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ECOPLIANT

European Ecodesign Compliance Project

Work Package 2:
Overcoming Barriers and Establishing Best Practices

Task 1:
Identify and describe existing best practices for market surveillance and possible barriers to coordination

Subtask 1.0 General introduction to Ecodesign Market Surveillance, Ecopliant and deliverable D2.3

Final Report
October 2014

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with input from ECOPLIANT project partners

Contents

The responsibility for the content and the recommendations of this subtask report lie with the author. They do not necessarily reflect the opinion of the ECOPLIANT project partners. However, the "Best practice" guidelines for coordinated and effective ecodesign market surveillance are the agreed views of the project partners.

Abstract

Market surveillance of the Ecodesign directive and its implementing measures is a challenge. Experience and resources are limited. Effective methods for monitoring, verification and enforcement are needed, as well as increased cooperation between the market surveillance authorities (MSAs). In this context, ten national MSAs, coordinated by UK Department for Environment, Food and Rural Affairs (Defra), initiated the Ecopliant project. The Ecopliant project has been granted economic support from the IEE programme during 2012-2015.

The Ecopliant project has examined how the MSAs are working to ensure compliance with the directive and its implementing measures, as a part of WP2 Overcoming Barriers and Establishing Best Practices. National acts and enforcement systems as well as existing strategies and practices in different Member States have been studied. A comprehensive, web-based survey has been carried out to establish the situation in the European Ecodesign MSAs.

This report is an introduction to Ecopliant WP2 Overcoming Barriers and Establishing Best Practices, deliverable D2.3:

D2.3: Final Report on each of the 5 stages of market surveillance studied (1.1 – 1.5), including results from validation exercises in WP3.

(The agreement states that it should be five stages of market surveillance, but in practice there are now six stages).

The five (six) stages of market surveillance listed below are described in separate reports.

1.1. Identifying EU wide product model numbers (FFII-LCOE)
1.2 Document Inspection Requirements (FFII-LCOE)
1.3. Techniques for Selecting Products for Testing (ENEA)
1.4. Testing Programmes and Full Compliance Testing Activities (NMO)
1.5. Enforcement Activity Follow Up (VI)
1.6. Sharing test results – Recording of data (DCENR)

During the period July – August 2013, the reports 1.0 – 1.6 were open to comments from stakeholders. A number of suggestions were made. These comments have all been taken into account when fine-tuning the reports. In WP3, the findings and recommendations from the reports have been tried out in practice and validated. The final reports that are now published constitute deliverable D2.3.

1 Introduction

1.1 Market surveillance - what and why?

The general objective of market surveillance is to ensure that products placed on the market comply with applicable product-related legislation and that the products do not endanger health, safety or any other aspect of protection of public interests, e.g. energy efficiency. Market surveillance is carried out in a number of different areas, by different agencies and with backgrounds in different legislation.

Market surveillance authorities (MSAs) are public authorities responsible for verifying that products on the market comply with current legislation and that they are labelled and verified in the prescribed manner. In practice, market surveillance includes any necessary action (e.g. bans, withdrawals, fines) to stop the circulation of products that do not comply with all the requirements set out in the relevant EU harmonised legislation, to bring the products into compliance and to apply sanctions (1).

Market surveillance is essential for the functioning of the Single Market, in order to protect European consumers against risks presented by non-compliant products. In addition, market surveillance helps to protect responsible businesses from unfair competition by unscrupulous economic operators who ignore the rules.

Market surveillance is often done in the form of planned inspections of products (so-called proactive market surveillance) or reactions upon reported accidents, public complaints or warnings from authorities in other countries (reactive market surveillance). Market surveillance typically does not include prior examination or inspection of products in use.

Given the rapid product development and the large amount of regulated products available on the market, it is impossible to check all products. Therefore, market surveillance is often carried out in the form of samples, which have been chosen based upon some kind of risk assessment.

General requirements for market surveillance on products available on the EU market are stated in the EU Regulation 765/2008 on accreditation and market surveillance (2), in sectorial legislation (such as the Ecodesign directive (3) and its implementing measures), and in the national legislations transposing the directives.

In February 2013, the European Commission proposed a new package of legislative and non-legislative measures to improve consumer product safety and to strengthen market surveillance of products in the EU (4). The package includes for example a Proposal for a Regulation on market surveillance. One reason for this proposal was that Union rules on market surveillance are fragmented and scattered over several different pieces of legislation, thus creating gaps and overlaps. The legislative proposals by the Commission aim to enable improved coordination of the way authorities check products and enforce product directives across the European Union. The package is still being discussed in the European Parliament and in the Council. At the time of this writing (October 2014), it is not known when the new legislation will come into force.

1.2 Market surveillance is carried out at member state (MS) level

EU legislation lays down specific requirements for market surveillance. However, in accordance with the subsidiarity principle as defined in Article 5 of the EU Treaty (described e.g. in (5)), market surveillance is organised and carried out at national level. Member States are responsible for surveillance activities on their own territory.

1.3 The Ecodesign directive and its market surveillance

The Ecodesign directive for energy related products is estimated to contribute with 5% reduction in energy consumption in Europe by 2020. A condition for this result to be achieved is, of course, that all products put on the market comply with the requirements. By January 2013, 16 products groups had been regulated under the Ecodesign directive as implementing measures (product-specific regulations)[1]. These 16 regulations will result in yearly energy savings around 415 TWh by year 2020, compared to baseline without regulations (however, this figure also includes the savings expected from energy labelling regulations where applicable).

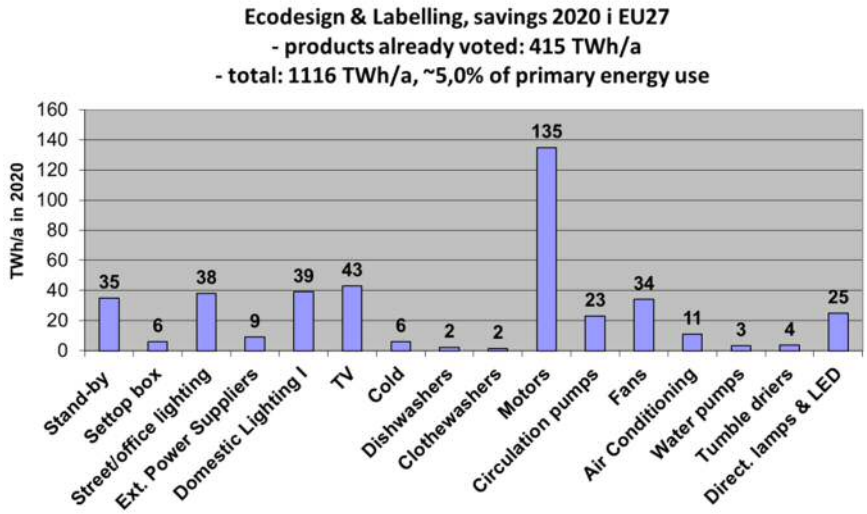

Figure 1: 16 regulated products under the Ecodesign directive in January 2013, with expected yearly savings at 2020 (including savings from Energy labeling directive where applicable).

The Ecodesign directive and its implementing measures are harmonised EU legislation and should be supervised by appointed national market surveillance authorities (MSAs). The Ecodesign directive (3) states in Article 3:

> 2. Member States shall designate the authorities responsible for market surveillance. They shall arrange for such authorities to have and use the necessary powers to take the appropriate measures incumbent upon them under this Directive. Member States shall define the tasks, powers and organisational arrangements of the competent authorities which shall be entitled to:
>
> (a) organise appropriate checks on product compliance, on an adequate scale, and oblige the manufacturer or its authorised representative to recall non-compliant products from the market in accordance with Article 7;

[1] By January 2013. Since then, a number of additional implementing measures have been adopted.

(b) require the parties concerned to provide all necessary information, as specified in the implementing measures;

(c) take samples of products and subject them to compliance checks.

3. Member States shall keep the Commission informed about the results of the market surveillance, and where appropriate, the Commission shall pass on such information to the other Member States.

4. Member States shall ensure that consumers and other interested parties are given an opportunity to submit observations on product compliance to the competent authorities.

1.4 Present state of market surveillance of the Ecodesign directive

In 2011, the Commission launched the study "Evaluation of the Ecodesign Directive (2009/125/EC)" (6). The study aimed at reviewing the effectiveness of the Ecodesign directive and its implementing measures, including a review of the current market surveillance. Alarmingly, the review concluded that market surveillance was insufficient and ineffective. It was estimated that 10-20% of products covered by implementing measures are non-compliant[2]. This was later pointed out by the Commission as an important challenge faced at EU and Member States levels in the application of the Ecodesign Directive and its implementing measures (7).

