ACKNOWLEDGEMENTS

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Executive Summary
The Market Surveillance Observatory of the Spanish Association for Standardization (UNE) publishes this first annual report in order to provide an overview of the current situation regarding market surveillance carried out in various fields by the competent authorities of public bodies and the actions undertaken by some sector associations. Furthermore, these associations flag up the most common non-compliances they have detected in products on the market, which threaten the interests of consumers and professional users, whilst at the same time constituting unfair competition.

In this first edition, we show the data relating to activities in the field of market surveillance during the financial years 2019 and 2020.

Data per sector is structured into the following three economic groupings:

- Products for children and leisure
- Industrial products for domestic consumption
- Industrial products for professional use

The publication of Regulation (EU) 2019/1020 of the European Parliament and of the Council, of 20 June 2019, on market surveillance and compliance of products, for the first time, establishes a framework for cooperation between the market surveillance authorities of public bodies and economic operators. This cooperation is achieved through the possibility of carrying out joint market surveillance activities. Within this framework of cooperation, under Article 9, the members of UNE, together with different Public Body departments and other involved entities, have launched the Market Surveillance Observatory (OVM), integrated into UNE as an Advisory Committee to its Board of Directors. The goal of this new Regulation (EU) is to improve the operation of the internal market by strengthening market surveillance, to ensure that products placed on it comply with the applicable legislation and thus contribute to increasing consumer confidence.

The Observatory’s goal is to continue working to contribute to improve market surveillance in Spain, and to be used as a framework for cooperation between public administrations and economic operators.

During this financial year, two documents have been published supporting the Annual Report of the Market Surveillance Observatory (OVM):

1. An informative document about the Observatory (Leaflet - Observatory)
1 Purpose and scope of this document
The purpose of this report is to comply with Goal 4 of the Observatory regarding the preparation of the Annual Report on the status of market surveillance in Spain. This updated report will be published annually.

This is the first edition. Its content has been provided by different information sources. On the one hand, all the data relating to the official market surveillance campaigns provided by the competent authority have been collected. On the other, the information provided by UNE’s member Associations on the concerns expressed by different sectors regarding non-compliance and unfair competition in the market, as well as the supplementary actions carried out for this purpose, have been added.

The scope of the report covers the campaigns and supplementary activities in terms of market surveillance carried out during the period 2019-2020.
Framework and relevance of market surveillance
2.1 Market surveillance as an EU strategy

One of the priorities stated in the Communication of the EC, of 28 October 2015 entitled “Improving the single market: more opportunities for citizens and businesses” is to step up efforts to prevent non-compliant products from entering the EU market. This should be achieved by strengthening market surveillance, providing economic operators with clear, transparent and comprehensive rules, intensifying enforcement controls and promoting closer cross-border cooperation between law enforcement authorities, including customs authorities.

The publication of Regulation (EU) 2019/1020 of the European Parliament and of the Council, of 20 June 2019, on market surveillance and compliance of products, responds to this EU priority. Among other things, it aims to improve the way the internal market operates by strengthening market surveillance of those products to which the Union harmonisation legislation, mentioned in its Article 2, applies.

To ensure the free movement of products within the EU, it is necessary that said products comply with the Union harmonisation legislation. Consequently, products shall meet requirements providing a high level of protection of public interests, such as health and safety in general, health and safety at work, consumer protection, environmental protection, public safety, and the protection of any other public interest covered by such legislation. Rigorous compliance with these requirements is essential for the proper protection of those interests and for creating the conditions in which fair competition can flourish in the EU market. Non-compliant and unsafe products pose a risk to citizens and can distort competition with economic operators selling compliant products in the EU.

2.2 Economic operators in the supply chain. Responsibilities

Economic operators involved in the entire product supply chain shall act responsibly and entirely in accordance with the legal requirements applicable to the introduction and trade of products on the market, so that Union legislation on the harmonisation of products is complied with. Furthermore, economic operators shall fully cooperate with the market surveillance and other competent authorities to ensure market surveillance works properly and enable the authorities to carry out their tasks.

Regulation (EU) 2019/1020 considers that an economic operator is the manufacturer (including an entity that has a product designed or manufactured under its trademark), the authorised representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture of products, making them available on the market or putting them into service in accordance with the relevant Union harmonisation legislation.

In order to become aware of the role played by each economic operator, it is necessary to know the definitions established by Regulation (EU) 2019/1020:

• «manufacturer»: any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark;
• «importer»: any natural or legal person established within the EU who places a product from a third country on the EU market;
• «authorised representative»: any natural or legal person established within the EU who has received a written mandate from a manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer’s obligations under the relevant Union harmonisation legislation or under the requirements of this Regulation;

1 Visit the website: https://ec.europa.eu/docsroom/documents/14007/attachments/1/translations/es/renditions/native
• "distributor": any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;

• "fulfilment service provider": any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services, and any other postal services or freight transport services.

Regulation (EU) 2019/1020 recognises the role of marketplaces (fulfilment service providers) in the supply chain and confers on them obligations related to product conformity and cooperation with market surveillance authorities.

Article 4 of Regulation (EU) 2019/1020 provides new tools enabling market surveillance authorities to verify, in particular, the conformity of products marketed on-line. The EC has published guidelines for economic operators and market surveillance authorities on the practical application of Article 4 of Regulation (EU) 2019/1020, on market surveillance and product conformity (https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:52021XC0323(01)&from=ES). Article 4 states that there shall always be an economic operator established in the European Union responsible for complying with the tasks of Article 4 itself. These tasks are:

- **A** Verify that the declaration of conformity or the declaration of performance has been drawn up, keeping the EU declaration of conformity or the declaration of performance at the disposal of the market surveillance authorities for the period required by said legislation and ensuring that the technical documentation can be made available to said authorities upon request

- **B** When a market surveillance authority requests it, provide all the information and documentation necessary to demonstrate the product’s conformity in a language that said authority can easily understand

- **C** When it has reason to believe that a product in question presents a risk, report it to the market surveillance authorities

- **D** Cooperate with the market surveillance authorities, making sure that immediate, necessary, corrective actions are taken to remedy any case of non-compliance with the requirements set out in Union harmonisation legislation applicable to the product in question, or, if that is not possible, to mitigate the risks presented by that product, when required to do so by the market surveillance authorities or on its own initiative, where the economic operator considers or has reason to believe that the product in question presents a risk
To determine which economic operator is responsible for complying with the tasks set out in Article 4, the questions in the first column in the following table shall be answered in the order in which they appear:

<table>
<thead>
<tr>
<th>Determining the economic operator responsible for Article 4</th>
<th>How you become the responsible economic operator for Article 4</th>
<th>How you obtain the role of responsible economic operator for Article 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there an Authorised Representative established in the EU?</td>
<td>Through nomination by the manufacturer</td>
<td>Resulting from the manufacturer's mandate</td>
</tr>
<tr>
<td>Is there an established Manufacturer in the EU?</td>
<td>Because of its location in the EU</td>
<td>Resulting from the application of Article 4 of Regulation 2019/1020</td>
</tr>
<tr>
<td>Is there an Importer established in the EU?</td>
<td>Putting a product on the EU market: through sale to a distributor or by offering it to end users</td>
<td>Resulting from the application of Article 4 of Regulation 2019/1020</td>
</tr>
<tr>
<td>Fulfilment service provider</td>
<td>If none of the other three types of economic operators exist</td>
<td>Resulting from the application of Article 4 of Regulation 2019/1020</td>
</tr>
</tbody>
</table>

The name, registered trade name or registered trademark and contact details, including postal address, of the economic operator for the purpose of complying with the tasks set out in Article 4, shall be indicated on the product or its packaging, on the package or on an accompanying document. The above obligation is in addition to any obligations economic operators may have under applicable Union harmonisation legislation.

### 2.3 Market surveillance and SDGs

Effective and efficient market surveillance contributes to the achievement of several of the United Nations Sustainable Development Goals (SDGs). Among other things, its contribution to promoting sustained, inclusive and sustainable economic growth, the efficient production and consumption of the world’s resources, and to sustainable industrialisation by fostering innovation should be highlighted. Furthermore, the Market Surveillance Observatory, due to its multiple sector nature and its exemplary model of public-private collaboration, facilitates alliances among the diverse groups involved in the value chain.

Therefore, the most direct contribution of the OVM is to SDGs 8 “Decent work and economic growth”, 9 “Industry, innovation and infrastructure”, 12 “Responsible consumption and production” and 17 “Partnerships for the goals”.
Sector scope of the Observatory
The Market Surveillance Observatory has developed a two-pronged approach to carrying out its goals.

On the one hand, a horizontal approach which applies to all products and covers general aspects such as e-commerce, labelling, product safety, environmental factors, and the Sustainable Development Goals (SDGs), etc., with the target interest groups being the control authorities, distributors (including fulfilment service providers) and consumers.

On the other hand, a vertical approach which applies to each specific product and provides the necessary vision to identify solutions and define the appropriate tasks for each economic area. This approach is structured in the following three economic groupings:

- **Products for children and leisure:**
  Products aimed at children (toys, fashion, school supplies, accessories and cosmetics for children) and, in general, products for leisure and sports.

- **Industrial products for domestic consumption:**
  This includes products that may be purchased by consumers (products for children and leisure are excluded).

- **Industrial products for professional use:**
  This covers electrotechnical and building products.

We address each of them below.
3.1 Products for children and leisure

Monitoring compliance with safety requirements of all products on the market is crucial, not only to ensure the health and safety of citizens, but also to ensure a framework of fair competition in which all agents are subject to the same standards.

In the sector of products aimed at children, these two objectives involve particular attention and sensitivity, both on the part of the authorities and consumers. The legislation applicable in the EU to toys (Directive 49/2008 Toy Safety, transposed by Spanish Royal Decree 1205/2011), precisely because they are directly and unequivocally intended to protect the most vulnerable members of the public, is the strictest in the world, and also the most expensive to comply with, therefore the most expensive to monitor. The European toy industry works to support the authorities in making a more loyal and safer market for children.

3.1.1 Toy manufacturers

Represented by AEFJ (Asociación Española de Fabricantes de Juguetes, Spanish Association of Toy Manufacturers), they have reported the lack of responsibility of on-line sales platforms for the safety of the products that third-party sellers offer to consumers through them, which has generated an easy and fast way to sell illegal and unsafe toys, attractive due to their low prices, directly to the consumer and without the authorities being able to effectively control them. The economic impact on responsible companies, both manufacturers and distributors who have physical stores is undeniable, but even worse is the impact on the health and safety of children.

During the years 2019 and 2020, a campaign has been run, in collaboration with six other toy associations in the EU, to detect market non-compliances of toys offered by third-party sellers within on-line sales platforms:

- To do this, the procedure below was followed: Each association carried out a search, on each of the on-line platforms Amazon, E-Bay, Wish and Ali-Express, for toys belonging to various categories (toys for babies, toys for children between 12 and 36 months, pre-school toys, dolls and accessories, stuffed animals, art and crafts, costumes, electronic toys, toys for the beach and toys with projectiles). Random items appearing on the first search page were checked. The toys received in each country were sent to technicians from the European Toy Federation for preliminary examination (labelling), and, following that, to independent laboratories if the technicians felt they might pose a risk.

- 204 toys were received, out of which 11 were counterfeits, and the original brands were informed so they could exercise their property rights. The technicians evaluated the remaining 193 in terms of labelling: warnings, traceability, CE marking, and 134 were tested in an accredited toy laboratory. The results were:
  - 97.4% were non-compliant and could not be sold legally in the EU.
  - 55% were unsafe and could cause harm to the child during play.
  - No significant differences were found between platforms or countries.

