within the framework for 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 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 in the analysis and assessment part. If the authorities had followed the guidelines established by the Market Surveillance Council in 2008 more closely, 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 working group to develop better support for the authorities prior to future assessments, such as in the form of indicators. Sweden (Swedac) participated in the working group that presented its proposals, which were subsequently adopted by the Commission. In addition to statistics of 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 the regulations, cooperation between authorities, including the customs authorities, as well as on assessing the effectiveness of the surveillance.

In autumn 2017, an evaluation was carried out for 2014-2016. The Swedish authorities had become significantly better at reporting figures and statistics compared to the previous review. The result showed that 4 500 non-compliant products were discovered by the authorities in the Swedish market during the period. The Swedish market surveillance had a total of 50 fulltime equivalents and an annual cost of approximately SEK 75 million. The report is divided into 30 sectors/legal acts. Medical devices, radio equipment, chemicals, ecodesign and labelling, electrical equipment, construction products and motor vehicles clearly had the largest budgets, whereas the smallest budgets were allocated to fertilisers, textiles, lifts, cableways, measuring instruments and marine equipment. Voluntary measures by economic operators in the event of non-compliance were much more common than restrictive measures taken by authorities, demonstrating that dialogues with economic operators are

working well. However, cooperation with Swedish Customs and with other EU market surveillance authorities is very limited. Despite all the efforts made to improve the analytical and assessment abilities, Swedish reporting in these for the 2014-2016 period showed even greater weaknesses than in the previous evaluation.

These efforts include the work of the Swedish Work Environment Authority on, and the reporting of, its 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 external environment monitoring and market analysis from 2014 as the starting point for this work. In a meeting with the Market Surveillance Council, the Medical Products Agency has reported its work with signal intelligence, i.e. to identify and prioritise surveillance objects based on signals received from the surrounding world/market intelligence. The Swedish Energy Agency gave a presentation on how to use the "webcrawler" tool for monitoring websites in its market surveillance. Internal processes are underway in more authorities to streamline market surveillance and the hope is that the results will eventually lead to significant improvements.

**10. The Market Surveillance Council shall review its guidelines for the drawing up and following up of the sector specific market surveillance plans in the light of the EU Commission's template for evaluation and reporting**

A review of the Council's guidelines has been conducted and these have been adapted to the Commission's new template. At the same time, a number of further clarifications have been introduced.

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

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 and 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 decision data 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 interest from Swedish authorities and researchers in the area, but they were unsuccessful due to inadequate funding sources, amongst other things. In 2016 and 2017, efforts and hopes were instead focused on approaching the Commission to implement or facilitate implementation of such studies within the context of the Internal Market Strategy. This has been given some attention, and we hope to see concrete results in the 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.

**12. The Market Surveillance Council shall contribute to the implementation of the EU's Internal Market Strategy in issues linked to market surveillance**

Free movement of goods on the internal market is one of the EU's fundamental principles. European cooperation in market surveillance issues is a prerequisite to ensuring fair competition and good protection for consumers, employees and the environment. 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 legislation, including increased 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 2017, as well as public consultation and targeted surveys that the authorities of the Market Surveillance Council answered. The issues have also been discussed in the 764 Committee, in the Commission's Expert Group IMP-MSG (*Internal Market for Products – Market Surveillance Group*) and, of course, in the Market Surveillance Council. Concrete legislative proposals were expected by summer 2017, but there was a delay until 19 December before the Commission presented the proposals. Negotiations began in January this year and during 2018 the Market Surveillance Council will dedicate a lot of work to the legislative work with the so called New Goods Package.

**13. The Market Surveillance Council's authorities 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, amongst other things, 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 in the Market Surveillance Council or in some other way.

During 2017, the secretariat has only received the agendas or minutes for the meetings of the AdCo groups for construction products, gas appliances and transportable pressure equipment, which is the worst result so far. Certainly, information has been given verbally during the Market Surveillance Council's meetings for considerably more sectors, but it is much more difficult to identify common issues and to establish and enforce Swedish positions in different forums if exchanges do not take place in a more coordinated way. The activity is also included in the 2018 joint market surveillance plan and hopefully both authorities and secretariat can contribute more in this work.