The need for improved market surveillance within the Ecodesign area and improved cooperation between member states had however been recognised long before the Commission study was presented. The ADCO group on Ecodesign, i.e. an administrative cooperation between market surveillance authorities, started to discuss the need for improved coordination of market surveillance already in 2009-2010. Members of the ADCO-group had recognised that experience and resources for enforcement of the Ecodesign directive were very limited in many Member States and that sharing experiences and identify best practices for market surveillance and enforcement were crucial to realise the energy efficiency potentials that were predicted under the Ecodesign directive. In April 2011, a project consortium of ten national MSAs together with UK Department for Environment, Food and Rural Affairs (Defra)[3] responded to the Intelligent Energy Europe (IEE) (8) call concerning 'SAVE—Energy-efficient products' by proposing an action for market surveillance of the Ecodesign requirements. The proposed project was named Ecopliant - the European Eco-design Compliance Project.

2 As suggested by CLASP, this figure is not based on specific evidence but rather on general experience. The perception of most stakeholders that a significant proportion of products (10-20%) on the market do not comply with the requirements of Ecodesign Implementing Measures appears to be supported by the emerging evidence.

3 From 2014 the responsibility was taken over by DECC (Department of Energy & Climate Change)

2 Ecopliant - the European Ecodesign Compliance Project

2.1 Introduction to the project

The Ecopliant project was granted financial support by the IEE-programme in early 2012. The project consortium consists of ten market surveillance authorities (MSAs) for Ecodesign, namely Denmark, Finland, Germany, Hungary, Ireland, Italy, The Netherlands, Spain, Sweden and the UK. Project coordination is led by UK Defra (later UK Decc).

The main objective of Ecopliant is to help deliver the intended economic and environmental benefits of the Ecodesign directive by strengthening market surveillance and so increasing compliance with the directive and the relevant implementing measures (9). Ecopliant will achieve this by:

- establishing systems to coordinate, in the most cost-effective manner, the monitoring, verification and enforcement (MV&E) of eco-design requirements across the European Single Market; and
- by increasing knowledge and experience of best practice amongst Ecodesign MSAs.

Ecopliant is aiming to enhance the functioning of the European Single Market by ensuring that Ecodesign requirements are applied consistently and effectively across Member States. This will help protect compliant businesses by eliminating unfair competition from non-compliant goods. It will similarly help to ensure that consumers, who purchase energy efficient products, can be confident that these products live up to the energy efficiency claims of the manufacturer.

The Ecopliant Consortium members believe that significant improvements in product compliance rates can be achieved if MSAs actively coordinate market surveillance activities, using a range of best practices to help them do so in the most resource efficient way. There are, however significant challenges to establishing such coordinated action. These include the “alignment” of the differences in national market surveillance strategies and priorities, national legislation, and the structure and responsibilities of MSAs, together with the lack of common formats, procedures and mechanisms (such as shared databases) to share information.

The objectives which are expected to be achieved during the life-time of the action are listed below.

- Collection of existing best practice already developed by the MSAs in the participating countries when ensuring compliance with the Ecodesign directive requirements. Development of additional best practice and adoption at MSA level.
- Coordination of market surveillance activities by the participating MSAs to aid the development of future surveillance plans and activities, and to prevent duplicating testing of products that have already been tested by other MSAs, thus making a better use of public money.

- Development and use by the MSAs in the participating countries of (electronic) tools and systems to record and share the plans for and results of market surveillance activities.
- Development and implementation of a knowledge and skilled based training programme for MSAs.
- Dissemination of the project results, including outputs of the project and the benefits of coordinating market surveillance activities to MSAs in the EEA and to the wider international community.

2.2 The Ecopliant work programme

The Ecopliant project is divided in seven different work packages (WP) as outlined below:

WP2 “Overcoming Barriers and Establishing Best Practices” is centred on collecting and analysing existing practices and strategies used by national MSAs for market surveillance. The WP2 collection and analysis of the existing practices and tools of MSAs across the EU/EEA will eventually result in specific best practice guidelines for effective coordinated market surveillance.

In WP3, a pilot coordinated market surveillance programme, including e.g. joint testing, will be carried out in several phases to practically assess the feasibility of the selected best practice and guidelines.

WP4 concerns data sharing between member states, including the development of a database.

In WP5, an array of developed training tools (such as the guidelines for best practice, manuals, etc.) will be used for training seminars across Europe to help national MSAs to tackle Ecodesign market surveillance and enforcement more effectively.

The flowchart listed below represents the logic of the work programme. The four core work packages located in the middle run in parallel (at the same time or otherwise) and are inter-dependent.

The outer structure represents the framework for the project as management, communication, and EACI dissemination activities work packages, which are all key to the functionality of the project.

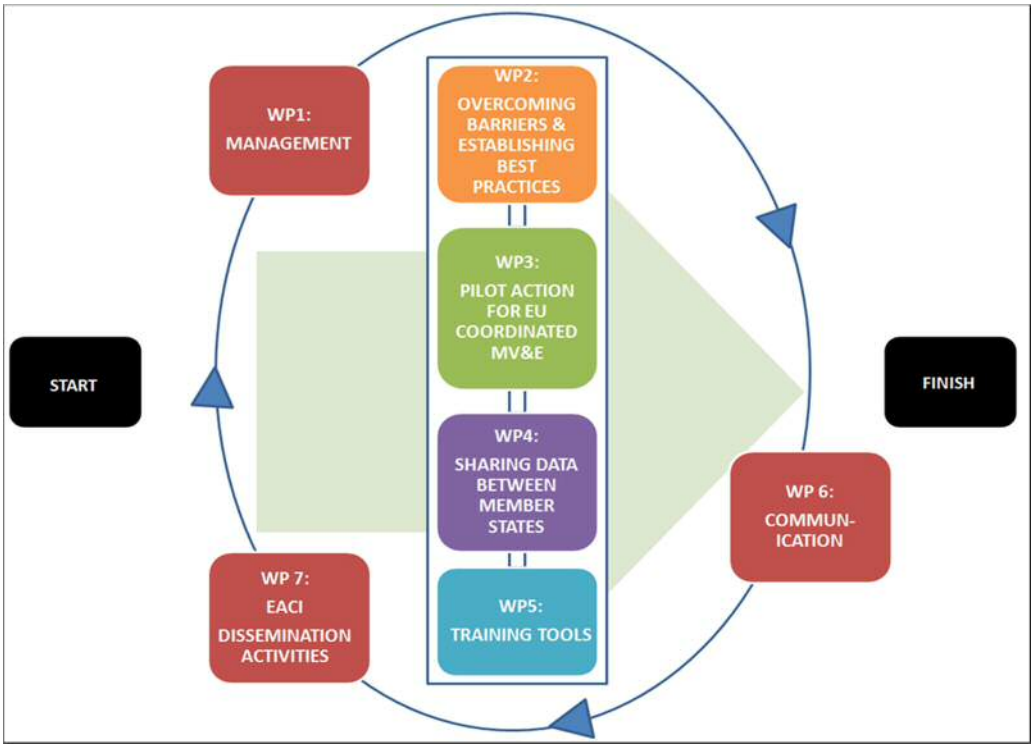

Figure 2: The flow chart of the Ecopliant work programme

2.3 Establishing Best Practices

In WP2, current best practices in the area of market surveillance of the Ecodesign directive and its implementing measures will be established. Existing practices and strategies used by national MSAs all over EU/EEA will be collected and analysed. Five (six)[4] stages or aspects of market surveillance are studies in different subtasks:

1.1. Identifying EU wide product model numbers (FFII-LCOE)
1.2 Document Inspection Requirements (FFII-LCOE)
1.3. Techniques for Selecting Products for Testing (ENEA)
1.4. Testing Programmes and Full Compliance Testing Activities (NMO)
1.5. Enforcement Activity Follow Up (VI)
1.6. Sharing test results – Recording of data (DCENR)

As described in the project plan, practices and strategies in each of these six areas will be investigated and analysed by different subtask leaders, i.e. partners in the Ecopliant project. In the first phase, the subtask leaders will use their own experiences as well as desktop studies in order to draft possible practices and strategies in each area. These findings will be complemented with an extensive survey to all EU/EEA MSAs for Ecodesign, as well as in-depth interviews with those countries that have the most interesting practices, tools, strategies and experiences. By this collection, together with the practical experiences of WP3, best practice guidance will eventually be formulated.