- With the results obtained, a meeting was held with the Spanish General Directorate of Consumers of the extinct Ministry of Health, Consumer Affairs and Social Welfare. The results were subsequently forwarded to the new Minister for Consumer Affairs. In addition, a press release was sent with the review’s outcome, a request to change European legislation (Audio-visual Services Directive, E-Commerce Directive...) and consumer recommendations were made.
3.2 Industrial products for domestic consumption

The industrial sector for domestic consumption is regulated by comprehensive legislation focusing on health, safety, environmental impact or transportation of products. The authorities monitor compliance in aspects such as labelling and control of chemical substances in products that are already on the market. In this sense, the Market Surveillance Observatory (OVM) is an example of public-private collaboration which delivers very good results preventing unfair competition.

In this regard, we list below the concerns expressed by the different sectors of industrial products for domestic consumption that have been collected:

3.2.1 Detergents, cleaners, biocides and maintenance products sector

Represented by ADELMA (Asociación de Empresas de Detergentes y de Productos de Limpieza, Mantenimiento y Afines, the Spanish Association of Companies of Detergents and Cleaning, Maintenance and Related Products), they have reported labelling non-compliances which do not cover the legislative requirements affecting detergents and cleaning products or which advertise a biocidal function (disinfection, antibacterial, repellent, antiseptic, etc.), where the product has not been authorised to be marketed for that use by the Spanish Ministry of Health (either the General Directorate of Public Health, or the Spanish Agency for Medicines and Medical Devices (AEMPS) or, in the livestock environment, by the Directorate General of Health in Agricultural Production of the Ministry of Agriculture, Fisheries and Food, depending on the specific type of product in question), or containers that are lacking the safety seals or touch-detectable signs which would correspond to them in accordance with the danger category classified by their contents.

Some of the non-compliances related to labelling that lack the requirements demanded by the legislation affecting the sector or which advertise a biocidal effect or packaging that does not have the safety seals or touch-detectable signs which would correspond to them in accordance with the danger category classified by their contents, are:

- “Intoxication. There is no touch-detectable danger indication, the name of the substances is missing, it lacks the precautionary statements (S), the pictogram and indications of danger are missing and the child safety plug is absent”.

- “Intoxication. Touch-detectable danger indication, the name of the substances and the precautionary statements do not appear”.

- “It contains an amount higher than that indicated on the label, so it shall carry the corresponding warnings and a safety seal. It does not carry the warnings nor the security seal”.

- “Intoxication. The container may mislead the consumer. The product could be confused with food”.

- “Intoxication. It is attractive to children; it is not registered in the Official Register of Biocides”.

- “Burns. It contains more than 70% sulphuric acid, it is only for professional use, but it is sold in consumer retail stores”.

The legal grounds for the requirements that are not being met are, as the case may be:

• Technical-Sanitary Regulations for the preparation, circulation and trade of detergents and cleaners (Spanish Royal Decree 770/1999, on Detergents)².

• Technical-Sanitary Regulations for the manufacture, marketing and use of pesticides (Spanish Royal Decree 3349/1983, on Pesticides)³.

• Technical-Sanitary Regulations on Bleaches (Spanish Royal Decree 3360/1983).


• Regulation (EU) No 528/2012 of the European Parliament and of the Council, of 22 May 2012 concerning the use and making available on the market of biocidal products⁵.

• Consumer Safety, etc.

### 3.2.2 Air conditioning equipment manufacturers

Represented by AFEC (Asociación de Fabricantes de Equipos de Climatización, the Spanish Association of Air Conditioning Equipment Manufacturers), they have reported that there may be some cases of non-compliance derived from the obligations established in the different European ECODESIGN Regulations on air conditioning equipment. Manufacturers have invested heavily to adapt their products to the new requirements and, therefore, compliance with the requirements derived from those regulations so that all operators have the same opportunities for fair competition is very important.

The legal grounds for the requirements that are not being met, as the case may be, are:


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⁴ Visit the website: [https://www.boe.es/doue/2008/353/L00001-01355.pdf](https://www.boe.es/doue/2008/353/L00001-01355.pdf)
⁵ Visit the website: [https://www.boe.gob.es/doue/2012/072/L0007-00027.pdf](https://www.boe.gob.es/doue/2012/072/L0007-00027.pdf)
⁷ Visit the website: [https://www.boe.es/doue/2012/072/L0007-00027.pdf](https://www.boe.es/doue/2012/072/L0007-00027.pdf)
⁸ Visit the website: [https://www.boe.es/doue/2013/239/L00136-00161.pdf](https://www.boe.es/doue/2013/239/L00136-00161.pdf)
⁹ Visit the website: [https://www.boe.es/doue/2013/239/L00162-00183.pdf](https://www.boe.es/doue/2013/239/L00162-00183.pdf)
¹⁰ Visit the website: [https://www.boe.es/doue/2014/337/L00008-00026.pdf](https://www.boe.es/doue/2014/337/L00008-00026.pdf)
3.2.3 The metal, furniture, wood, packaging, transport and related industries

Represented by AIDIMME (Instituto Tecnológico metalmeccánico, mueble, madera, embalaje y afines, Furniture, wood, packaging and related industries Technology Institute), they have reported legal breaches regarding:

- Children's furniture, bunk beds (elevated beds) because of the dangers posed by accessible gaps, connection areas, breaking of protective barriers and box spring slats. Lack of marking and usage information.

- Bathroom and shower furniture (mainly seats and materials used): for domestic and public use, because of lack of stability, resistance and durability due to the regulation systems.

- Outdoor furniture (terraces and gardens), because of lack of safety of use, secure interlocking systems in seats and folding sun loungers.

- Children's furniture, because of snagging hazards in accessible gaps and structural resistance. Lack of marking and usage information.

Spanish Royal Decree 1801/2003, of 26 December, on the general safety of products, is the legal grounds for the unmet requirement. This RD imposes a general safety obligation on any product for use and trade in the European market. For each type of furniture the unmet safety standards are, depending on the product:

- Children's furniture bunk beds: UNE-EN 747 series “Furniture. Bunk beds and high beds”.

- Outdoor furniture: UNE-EN 581 series “Outdoor furniture. Seats and tables for camping, domestic and public use”.

- Bathroom and shower furniture:
  - UNE-EN 1728 “Furniture. Seats. Test methods for the determination of resistance and durability”.
  - UNE-EN 16139 “Furniture. Resistance, durability and safety. Requirements for non-domestic seats”.
  - UNE-EN 12520 series “Furniture. Resistance, durability and safety. Requirements for domestic seats”.


During the years 2019 and 2020, no campaigns have been carried out. The most recent campaign for the detection of non-compliances on the market on the labelling of furniture was carried out in 2017. This campaign was carried out in collaboration with the Ministry of Economy and Consumer Affairs of the Community of Madrid. A Safe Buying Guide was developed and visits to commercial establishments were carried out.

3.2.4 Lighting manufacturers

Represented by ANFALUM (Asociación Española de Fabricantes de Iluminación, Spanish Association of Lighting Manufacturers), they have reported legal breaches regarding marking, as well as instructions for use or handling, leading to difficulties for end users. Big commercial surface shop assistants are not experts in the field, and this means there is little information they can convey to the buyer. Furthermore, there is a lack of knowledge about the applicable regulations, as well as their requirements in terms of testing, marking, etc.

The legal grounds for the market surveillance carried out are Directive 2014/35/EU on low voltage, Directive 2014/30/EU on electromagnetic compatibility (EMC) and supplementarily the Regulation on low voltage (Spanish Royal Decree 842/2002) that requires the installation of receivers in accordance with the applicable Directives, in compliance with the product standards used as standards that grant a presumption of conformity.

During the year 2020, ANFALUM has carried out a campaign to detect market non-compliances regarding the following products:

- 30x90 36W LED panel
- Hermetic 2x18W T8 LED display
- GU10 7W LED light bulb
- E27 15W LED light bulb

To do this, the procedure below was followed: By purchasing a product, “Mystery Shopper“ is responsible for buying the existing product in the sector. This “Mystery Shopper“ belongs to the LCOE-FFII which is an accredited laboratory in the fields of safety, electromagnetic compatibility and performance of luminaries and associated items, responsible for the testing and operating procedure of the market inspection.

Safety and EMC tests were carried out and the results obtained in each of the products from the campaign were as follows:

- 30x90 36W LED Panel: **Serious**
- Hermetic 2x18W T8 LED display: **Serious**
- GU10 7W LED light bulb: **Minor**
- E27 15W LED light bulb: **Compliant**

The results obtained were reported to the competent authorities and disseminated at the General Assembly of ANFALUM.
3.2.5 Manufacturers and importers of household appliances

Represented by APPLiA ESPAÑA (Asociación Española de Fabricantes e Importadores de Electrodomésticos, Spanish Association of Manufacturers and Importers of Electrical Appliances), they have reported legal non-compliances in waste and energy efficiency:

- **Waste**: Non-compliance with both Law 11/1997, of 24 April, on Containers and Waste of Containers as well as Spanish Royal Decree 110/2015, of 20 February, on Electrical and Electronic Equipment Waste, fundamentally due to the high number of frauds regarding certain imports usually from Asian countries: low prices, a consequence of extremely poor quality and the non-existence of declarations regarding imported products in terms of compliance with these and other regulations.

A very serious problem is the non-management of container and equipment waste at the end of its lifecycle, overlooking whether they belong to Integrated Waste Management (IWM) or Extended Producer Responsibility (EPR) systems or, even where they belong to them, making market placement declarations which are well below the actual data. This causes unfair competition regarding those manufacturers that comply with their responsibilities, which presupposes an additional cost that the non-compliers have no intention of assuming.

- **Energy efficiency**: Failure to comply with the declared values for energy labelling and eco-design, especially regarding the energy class and energy consumption, in order to obtain better consumer classifications or improperly declare legal compliance. This implies unfair competition, given that the final consumer can opt for products they believe are more efficient when they really are not, with the consequent environmental impact and greater consumption for the consumer (fraud). In some cases, furthermore, there may be aid from the Administrations aimed at the consumer for high energy efficiency products (“Renove” plan), which should not be granted to inefficient products. This is especially relevant now, given that since March 2021 there has been new energy labelling and eco-design legislation for various types of product, with new parameters, test methods and EN standards.

The legal grounds for the unmet requirement are:

- **Regarding waste**:
  - Articles 7 (SIG) and 14 (marking) of Law 11/1997 on Containers and their waste.
  - Articles 6 (obligations), 7 (participation in SIG) and 14 (marking) of Spanish Royal Decree 782/1998 implementing Law 11/1997.
  - Articles 7 (marking), 8 (Integrated Industrial Register-WEEE producer register), 25 (collection of WEEE via EPR) and 38 (the producer’s extended responsibility obligations) of Royal Decree 110/2015 on electrical and electronic equipment waste.

- **Regarding energy efficiency**:
  - Annexes II and IV of the new energy product labelling Regulations (+EN standards).
  - Annex II (points 1, 2 or 3, depending on the type of appliance) of the new specific product Regulations (and EN standards).

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3.2.6 Paint and printing ink manufacturers

Represented by ASEFAPI (Asociación Española de Fabricantes de Pinturas y Tintas de Imprimir, Spanish Association of Paint and Printing Ink Manufacturers), they have reported the appearance on the market of paints claiming or implying that they are anti-COVID-19. ASEFAPI warns the public that products which declare, or imply, that they have these properties, are lacking in any scientific support and therefore compromise the reputation of the companies and the media broadcasting them as such. Currently, it is not possible to market coatings which show proven efficacy against the COVID-19 coronavirus, based on the requirements of the applicable regulation in Spain. The current crisis, created by the COVID-19 coronavirus pandemic, has caused great social concern that, in some cases, could be mistakenly considered as a business opportunity. The situation continues.

The legal grounds for this unmet requirement are Regulation (EU) No. 528/2012 of the European Parliament and of the Council of 22 May 2012, concerning the marketing and use of biocidal products; Spanish Royal Decree 3349/83, approving the Technical-Sanitary Regulations for the manufacture, marketing and use of pesticides; Spanish Royal Decree 1054/2002, of 11 October, which regulates the assessment process for registering, authorising, and marketing biocides. The applicable procedures and requirements are listed on the Environmental and Occupational Health website of the Spanish Ministry of Health.