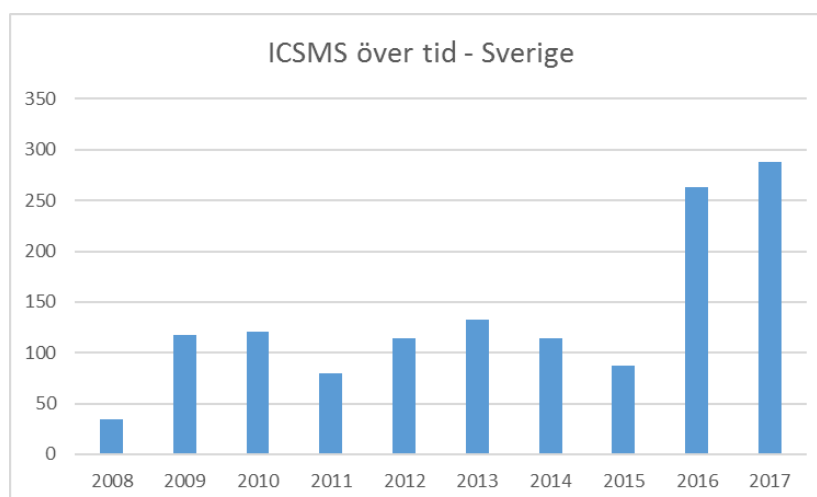
**14. The Market Surveillance Council shall review the model for cooperation between customs and the market surveillance authorities**

The Market Surveillance Council's Customs Forum has identified a need to review the national model for cooperation, which should, amongst other things, possibly

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, amongst other things, is described in EU Regulation 765/2008 on accreditation and market surveillance. On 1 May 2016, the new union customs code – which includes changed conditions for certain customs procedures – began to apply, which meant that the issue gained renewed attention. In the autumn of 2015, the Market Surveillance Council had already appointed a working group to review the new regulation in relation to the cooperation model, but unfortunately the work did not progress very far, even if slightly more was achieved during 2017 compared with 2016. Bearing in mind the importance we attach to the cooperation between Swedish Customs and the market surveillance authorities in order to prevent non-compliant products from being placed on the Swedish market, this work should be completed in 2018.

### 15. The Market Surveillance Council shall increase its use of ICSMS

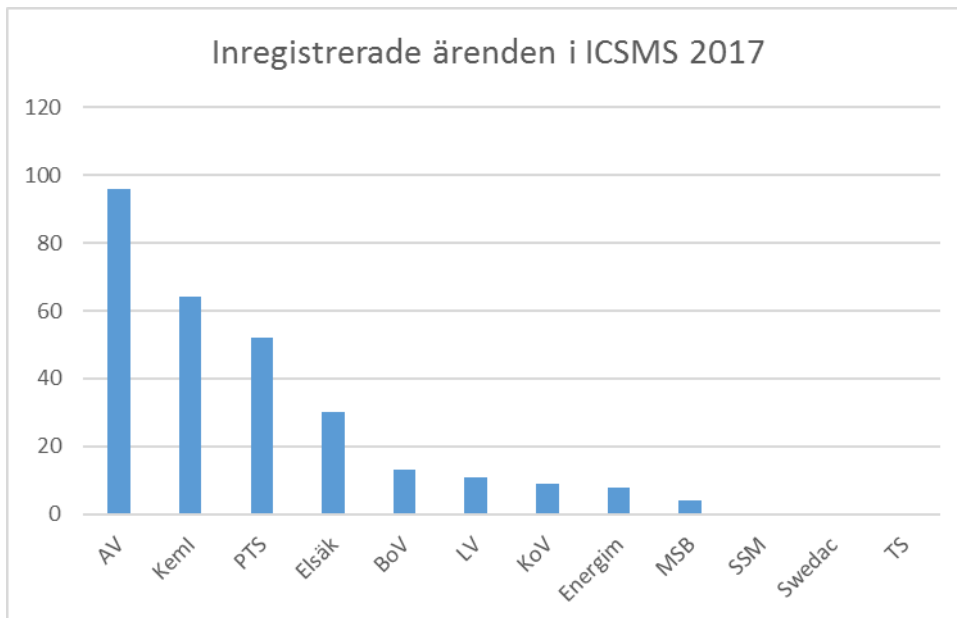
According to EU Regulation 765/2008 on accreditation and market surveillance, all market surveillance authorities are obliged to enter information about products in ICSMS (*International Communication System for Market Surveillance*). The purpose of the system is to communicate information to other EU authorities about inspected products, regardless of whether they turn out to be compliant or non-compliant, thus facilitating cooperation and prioritisation. The system is also intended to avoid duplication and facilitate reporting by collecting all data in one place. The more authorities that use the system, the closer these objectives are to being reached. From having been at a historically low level, Swedish use of the system has increased significantly over the last two years and in 2017 was at a peak, albeit remaining at a relatively low level.