[4] Originally, only subtasks 1,1 – 1.5 were identified and these five also constitute the interim reports of deliverable D2.1, but subtask 1.6 has been added later as an extra complementing subtask. In addition, this report, the general introduction to D2.1, is named 1.0.

It is worth noting that there are already a number of useful tools and guidelines for market surveillance in general. For example, in 2006, the Product Safety Enforcement Forum of Europe (PROSAFE) started a project aimed at ensuring a basic level of expertise and practical experience within the market surveillance organisations of the Member States of the European Economic Area (EEA). One deliverable from the PROSAFE project is the book "Best practice Techniques in Market Surveillance" (10). Although this book is aimed mostly at product requirements regarding consumer safety, many general practices and strategies described in the book are applicable also for Ecodesign market surveillance.

The Ecopliant project is focusing on aspects that are specific to Ecodesign market surveillance.

Coordination of WP2 is handled by WP leader Swedish Energy Agency and sparring partner Danish Energy Agency.

2.4 Survey to project consortium and other EU/EEA market surveillance authorities

In order to complement and validate the desk studies gathered throughout the subtask studies of WP2, a comprehensive survey has been designed to establish the present situation among the EU/EEA market surveillance authorities. The survey was prepared and carried out in September- December 2012. The project consortium formulated an extensive set of questions, which was sent out in the form of a web-based survey to all MSAs for Ecodesign across EU/EEA, see Annex 1.
The main purpose of the survey has been to identify *best* practices applied by MSAs across Europe. At the same time, the survey has given a very good overview of how Ecodesign MSAs are actually working with market surveillance: what experiences they have in different areas, which practices and strategies they use, how they cooperate nationally and EU-wide, and what tools they are using. By this activity, the project consortium has gathered a lot of information about the practices that MSAs, with both limited and extensive experience and resources, are currently using when carrying out national market surveillance.

3 Ecodesign Market Surveillance across Europe – current practices

3.1 The survey to the Ecodesign MSAs - Methodology

So far, a number of areas related to market surveillance and monitoring, verification and enforcement (MV&E) have been reviewed in Ecopliant. A comprehensive, web-based survey was compiled by the Ecopliant partners in early September 2012. Different national practices within a number of different areas were identified as interesting for the survey, deriving from the six subtasks, e.g.:

- Organisation of market surveillance in different countries
- Technical documentation inspection
- Identifying EU wide product model numbers
- Targeting products for testing
- 'Screening techniques'
- National testing programmes
- Coordination of market surveillance activities
- Compliance testing activities - Identifying accredited laboratories
- Funding of market surveillance and testing
- Enforcement actions
- Sharing test results - Recording of data

First, the project contacted all national contact point for Ecodesign market surveillance, mostly by using the ADCO contact lists. A description of the project and the purpose of the survey were given to each contact point by e-mail. It was stated that Ecopliant was aiming for collecting existing practices for Ecodesign market surveillance and therefore the project wished to send the survey to the person most appropriate to answer these types of questions. In the e-mail, the project also asked for the number of MSAs for Ecodesign in each country, since some countries have more than one (e.g. were one MSA takes care of consumer related products and another is responsible for industrial products). It turned out that four of the countries that answered the initial e-mail had more than one MSA for Ecodesign: Three countries had each two different MSAs for Ecodesign (depending on the type of product) and two of the answering countries had several regional MSAs, but in these later cases, one answer were to be organised for the whole country. According to the project's knowledge, one EU country does not have a contact point for Ecodesign yet. Including three EEA countries, it therefore ended up with 32 possible respondents for the survey.

The survey was sent out in early November and closed in early December.

Unfortunately, this was not the only request for information that was sent to the national contact points for Ecodesign in the autumn 2012. The European Commission

had earlier launched the "Collection for data on market surveillance activities carried out in the framework of the Ecodesign and Energy Labelling directives and the Energy Star regulation by national authorities of the EU member states and EFTA/EEA countries". For most countries, the Commission request was to be answered in end October. The IEE-project Atlete II (11) also carried out surveys and interviews with the same respondents in order to analyse the implications of the new Energy Labelling directive and the Ecodesign of energy-related products (ErP) directive on market surveillance. The Ecopliant survey was the last of these three data collections. Even of the three data collections had different purposes, the Ecopliant project identified that there was an obvious risk that the respondents had had enough of questionnaires by the time they were reached by the Ecopliant survey.

Fortunately, the response rate for the Ecopliant survey was above expectations. By the closing of the survey, twenty MSAs had answered all or at least parts of the survey. Out of these respondents, ten are partners of the Ecopliant project. Additional three respondents had begun to answer the survey, but their responses were so limited that they could not be used in the analysis.

A large proportion of the twenty countries had given detailed information on how they are carrying out market surveillance, showing experiences in many of the eleven different areas listed in the survey. A smaller number of countries had on the other hand given minimum information and often stated the standardised response "No information available". This is, on the other hand, a response in itself. If a MSA states that it has no information available within a certain area (for example product document inspection), or choose not to give any answer at all to the questions in section, a possible conclusion is that this country has no or very limited experience in this specific area.

A number of questions in the survey dealt with general aspects on organisation, cooperation and communication at the MSAs. These findings are described in this report. The six stages/aspects of market surveillance listed below and also covered by the survey are described in separate reports.

1.1. Identifying EU wide product model numbers (FFII-LCOE)
1.2 Document Inspection Requirements (FFII-LCOE)
1.3. Techniques for Selecting Products for Testing (ENEA)
1.4. Testing Programmes and Full Compliance Testing Activities (NMO)
1.5. Enforcement Activity Follow Up (VI)
1.6. Sharing test results – Recording of data (DCENR)

3.2 Organisation of market surveillance in different countries

As described above, the EU legislation lays down specific requirements for market surveillance. However, Member States are responsible for surveillance activities on their own territory. Some member states have gathered market surveillance responsibilities for a number of product related directives and regulations at one or a few national market surveillance authorities. Some member states, on the other hand, have chosen to organise the Ecodesign market surveillance together with Ecodesign

and energy policy development. At least two countries have in addition organised the Ecodesign market surveillance at regional level, with one common national coordinator who participates in the ADCO-group et ceteras. In at least three EU-countries, the responsibility for Ecodesign market surveillance is divided between two different MSAs, typically one for consumer products and one for industrial products.

In the survey, the MSAs were asked for which directives their organisation is the national MSA. Possible answers were the Ecodesign directive, the Energy Labelling directive, the RoHS-directive (restriction of the use of certain hazardous substances in electrical and electronic equipment), the EMC-directive (electromagnetic compatibility), the LVD-directive (low voltage directive), the directive for Batteries and Accumulators, the Regulation on the labelling of tyres, and other.

In the table below, the answers are summarized.