3.3 Industrial products for professional use

Placing products on the market that do not comply with legislation has very negative consequences for the economic players operating in the markets. Non-compliance creates serious safety, operational and environmental risks and has a very negative impact on the environment, businesses and citizens. Placing a product on the market entails the obligation to carry out a correct conformity assessment, which implies applying the corresponding technical standards and sector legislation. Technical standards are very useful tools for market surveillance activities because they can be used to check whether products comply with technical legislation.

The Industrial Products Group for professional use seeks to address the problems caused by legal non-compliance of electrical, electronic and building products. In order to divulge the opinions and the main activities of the associations which represent groups placing industrial products for professional use on the market regarding market surveillance, the following information has been collected and their statements are reproduced below:

3.3.1 Detergents, cleaners, biocides and maintenance products sector

Represented by ADELMA (Asociación de Empresas de Detergentes y de Productos de Limpieza, Mantenimiento y Afines, Spanish Association of Companies of Detergents and Cleaning, Maintenance and Related Products), they have reported labelling non-compliances which do not cover the legislative requirements covering detergents and cleaning products or which advertise a biocidal function (disinfection, antibacterial, repellent, antiseptic, etc.), where the product has not been authorised to be marketed for that use by the Spanish Ministry of Health (either the General Directorate of Public Health or the Spanish Agency for Medicines and Medical Devices (AEMPS) or, in the livestock environment, by the Directorate General of Health in Agricultural Production of the Ministry of Agriculture, Fisheries and Food, depending on the specific type of product in question), or containers that are lacking the safety seals or touch-detectable signs which would correspond to them in accordance with the danger category classified by their contents. In the case of industrial products for professional use, moreover, a non-compliance may occur more frequently where a biocide/pesticide product authorised to be applied by a certain type of personnel, is being used by the wrong personnel (professional personnel vs specialised professional personnel), and also where products for professional use are marketed via domestic channels (without a clear warning that the product is restricted for professional use).

Some of the non-compliances related to labelling that lack the requirements demanded by the legislation affecting the sector or which advertise a biocidal effect or containers that do not have the safety seals or touch-detectable signs which would correspond to them in accordance with the danger category classified by their contents, are:

- “Intoxication. There is no touch-detectable danger indication, the name of the substances is missing, it lacks the precautionary statements (S), the pictogram and indications of danger are missing and the child safety plug is absent”.

- “Intoxication. Touch-detectable danger indication, the name of the substances and the precautionary statements do not appear”

- “It contains an amount higher than that indicated on the label, so it shall carry the corresponding warnings and a safety seal. It does not carry the warnings nor the security seal”.

- “Intoxication. The container may mislead the consumer. The product could be confused with food”.

- “Intoxication. It is attractive to children; it is not registered in the Official Register of Biocides”.

- “Burns. It contains more than 70% sulphuric acid, it is only for professional use, but it is sold in consumer retail stores”.

In other cases, errors are found in the corresponding Safety Data Sheet that accompanies a product for professional and industrial use in accordance with Article 31 of REACH, such as:

- “The proper registration number of the substance does not appear”

- “The description and/or range of the hazardous substances contained in the product are not adequately reflected in the corresponding section in the Safety Data Sheet”.

- The safety data sheet is not written in Spanish.

- It is not manufactured in accordance with the requirements established in Annex II of REACH.

The legal grounds for the requirements that are not being met, as the case may be, are:


- Technical-Sanitary Regulations for the preparation, circulation and trade of detergents and cleaners (Spanish Royal Decree 770/1999, on Detergents).

- Technical-Sanitary Regulations for the manufacture, marketing, and use of pesticides (Spanish Royal Decree 3349/1983, on Pesticides).

- Technical-Sanitary Regulations on Bleaches (Spanish Royal Decree 3360/1983).


- Consumer Safety, etc.
3.3.2 The cold sector and its technologies

Represented by AEFYT (Asociación de Empresas de Frio y sus Tecnologías, Spanish Association of Refrigeration Companies and their Technologies), they have reported legal non-compliances regarding eco-design, energy labelling and refrigerants used:

- Eco-design and energy labelling for refrigeration appliances with a direct sales function (they came into force on first of March 2021, so there is as of yet no precedents): A fundamental concern about the veracity of the energy consumption data declared by manufacturers and distributors, since self-certification is allowed. Energy labelling is a strong component of the user’s purchase decision. On the other hand, there are currently no independent laboratories in Spain to be able to test this equipment.

- Refrigerants that can be used in refrigeration installations: FREEZE + refrigerants 100% Organic Refrigerant, FREEZE + 22, ECOFREEZE ECO-134, ECOFREEZE ECO22, ECOFREEZE ECO 404, HISPALER-REFRISOL- AIRCOSOL, FROSTY COOL 12, GASICA (D2, V2, C10, YF, Q2) that are being marketed and used to refill systems that originally worked with HFCs classified in High Safety group L1, they do not appear in the abovementioned table A nor have they been authorised by the Ministerial Department and, therefore, their use in refrigeration air conditioning and refrigeration installations is prohibited within the scope of Spanish Royal Decree 138/2011, of 4 February. Using these flammable refrigerants outside the legal scope poses a danger to people.

- They also referred to the refrigeration and air conditioning installers sector who work with fluorinated gases, regarding the safety of refrigeration installations and their supplementary technical instructions, and matters of environmental taxation, tax and financial measures.

The legal grounds for the unmet requirement are:

- Eco-design and energy labelling for refrigeration appliances with a direct sales function:

- Refrigerants that can be used in refrigeration installations:
  - Spanish Royal Decree 552/2019, of 27 September, approving the Safety Regulations for refrigeration installations and their supplementary technical instructions17.

- Refrigeration and air conditioning installers sector
  - Spanish Royal Decree 552/2019, of 27 September, approving the Safety Regulations for refrigeration installations and their supplementary technical instructions.
  - Law 16/2013, of 29 October, which establishes certain measures on environmental taxation and adopts other tax and financial measures18.

During the years 2019 and 2020, no campaigns have been carried out. During the years 2019 and 2020, no campaigns were carried out. In 2018, a campaign was carried out to detect non-compliances in the market regarding refrigerants that can be used in refrigeration installations: The refrigerants FREEZE + 100% Organic Refrigerant, FREEZE + 22, ECOFREEZE ECO-134, ECOFREEZE ECO22, ECOFREEZE ECO 404, HISPALER-REFRISOL- AIRCOSOL, FROSTY COOL 12, GASICA (D2, V2, C10, YF, Q2). This campaign was carried out in collaboration with the Spanish Ministry of Industry, Commerce and Tourism. A sector communication, publications in sector magazines and forums were disseminated. The authorities are informed and it has been disseminated through different media.

16 Visit the website: [https://www.boe.es/doue/2018/150/L00001-00092.pdf](https://www.boe.es/doue/2018/150/L00001-00092.pdf)
3.3.3 Electrical equipment manufacturers

Represented by AFME (Asociación de Fabricantes de Material Eléctrico, Spanish Association of Manufacturers of Electrical Material), they have reported that the most worrying legal non-compliances for their group correspond to the essential requirements of the Low Voltage Directive (2014/35/EU), whose economic and social impacts are fires of electrical origin and electrocution accidents.

The most recent campaign to detect non-compliances in the market regarding the essential requirements of the Low Voltage Directive focused on differential and thermal-magnetic circuit breakers for domestic or similar use was carried out in 2019. The number of brands identified in the market were 41 for differential and 41 for thermal-magnetic circuit breakers. Samples were collected from the market and critical tests identified in collaboration with the Standardization Subcommittee of UNE CTN 201/SC 23E “Circuit breakers and similar devices for household and similar applications” were carried on them.

The results obtained were as follows: 5 differential and 7 thermal-magnetic circuit breakers were non-compliant. These results were reported to the competent authorities. Furthermore, the results were shared via the Ministry’s market surveillance group with the Autonomous Communities. As a consequence, various Autonomous Communities initiated market surveillance campaigns for these products, relying on AFME and the UNE Standardization Committees for defining the critical tests. Videos are also being produced in collaboration with installers and distributors to raise awareness of the risks of non-compliant material, as well as safety checklists to make it easier for installers and distributors to detect non-compliant products.

3.3.4 Ready mix concrete manufacturers

Represented by ANEFHOP (Asociación Nacional de Fabricantes de Hormigón Preparado, Spanish National Association of Ready Mix Concrete Manufacturers), they have reported non-compliances with the obligations derived from Spanish Royal Decree 163/2019, of 22 March, approving the Technical Instructions for performing the monitoring of the production of factory-made concretes regarding the need to obtain a production control certificate issued by an entity accredited by ENAC (the Spanish National Accreditation Agency) for every concrete production plant. There are facilities operating without said certificate, and there are other concrete manufacturing facilities that have obtained a certificate, forcing their compliance on the audit date but failing to comply immediately thereafter. The economic impact of unfair competition in the sector, for any reason, can be estimated at approximately 20% of its total sector production.

A campaign has been carried out to detect non-compliances in the market regarding the manufacture and supply of prepared concrete in collaboration with the Spanish Ministry of Industry, Trade and Tourism and the Autonomous Ministries of Industry. It is carried out prior to approval, and the obligations are disseminated. Since the approval, in June 2019 and until the Certificate came into force in April 2021 (the Instruction comes into force in June, but allows 21 months to obtain the certificate), collaborating with the Regional Administration. The procedure below has been followed:

- Market prospection of concrete plants certified in accordance with Spanish Royal Decree 163/2019.
- Request for a response by the Administration of Industry, to sanction and prevent those plants lacking legal authorisation from carrying out any activity.
- Reminder to building companies of their legal obligation to supply themselves from certified facilities. The results obtained can be improved according to the Autonomous Communities.

3.3.5 Lighting manufacturers

Represented by ANFALUM (Asociación Española de Fabricantes de Iluminación, Spanish Association of Lighting Manufacturers), they have reported breaches regarding marking, as well as instructions for use or handling, leading to difficulties for end users. Big commercial surface shop assistants are not experts in the field, and this means there is little information, and this means there is little information they can convey to the buyer. Furthermore, there is a lack of knowledge about the applicable regulations, as well as their requirements in terms of testing, marking, etc.

The legal grounds for the market surveillance carried out is the Low Voltage Directive 2014/35/EU, the Electromagnetic Compatibility Directive (EMC) 2014/30/EU and supplementarily the Low Voltage Regulation (Spanish Royal Decree 842/2002) that requires the installation of receivers in accordance with the applicable directives, in compliance with the product standards used as standards that grant a presumption of conformity. In the case of emergency lighting, it would be also necessary to include the obligations of REBT.

During the year 2020, ANFALUM has carried out a campaign to detect market non-compliances regarding the following products:

- 150W LED spotlight
- 100W LED spotlight
- Emergency luminary: 120x30 40W LED SLIM panel + LED emergency pack
- 3W 300 Lum LED emergency luminary
- 59x59 42W LED panel
- 3W 200 Lum LED emergency luminary
- 5W 200 Lum LED emergency luminary
- 100W street lighting luminary
- 12V 400W switch mode power supply
- 100W LED spotlight
- 30W street lighting luminary
- 50W LED spotlight

To do this, the procedure below was followed: By purchasing a product, "Mystery Shopper" is responsible for buying the existing product in the sector. This "Mystery Shopper" belongs to the LCOE-FFII which is an accredited laboratory in the fields of safety, electromagnetic compatibility and performance of luminaries and associated equipment, responsible for the testing and operating procedure of the market inspection.