ICSMS over time – Sweden

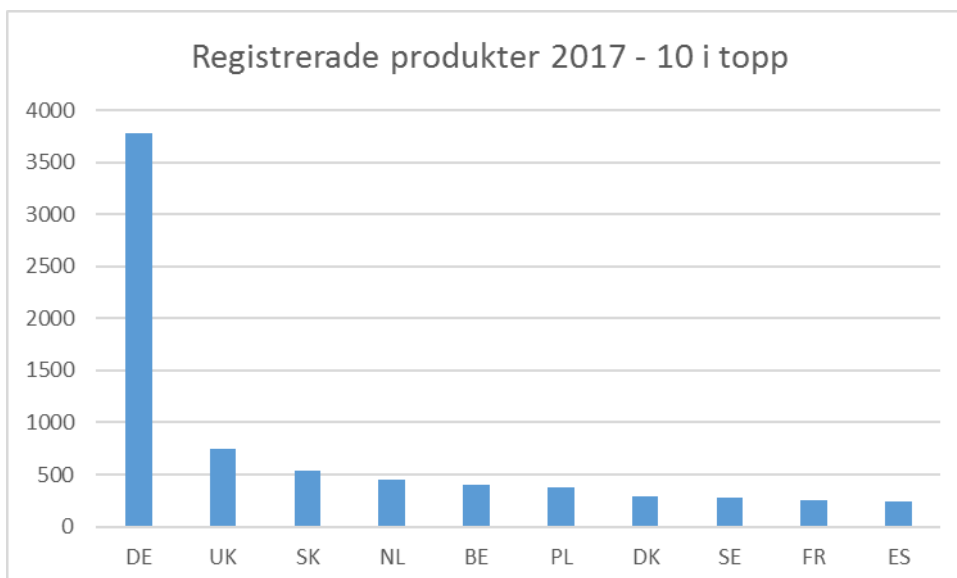
As can be seen from the diagram below, the Swedish Work Environment Authority registered most cases in 2017, followed by the Swedish Chemicals Agency and the Swedish Post and Telecom Authority. Of the market surveillance authorities registered in ICSMS, there are three – the Swedish Radiation Safety Authority, Swedac

and the Swedish Transport Agency – that did not enter anything in the system in 2017. The Health and Social Care Inspectorate, the Swedish Environmental Protection Agency, the Swedish Press and Broadcasting Authority and the National Board of Health and Welfare are not registered in ICSMS. The Public Health Agency of Sweden became a new member of the Council in July 2017 and joined the system in early 2018.



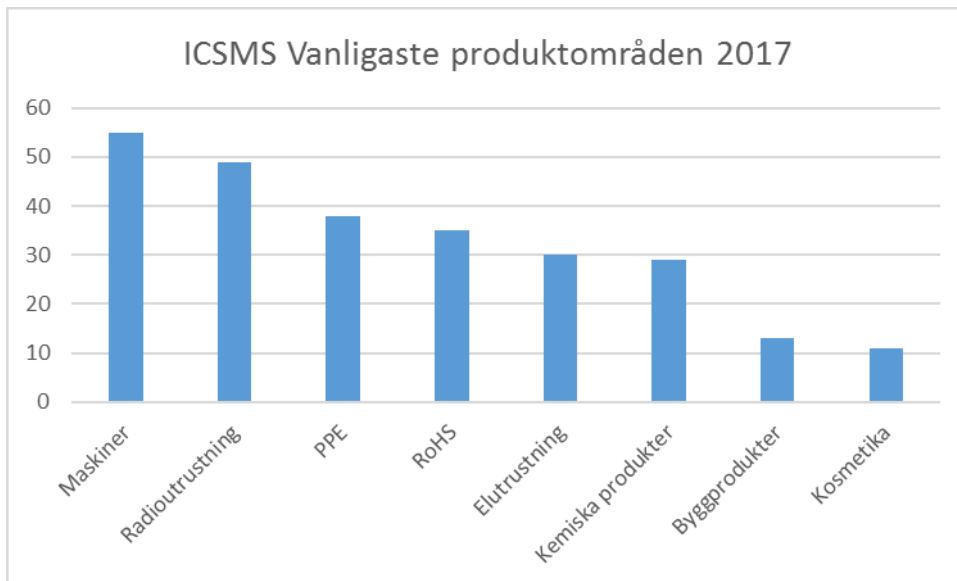
Cases registered in ICSMS in 2017

Of the 28 EU Member States, Sweden takes eighth place in terms of registered products in 2017.