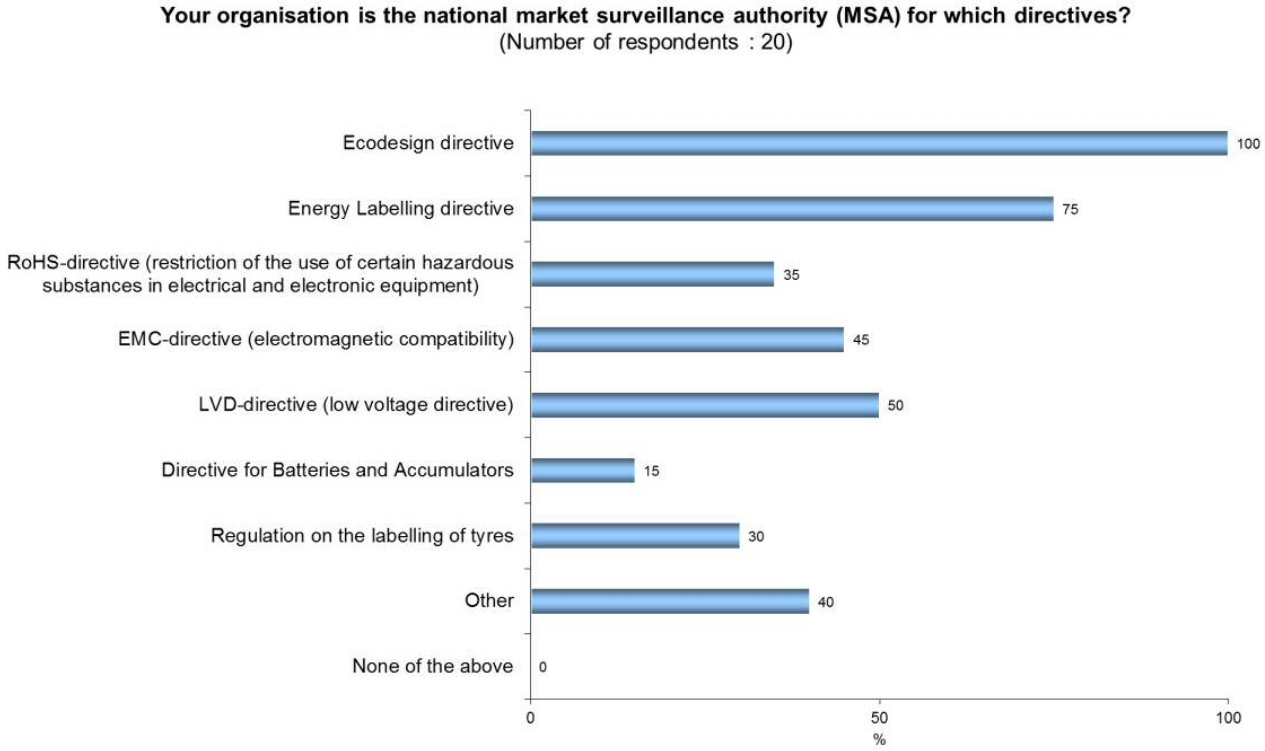

Figure 3: Responsibilities of the responding MSAs (summarized)

All twenty responding MSAs answered that they are responsible for the Ecodesign directive - and fifteen of them also had responsibility for the Energy labelling directive. Among the ten MSAs that are Ecopliant partners, two countries are not responsible for market surveillance of the Energy labelling directive (which is also the reason why Ecopliant is focused on the Ecodesign directive). Six of the responding MSAs are only responsible for the energy related directives (Ecodesign, Energy labelling and/or Labelling of tyres). Nine of the responding MSAs are covering the EMC directive and these nine plus another are covering the LVD-directive. There are also a number of other directives mentioned.

All in all, the different MSAs have very different scope of their market surveillance work. Being responsible for a lot of directives, that in some cases have been in place much longer than the Ecodesign directive, has probably lead to good experience of general market surveillance practices within these authorities. The national energy agencies that are responsible for a broad spectrum of energy policies and instruments, including market surveillance of energy related directives, might on the other hand hold great knowledge about general energy issues.

In the survey, it was also asked if the MSAs use in-house personnel for all market surveillance activities or if external resources or expertise are used for some activities. All responding MSAs concluded that the market surveillance responsibility was handled by the own organisations. Some MSAs do however also use the expertise of other public bodies, such as energy agencies, and/or subcontractors for example when it comes to communication, technical expertise, document inspections and, of course, laboratories.

It was also asked whether the Ecopliant project team could come back to the respondents with additional questions. 14 of the respondents accepted this, while five preferred not to have more questions.

3.3 Communication and co-operation

The respondents were asked if they operate any **proactive and preventing activities** to inform manufacturers, representatives or importers about the Ecodesign requirements that are in force or coming into force. 12 MSAs claimed to do so, while six said that they do not do. Most commonly is for the MSAs to hold information meetings, send out newsletters and publish guidelines on how to comply. Some MSAs issue brochures, guides and leaflets. One MSA provides a dedicated freephone and email address to which queries, comments or complaints can be addressed. Another MSA work in cooperation with other public bodies such as Chambers of Commerce and national agencies to disseminate information about the Ecodesign requirements of products. One MSA regularly attend trade exhibitions.

In addition, six MSAs do sometimes or always **make public announcement beforehand** to inform manufacturers, representatives or importers about market surveillance action they are planning to run. Some of these six MSAs publish their yearly market surveillance programme on their website.

To **publically publish the results of market surveillance activities** can be a way of discouraging possible unserious manufacturers. 13 MSAs claim to publish the results of market surveillance activities, e.g. on their website. One MSA comment that a yearly report is issued at the beginning of the new year about the experiences and result of every market surveillance inspection in the past year. This report informs also the stakeholders and users about the planned actions in the coming year.

12 MSAs do, to some extent, cooperate with **national customs authorities** in market surveillance of the Ecodesign directive in order to prevent non-compliant products entering the EU-market.

14 MSAs consider **publishing information about Ecodesign to consumers and end-users** as an essential part of the success of the enforcement of Ecodesign directive and its implementing measures. Many MSAs comment that an EU wide consumer information campaign could be useful, even if the Ecodesign directive is primarily not consumer oriented.

3.4 Further reading

Following this introduction to Ecopliant and especially work package 2, you will find six subtask reports on different stages of market surveillance, 1.1 – 1.6. All material can be found on the Ecopliant webpage (12).

In addition, other IEE-projects have recently been studying the ongoing market surveillance of the Ecodesign and Energy labelling directives across EU:

- The Come On Labels project has published the report "National legislation and its practical implementation related to energy labels on energy-related products" and also other reports dealing with market surveillance (13).
- The Atlete II-project has published the report "Implications of the new Energy Labelling Directive (2010/30/EU) and the Ecodesign of energy-related products (Ecodesign) Directive (2009/125/EC) on market surveillance activities" (11).

General market surveillance principles can be found for example in the PROSAFE book "Best practice Techniques in Market Surveillance" (10), even if this book is, as mentioned before, primarily covering market surveillance in the consumer safety area.

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Annex 1:
Survey to EU/EEA market surveillance authorities for Ecodesign

This survey is sent to all market surveillance authorities (MSAs) for Ecodesign in EU/EEA. It aims to identify existing good practice and procedures for market surveillance.
The questions are sent to you as a representative for the MSA in your country. If you are not the right person to answer any or some of the questions, the web link can be forwarded to somebody else in your organisation or your country. You can also choose to answer some questions, and later forward the web link to somebody else in your MSA. All answers from the last version of your survey will be saved. Please write your answers in English.
For MSAs responsible for other product directives, e.g. LVD (Low Voltage Directive), EMC (Electromagnetic Compatibility Directive) etc., it could be interesting to know what market surveillance activities are carried out within similar legislations, in which your organisation has more experience. Therefore, if your organisation has some experiences from other product directives relevant for part of this questionnaire, you can also choose to refer to these experiences.

The purpose of the survey is to get an overview of the market surveillance practices across Europe. The purpose is not to find shortages or faults.
We guarantee that individual answers will not be made public.
The results of this survey, together with other information about the Ecopliant project, will be presented at upcoming ADCO-Ecodesign meetings. It will also be presented at the Ecopliant website.
Even if only a number of MSAs participate as partners in the Ecopliant project, we hope that the project will lead to improved practice and improved cooperation in the market surveillance area all over Europe. Your contribution is very important and highly appreciated!

Thank you!
The Ecopliant team

Questions about this questionnaire?
Please contact Karolina Petersson, Swedish Energy Agency
E-mail: karolina.petersson@energimyndigheten.se
Telephone: +46 (0)16 544 2065

Questions marked with green, blue and grey will open up to the respondent depending on the answer he/she has given on the previous question!
This will be handled IT-technically/automatically in the web based survey.

Part A: General questions on market surveillance of the Ecodesign directive and its regulations

Market surveillance scope of your organisation

1. **For which country are your organisation the national market surveillance authority for the Ecodesign directive? Please indicate.**

Austria
Belgium
Bulgaria
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Iceland (EEA)
Hungary
Ireland
Italy
Latvia
Liechtenstein (EEA)
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden
UK
Norway (EEA)
Coordinator for several regions
Regional (please comment)
Other

Comments:_____
If Iceland, Liechtenstein or Norway,
For EEA-countries, some questions might not be applicable for you. Please answer and comment as much as possible anyway. Thank you!