Safety and EMC tests were carried out and the results obtained in each of the products from the campaign were as follows:

- 150W LED spotlight: Serious
- 100W LED spotlight: Serious
- Emergency luminary: 120x30 40W LED SLIM panel + LED emergency pack: Serious
- 3W 300 Lum LED emergency luminary: Serious
- 59x59 42W LED Panel: Serious
- 3W 200 Lum LED emergency luminary: Very serious
- 5W 200 Lum LED emergency luminary: Very serious
• 100W street lighting luminary: Very serious
• 12V 400W switch mode power supply: Less serious
• 100W LED spotlight: Serious
• 30W street lighting light: Serious
• 50W LED spotlight: Serious

The results obtained were reported to the competent authorities and disseminated at the General Assembly of ANFALUM.

3.3.6 Manufacturers and distributors of construction and mining machinery

Represented by ANMOPYC (Asociación Española de Fabricantes Exportadores de Maquinaria para Construcción, Obras Públicas y Minería, Spanish Association of Manufacturers Exporters of Machinery for Construction, Public Works and Mining), they have reported certain breaches of the essential health and safety requirements of Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC, in particular those relating to the danger of noise. Prolonged exposure to machine noise is one of the main causes of hearing loss in workers.

It should be borne in mind that a significant number of categories of machinery for outdoor use (mostly in construction) must also comply with the specific noise requirements laid down by Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the sound emission in the environment by equipment for use outdoors. The overlap between the two Directives often generates confusion and difficulty for manufacturers when it comes to applying them correctly, leading to non-compliance.

The main non-compliances that have been detected are:

• The documentation that should accompany machines, the instruction manual and CE declaration of conformity, does not usually contain the minimum information required by both Directives.

• The sound emission marking on the machines does not reflect the guaranteed sound power level, but that which has been measured.

• The manufacturer has not used a notified body to assess the machinery’s conformity, in the case of machinery subject to sound power limits (this issue is made worse by the absence of a Spanish notified body for Directive 2000/14/EC).

• Technical documentation demonstrating compliance with the requirements of the Directive generally does not exist, beyond the occasional, one-off noise test report.

The legal grounds for the unmet requirement is Spanish Royal Decree 212/2002, of 22 February, which regulates sound emissions in the environment due to certain machines for outdoor use (transposition of Directive 2000/14/EC).

Despite the above-mentioned non-compliances, Directive 2000/14/EC does not appear in the annual market surveillance campaigns undertaken by the competent authorities.

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20 Visit the website: https://www.boe.es/doue/2006/157/L00024-00086.pdf
3.3.7 Installer and fluids sector

Represented by CONAIF (Confederación Nacional de Asociaciones de Instaladores y Fluidos, Spanish National Confederation of Associations of Installers and Fluids), they have reported non-compliances in the sale of equipment to end users without the installation being carried out by authorised professional companies, which causes safety issues for the facilities concerned, unprofessional practice, underground economy, etc.

The legal grounds defining the non-compliance is Spanish Royal Decree 115/2017, of 17 February, which regulates the marketing and handling of fluorinated gases and equipment based on the same, as well as the certification of the professionals using them and establishing the technical requirements for installations carrying out activities that emit fluorinated gases. Article 9 “Specific obligations relating to the distribution, marketing and ownership of fluids and equipment based on the same” in point 8 states:

“Prefilled refrigeration, air conditioning and heat pump appliances or equipment which are not hermetically sealed and which are loaded with fluorinated greenhouse gases as defined in Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014, may only be sold to the end-user where evidence is provided that the installation shall be carried out by an undertaking authorised in accordance with Articles 2.k) and 3.8. To do this, the device’s trader shall inform the buyer about this legal obligation through the document that appears in part A of Annex VI and may provide a list of the authorised companies or electronic records or existing databases listing authorised companies. The trader shall also deliver to the buyer two copies of the document from Part B of Annex VI. The equipment’s buyer shall, within a maximum period of one year, send the trader a copy of the document in Part B of Annex VI proving its installation by an authorised company with personnel certified for the same. The buyer shall keep their copy of Part B of Annex VI for five years. The trader shall inform the competent body of the corresponding Autonomous Community, annually, from 1 January 2018 onwards, about the purchasers who have not sent the document contained in Part B of Annex VI, attaching a copy of the document in Part A of Annex VI. The trader must keep for a period of five years both the signed Part A of Annex VI form, and the trader’s copy of the Part B of Annex VI form and place them at the authorities’ disposal for possible inspection. Failure to comply with the obligations established in this section by both the buyer and the trader of these devices shall be subject to the sanctioning regime provided for in Chapter VII of Spanish Law 34/2007, of 15 November, on air quality and protection of the atmosphere. Specifically, even if the installation had been carried out by an authorised company, the breach, by the buyer, of the obligation to deliver Part B of Annex VI accrediting the installation or delivering it outside the term set shall be penalised in accordance with the provisions of Article 31.1.c) of the abovementioned Law 34/2007, of 15 November”

3.3.8 Manufacturers of electrical and fibre optic cables

Represented by FACEL (Asociación Española de Fabricantes de Cables y Conductores Eléctricos y de Fibra Óptica, Spanish Association of Cable-Makers, Conductors and Fiber Optic Cables), they have reported certain non-compliances in some of the essential characteristics referred to in Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (CPR Regulation). One of them, which currently applies to cables, is their reaction to fire which defines the contribution of cables to the fire development. Cables affected by the CPR Regulation are subject to specific tests and controls. Compliance is demonstrated by the product label (full CE marking), and the technical documentation (Declaration of Performance) associated to the product.

3.3.9 Cement manufacturers

Represented by OFICEMEN (Agrupación de Fabricantes Cemento de España, Spanish Association of Cement Manufacturers of Spain), have reported breaches regarding the mechanical strength and physical and chemical specifications of some cements marketed in Spain. The impact they generate in addition to being economical, when cements with lower quality than required in normal official regulations are marketed and in unfair competition with those cements that do comply, also pose a risk to construction safety since they have less structural strength and durability than the concrete constituting them.

The legal grounds for the unmet requirement are:

- Spanish Royal Decree 256/2016, of 10 June, approving the Instruction for the reception of cements (RC-16)\(^\text{26}\) and the Correction of errors in Royal Decree 256/2016, of 10 June, approving the Instruction for the reception of cements (RC-16).
- Spanish Royal Decree 1247/2008, of 18 July, approving the Instruction of Structural Concrete (EHE-08)\(^\text{27}\).
- Spanish Royal Decree 470/2021, of 29 June, approving the Structural Code\(^\text{28}\).

Actions are carried out in the market in Spain to detect non-compliances with the technical specifications for cements.

For cements with the AENOR quality mark, the brand itself verifies compliance with the technical specifications by taking samples on the market on an annual basis. In Spain there are about 200 different types of cement with the AENOR mark.

In the case of cements without the AENOR mark, our business association takes samples from specialised companies and sends them to ENAC-accredited laboratories also specialising in testing cement.

According to the results obtained, the following actions have been carried out:

- In the case of non-compliances of cements with AENOR mark, the mark Regulations are applied for their correction.
- In the case of alleged breaches of cements without the AENOR mark detected by our business association, the competent administrations have been informed so that they can act in accordance with their applicable regulations.

There are some administrations which within their plans for verifying the quality of industrial products, carry out sampling and testing of cements marketed within their jurisdictional territories.

\(^\text{27}\) Visit the website: [https://www.boe.es/boe/dias/2008/08/22/pdfs/A35176-35178.pdf](https://www.boe.es/boe/dias/2008/08/22/pdfs/A35176-35178.pdf) a Spanish Royal Decree that is repealed, with effect from 10 November 2021, by Spanish Royal Decree 470/2021, of 29 June (Ref: BOE-A-2021-13681)
4 Competent Authorities in market surveillance who are OVM members
4.1 Consumer authorities and their contribution to market surveillance

4.1.1 Market surveillance campaigns scheduled for 2021

Article 51 of the Spanish Constitution states that the public authorities shall guarantee the defence of consumers and users, protecting their safety, their health and their legitimate economic interests.

To comply with the constitutional mandate the consumer affairs authorities apply different tools: adapting new products or services or new consumption habits to the regulations, training and informing consumers and ensuring that the products and services available to citizens are in accordance with the applicable legislation, among other things.

There are multiple public players responsible for market surveillance and on certain occasions, they are also concurrent: there are authorities who are responsible for focusing on ensuring that product quality standards are met at the point of origin, or checking the conformity of the safety standards relating to the import of manufactured products of an industrial type, or sector authorities that have the responsibility of assessing whether the provider of a given service complies with national or Community rules, for example, the rights of consumers in the financial sector or the rights of air transport users. Consequently, not all goods or services available to us on the market are solely the responsibility of the consumer authorities. Another substantial issue to be taken into account, given the constitutional framework that we have granted ourselves, is regional administrations are responsible for the vast majority of market surveillance.

The Consumer Sector Commission, in the last quarter of 2020, approved the document called National Market Inspection and Control Campaigns for the year 2021. The programmed actions, which are detailed in the table below, are intended to verify that legality is respected, both in its basic characteristics, as well as in its presentation, advertising, price, as well as other marketing circumstances. The consumer authorities of the Autonomous Communities undertake other market surveillance actions, apart from those agreed at the national level.

29 The Consumer Sector Commission has already approved the market surveillance programme for the year 2022. It can be consulted at the following website: https://www.consumo.gob.es/es/consumo/informacion-campana-2022
### Table 1: List of monitoring to be carried out by the consumer authorities in 2021