Registered products in 2017 – Top 10

Machinery, radio equipment, personal protective equipment, electrical equipment and chemical products are the product categories in which there were most registrations during 2017.



ICSMS Most common product areas 2017

#### **16. The Market Surveillance Council shall organise and take part in ICSMS training sessions**

Swedac, which is the national administrator of ICSMS, shall arrange training sessions and all authorities shall ensure that they have the required knowledge in-house to use the system. Each market surveillance authority has a designated authority administrator and knowledge dissemination is based on the system of “training the trainers”.

In 2017, Swedac did not provide any training sessions, unlike 2016 when the number of training sessions were unusually high. Therefore, it may not be surprising that no training sessions were provided either at national or authority level in 2017.

#### **17. The Market Surveillance Council’s authorities shall participate in joint Rapex and ICSMS network meetings**

The market surveillance authorities shall also, via the Rapex (*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, arranges network meetings for use of the system in the same way as Swedac arranges network meetings on ICSMS. In 2014, the Swedish Consumer Agency and Swedac arranged a joint two-day network meeting for the first time, which was very rewarding. Therefore, it was decided that future network meetings should be organised jointly, once a year. For various reasons, including a significant restructuring of ICSMS and the launch of an integration project for ICSMS and Rapex, no network meetings were organised in 2015, although two such meetings were held in 2016. No joint meeting could be arranged in 2017 due to a lack of time at the Rapex contact point, so in consultation with Market Surveillance Council it was decided to also

postpone the ICSMS meeting to 2018 in order to hold a joint meeting. Two joint network meetings are therefore scheduled for 2018.

**18. 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 was started a couple of years ago within the Commission, initially with a project group consisting of six participants each from the Member States' Rapex contact points and the ICSMS national contact points. Sweden participated in this group with representatives from the Swedish Consumer Agency and Swedac. The group met twice in 2016, but in 2017 the work has primarily been carried out within the Commission and separately in the Rapex and ICSMS networks.

An international Rapex meeting was held in Brussels in October 2017. Amongst other things, there were discussions on the progress of the integration of Business Application, Rapex and ICSMS. The IMP-ICSMS meeting in June 2017 also covered the integration of the systems, including the use of ICSMS for the safeguard clause procedure, a further step to integrate more procedures and systems, which the Market Surveillance Council views as very positive.

In 2017, ICSMS has been used for 163 Rapex notifications, of which 46 are from Sweden. ICSMS has also been used for 253 safeguard clause notifications, of which 24 are from Sweden (National Electrical Safety Board 23 and Swedish Consumer Agency 1).

**More about Rapex**

60 Swedish notifications were made by five Swedish authorities in Rapex 2017, most of which were made via the ICSMS interface. The Swedish Chemicals Agency made 31 notifications, the National Electrical Safety Board, 23, the Swedish Consumer Agency and the Medical Products Agency made two each and one from the Swedish Civil Contingencies Agency. Only three authorities issued reactions: the Swedish Transport Agency 249, the Swedish Consumer Agency 16 and the Swedish Chemicals Agency three. The statistics for 2017 look about the same as for 2016.

Myndigheter	Notifikationer art 12/art 22	Kategorier	Notifikationer art 11	Notifikationer INFO	Kategorier	Reaktioner	Kategorier reaktioner
Arbetsmiljöverket	0		0	0		0	
Boverket	0		0	0		0	
Elsäkerhetsverket	22	Elprodukter 16, belysning 6,	0	1	Elprodukter 1	0	
Folkhälsomyndigheten	0		0	0		0	
Kemikalieinspektionen	30	Leksaker 8, hobby och sportartiklar 8, elprodukter 3, kläder 2, verktyg 2, belysning 1, kommunikation 2, köksutrustning 1, assessorer 1, övrigt 2	0	1	Hobby och sportartiklar 1	3	Leksak 2, barnartikel 1
Konsumentverket	2	Barnprodukter 1, personlig skyddsutrustning 1	0	0		16	Leksaker 7, barnartiklar 4, kläder 3, möbler 1, hobby och sportartiklar 1
Läkemedelsverket	2	Kosmetika 2	0	1	Kosmetika 1	0	
MSB	1	Gasgrill 1	0	0		0	
Strålsäkerhetsmyndigheten	0		0	0		0	
Swedac	0		0	0		0	
Transportstyrelsen, väg	0		0	0		249	Motorfordon 244, bilbarnstol 2, cykel 1, minibike 1, däck 1
Transportstyrelsen, sjö	0		0	0		0	
Summa	57		0	3		268	