2. **Your organisation is the national market surveillance authority (MSA) for which directives?** (several answers possible)
   - Ecodesign directive
   - Energy Labelling directive
   - RoHS-directive (restriction of the use of certain hazardous substances in electrical and electronic equipment)
   - EMC-directive (electromagnetic compatibility)
   - LVD-directive (low voltage directive)
   - Directive for Batteries and Accumulators

Regulation on the labelling of tyres
Other_____
None of the above

Comments:_____
If NOT Ecodesign directive (among possible others),
This survey is sent to all market surveillance authorities (MSAs) for Ecodesign in EU/EEA. The aim is to identify good practice in the market surveillance area. If your organisation is not responsible for market surveillance of the Ecodesign directive, please comment or contact the Ecopliant team.
Comments:_____

3. **Do you use in house personnel for all market surveillance activities or do you hire external resources or expertise for some activities?**

Comments:_____

4. **The Ecopliant project team might have additional questions to you. Would you accept further communication by phone from the Ecopliant project team regarding this survey??**

Answers: Yes/No

If yes,
Can you please state your contact details?
Name 1_____
Telephone number 1_____
e-mail address 1_____

Name 2_____
Telephone number 2_____
e-mail address 2_____

Technical documentation inspection

Products that are regulated under the Ecodesign directive 2009/125/EC need to have a file of technical documentation, for instance documents relating to the conformity assessment that have been carried out by the manufacturer.

5. **Has your organisation been working with technical documentation inspection as a method for market surveillance of the Ecodesign directive?**

Answers: Yes / No / No information available

If yes,

a) For which products? (several answers possible)

☐ Air conditioners and comfort fans (EU) No 206/2012
☐ Circulators (EC) No 641/2009 as amended by (EU) No 622/2012
☐ Electric motors (EC) No 640/2009
☐ Equipment (EC) No 1275/2008
☐ External Power Supplies (EC) No 278/2009
☐ Household dishwashers (EU) No 1016/2010
☐ Household washing machines (EU) No 1015/2010
☐ Industrial fans (EU) N°327/2011
☐ Lighting Products in the Domestic Sector (EC) No 244/2009 as amended by (EC) No 859/2009

☐ Lighting Products in the Tertiary Sectors (EC) No 245/2009 as amended by (EU) No 347/2010,
☐ Refrigerators and freezers (EC) No 643/2009
☐ Simple Set-Top Boxes (EC) No 107/2009
☐ Standby and off Mode Electric Power Consumption of Household and Office (EC) 1725/2008
☐ Televisions (EC) No 642/2009
☐ Water pumps (EU) No 547/2012
☐ Other_____
☐ No information available

b) **Please mark the type of documentation requested by your organisation in market surveillance** (several answers possible):

☐ EU-declaration of conformity
☐ List of products covered by the same technical file (identity declaration)
☐ Test report
☐ Energy label (if applicable)
☐ User manual
☐ Technical fiche
☐ Calculations required by the Ecodesign directive
☐ Measures taken during the production process to guarantee that all the products comply with the relevant ecodesign requirements.
☐ Other_____
☐ No information available

c) **If after the request, analysis and when necessary, the confrontation with the manufacturer, the conclusion is that product documentation cannot demonstrate its conformity with the relevant requirements of the Ecodesign directive (or similar product directives), what do you do, as a MSA?**

☐ We consider that the product does not comply with the Ecodesign directive
☐ We use this situation to select the product for testing.
☐ Other
Comments_____
☐ No information available

d) If the technical documentation of a product does not comply with the provisions of the Ecodesign directive (or applicable regulation), but when this product is tested, it then complies with this directive; does your organisation consider then that the product still does not comply with the applicable regulation?

Answers: Yes / No / It depends on the situation / No information available
Comments:_____

e) **Please note if you have any recommendations or results concerning technical documentation inspection that you would like to share with the Ecopliant project:** _____

☐ No information available

Product model numbers

A specific product model might be sold under different product model numbers in different EU-stats, even if it is more or less exactly the same product. Two or more products can be stated as "equivalent" by the manufacturer/importer if the products have only e.g. aesthetic differences, different trade marks, or different model references, but are equal regarding the requirements of the Ecodesign directives. In this case, this is stated in the technical documentation issued by the manufacturer/importer.

6. **Prior to selecting a specific product on the market for analysis/test and possible market surveillance action, does your organisation investigate how many products already on the market that can be considered equivalent to it according to the requirements following the Ecodesign regulation?**

Answers: Yes / Yes, sometimes /No / No information available

If yes or Yes, sometimes,

a) Does your organisation ask for an identity declaration, e.g. a document in which the manufacturer/importer states all the equivalent products covered by the same technical file?

Answers: Yes / Yes, sometimes / No / No information available

If Yes or Yes, sometimes,

i. Must that declaration show only the products sold in your country or must it show all the products sold across the EU? Comment:_____

ii. If the products shown in the identity declaration are not identical, but equivalent regarding the characteristics to be checked, do you request that *the relevant differences* among the products listed are also included in the identity declaration? Comment:_____

☐ No information available

b) If you find a product that does not comply with the applicable legislation and it should be withdrawn from the market, does this withdrawal only affect the inspected product or all the equivalent ones (those who share the same technical file or included in the same identity declaration; if any)?

Answers: The withdrawal only affects the inspected product / The withdrawal affects all the equivalent ones / No information available

Targeting products for testing

Different targeting methods can be used when selecting the products for testing. Targeting may relate to certain product categories, brands or specific models for testing. Targeting can also be based on product documentation, on risk-based approaches, on competitor/customer complaints, or the sampling can be made randomly.

When you consider "complaints" from an outside party, do you require some kind of evidence in order to use the information?

Answers: Yes, independent evidence, e.g. from a laboratory/ Yes, but it does not have to be independent/No, we do not require evidence/It depends on the situation/No information available

Do you have some recommendations or results that you would like to share with the Ecopliant project? Please describe_____

☐ No information available

7. **Have your organisation, as a MSA, been working with any other specific methods to target the products that are most relevant for compliance testing?**
   Answers: Yes / No / No information available

If yes,

For which products and EU legislation act have you used these targeting methods, and have you used them for targeting product categories, brands or the specific models for the following compliance testing? Please fill in multiple information per product and EU legislation act, if applicable.

Product and EU legislation act	**Type of applied targeting method (please describe)** *e.g. Product documentation, Competitor complaints*	**…… applied for the selection of: (category, brand, model) (please describe)** *e.g. brand*
(drop-down list)[5]		

☐ No information available

8. **Are there targeting methods described in the tables above that your organisation has chosen not to use, and if so why?**
   Comment_____

☐ No information available

[5] List of regulations that had come into force by the end of 2012
☐ Air conditioners and comfort fans (EU) No 206/2012
☐ Circulators (EC) No 641/2009 as amended by (EU) No 622/2012
☐ Electric motors (EC) No 640/2009
☐ Equipment (EC) No 1275/2008
☐ External Power Supplies (EC) No 278/2009
☐ Household dishwashers (EU) No 1016/2010
☐ Household washing machines (EU) No 1015/2010
☐ Industrial fans (EU) N°327/2011
☐ Lighting Products in the Domestic Sector (EC) No 244/2009 as amended by (EC) No 859/2009
☐ Lighting Products in the Tertiary Sectors (EC) No 245/2009 as amended by (EU) No 347/2010,
☐ Refrigerators and freezers (EC) No 643/2009
☐ Simple Set-Top Boxes (EC) No 107/2009
☐ Standby and off Mode Electric Power Consumption of Household and Office (EC) 1725/2008
☐ Televisions (EC) No 642/2009
☐ Water pumps (EU) No 547/2012
☐ Other_____

9. **Would your organisation accept the results of a targeting method applied by another market surveillance authority (MSA) to select the products for a verification action in your country?**

Answers: Yes / No / It depends on the situation / No information available

Comment_____

10. **Does your organisation have recommendations or results on product targeting methods that you would like to share with the Ecopliant project**?

Please describe:_____

☐ No information available

'Screening techniques'

'Screening techniques' are preliminary and possibly lower cost tests to assess the likelihood that a model will fail compliance testing, before deciding whether to proceed with full compliance testing.

11. Does your organisation have experience of any 'screening technique'?

Answers: Yes / No / No information available

If yes,

a) For which products/regulations? Please fill in multiple information per product and EC Regulation number, if applicable.

Product and EC Regulation number	Screened parameter* (please describe) *e.g. energy consumption, storage volume, water consumption*	Screening technique applied to:
(drop-down list)[6]		Product documentation/ Physical product/Both
		Product documentation/ Physical product/Both

☐ No information available

If (something filled in in the table above),

i) Are the screening techniques you apply a simplification of the tests described in the harmonised standard(s) accompanying each EU Ecodesign Regulation or a different kind of tests?

Please fill the table below for each product and screening technique. Please also briefly describe the simplified test method or the different one you apply.