<table>
<thead>
<tr>
<th>Sector</th>
<th>Name of the campaign</th>
<th>No. of monitoring activities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FOOD PRODUCTS</strong></td>
<td>Monitoring the information on food labelling of the country of origin or place of</td>
<td>225 of Mandatory information (M.I)</td>
</tr>
<tr>
<td></td>
<td>provenance, as well as the country of origin or place of provenance of its main</td>
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<tr>
<td></td>
<td>ingredient, when the origin of the food is mentioned and does not match that of its</td>
<td></td>
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<tr>
<td></td>
<td>main ingredient</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monitoring the information provided to the consumer in packaged foods: labelling</td>
<td>85 (M.I) and 35 samples for analytical determinations (A)</td>
</tr>
<tr>
<td></td>
<td>and composition</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monitoring electronic food commerce: food information, advertising and conditions of</td>
<td>250 (M.I)</td>
</tr>
<tr>
<td></td>
<td>sale</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Virgin and extra virgin olive oil: labelling and composition</td>
<td>96 (M.I) and 123 (A)</td>
</tr>
<tr>
<td></td>
<td>Fresh meat preparations (&quot;burger meat&quot;, hamburgers, sausage, marinated meat, in</td>
<td>135 (M.I) and 80 (A)</td>
</tr>
<tr>
<td></td>
<td>breadcrumbs...): labelling and identifying species</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cheese. Monitoring labelling and species identification for sheep/goat cheeses and</td>
<td>95 (M.I) and 53 (A)</td>
</tr>
<tr>
<td></td>
<td>checking the salt content of those making claims regarding the presence of reduced</td>
<td></td>
</tr>
<tr>
<td></td>
<td>salt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Filled pastries and pastries identified as “with cream” and other incorrect</td>
<td>70 (M.I) and 33 (A)</td>
</tr>
<tr>
<td></td>
<td>statements:</td>
<td></td>
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<tr>
<td></td>
<td>presence of cream/fat preparation</td>
<td>120 (M.I) and 66 (A)</td>
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<tr>
<td></td>
<td>Monofloral honey and flower honey: checking labelling and quality parameters</td>
<td>90 (M.I) and 45 (A)</td>
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<tr>
<td></td>
<td>Vegetable beverages: labelling and composition</td>
<td>60 (M.I) and 35 (A)</td>
</tr>
<tr>
<td></td>
<td>Saffron and paprika: labelling, origin and composition. Foreign materials</td>
<td>120 (M.I) and 43 (A)</td>
</tr>
<tr>
<td></td>
<td>Children's industrial pastries</td>
<td>121 (M.I) and 63 (A)</td>
</tr>
<tr>
<td></td>
<td>Wholemeal bread. Labelling, characteristics and composition (determine the plant</td>
<td>80 (M.I) and 42 (A)</td>
</tr>
<tr>
<td></td>
<td>species of the flours)</td>
<td></td>
</tr>
<tr>
<td><strong>NON-FOOD PRODUCTS</strong></td>
<td>Checking the labelling of textile presses</td>
<td>320 (M.I)</td>
</tr>
<tr>
<td></td>
<td>Costume, facemasks and mask campaign: labelling and safety</td>
<td>110 (M.I) and 90 (A)</td>
</tr>
<tr>
<td></td>
<td>Fairy lights monitoring</td>
<td>76 (M.I) and 46 (A)</td>
</tr>
<tr>
<td></td>
<td>Monitoring advertising of hygiene products with supposed virucidal properties</td>
<td>65 (M.I)</td>
</tr>
<tr>
<td></td>
<td>Monitoring advertising of domestic ozone generators</td>
<td>55 (M.I)</td>
</tr>
<tr>
<td></td>
<td>Toys composed of building blocks</td>
<td>91 (M.I) and 70 (A)</td>
</tr>
<tr>
<td></td>
<td>Hair straighteners</td>
<td>85 (M.I) and 55 (A)</td>
</tr>
<tr>
<td></td>
<td>Liquid laundry detergents in single-use, soluble pods</td>
<td>55 (M.I) and 34 (A)</td>
</tr>
<tr>
<td></td>
<td>Petrol</td>
<td>40 (M.I) and 50 (A)</td>
</tr>
<tr>
<td></td>
<td>Garments whose composition contains at least some natural fibres (cotton, wool,</td>
<td>135 (M.I) and 85 (A)</td>
</tr>
<tr>
<td></td>
<td>silk...)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rubbers with the appearance of foodstuffs</td>
<td>91 (M.I) and 64 (A)</td>
</tr>
<tr>
<td></td>
<td>Low-cost footwear: labelling and composition</td>
<td>115 (M.II) and 62 (A)</td>
</tr>
<tr>
<td></td>
<td>Grease removal products</td>
<td>96 (M.I) and 43 (A)</td>
</tr>
<tr>
<td><strong>SERVICES</strong></td>
<td>Acceptance of European accounts for direct debit services (Regulation (EU) 260/201. SEPA)</td>
<td>75 (M.I)</td>
</tr>
<tr>
<td></td>
<td>Monitoring the information provided to the consumer in relation to the energy</td>
<td>175 (M.I)</td>
</tr>
<tr>
<td></td>
<td>efficiency certificate and labelling when renting or selling flats</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monitoring the provision of services by car repair shops</td>
<td>136 (M.I)</td>
</tr>
<tr>
<td></td>
<td>Monitoring the advertising and on-line contracting of telecommunications, voice and</td>
<td>83 (M.I)</td>
</tr>
<tr>
<td></td>
<td>data services</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Checking the obligations of driving schools towards students</td>
<td>185 (M.I)</td>
</tr>
<tr>
<td></td>
<td>Monitoring property and leasehold contracts</td>
<td>180 (M.I)</td>
</tr>
<tr>
<td></td>
<td>Self-service laundries: user information and prices</td>
<td>61 (M.I)</td>
</tr>
<tr>
<td></td>
<td>Contracting through web pages: service intermediation (reservations, purchase of</td>
<td>75 (M.I)</td>
</tr>
<tr>
<td></td>
<td>airline tickets...)</td>
<td></td>
</tr>
</tbody>
</table>

*Source: Directorate-General for Consumer Affairs*
When deciding which campaigns to carry out, involving what types of products and on what scale, the consumer surveillance authorities make decisions taking into account the following factors:

- The existence of a high risk of non-compliance with the regulations relating to the product and its market penetration.
- The history of non-compliance of the economic operator (manufacturers, authorised representatives, importers, distributors or service implementation providers).
- Any possible changes in the regulations that advise assessing the degree of compliance in the sector.
- Actions regarding economic sectors not previously inspected.
- Consumer claims and complaints or other information received from other authorities, economic operators, the media, as well as from other sources that may indicate non-compliance.
- European EU mandates.

4.1.2 Market surveillance in 2020, in figures: 2019-2020

Based on the data available at this time and provided by the consumer market surveillance authorities of the Autonomous Communities to the Directorate-General for Consumer Affairs, in 2019, 163,629 inspection actions were carried out, while in 2020 there were 88,038.
The decrease in 2020 is due to the impact of the pandemic caused by the coronavirus; however, the consumer authorities carried out other actions relating to products available to consumers linked to COVID-19\textsuperscript{30}.

Of the actions carried out by the inspection services, in 2019 the consumer inspection concluded that 90.7% of the goods or services monitored complied with the applicable legislation and, in 2020, 85.5%.

As the following graph highlights, the most frequent types of infringement in the years 2019 and 2020 are linked to breaches of standardization and sale conditions.

4.1.3 Analytical activity carried out by the Centre for Research and Quality Control (CICC)

Supporting market inspection or surveillance involves taking samples to later make analytical determinations; for this goal, the Directorate-General for Consumer Affairs makes available to the Autonomous Communities the Centre for Research and Quality Control (CICC).

The CICC analyses products that come from campaigns in which all the Autonomous Communities take part, regional and European campaigns, inspections of competent market monitoring bodies, complaints submitted by State safety bodies and forces, verification or decisive analyses, research undertaken by the laboratory itself and collaborative analysis, which are also scheduled, to uphold and improve the quality system implemented by CICC.

The graph shows that most of the activity carried out by the centre is directed towards collaborating with the consumer authorities of the Autonomous Communities: national, regional, and official monitoring campaigns.

Table 2: Samples analysed grouped by senders: 2019-2020

<table>
<thead>
<tr>
<th>Senders</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal-DG Consumer Affairs</td>
<td>3.65%</td>
<td>7.75%</td>
</tr>
<tr>
<td>Local Corporations</td>
<td>2.29%</td>
<td>0.82%</td>
</tr>
<tr>
<td>Autonomous Communities</td>
<td>72.04%</td>
<td>64.37%</td>
</tr>
<tr>
<td>Courts</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Arbitration Boards</td>
<td>0.23%</td>
<td>0.08%</td>
</tr>
<tr>
<td>Municipal Consumer Information Offices (OMICs)</td>
<td>0.09%</td>
<td>25.20%</td>
</tr>
<tr>
<td>Other official bodies</td>
<td>18.07%</td>
<td>25.2</td>
</tr>
<tr>
<td>Other senders</td>
<td>2.00%</td>
<td>1.73%</td>
</tr>
</tbody>
</table>

SOURCE: Centre for Research and Quality Control (CICC), Directorate-General for Consumer Affairs.

The CICC analyses products that come from campaigns in which all the Autonomous Communities take part, regional and European campaigns, inspections of competent market monitoring bodies, complaints submitted by State safety bodies and forces, verification or decisive analyses, research undertaken by the laboratory itself and collaborative analysis, which are also scheduled, to uphold and improve the quality system implemented by CICC.

The graph shows that most of the activity carried out by the centre is directed towards collaborating with the consumer authorities of the Autonomous Communities: national, regional, and official monitoring campaigns.
Tables 3 and 4 summarise and offer an overview of the analytical activity carried out in 2019 and 2020 by CICC.

**Table 3: Evolution of samples received, analysed and tested or determinations made: 2019-2020**

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Samples received</td>
<td>3,789</td>
<td>2,023</td>
</tr>
<tr>
<td>Samples analysed (*)</td>
<td>3,448</td>
<td>2,425</td>
</tr>
<tr>
<td>Tests-determinations carried out</td>
<td>45,384</td>
<td>33,954</td>
</tr>
</tbody>
</table>

(*) The samples analysed include part of those received during that year and part of the samples pending from the previous year. Thus, the number of samples analysed in a year may be greater than those received during that same year.

**Source:** Centre for Research and Quality Control (CICC). Directorate-General for Consumer Affairs.

Of the analytical activity carried out in 2019, 80.85% of the determinations made on food products concluded that they were compliant compared to 5.17% which were non-compliant since they presented some form of non-compliance. On the other hand, the determinations on non-food products showed the following result: 84.13% are compliant and 10.67% are non-compliant with some of the analytical precepts.

**Table 4: Results of tests or determinations in 2019**

<table>
<thead>
<tr>
<th>FOOD PRODUCTS</th>
<th>Compliant</th>
<th>%</th>
<th>Non-compliant</th>
<th>%</th>
<th>No determination</th>
<th>%</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Totals</td>
<td>17,928</td>
<td>80.8</td>
<td>1,147</td>
<td>5.17</td>
<td>3,100</td>
<td>13.98</td>
<td>22,175</td>
</tr>
<tr>
<td>NON-FOOD PRODUCTS</td>
<td>Compliant</td>
<td>%</td>
<td>Non-compliant</td>
<td>%</td>
<td>No determination</td>
<td>%</td>
<td>Total</td>
</tr>
<tr>
<td>Totals</td>
<td>19,517</td>
<td>84.13</td>
<td>2,476</td>
<td>10.67</td>
<td>1,205</td>
<td>5.19</td>
<td>23,198</td>
</tr>
</tbody>
</table>

**Source:** Centre for Research and Quality Control (CICC). Directorate-General for Consumer Affairs.

As for 2020, the CICC ruled that food products comply with the requirements of the standards regulating them in 83.90% of the tests carried out, compared to 4.38% that were non-compliant, presenting some form of non-compliance. Regarding the determinations made for non-food products, 87.06% were compliant and 7.49% non-compliant.
Table 5: Results of tests or determinations in 2020

<table>
<thead>
<tr>
<th></th>
<th>Compliant</th>
<th>%</th>
<th>Non-compliant</th>
<th>%</th>
<th>No determination</th>
<th>%</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FOOD PRODUCTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>13,963</td>
<td>83.90</td>
<td>729</td>
<td>4.38</td>
<td>1,950</td>
<td>11.72</td>
<td>16,642</td>
</tr>
<tr>
<td><strong>NON-FOOD PRODUCTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>15,069</td>
<td>87.06</td>
<td>1,296</td>
<td>7.49</td>
<td>943</td>
<td>5.45</td>
<td>17,308</td>
</tr>
</tbody>
</table>

**Source:** Centre for Research and Quality Control (CICC). Directorate-General for Consumer Affairs

4.2 Quality and industrial safety authorities on market surveillance (MINCOTUR and Autonomous Communities)

The purpose of market surveillance is to ensure that the products and services made available to consumers and users comply with the requirements laid down to provide a high level of health and safety, at the same time as meeting the quality requirements, it also includes those whose purpose is to protect legitimate economic interests and the right to receive correct information. Another aim is to enhance Market Surveillance, ensuring that any unsafe products detected in a state are removed from the market within the state itself and throughout the European Union.

The power model in Spain is based on the transfer of certain powers to the Autonomous Communities, which they have taken on in their statutes of autonomy, and market surveillance is organised in such a way that it reflects this distribution of power. In the present case, for industrial products, the State has the powers of legislation, border control, and coordination of the Autonomous Communities. Basically, the State prepares the regulations and represents Spain in international forums where the conditions to be required for products are discussed. It carries out border controls that protect the country from non-compliant products that come from outside the EU, and, lastly, it also has the complicated role of carrying out the coordination of the action of the Autonomous Communities, and preparing National Plans for market surveillance, which it encourages the Autonomous Communities to adhere to so as to obtain a global vision in this matter. The powers of the Autonomous Communities/Cities are executive.

In this chapter we will address, in addition to the national campaigns, the joint campaigns coordinated with all the Autonomous Communities, where, through the application of the Industry Law, the executive powers of Market Surveillance corresponds to the Autonomous Communities, with the Directorate-General of Industry and Small and Medium Enterprises (DGPYME), which belongs to the General-Secretariat of Industry and SMEs (SGCSI) of the Ministry of Industry, Trade and Tourism, being responsible for promotion and coordination activities.
4.2.1 Market surveillance in 2019

The initial programme established to carry out the national market surveillance campaigns for industrial products by the Directorate-General of Industry and Small and Medium Enterprises (DGPYME), belonging to the General-Secretariat of Industry and SMEs (SGCSI), during the year 2019, is set out in the following table.