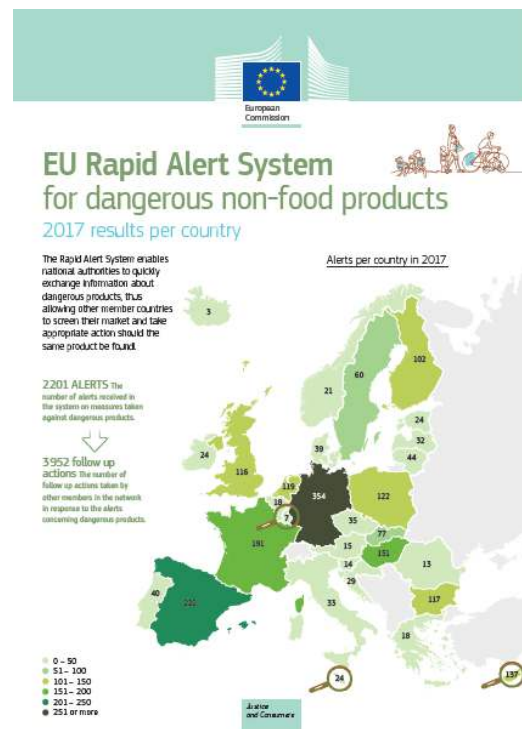
It should be mentioned that the Public Health Agency of Sweden has been included in the Rapex Cooperation in 2017. Among the development issues addressed in 2017, cooperation between Rapex and China, the quality of intelligence and how to speed up the process between incoming cases and Rapex notification could be mentioned. The GRAS Rapex software was updated during 2017 and the layout of the public page has changed. There is also a work underway to update the Rapex guidelines. The Swedish Consumer Agency is participating in this work.

The Commission's Rapex report for 2017 states that the system is increasingly being used by the national market surveillance authorities.

As in previous years, toys were the most reported product category (20%), followed by motor vehicles (20%) clothing and fashion items (12%).

The majority of the dangerous products reported were from non-EU countries, in particular China. The number of dangerous products from this country has not increased compared with the previous year.

The report also shows that consumers increasingly purchase more products online directly from non-EU countries, and many of the dangerous products reported via the system are also sold on online platforms.

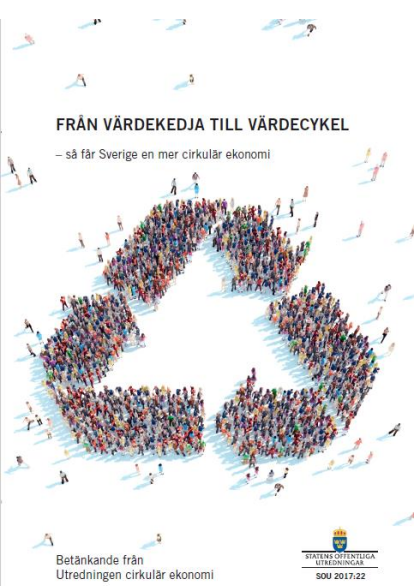


**19. The Market Surveillance Council shall undertake one or several joint market surveillance projects, focussing on on-line trade**

The increasing e-commerce has created a number of challenges, both legal and practical, for market surveillance authorities. In 2015, the EU Commission appointed a task force to draw up guidelines for the authorities on market surveillance of products sold on-line, but these guidelines were delayed (although published as a communication in August 2017). The Market Surveillance Council therefore decided to undertake one or several joint projects in this field with the aim to identify the difficulties and draw up guidelines for such surveillance. In early 2017, the Council appointed a separate working group consisting of representatives from the Swedish Work Environment Authority, the National Electrical Safety Board, the Swedish Chemicals Agency, the Swedish Consumer Agency, the Swedish Post and Telecom Authority, Swedish Radiation Safety Authority and Swedish Customs. The group conducted its own investigations and analyses and purchased products from different websites. In 2018, laboratory tests will be conducted and conclusions drawn from the experience of the specific surveillance project. The work will result in a project report, guidelines and an information campaign.