Product and	The applied screening technique is:	Comments

[6] List of regulations that had come into force by the end of 2012

EC Regulation number		(description)
(drop-down list)[7]	A simplification of the harmonised standard / A different test we developed for screening purpose / Other	

☐ No information available

ii) Can you estimate, according to your experience, the actual difference in amount of resources (human, financial, time) between the screening technique you are using and the running of Step 1* of the verification procedure for the same product?

* In general, the verification procedure for the specific requirements set in EU Ecodesign regulations is based on a two-Step procedure: initially (Step 1), the market surveillance authority (MSA) tests one single unit of the product model to be verified; if the measured value(s) for the parameter(s) under investigation do not exceed the permitted tolerance the model is compliant. If, on the contrary, the measured value(s) for the parameter(s) under investigation exceeds the permitted tolerance, the model is suspected to be non-compliant; in this case the MSA randomly selects three additional units of the same model and test them (Step 2). The test results of this second Step determine if the product model is compliant or non-compliant.

Answers: Yes / No / No information available

If yes,

If possible give this information for each product your organisation has tested with a screening technique by filling in the table below.

(example: Applied screening technique requires 25% of the time, 10% of the cost and 15% of the personnel, as compared to Step 1 verification procedure)

Product and EC Regulation number	Applied screening technique(s), approximation of resources needed compared to Step 1 verification procedure		
	Time (%) needed compared to Step 1 verification	Cost (%) needed compared to Step 1 verification	Personnel (%) needed compared to Step 1 verification
(drop-down list)[8]			

☐ No information available

iii) Where are the actual screening techniques on the product conducted and who is doing the screening?

Please fill in the below table, the products for which you apply (or have applied) one or more screening technique (several answers are possible for the same product)

[7] [7] List of regulations that had come into force by the end of 2012

Product and EC Regulation number	Screening technique applied:	Who is carrying out the screening?
(drop-down list)[9]	In our organisation's premises / In a specialised laboratory / In situ (in shop)/ In end-user's premises/house / At Customs warehouse / Other	Internal personnel from our MSA / External personnel (outsourced) / Customs authority / Other

☐ No information available

b) **In all cases, were (or are) people involved in the screening techniques trained before developing the screening technique? And by whom?**
Please describe_____
☐ No information available

c) **Does your organisation buy the products that you want to screen or do you screen them without buying them?**
We buy products that we screen/ We don't buy products that we screen/ It depends on the specific situation/ No information available

d) **What is for your organisation, as a MSA, a "higher likelihood" to fail compliance testing** (for example: X% higher probability) **?**
Please describe:_____
☐ No information available

e) **How does your organisation decide that a model under evaluation has a "higher likelihood" to fail compliance testing** (for example: energy consumption exceeding X% the declared value)**?**
Please if possible describe for each product and screening technique, or for the most representative ones:_____
☐ No information available

f) **When carrying out a screening technique in your premises or in a test laboratory, what happens to the model of the product when the screening is completed and it is not selected for further compliance testing?**
Re-sold / Disposed / Gifted / Stored somewhere / Other / No information available

g) **When carrying out a screening technique in your premises or in a test laboratory, what happens to the model of the product when the screening is completed and it is selected for further compliance testing?**

☐ The same unit is used for the further testing through the full testing procedure

[9] List of regulations that had come into force by the end of 2012

☐ The unit is eliminated and other unit(s) of the same model are used for the further full testing procedure
☐ It depends on the specific situation
☐ No information available

h) Do you allow for "false positives" when applying screening techniques? (i.e. a non-compliant model passing the screen test and thus escaping compliance verification)?

Answers: Yes / No / No information available

If YES:

– What is the % of "false positive" results that you consider acceptable for a screening technique to be usable?_____
– What is the % of "false positive" results predicted for the screening techniques you usually apply?_____

☐ No information available

If NO,

Have you checked that the screening technique(s) you usually apply does not give "false positive" results? Comments:_____

☐ No information available

i) Does your organisation allow for "false negatives" when applying screening techniques? (i.e. a compliant model fails the screen test and thus is sent to a non-necessary compliance verification)?

Answers: Yes / No / No information available

If YES:

– What is the % of "false negative" results that you consider acceptable for a screening technique to be usable?_____
– What is the % of "false negative" results predicted for the screening techniques you usually apply?_____

☐ No information available

If NO,

Have your organisation checked that the screening technique(s) you usually apply does not give "false negative" results? If yes, how?_____

☐ No information available

j) How does your organisation use the results from the screenings?

Please describe_____

☐ No information available

k) **In your view, which are the positive and negative aspects of the screening techniques that you have applied/are applying?**

Please describe_____

☐ No information available

12. **What barriers, if any, does your organisation, as a MSA, experience for using screen testing techniques, e.g. legal, cost to purchase test equipment, technical expertise etc. ?**
    Please describe_____
    ☐ No information available

13. **Would your organisation accept the results of a screening technique developed by another market surveillance authority (MSA) as a proof that the model under evaluation is very likely compliant, and thus your organisation can exclude it from any further verification action in your country?**
    Answers: Yes / No / It depends on the situation / No information available

National testing programmes

In order to plan market surveillance activities, some countries make annual and/or multiannual testing programmes. A national approach in this area can be available even if no actual testing has been carried out the country.

14. **Do you have a national approach for developing national testing programmes in your country? Please provide an answer even if no testing has yet been carried out.**

Answers: Yes / No / No information available
If no or No information available,
Please explain how your country structures its surveillance activities to ensure compliance against the Ecodesign Directive._____

15. **Is your organisation's testing program "reactive" or "proactive"?**
    Answers: Reactive / Proactive / Both / No information available

    "reactive": your organisation only carries out tests in response to complaints or other evidence it receives about possible problems
    "proactive": your organisation actively seeks to identify products to test, preferably according to an established plan

If "reactive" or "both",
What level of circumstances would result in the allocation of resources to a particular testing program? Please describe _____
☐ No information available

If "proactive" or "both",
How far in advance does the organisation begin to plan its national testing program? Please describe_____
☐ No information available

16. **What are the most important factors which influence your organisation's selection of a particular test program, i.e. market intelligence, new legislation, research projects about products currently on the market, budget considerations.**

Please describe_____
☐ No information available

17. How are your test programs managed? Several answers possible.
☐ Directly by my organisation
☐ Procured and delivered by way of a third party contractor
☐ Procured and delivered by way of a national / regional enforcement agency
☐ Other_____
☐ No information available

18. What actions are taken following analysis of the findings of a particular test program?
Please describe_____
☐ No information available

19. What is the typical duration of your organisations national testing programme?
☐1-11 months
☐ 1 year
☐ 2 years
☐ 3 years
☐ Other
☐ No information available

20. When is the beginning and end of your financial year?

e.g. January – December, or April - March
Please state_____
☐ No information available

21. Is your organisations national testing program flexible and able to respond to risk notifications or market intelligence?
Please describe_____
☐ No information available

22. Are your test programs influenced by other areas of enforcement activities / regulations i.e. RoHS, LVD, Energy Labelling, so as to potentially deliver a full package of testing and to ensure best use of resources and budgets?

Answers: Yes / No / No information available

If Yes,
Please describe_____
Which ones? Several answers possible.

Energy labelling directive
RoHS-directive (restriction of the use of certain hazardous substances in electrical and electronic equipment)
EMC-directive (electromagnetic compatibility)
LVD-directive (low voltage directive)
Other_____

☐ No information available

Coordination of national testing programmes

23. Does your organisation have any experience in planning, sharing and coordinating testing programmes and testing activities with other Ecodesign market surveillance authorities (MSAs), i.e. in other member states?

Answers: Yes / No / No information available
Comments_____
If yes,

a) Please briefly describe what type of projects have been shared within the last 5 years and the level of sharing _____

☐ No information available

b) How successful was the sharing?
Answers: Successful / Quite successful / Not very successful / No information available

c) What problems does your organisation believe are associated with sharing and coordinating testing programmes and activities? (e.g. resource, priority, communication, shared or defined objectives, management, confidentiality, detrimental product targeting)?_____

☐ No information available

d) Does your organisation develop its testing programme to match those of other member states or regional states?

Answers: Yes / No / No information available

If yes,

How does this work in practice? Please comment: _____

☐ No information available

e) Has your organisation received feedback from a MSA as a consequence of sharing data?

Answers: Yes / No / No information available

If yes,

Was the information useful in developing further projects? Please comment: _____

☐ No information available

24. Does your organisation have any experience in planning, sharing and coordinating testing programmes and testing activities with national or EU-wide market surveillance authorities (MSAs) using other product directives, such as RoHS, LVD, Energy Labelling and what lessons have been learnt that might help Ecopliant?