Table 6: Initial programme established for 2019

<table>
<thead>
<tr>
<th>Sectors de productos</th>
<th>Applicable EU legislation</th>
<th>Product categories and objective of project</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>04. Personal protective equipment</td>
<td>Regulation (EU) 2016/425</td>
<td>Categories of products: Personal protective equipment designed for professional use.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>04. Equipos de protección personal</td>
<td>Reglamento (UE) 2016/425</td>
<td>Categories of products: Products that pose significant risks, Location of products without CE marking.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>05. Construction products</td>
<td>Regulation (EU) 305/2011</td>
<td>Categories of products: Cement; Plaster and prefabricated products; Ceramic products; Sand and gravel; Windows and doors.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>05. Productos de construcción</td>
<td>Reglamento (UE) 305/2011</td>
<td>Categories of products: Cementos; Yesos, escayolas y prefabricados; Productos cerámicos; Arenas y gravas; Ventanas y puertas.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>08. Transportable pressure equipment</td>
<td>Directiva 2010/35/EU</td>
<td>Categories of products: Transportable pressure containers.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>08. Equipos a Presión Transportables</td>
<td>Directiva 2010/35/UE</td>
<td>Categories of products: Botellas y contenedores a presión transportables.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>09. Machinery</td>
<td>Directiva 2006/42/EC</td>
<td>Categories of products: Tools for DIY, gardening, Food machinery, Lifting devices, etc.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>09 Máquinas</td>
<td>Directiva 2006/42/CE</td>
<td>Categories of products: Herramientas para bricolaje y jardinería, Maquinaria para el sector de la alimentación, Aparatos de elevación, etc.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>10. Lifts</td>
<td>Directiva 2014/33/EU</td>
<td>Categories of products: Safety components of lifting apparatuses.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>10. Ascensores</td>
<td>Directiva 2014/33/UE</td>
<td>Categories of products: Componentes de seguridad de aparatos elevadores.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>16. Appliances burning gaseous fuels</td>
<td>Directiva 2009/142/EC</td>
<td>Categories of products: Appliances burning gaseous fuels used for cooking, heating, hot water production or refrigeration; and safety devices, controlling devices or regulating.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>16. Aparatos de gas</td>
<td>Directiva 2009/142/CE</td>
<td>Categories of products: Aparatos de cocción, calefacción, producción de agua caliente o refrigeración que funcionan con combustible gaseoso; y Equipos como: dispositivos de seguridad, control y regulación.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>16. Aparatos a gas</td>
<td>Directiva 2009/142/CE</td>
<td>Categories of products: Aparatos de cocción, calefacción, producción de agua caliente o refrigeración que funcionan con combustible gaseoso; y Equipos como: dispositivos de seguridad, control y regulación.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>Sectors</td>
<td>Applicable EU legislation</td>
<td>Product categories and objective of project</td>
<td>Authority</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>18. Electrical equipment under EMC</td>
<td>Directive 2014/30/EU Directive 2004/108/EC</td>
<td><strong>Categories of products:</strong> White goods, Small household appliances, Consumer electronics, Informatics and office equipment, Luminaires and switchgear, Equipment for hotel and catering use. <strong>Objective:</strong> Detection of products that pose significant risks, Location of products without CE marking</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>18. Equipos eléctricos (Directiva sobre compatibilidad electromagnética)</td>
<td>Directiva 2014/30/UE Directiva 2004/108/CE</td>
<td><strong>Categorías de productos:</strong> Línea blanca, Pequeños aparatos electrodomésticos, Línea marrón, Informática y ofimática, Luminarias y aparmenta, Aparatos para uso comercial y de hostelería. <strong>Objetivos:</strong> Detección de productos con riesgos significativos y Localización de productos sin marcado CE.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>20. Electrical appliances and equipment under LVD</td>
<td>Directive 2014/35/EU Directive 2006/95/EC</td>
<td><strong>Categories of products:</strong> White goods, Small household appliances, Consumer electronics, Informatics and office equipment, Luminaires and switchgear, Equipment for hotel and catering use. <strong>Objective:</strong> Detection of products that pose significant risks, Location of products without CE marking</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>20. Aparatos y equipos eléctricos (Directiva «baja tensión»)</td>
<td>Directiva 2014/35/UE Directiva 2006/95/CE</td>
<td><strong>Categorías de productos:</strong> Línea blanca, Pequeños aparatos electrodomésticos, Línea marrón, Informática y ofimática, Luminarias y aparmenta, Aparatos para uso comercial y de hostelería. <strong>Objetivos:</strong> Detección de productos con riesgos significativos y Localización de productos sin marcado CE.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>23. Eco-design and Energy Labelling. Efficiency requirements for hot-boilers fired with liquid or gaseous fuels</td>
<td>Directive 2009/125/EC Directive 2010/30/EU</td>
<td><strong>Categories of products:</strong> TVs, PCs, White goods, Fans, Luminaires, etc. <strong>Objective:</strong> Detection of products that do not comply with the requirements of the Directive and EC Regulations. Documentary verification and testing, whenever possible.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>23. Diseño ecológico y etiquetado energético Calderas calentadas con combustibles líquidos o gaseosos.</td>
<td>Directiva 2009/125/CE Directiva 2010/30/UE</td>
<td><strong>Categorías de productos:</strong> Televisores, Ordenadores, Electrodomésticos de línea blanca, Ventiladores, Luminarias, etc. <strong>Objetivos:</strong> Detección de productos que no cumplan con los requisitos de la Directiva y los Reglamentos específicos. Verificación documental y cuando sea posible por ensayo.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>27. Motor vehicles and tractors</td>
<td>Regulation (EU) 168/2013 Directive 2007/46/EC Regulation (EU) 167/2013</td>
<td><strong>Categories of products:</strong> Cars, Mopeds and motorcycles, Trailers, Spare parts and components. <strong>Objective:</strong> Detection of products that are not type-approved or are non-compliant as regards the applicable characteristics.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>27. Vehículos de motor y tractores</td>
<td>Reglamento (UE) 168/2013 Directiva 2007/46/CE Reglamento (UE) 167/2013</td>
<td><strong>Categorías de productos:</strong> Automóviles, Ciclomotores y motocicletas, Remolques, Repuestos y componentes. <strong>Objetivos:</strong> Detección de productos no homologados o con incumplimientos respecto a las características aplicables</td>
<td>SGCSI del MINCOTUR</td>
</tr>
</tbody>
</table>

**OTHER LEGISLATIONS**

<table>
<thead>
<tr>
<th>OTRAS LEGISLACIONES</th>
</tr>
</thead>
</table>

| 41. High Voltage electrical installations | Spanish Royal Decree 3275/1982 Spanish Royal Decree 337/2014 Real Decreto 3275/1982 Real Decreto 337/2014 | **Categories of products:** Insulators, Switches, Transformers, Cells, Lightning conductors, Disconnectors. **Objective:** Detection of products that pose significant safety risks | MINCOTUR SGCSI |
| 41. Instalaciones de Alta Tensión | | **Categorías de productos:** Aisladores, Interruptores, Traformadores, Celdas, Pararrayos, Seccionadores. **Objetivos:** detección de productos con riesgos de seguridad. | SGCSI del MINCOTUR |
| 42. Fire protection equipment | Spanish Royal Decree 1492/1993 | **Categories of products:** Portable extinguishers, Fire hoses, Hydrants, Passive protection products. **Objective:** Detection of products that pose significant safety risks | MINCOTUR SGCSI |
| 42. Equipos contraincendios | Real Decreto 1492/1993 | **Categorías de productos:** Extintores portátiles, BIE’s, Hidrántes, Productos de protección pasiva. **Objetivos:** detección de productos con riesgos de seguridad significativos. | SGCSI del MINCOTUR |
In 2019, 22 types of products were analysed, 2,204 products were inspected and 445 tested. The inspection concluded that 90.74% of the products complied with the applicable legislation and 9.26% were non-compliant. In the following table you can see the results of this campaign.

Table 7: Results of the 2019 market surveillance campaign

<table>
<thead>
<tr>
<th>Type of products</th>
<th>Inspected</th>
<th>Tested</th>
<th>Non-Compliant Products</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low voltage</td>
<td>389</td>
<td>42</td>
<td>38</td>
</tr>
<tr>
<td>Electromagnetic compatibility</td>
<td>317</td>
<td>29</td>
<td>23</td>
</tr>
<tr>
<td>Eco-design</td>
<td>358</td>
<td>24</td>
<td>11</td>
</tr>
<tr>
<td>Machines</td>
<td>89</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Sound emissions</td>
<td>12</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Transportable pressure equipment</td>
<td>14</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Simple pressure vessels</td>
<td>13</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Pressure equipment</td>
<td>16</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Aerosol generators</td>
<td>15</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Construction products</td>
<td>90</td>
<td>31</td>
<td>12</td>
</tr>
<tr>
<td>Cast iron threaded accessories</td>
<td>117</td>
<td>52</td>
<td>5</td>
</tr>
<tr>
<td>High voltage electric switchgear</td>
<td>44</td>
<td>27</td>
<td>2</td>
</tr>
<tr>
<td>Gas appliances</td>
<td>133</td>
<td>26</td>
<td>16</td>
</tr>
<tr>
<td>Firefighting facilities</td>
<td>7</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>Safety components for lifts</td>
<td>38</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>ATP</td>
<td>19</td>
<td>19</td>
<td>14</td>
</tr>
<tr>
<td>Personal Protective Equipment</td>
<td>144</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>Vehicles (mopeds, motorcycles and M1)</td>
<td>70</td>
<td>40</td>
<td>0</td>
</tr>
<tr>
<td>Vehicle components</td>
<td>236</td>
<td>45</td>
<td>35</td>
</tr>
<tr>
<td>Class C2 tyres</td>
<td>56</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Gas emissions</td>
<td>7</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Explosive atmosphere protection</td>
<td>20</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2,204</td>
<td>445</td>
<td>204</td>
</tr>
</tbody>
</table>
4.2.2 Market surveillance in 2020

The initial programme established to carry out the national market surveillance campaigns for industrial products by the Directorate-General of Industry and Small and Medium Enterprises (DGPYME), belonging to the General-Secretariat of Industry and SMEs (SGCSI), during the year 2020, is set out in the following table.