**20. The Market Surveillance Council shall appoint a working group to identify and deal with possible barriers of current product legislation to the circular economy**

Current product legislation is challenged by different initiatives to promote a circular economy. Different strategies for sustainable development and sustainable consumption aim to facilitate the re-use of products to a greater extent, e.g. through trade of second hand products and the repair and upgrade of products. New business models within the collaborative economy blur the traditional division between goods and services and between economic operators and consumers. To a certain extent, current product legislation creates barriers to such a development and the market surveillance authorities need to identify such barriers and to come up with proposals on how they should be dealt with.

 <p>FRÅN VÄRDEKEDJA TILL VÄRDECYKEL – så får Sverige en mer cirkulär ekonomi</p> <p>Betänkande från Utredningen cirkulär ekonomi</p> <p>STATENS ÖFFENTLIGA UTREDNINGAR SOU 2017:22</p>	<p>The special investigator for the circular economy, Ola Alterå, presented the conclusions of the report “From value chain to value cycle – how Sweden will get a more circular economy” (SOU 2017:22) at the Market Surveillance Council's meeting in April 2017. Among the proposals in report were that these issues should be further investigated in the Market Surveillance Council.</p> <p>A working group was appointed in early 2017, and intensive work began to review strategies, investigations, legislation and other documentation at national and EU level, in order to map concrete examples from its own authorities.</p>
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The working group consists 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 National Board of Trade, the Swedish Environmental Protection Agency and the Swedish Post and Telecom Authority. Due to staff turnover and resignation of convener for the group, amongst other things, work unfortunately stopped after six months and has not yet been resumed. However, the activity is included in the National Market Surveillance Plan for 2018, so hope that this important work can be revitalised.

## **21. The Market Surveillance Council shall to a greater extent undertake joint market surveillance actions**

There are many areas where the market surveillance authorities are responsible for different aspects of the same product and where the need for coordination is considerable, both in order to use limited resources as efficiently as possible and to avoid that several authorities check the same company on different occasions, unnecessarily disturbing business. Common information activities, documentary checks, site visits and testing should be considered. Coordinated projects already exist but there is a need to increase such cooperation. The sector specific market surveillance plans should constitute a starting point to identify possible common projects. During 2017, several joint projects, with at least two participating authorities, have been carried out. These cover the following products/areas:

- Child car seats (the Swedish Consumer Agency and the Swedish Transport Agency)
- Hardened glass (the Swedish Consumer Agency and the Swedish National Board of Housing, Building and Planning)
- Laser pointers (the Swedish Radiation Safety Authority and the Swedish Consumer Agency)
- Toys (the Swedish Consumer Agency, the National Electrical Safety Board and the Swedish Chemicals Agency)
- Playgrounds (the Swedish Consumer Agency and the Swedish National Board of Housing, Building and Planning)
- Products in the grey zone of pharmaceuticals and other product categories (the Medical Products Agency, the Swedish National Food Agency and the Swedish Consumer Agency)
- Medical devices (the Medical Products Agency and the Health and Social Care Inspectorate)
- Microplastic in cosmetic products (the Medical Products Agency and the Swedish Chemicals Agency)
- Power-driven gates (the Swedish National Board of Housing, Building and Planning and the Swedish Work Environment Authority)
- Personal protective equipment (the Swedish Consumer Agency and the Swedish Work Environment Authority)
- Radio equipment (the Swedish Post and Telecom Authority and the National Electrical Safety Board)

- Reach (the Swedish Chemicals Agency and the Swedish Environmental Protection Agency)
- Radiation equipment (the Medical Products Agency and the Swedish Radiation Safety Authority).

**22. 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 evaluations of the market surveillance conducted for 2010-2013 and 2014-2016 that were carried out in accordance with EU Regulation 765/2008 showed weaknesses in some areas, which can be explained by a lack of knowledge in evaluation methodology, amongst other things. 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 streamlining. Contacts with the Swedish Agency for Public Management and the Ministry of Foreign Affairs took place in 2015, but without any concrete assignment. The Council should continue to work for such an assignment to come about in 2016, but it has yet to be accomplished. The same applies for 2017.