Answers: Yes / No / No information available

If Yes,
Please describe_____
Which ones? Several answers possible.
Energy labelling directive

RoHS-directive (restriction of the use of certain hazardous substances in electrical and electronic equipment)

EMC-directive (electromagnetic compatibility)

LVD-directive (low voltage directive)

Other_____

☐ No information available

25. **How does your organisation believe that the sharing and coordinating of testing programmes and activities can be more effective?**

Please describe_____

☐ No information available

Compliance testing activities – Identifying accredited laboratories

26. **Does your organisation have any experience in laboratory selection for compliance testing activities for the Ecodesign directive or similar directives?**

Answers: Yes / No / No information available

If yes,

a. What procedures do you use when selecting laboratories?

Please describe_____

☐ No information available

b. What criteria influence the selection of a laboratory? Please state the relevance weighting according to your view.

Criteria	**Weighting** **(score 1-5, where 1 equals not relevant at all and 5 equals very relevant)**
Operations governed by way of an Accreditation system.	1 2 3 4 5
Requirement to use government laboratories.	1 2 3 4 5
Previous dealings.	1 2 3 4 5
Reliability of results.	1 2 3 4 5
Portfolio of services provided.	1 2 3 4 5
Expertise	1 2 3 4 5
Budget.	1 2 3 4 5
Location.	1 2 3 4 5

If you have any other criteria when selecting laboratories, please comment:.....

☐ No information available

c. Is your organisation allowed to select third party laboratories or do they have to be government owned?

Answers: We can select any third party laboratory / We can select national third party laboratories / We can only select government owned laboratories / It depends on the situation / No information available

d. Does your organisation rely on an established accreditation system when selecting a laboratory?

Answers: Yes / Yes, partly / No / No information available

If Yes,
What is its name?_____

☐ No information available

e. What monitoring of the selected laboratory takes place to check the quality and consistency of the test results?

Please describe_____

☐ No information available

f. What are the names and addresses of the laboratories you presently use to carry out testing?

Please describe_____

☐ No information available

g. Is the ability to provide evidence traceability (the need to satisfy a court that evidence is reliable) important to the selection of a laboratory?

Answers: Yes / No / No information available

If yes,
How is the ability to provide evidence traceability maintained and does this influence procurement issues and the logistics of obtaining and transporting appliances to a test house? Please describe_____

☐ No information available

h. Has your organisation ever used a laboratory outside your own country?

Answers: Yes / No / No information available

If yes,

Did you encounter any problems ?

Answers: Yes / No / No information available

Comments: _____

27. **In the event of sharing data with a market surveillance authority (MSA) or using a Laboratory outside your own country, would you be willing to attend that country in the event of any proceedings being progressed (e.g. travel to that country)?**

    Answers: Yes / No / No information available

28. **Do you carry out market screening that may not require an accredited test laboratory and how is the quality of the results monitored?**

    Please describe_____
    ☐ No information available

Funding of market surveillance and testing

29. **How is the market surveillance for Ecodesign funded in your country, in general and more specifically the product testing?**

Please briefly describe _____

☐ No information available

30. **Do you have any experience in funding by third parties (e.g. trade associations or manufacturers) when it comes to testing products according to Ecodesign regulations?**

Answers: Yes / No / No information available

If yes,

a) Please explain_____

b) Do you have some interesting recommendations or results that you would like to share with the Ecopliant project? Please comment_____

☐ No information available

31. **Does your organisation believe that funding by third parties is an acceptable way of conducting market surveillance?**

    Answers: Yes, funding by third parties is acceptable / Yes, funding by third parties is acceptable if certain conditions are met / No, funding by third parties is not acceptable / No information available

32. **Please list some possible advantages and disadvantages with third party funding**:_____

☐ No information available

33. **Would your organisation have the resources to conduct routine monitoring of those organisations that might provide testing by third party funded testing?**

    Answers: Yes /No / No information available

    Comment_____

Enforcement actions when manufacturer/manufacturer's representative/importer is situated in another EU-country

34. **If you, as the national market surveillance authority (MSA) in your country, find a non-compliant product on your national market, and it turns out that the responsible manufacturer/manufacturer's representative/importer is situated in another EU-country, what would you do?**

Answers (several answers possible):
Alt 1) I take enforcement action against this manufacturer/manufacturer's representative/importer, even if he is situated in another EU-country
Alt 2) I take enforcement action against the economic operator that is situated within my own country
Alt 3) I notify the responsible MSA in the EU-country where the manufacturer/manufacturer's representative/importer is situated
Alt 4) I notify the Commission and/or ADCO
Alt 5) Other
Alt 6) No information available

If Alt 1,
Are there specific conditions that should be met in order for you to take action against a manufacturer/manufacturer's representative/importer in another country?
Please describe_____
☐ No information available

Comments:_____

35. **Does your national legislation in this instance provide assistance or obstacles?**

Answers: It provides aids / It provides obstacles / Neither / No information available

Comments:_____

36. **Please comment and describe your experiences in this area. Examples and argumentation will be highly appreciated**._____
☐ No information available

Using data from other member states for enforcement actions

37. **If you, as the national market surveillance authority (MSA) for your country, receive information from another European MSA about a non-compliant product for which the legal manufacturer/manufacturer's representative/importer is situated in your country, what can you do according to your national legislation?**

Answers: (several answers possible)

Alt 1) I can take enforcement action against this manufacturer/manufacturer's representative/importer

Alt 2) I can use this information for starting my own investigation

Alt 3) Other_____

Alt 4) No information available

If Alt 1,

Are there specific conditions that should be met in order for you to take action against a manufacturer/manufacturer's representative/importer in your country based on information? (Specific conditions could be for example that the test data has to come from a laboratory with a specific type of accreditation etc.)
Please describe_____

☐ No information available

What you would probably do in reality (if other than above)? Please describe shortly:_____

☐ No information available

Other comments:_____

38. Does your organisation have any experience in using 'foreign data' as a basis of enforcement action?

(by 'foreign data' we mean e.g. market surveillance information from an accredited lab, ordered by a market surveillance authority in another member state)

Answers: Yes / No / No information available

If yes,

Can you give a short description of each of these experiences?

_____

☐ No information available

39. Are you aware of any other barriers, restrictions or problems for you to use 'foreign data' as a basis of enforcement action? Barriers could e.g. derive from you national legislation, national processes, or other.

Answers: Yes / No / No information available

If yes,

a) Can you give an accurate description of these barriers, restrictions, problems etc. ?_____

b) Do you see solutions for these problems in the national legislation/processes? _____

c) Do you have other solutions or recommendations for dealing with these barriers, with which you think using foreign data for enforcement will become more effective and efficient? _____

☐ No information available

40. Does it, in your opinion, make any difference for an answer to the above questions whether essential requirements about product testing are included in the specific legislation (as in Regulation 643/2009/EC on Ecodesign of household refrigerating appliances) or not?

Answers: Yes / No / No information available

If yes

Please describe:_____

☐ No information available

41. Does your organisation have any other information, recommendations etc. which could be employed to make progress in using 'foreign data' for the enforcement of the Ecodesign Directive?

Answers: Yes / No / No information available

If yes

Please describe:_____

Communication and cooperation

42. Does your organisation, as a MSA, have any additional examples of barriers or obstacles for improved cooperation in the area of market surveillance of the Ecodesign directive?

Answers: Yes / No / No information available
If yes
Please describe:_____

43. Does your organisation operate any proactive and preventing activities to inform manufacturers, representatives or importers about the Ecodesign requirements that are in force or coming into force?

Answers: Yes / No / No information available
If yes
Please describe:_____

☐ No information available

44. Does your organisation make any public announcement beforehand to inform manufacturers, representatives or importers about market surveillance action you are planning to run?

Answers: Yes / Yes, sometimes / No / No information available
Comments:_____

45. Do you publish the results of your market surveillance activities, e.g. on your website?

Answers: Yes / Yes, sometimes / No / No information available
Comments:_____

46. Does your organisation cooperate with national customs authorities in market surveillance of the Ecodesign directive in order to prevent non-compliant products entering the EU-market?