<table>
<thead>
<tr>
<th>Sectors de productos</th>
<th>Applicable EU legislation</th>
<th>Product categories and objective of project</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>04. Personal protective equipment</td>
<td>Regulation (EU) 2016/425</td>
<td>Categories of products: Personal protective equipment designed for professional use. Objective: Detection of products that pose significant risks, Location of products without CE marking.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>04. Equipos de protección personal</td>
<td>Reglamento (UE) 2016/425</td>
<td>Categorías de productos: Equipos de protección individual diseñados para uso profesional. Objetivos: detección de productos con incumplimientos normativos o sin marcado CE.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>05. Construction products</td>
<td>Regulation (EU) 305/2011</td>
<td>Categories of products: Cement; Plaster and prefabricated products; Ceramic products; Sand and gravel; Windows and doors. Objective: Detection of products that pose significant risks, Location of products without CE marking</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>05. Productos de construcción</td>
<td>Reglamento (UE) 305/2011</td>
<td>Categorías de productos: Cimentos; Yesos, escayolas y prefabricados; Productos cerámicos; Arenas y gravas; Ventanas y puertas. Objetivos: detección de productos con incumplimientos normativos o sin marcado CE.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>07 Recipientes a presión simples y equipos a presión</td>
<td>Directivas 2014/29/UE y 2014/68/UE</td>
<td>Categorías de productos: Compresores, Acumuladores, Aerosoles, Cartuchos y Sistemas de limpieza. Objetivos: detección de productos con riesgos significativos y localización de productos sin marcado CE.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>08. Transportable pressure equipment</td>
<td>Directive 2010/35/EU</td>
<td>Categories of products: transportable pressure containers. Objective: Detection of products that pose significant risks, Location of products without CE marking.</td>
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<td>08. Equipos a Presión Transportables</td>
<td>Directiva 2010/35/UE</td>
<td>Categorías de productos: botellas y contenedores a presión transportables. Objetivos: detección de productos con riesgos significativos y localización de productos sin marcado CE.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>09. Machinery</td>
<td>Directive 2006/42/EC</td>
<td>Categories of products: Tools for diy and gardening, Food machinery, Lifting devices, etc. Objective: Detection of products that pose significant risks, Location of products without CE marking</td>
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<tr>
<td>09 Máquinas</td>
<td>Directiva 2006/42/CE</td>
<td>Categorías de productos: Herramientas para bricolaje y jardinería, Maquinaria para el sector de la alimentación, Aparatos de elevación, etc. Objetivos: Detección de productos con riesgos significativos y localización de productos sin marcado CE.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>10. Ascensores</td>
<td>Directiva 2014/33/UE</td>
<td>Categorías de productos: Componentes de seguridad de aparatos elevadores. Objetivos: detección de productos con incumplimientos normativos o sin marcado CE.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>16. Appliances burning gaseous fuels</td>
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<td>Categories of products: Appliances burning gaseous fuels used for cooking, heating, hot water production or refrigeration; andsafety devices, controlling devices or regulating. Objective: Detection of products that pose significant risks, Location of products without CE marking</td>
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<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
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<td>Authority</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------------</td>
<td>---------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>18. Equipos eléctricos (Directiva sobre compatibilidad electromagnética)</td>
<td>Directiva 2014/30/UE Directiva 2004/108/CE</td>
<td><strong>Categorías de productos:</strong> Línea blanca, Pequeños aparatos electródemos, Línea marrón, Informática y ofimática, Luminarias y aparamenta, Aparatos para uso comercial y de hostelería. <strong>Objetivos:</strong> Detección de productos con riesgos significativos y Localización de productos sin marcado CE.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>20 Aparatos y equipos eléctricos (Directiva «baja tensión»)</td>
<td>Directiva 2014/35/UE Directiva 2006/95/CE</td>
<td><strong>Categorías de productos:</strong> Línea blanca, Pequeños aparatos electródemos, Línea marrón, Informática y ofimática, Luminarias y aparamenta, Aparatos para uso comercial y de hostelería. <strong>Objetivos:</strong> Detección de productos con riesgos significativos y Localización de productos sin marcado CE.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>23. Eco-design and Energy Labelling. Efficiency requirements for hot-boilers fired with liquid or gaseous fuels</td>
<td>Directive 2009/125/EC Directive 2010/30/EU</td>
<td>Categories of products: TVs, PCs, White goods, Fans, Luminaires, etc. <strong>Objective:</strong> Detection of products that do not comply with the requirements of the Directive and EC Regulations. Documentary verification and testing, whenever possible.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>27. Motor vehicles and tractors</td>
<td>Directive 2009/125/CE Directiva 2010/30/UE</td>
<td><strong>Categorías de productos:</strong> Televisores, Ordenadores, Electrodomésticos de línea blanca, Ventiladores, Luminarias, etc. <strong>Objetivos:</strong> detección de productos que no cumplan con los requisitos de la Directiva y los Reglamentos específicos. Verificación documental y cuando sea posible por ensayo.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
</tbody>
</table>

**OTHER LEGISLATIONS**

<table>
<thead>
<tr>
<th>OTRAS LEGISLACIONES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Categories of products:</strong> Insulators, Switches, Transformers, Cells, Lightning conductors, Disconnectors. <strong>Objective:</strong> Detection of products that pose significant safety risks</td>
</tr>
<tr>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>41. Instalaciones de Alta Tensión</td>
</tr>
<tr>
<td><strong>Categorías de productos:</strong> Aisladores, Interruptores, Trasformadores, Celdas, Pararrayos, Seccionadores. <strong>Objetivos:</strong> detección de productos con riesgos de seguridad.</td>
</tr>
<tr>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>42. Fire protection equipment</td>
</tr>
<tr>
<td><strong>Categories of products:</strong> Portable extinguishers, Fire hoses, Hydrants, Passive protection products. <strong>Objective:</strong> Detection of products that pose significant safety risks</td>
</tr>
<tr>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>42. Equipos contraincendios</td>
</tr>
<tr>
<td><strong>Categorías de productos:</strong> Extintores portátiles, BIE’s, Hidrantes, Productos de protección pasiva. <strong>Objetivos:</strong> detección de productos con riesgos de seguridad significativos.</td>
</tr>
<tr>
<td>SGCSI del MINCOTUR</td>
</tr>
</tbody>
</table>
In 2020, 22 types of products were analysed, 1,539 products were inspected and 206 tested, 80 products of those tested were found to have non-compliances. 204 documentary analyses were carried out, and non-compliances were identified in 108. The table below sets out the results of this campaign.

Table 9: Results of the 2020 market surveillance campaign

<table>
<thead>
<tr>
<th>Products analysed</th>
<th>Inspected</th>
<th>Tested</th>
<th>Non-compliances</th>
<th>Documentary Analysis</th>
<th>Documentary Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low voltage</td>
<td>259</td>
<td>30</td>
<td>26</td>
<td>56</td>
<td>42</td>
</tr>
<tr>
<td>EMC</td>
<td>198</td>
<td>20</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Eco-design</td>
<td>239</td>
<td>17</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Machines</td>
<td>51</td>
<td>6</td>
<td>5</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Sound emissions</td>
<td>12</td>
<td>1</td>
<td>0</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Construction products</td>
<td>71</td>
<td>25</td>
<td>2</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>High voltage electric switchgear</td>
<td>50</td>
<td>18</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Firefighting facilities</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>ATP</td>
<td>28</td>
<td>14</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Vehicles (mopeds, motorcycles and M1)</td>
<td>49</td>
<td>20</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Vehicle components</td>
<td>157</td>
<td>31</td>
<td>22</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Class C1 tyres</td>
<td>34</td>
<td>12</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Emissions</td>
<td>7</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transportable pressure equipment</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Simple pressure vessels</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Pressure equipment</td>
<td>12</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Aerosol generators</td>
<td>11</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Cast threaded accessories</td>
<td>82</td>
<td>0</td>
<td>0</td>
<td>52</td>
<td>11</td>
</tr>
<tr>
<td>Gas appliances</td>
<td>89</td>
<td>0</td>
<td>0</td>
<td>18</td>
<td>12</td>
</tr>
<tr>
<td>Safety components in lifts</td>
<td>52</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Personal Protective Equipment</td>
<td>99</td>
<td>0</td>
<td>0</td>
<td>17</td>
<td>10</td>
</tr>
<tr>
<td>Explosive atmosphere protection</td>
<td>14</td>
<td>0</td>
<td>0</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,539</td>
<td>206</td>
<td>80</td>
<td>204</td>
<td>108</td>
</tr>
</tbody>
</table>

PRODUCTS INSPECTED 2020

- Low voltage
- Electromagnetic compatibility
- EcoDesign
- Machinery
- Sound emissions
- Construction products
- High voltage electric switchgear
- Firefighting facilities
- ATP
- Vehicles (mopeds, motorcycles and M1)
- Vehicle components
- Class C2 tyres
- Emissions
- Mobile pressure equipment
- Simple pressure vessels
- Pressure equipment
- Aerosol generators
- Cast iron threaded accessories
- Gas appliances
- Safety components lifts
- Personal Protective Equipment
- Explosive atmosphere protection
PRODUCTS TESTED 2020

Products tested 2020: 206
- Low voltage
- Electromagnetic compatibility
- EcoDesign
- Machinery
- Sound emissions
- Construction products
- High voltage electric switchgear
- Firefighting facilities
- ATP
- Vehicles (mopeds, motorcycles and M1)
- Vehicle components
- Class C2 tyres
- Emissions

NON COMPLIANT PRODUCTS 2020

Non-Compliant Products 2020: 80
- Low voltage
- Electromagnetic compatibility
- EcoDesign
- Machinery
- Sound emissions
- Construction products
- High voltage electric switchgear
- Firefighting facilities
- ATP
- Vehicles (mopeds, motorcycles and M1)
- Vehicle components
- Class C2 tyres
- Emissions
DOCUMENTARY ANALYSIS 2020

Documentary analyses 2020: 204
- Low voltage, electromagnetic compatibility and EcoD
- Machinery
- Sound emissions
- Construction products
- Mobile pressure equipment
- Simple pressure vessels
- Pressure equipment
- Aerosol generators
- Cast iron threaded accessories
- Gas appliances
- Safety components lifts
- Personal Protective Equipment
- Explosive atmosphere protection

DOCUMENTARY ANALYSIS WITH NON-COMPLIANCES 2020

Documentary analyses with non-compliances 2020: 108
- Low voltage, electromagnetic compatibility and EcoD
- Machinery
- Sound emissions
- Construction products
- Mobile pressure equipment
- Simple pressure vessels
- Mobile pressure equipment
- Aerosol generators
- Cast iron threaded accessories
- Gas appliances
- Safety components lifts
- Personal Protective Equipment
- Explosive atmosphere protection
4.2.3 Joint market surveillance

The joint national market surveillance campaigns carried out in the period 2019-2020 in coordination with all the Autonomous Communities are listed below:

- Joint campaign on commercial and garage industrial motorised doors.
- Joint campaign on magnetic thermal circuit breakers.
- Joint campaign on PPE:
  - anti-fall harness, seat harness and support belt;
  - disposable gloves for protection against chemical products and micro-organisms.

In this sense, and to unify criteria, a joint protocol has been created for each product type, such as, for example, the fall prevention PPE protocol and the lift protocol.

4.3 Monitoring activities of SOIVRE Inspection Service, 2019/2020

4.3.1 What is the SOIVRE Inspection Service?

The SOIVRE Inspection Service (hereinafter SOIVRE I.S.) of the Territorial and Provincial Directorates of Commerce (hereinafter DTs/DPs), is a multidisciplinary border inspection service, attached to the State Secretariat for Trade of the Ministry of Industry, Trade and Tourism, and coordinated in relation to its functions by the Sub-directorate General of Inspection, Certification and Technical Assistance of Foreign Trade (hereinafter SGICATCE), which is entrusted various kinds of monitoring tasks, covered by Spanish Royal Decree 1456/2005, regarding goods for foreign trade, in Spanish customs.

4.3.2 Structure

SOIVRE I.S. has a territorial network of 31 centres integrated into the DTs/DPs coordinated by SGICATCE, y presta su servicio en las Instalaciones Fronterizas de Control de Mercancías, en 138 puntos de inspección situados en las principales aduanas españolas.

It has a network of 17 laboratories, and for its analytical activities is coordinated with the Analytical Centre for Inspection and Quality Control of Foreign Trade, which acts as a Central Laboratory. These laboratories have implemented quality systems based on UNE-EN ISO/IEC 17025 and are accredited by ENAC for a large part of their tests.

Various chemical or mechanical tests are carried out in these laboratories on the industrial products subject to monitoring (dimethyl fumarate residues, phthalates, aromatic amines from azo dyes, chromium (vi), safety in protective footwear in accordance with UNE-EN ISO 20346 and UNE-EN ISO 20345; children's footwear safety in accordance with UNE 59300, bisphenol A, formaldehyde, phthalates, heavy metals, toy safety in accordance with UNE-EN 71-1, toy safety in accordance with EN 62115, electrical safety, primary aromatic amines, quantification of binary mixture of textile fibres, identification of textile fibres, textile safety in accordance with UNE 40902).