## **Information**

**23. The Market Surveillance Council shall plan and participate at sector meetings with government officials**

In order for the market surveillance authorities to have the best possible conditions for performing their tasks, it is important that the principals are well-informed regarding the activity in question. The Market Surveillance Council has identified a need to arrange special meetings for authority administrators and other 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 arranged at the Government Offices hosted by the Ministry of Foreign Affairs. This seminar was followed up with some sector contacts during 2016. In 2017, it was not possible to arrange any such specific contacts.

**24. The Market Surveillance Council shall prepare and arrange 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 regular contacts with relevant trade organisations, to the extent that such co-operation is not restricted by international agreements (e.g. the Tobacco Convention limits contacts with the tobacco industry). 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 the authorities. In 2013 and 2015, the Market Surveillance Council, together with Business Sweden, the Swedish Trade Federation and the Association of Swedish Engineering Industries organised the full-day seminar “Your product, Your responsibility”, which is aimed at manufacturers, importers and retailers. The seminars have been well attended and appreciated, and the Market Surveillance Council has decided to continue to arrange this type of seminar every two years.

As in previous years, a working group was appointed to prepare the seminar for 2017. The working group 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 Swedish Consumer Agency filmed the seminar. The growing commitment to participate in the working group, the seminar and the exhibition area, as well as the willingness to finance, demonstrates that the seminar is both important and successful.

There was a record attendance at the seminar that took place on 28 April. Despite increasing the number of places from 150 to 180, unfortunately not everybody who registered could be accommodated at the seminar.

The Minister for European Union Affairs and Trade Ann Linde gave an account of the government's work for a well-functioning regulatory framework for products.

Authorities and industry organisations informed on legislation in force and how they could help companies to do things right from the start.

Companies gave their view of the challenges they faced and how to handle them.





The speakers

**The Swedish National Board of Housing, Building and Planning** described the basic obligations of the various economic operators, and stressed that while manufacturers always bear ultimate responsibility for their products, importers and distributors also have far-reaching obligations in terms of product conformity, traceability, documentation and cooperation with authorities. The **Medical Products Agency** gave concrete examples of the obligations of the various operators under the new legislation for medical devices. The **Swedish Chemicals Agency** and the **Swedish Trade Federation** gave a joint presentation where they reminded that all actors in the supply chain have a responsibility to ensure that a product being sold meets all requirements. The **Swedish Consumer Agency** informed about the particular legislation that apply to the sale of products online, focusing on the information that must be available on the website. The **National Electrical Safety Board and the Swedish Energy Agency** gave an account of the powers of the market surveillance authorities and how surveillance works in practice. **Swedish Customs** informed about the role of customs authorities when importing products from third countries where – unlike intra-EU trade – they have significant powers to stop and inspect products. **Business Sweden** gave information on what to think about when exporting products. **Kronan Trademark AB** reported on its experience of cooperation with market surveillance authorities and how to implement a product recall while maintaining the confidence of its customers. **Volvo Construction Equipment** gave an account of the challenges of keeping up-to-date with all the rules and the problems with illegal imports and counterfeit documents, and emphasised the importance of well-functioning cooperation between companies and authorities, from the drafting of legislation to market surveillance, which creates mutual trust and understanding for the aim of the legislator.

In the Mentimeter poll, the findings showed that almost 80% of the companies suspect that their competitors take the risk that there are no non-compliances or

that when there are, they are not detected by the authorities. More than 50% considered market surveillance not effective. These were the starting points in the panel discussion that concluded the seminar. The panellists from **Business Sweden**, the **National Board of Trade**, the **Swedish Trade Federation**, **Swedac** and the **Association of Swedish Engineering Industries** were not surprised by these figures and gave an account of how they tried to improve the situation in different ways by helping – or forcing – companies to comply with the rules.

In addition to lectures and discussions, there were plenty of opportunities for contacts between companies, industry organisations and authorities. 14 organisations had display stands in the special exhibition area.



The exhibition area

## **25. 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 locations other than Stockholm. The regional chambers of commerce have important roles to play in disseminating information to local businesses. Contact was therefore made with all the 11 regional chambers of commerce during 2016. Amongst other things, the contacts resulted in Swedac and National Board of Trade, together with the Chamber of Commerce and Industry South Sweden, organising two seminars on trade on the internal market in Malmö and Växjö respectively. Unfortunately, there has not been time for such cooperation in 2017, but we are hoping to be able to arrange similar events in cooperation with other chambers of commerce in the coming years.