Answers: Yes / Yes, to some extent / No / No information available

47. Does your organisation consider publishing information about Ecodesign to consumers and end-users as an essential part of the success of the enforcement of Ecodesign directive and its implementing measures?
Answers: Yes / No / No information available

If yes,
Do you think that EU wide consumer information campaign would be useful?
Comments_____
☐ No information available

Part B:

Sharing test results – Recording of data

As a part of the Ecopliant project, a prototype database for recording of market surveillance data will be developed. Part B of this questionnaire deals with the experiences and procedures regarding recording of test data and other market surveillance data in your country. It also deals with the issue of sharing test data between countries.
In addition, it aims to identify information and technical parameters necessary for a database for recording accredited test laboratory information, coordinated testing programs and test results.

48. **How are the results of market surveillance activities currently being recorded within your organisation?**
Answers: Electronically in a database/Electronically in excelsheet or similar/No common system for recording/Other_____/No information available

---

If Electronically in a database or Electronically in excelsheet or similar:

a) Are you using an internal system/database or are you using an external service?
Answers: an Internal system/ an External service / No information available

aa) If Internal,
Has the recording system/database been developed internally or have you outsourced its preparation? Please describe:_____

☐ No information available

ab) If External,
Please provide the name & brief description of the database / system being used. _____

☐ No information available

b) Would your organisation be willing to share details of the system with the Ecopliant group (e.g. provide screenshots etc)?

Answers: Yes / No / No information available

If yes,
Please provide contact name and email address:

Name: _____
Email:_____
Telephone: _____

c) Is your system linked to / interfaced with other systems (e.g. other national databases, RAPEX, ICSMS)?

RAPEX: The EU rapid alert system for rapid exchange of information between MS and the Commission

ICSMS: The internet-supported information and communication system for the pan-European market surveillance.

Answers: Yes / No / No information available

If yes
Please provide details: _____

d) What information is currently being recorded and how relevant is this information? Please rate the fields on a scale of 1 – 5 with 1 being the least relevant and 5 being the most relevant

Parameter	Relevance *
	1 2 3 4 5
	1 2 3 4 5

☐ No information available

e) Do you have the resources to maintain a database within your organisation?

Answers: Yes / No / No information available

f) Is there any other information not currently being recorded in your system/database that you feel should be included in the Ecopliant database?
Please comment:_____
☐ No information available

49. **Does your organisation have any other comments about information gathering that you feel should be included in a database for recording of market surveillance activities?**

_____
☐ No information available

50. Does your organisation share the results of the market surveillance activities with other national stakeholders?

Answers: Yes / No / No information available

Comments_____

51. Does your organisation share the results of market surveillance activities with other national MSA's / Member States for Ecodesign?

Answers: Yes / No / No information available
Comments_____

If yes,

a) How are the results shared? Comments_____
b) When typically are the results shared e.g. immediately as they are available? Comments_____
c) Do you assess the impact of sharing results with other market surveillance authorities (MSAs)? Example, to avoid instances where a manufacturer or product might be detrimentally targeted.
Comments_____

☐ No information available

52. **Does the data on the shared data base influence your organisation's own market surveillance strategy?**

Answers: Yes / No / No information available

53. **What features would your organisation want to see within a new shared database that could encourage its usability?** Comments_____

☐ No information available

54. **Does your organisation think a facility within the database to provide feedback on reports submitted would be useful to gauge other MSA's opinions and assist in the development and coordination of future projects**?

Answers: Yes / Maybe / No / No information available

55. **Are there any Data Protection or other security issues you would want highlighted as part of a database to ensure commercial and enforcement confidentiality amongst MSA's?** Comments_____

☐ No information available

56. **Does your organisation have any preference as to the language used within the database and whether it would favour usability?** Comments_____

☐ No information available

57. **Does your organisation use or plan to use ICSMS?**
(The internet-supported information and communication system for the pan-European market surveillance, www.icsms.org)

Answers: Yes / / Maybe / No / No information available
Comments:_____

58. **From the below list of parameters taken from ICSMS, please rate the fields on a scale of 1 – 5 with 1 being the least relevant and 5 being the most relevant, for inclusion in the Ecopliant database. Additional fields you feel are missing from ICSMS may be added at the bottom.**

General		**Relevance**
1	Product Identifier	1 2 3 4 5
2	Notifying Member State	1 2 3 4 5
3	Notifying Authority	1 2 3 4 5
4	Contact	1 2 3 4 5
5	Processing Member State	1 2 3 4 5
6	Processing Authority	1 2 3 4 5

7	Processor	1 2 3 4 5
8	Date of Notification	1 2 3 4 5
Product		**Relevance**
9	GTIN (EAN) Code / Barcode	1 2 3 4 5
10	TARIC Code	1 2 3 4 5
11	Search Criteria (Product keywords)	1 2 3 4 5
12	Product Designation (English)	1 2 3 4 5
13	Product Designation (notifying state)	1 2 3 4 5
13a	Product Category	1 2 3 4 5
14	Brand	1 2 3 4 5
15	Type / Model	1 2 3 4 5
16	Serial Number	1 2 3 4 5
17	Year of Manufacture	1 2 3 4 5
18	Year of first distribution	1 2 3 4 5
19	Type of energy used	1 2 3 4 5
20	Description of product, packaging & dimensions	1 2 3 4 5
21	Photo / drawing of product / packaging	1 2 3 4 5
22	Photo of identification markings	1 2 3 4 5
23	Country of origin	1 2 3 4 5
23a	EEC Country	1 2 3 4 5
24	Additional Information	1 2 3 4 5
Economic Operators		**Relevance**
25	Manufacturer / Authorised Rep	1 2 3 4 5
26	Importer(s) into EEA	1 2 3 4 5
27	Supplier (including retailer)	1 2 3 4 5
28	Also distributed in	1 2 3 4 5
29	Additional distributors	1 2 3 4 5
30	Users	1 2 3 4 5
Standards		**Relevance**
31	Directives / regulations	1 2 3 4 5
32	Standards	1 2 3 4 5
Conformity		**Relevance**
33	CE Marking	1 2 3 4 5
34	CE Marking (Objections)	1 2 3 4 5
35	Comments	1 2 3 4 5
36	Declaration of conformity	1 2 3 4 5
37	Declaration of conformity (Objections)	1 2 3 4 5
37a	Comments	1 2 3 4 5
38	Assessment of Conformity	1 2 3 4 5
39	Comments	1 2 3 4 5
40	Certificate of Incorporation	1 2 3 4 5
41	Certificate of Incorporation (Objections)	1 2 3 4 5
42	Comments	1 2 3 4 5
43	Notified body	1 2 3 4 5
44	Address	1 2 3 4 5
45	Additional marks	1 2 3 4 5
46	Additional declarations	1 2 3 4 5
47	Other documents	1 2 3 4 5
Testing		**Relevance**

48	Test / engineer's report	1 2 3 4 5
49	Name / File ref no	1 2 3 4 5
50	Test / examination date	1 2 3 4 5
51	Test report(s)	1 2 3 4 5
52	Test Laboratory	1 2 3 4 5
53	Scope of testing	1 2 3 4 5
54	Number of tested samples	1 2 3 4 5
54a	Type of injury	1 2 3 4 5
55	Defect risks classification	1 2 3 4 5
56	Description of defects	1 2 3 4 5
Accidents		**Relevance**
57	Description of accidents	1 2 3 4 5
Measures		
58	Voluntary Measures	1 2 3 4 5
59	Compulsory Measures	1 2 3 4 5
60	Justification for the adopted measures	1 2 3 4 5
61	Scope	1 2 3 4 5
62	Date of entry into force	1 2 3 4 5
63	Duration	1 2 3 4 5
64	Additional Information	1 2 3 4 5
65	Status	1 2 3 4 5
Treatments		**Relevance**
66	Baton to be passed to	1 2 3 4 5
67	Authorities to be notified	1 2 3 4 5
68	Download notification form	1 2 3 4 5
69	Notification form	1 2 3 4 5
70	RAPEX No.	1 2 3 4 5
71	Safeguard Clause Notification	1 2 3 4 5
72	Interdiction Decree	1 2 3 4 5
73	Visibility of information	1 2 3 4 5
74	Internal documents	1 2 3 4 5
75	Public Documents	1 2 3 4 5
76	Campaign	1 2 3 4 5
Comments		**Relevance**
	Subject	1 2 3 4 5
	From	1 2 3 4 5
	Date	1 2 3 4 5
	with regard to chapter	1 2 3 4 5
Other		**Relevance**
	_____	1 2 3 4 5
	_____	1 2 3 4 5
		1 2 3 4 5

☐ No information available, end the questionnaire

You have now completed the survey.
If necessary, you can still go back and change your previous answers. The last version of the survey will be saved.

Thank you very much for your cooperation!

Ecopliant