## **26. The Market Surveillance Council shall investigate the possibilities for continued cooperation with the Enterprise Agency**

The Enterprise Agency has a very important role to play in supporting small businesses and start-ups throughout the country. With the starting point that the vast

majority 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 in 2016 to try to reach out to this target group with information. This resulted in meetings with 30 regional business advisors in Kristianstad, Trollhättan, Katrineholm and Stockholm. In 2017, several Market Surveillance Council authorities (the Swedish Chemicals Agency, the Swedish Consumer Agency, Swedac and Swedish Customs) participated in the Enterprise Agency’s “Start a business” exhibition (see below).

**27. The Market Surveillance Council shall participate in the exhibition “Start a business”**

The Enterprise Agency’s “Start a business” exhibition is primarily aimed at smaller and newly established companies. There was great interest in the authority seminars at the exhibition and the target group was correctly identified. Participation in this exhibition is therefore also planned for 2018.



**28. The Market Surveillance Council shall produce information material on import of products**

The Market Surveillance Council’s Customs Forum has identified a need to inform importers of the different rules and procedures for import of products. Such complete information is today not available in one place.

<p>In 2015, the Market Surveillance Council appointed a working group which, amongst other things, should map 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 produce an information brochure for importers. The first tasks mentioned above have not progressed very far (see activity no. 14), but a brochure was produced by the end of 2016 and published in 2017.</p>	A vertical brochure cover. At the top left, it says "MARKNADS KONTROLL FÖRETAG" in small blue text. Below that, in larger blue text, is the question "Thinking about importing goods?". In the center is a 3D rendering of a brown cardboard box with the word "IMPORT" printed on its side. Below the box are three small icons: a box with a plus sign, a box with an umbrella, and a box with a wine glass. At the bottom right, there is a small number "10000 1.1.16 17208".
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**29. The Market Surveillance Council shall appoint a working group to produce uniform information on the obligations of economic operators concerning risk prevention and notification**

The Market Surveillance Council has identified a particular need to inform economic operators on their obligations concerning risk prevention and notification, e.g. to register and deal with complaints and to notify authorities when discovering that a product made available on the market is dangerous. The Council did not manage to assemble enough participants for this group, but the National Electrical Safety Board performed the work on its own and invited the Market Surveillance Council to submit comments during the process. In 2017, the Board published a variety of brochures and other information material that other authorities can adopt and adapt according to their own various rules.



**30. The Market Surveillance Council shall review the content on marknadskontroll.se**

Today, information is primarily sought on the internet. It is therefore important to ensure that useful and topical information is available on the Market Surveillance Council's joint website, [www.marknadskontroll.se](http://www.marknadskontroll.se), and to attract visitors to it. The website underwent a change in layout during 2016 as part of the decision to integrate it with Swedac's website. The content also needs to be reviewed to make it more attractive and easily accessible. An interim review was conducted during 2017 and minor changes were made. No resources were available to make more profound changes to the website.

**31. The Market Surveillance Council shall to a greater extent contribute with information to marknadskontroll.se**

The majority of authorities contribute with posts to the GD blog, 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 in 2018.

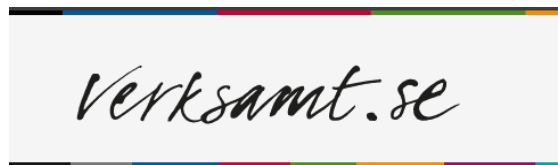
**32. The Market Surveillance Council shall investigate the possibility for different media to subscribe, link or refer to news on marknadskontroll.se**

There is a need for better dissemination of news and information from the Market Surveillance Council's authorities, in particular on dangerous products, and requests have been made to subscribe to news and posts in the GD blog. In 2017, the Council

examined the possibilities for subscription services and at the end of the year this became possible. Information and marketing of this service will begin in 2018 and is hoped to achieve the desired result.

**33. The Market Surveillance Council shall contribute with 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 important information about the obligations that different economic operators have in the area of product legislation and which authorities can be contacted for assistance. 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 is not available in all the locations it should be. This was to be followed up during 2017 but the resources to prioritise this were not available. The activity is included in the National Market Surveillance Plan for 2018.





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