Furthermore, SOIVRE I.S. has the support of other administration laboratories. In the case of industrial products, these are the National Centre for Means of Protection (CNMP) belonging to the Ministry of Work and Social Economy, and the Centre for Research and Quality Control (CRQC) of the Ministry for Consumer Affairs.
4.3.3 Jurisdiction

During the period 2019/2020 SOIVRE I.S. carried out the following monitoring and inspection tasks:

- Monitoring the **commercial quality** of some agri-food products subject to foreign trade (Order PRE/3026/2003, of 30 October, laying down inspection and monitoring rules for the Regional and Territorial Directorates of Commerce)\(^3\).

- Monitoring **organic farming products** imported from third countries (Spanish Order ECC/1936/2014, of 16 October, laying down rules on monitoring and inspecting of imports of organic products from third countries)\(^2\).

- Monitoring the **safety of some industrial products** imported from third countries (Spanish Royal Decree 330/2008, of 29 February, whereby control measures are adopted for the import of certain products regarding the applicable regulations on product safety)\(^3\).

- Monitoring protected species subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (**CITES**)\(^4\).

4.3.4 Some general data on monitoring

In the period from 2018 to May 2021, in all the monitoring fields described (excluding CITES), more than 3 million consignments of goods, with a net weight of 17 million tonnes, have been submitted for monitoring, with food products subject to commercial quality control being predominant.

**Monitoring covered by Regulation (EU) 2019/1020 on market surveillance**

<table>
<thead>
<tr>
<th>Fields</th>
<th>Inspecting acts</th>
<th>Net weight (kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial quality</td>
<td>1,964,079</td>
<td>14,364,009,124</td>
</tr>
<tr>
<td>Industrial safety</td>
<td>1,379,319</td>
<td>2,735,938,387</td>
</tr>
<tr>
<td>Organic farming</td>
<td>10,999</td>
<td>364,099,904</td>
</tr>
<tr>
<td>Total</td>
<td>3,354,397</td>
<td>17,464,047,414</td>
</tr>
</tbody>
</table>

The framework of Regulation (EU) 2019/1020 on market surveillance, and Spanish Royal Decree 1801/2003 on general product safety, cover the safety monitoring of industrial product imports mentioned above.

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34 Visit the website: [https://cites.org/sites/default/files/esp/disc/CITES-Convention-SP.pdf](https://cites.org/sites/default/files/esp/disc/CITES-Convention-SP.pdf)
4.3.5 Safety controls on imported industrial products

Since 2008, SOIVRE I.S. carries out, prior to importation, the mandatory safety and labelling monitoring for the products covered by Annex I of Royal Decree 330/2008 whereby monitoring measures are adopted for the import of certain products regarding the applicable regulations on product safety. Customs does not allow importation without the corresponding safety monitoring document issued by SOIVRE I.S.

The groups of controlled products are:


4.3.6 How are controls undertaken?

From among the total of goods presented for control, a selection of the goods that will be monitored physically or through their documents is made, with or without taking samples for laboratory tests. This selection is made by applying an automatic risk analysis built into the computer management tools, defined and permanently updated in accordance with criteria selected by SGICATCE. The aim is to monitor those products with the highest risk of non-compliance, while minimising disturbances to the normal movement of goods and optimising technical and administrative resources.

For those goods that are not subject to physical or documentary control due to the risk analysis, a certificate is issued with the compliance outcome and the monitoring classification “unmonitored” for the purposes of customs clearance.

4.3.7 Collaboration among authorities

The actions to monitor the internal market are the result of intense collaboration and coordination among the competent authorities: the Ministry for Consumer Affairs, other departments of the Ministry of Industry and the competent authorities of the Autonomous Communities, as well as with the Customs Department (in 2021, LUDUS II, an operation to detect dangerous toys from third countries before they could be imported was a result of this collaboration).

4.3.8 Safety control data of imported industrial products

From 2017 to May 2021 a total of 1,759,992 items with an approximate value of 24 billion Euros were submitted for control.

In 2019, a total of 419,833 items (371,643 in 2020) with a net weight of 884,807 Tonnes (756,298 metric tonnes in 2020) and worth 6 billion Euros (4 billion Euros in 2020) were submitted for control. The breakdown by product group can be seen in the table below.

<table>
<thead>
<tr>
<th>ITEMS SUBMITTED FOR CONTROL</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021 (JAN-MAY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOOTWEAR</td>
<td>118,664</td>
<td>124,114</td>
<td>122,336</td>
<td>111,916</td>
<td>60,436</td>
</tr>
<tr>
<td>TOYS</td>
<td>34,309</td>
<td>33,999</td>
<td>40,574</td>
<td>33,213</td>
<td>17,374</td>
</tr>
<tr>
<td>WOOD</td>
<td>5,524</td>
<td>5,682</td>
<td>5,786</td>
<td>4,852</td>
<td>1,938</td>
</tr>
<tr>
<td>FURNITURE</td>
<td>25,553</td>
<td>29,961</td>
<td>40,963</td>
<td>42,066</td>
<td>21,190</td>
</tr>
<tr>
<td>SMALL MATERIAL</td>
<td>3,220</td>
<td>6,035</td>
<td>12,188</td>
<td>13,106</td>
<td>8,319</td>
</tr>
<tr>
<td>TEXTILES MATERIAL</td>
<td>194,308</td>
<td>204,610</td>
<td>197,986</td>
<td>166,490</td>
<td>73,280</td>
</tr>
<tr>
<td>TOTAL</td>
<td>381,578</td>
<td>404,401</td>
<td>419,833</td>
<td>371,643</td>
<td>182,537</td>
</tr>
</tbody>
</table>
Of the 419,833 items submitted for control in 2019, **10%** (39,568 items) had some kind of control (physical and/or documentary). **1,638 laboratory tests** were carried out on these goods.

As for the control results: of all the items submitted in 2019, a total of **347,216 were accepted for import and 705 rejected**; of these 232 were tested, the value of the rejected items being **4,551,982 Euros** and their net weight **623,056 kg**.

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not applicable</td>
<td>Rejected*</td>
<td>Approved</td>
<td>Total</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Untested</td>
<td>71,910</td>
<td>473</td>
<td>345,812</td>
<td>418,195</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Tested</td>
<td>2</td>
<td>232</td>
<td>1,404</td>
<td>1,638</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>71,912</td>
<td>705</td>
<td>347,216</td>
<td>419,833</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>
4.3.9 Non-conformity files

There are different categories of non-compliance files, depending on the non-compliance detected whether or not it can be rectified and how dangerous it makes the product.

If the non-compliance cannot be rectified, the goods are banned from being imported (522 files in 2019). In cases where the non-compliance is rectifiable but highly dangerous, it is only allowed to be rectified in a customs area (182 files in 2019), in this case it is only imported when the merchandise has already been made compliant and this has been checked by SOIVRE I.S. In cases where the non-compliance does not make the product dangerous, importation and compliance rectification is allowed in the importer’s warehouses (1157 files in 2019). In this case, the competent consumer or industry authorities of the Autonomous Communities are the ones who check compliance before the product is placed on the market.

<table>
<thead>
<tr>
<th></th>
<th>Item subject to documentary and/or physical controls</th>
<th>Final refusal</th>
<th>Informative communication</th>
<th>Rectifiable dangerous non-conformity</th>
<th>Rectifiable non-dangerous non-conformity</th>
<th>Total refusals</th>
<th>% of NCs compared to those inspected</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>59,279</td>
<td>734</td>
<td>31</td>
<td>191</td>
<td>1,257</td>
<td>2,213</td>
<td>3.73%</td>
</tr>
<tr>
<td>2018</td>
<td>61,602</td>
<td>510</td>
<td>38</td>
<td>127</td>
<td>1,246</td>
<td>1,921</td>
<td>3.12%</td>
</tr>
<tr>
<td>2019</td>
<td>39,568</td>
<td>522</td>
<td>30</td>
<td>182</td>
<td>1,157</td>
<td>1,891</td>
<td>4.78%</td>
</tr>
<tr>
<td>2020</td>
<td>31,809</td>
<td>321</td>
<td>5</td>
<td>72</td>
<td>671</td>
<td>1,069</td>
<td>3.36%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>192,258</td>
<td>2,087</td>
<td>104</td>
<td>572</td>
<td>4,331</td>
<td>7,094</td>
<td>3.69%</td>
</tr>
</tbody>
</table>

When SOIVRE I.S. detects that a product, even if it meets the safety and labelling requirements required at entry, does not comply with those requirements at the point of sale, it informs the surveillance authorities of the Autonomous Communities through the INC (30 files in 2019) of this fact.

Finally, in cases where importing the goods has been allowed, but a prospective sample for laboratory testing has been taken, and where eventually the results show a non-compliance, a SOIVRE Alert is launched and sent to the internal market Consumer Affairs or Industry Authorities (85 files in 2019).
4.78% of the items subject to documentary and/or physical monitoring in 2019 (1891 items) have some type of non-compliance, and 5% if alerts are taken into account (amounting to 1976 non-compliant items), 95% being compliant merchandise. By product in 2019, most of the non-compliances occur in toys (10.9% of those monitored presented some non-conformity), followed by SME (7.2%), PPE (8%), furniture (5.8%), textiles (4%) and footwear (3.7%).

<table>
<thead>
<tr>
<th>Items subject to documentary or physical monitoring</th>
<th>Total</th>
<th>% of NCs compared to those inspected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Footwear</td>
<td>10,437</td>
<td>371</td>
</tr>
<tr>
<td>Toys</td>
<td>5,107</td>
<td>527</td>
</tr>
<tr>
<td>Wood</td>
<td>1,222</td>
<td></td>
</tr>
<tr>
<td>Furniture</td>
<td>4,969</td>
<td>292</td>
</tr>
<tr>
<td>PME</td>
<td>832</td>
<td>51</td>
</tr>
<tr>
<td>Textiles</td>
<td>17,001</td>
<td>650</td>
</tr>
<tr>
<td>Total</td>
<td>39,568</td>
<td>1,891</td>
</tr>
</tbody>
</table>

4.3.10 Reasons for non-conformity

The main reasons for non-conformity in 2019 were:
4.3.11 The origin of imports

In 2019, 49% of the imported products presented for control came from China, 12% from Bangladesh, 7% from India, 6% from Vietnam, 4% from Morocco, 3% from Cambodia, 3% from Indonesia, 3% from Pakistan and 3% from the EU, the rest from other origins.

4.3.12 Conclusion

After 13 years of safety monitoring of the industrial products included in the Annex to Spanish Royal Decree 330/2008, of 29 February, whereby control measures are adopted for the import of certain products regarding the applicable regulations on product safety by SOIVRE I.S. regarding imports, many benefits have been verified: Improvement of the awareness of the importers regarding their obligations in relation to their responsibilities for product safety, fulfilling the obligation to collect or ensure that the required technical documentation is issued, better marking of goods, improvements in product categorisation and design; improvements in the safety and quality of imported products, related to an improvement in the safety of exported products and an increase in the competitiveness of Spanish companies, and, most of all, an increase in product safety and, therefore, also the safety of consumers.


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39 Visit the website: https://www.boe.es/doue/2013/269/L00001-00101.pdf
41 Visit the website: https://www.boe.es/doue/2015/343/L00001-00557.pdf
These regulations state that the task of customs authorities is to oversee the EU international trade, contributing to fair and open trade, and to implement the common trade policy and the other common trade-related policies of the EU, as well as to ensure the overall safety of the supply chain. In particular, it is the responsibility of the customs authorities to ensure the safety and security of the EU and its residents, and environmental protection, acting, where appropriate, in close cooperation with other authorities while maintaining an appropriate balance between customs controls and enabling legitimate trade.

In Spain, customs controls are the responsibility of the State Agency of Tax Administration, and within it, the Customs and Excise Department.

These customs controls may consist, in particular, of examining the goods, taking samples, checking the accuracy and completeness of the information provided in a declaration or notification and the existence, authenticity, accuracy and validity of the documents, reviewing economic operators’ accounts and other records, inspecting the means of transport and the goods and baggage carried by the persons either checking in or as hand baggage, and running official investigations and other similar acts.

In accordance with the specific legislation applicable to products entering or leaving the customs territory of the EU, controls are carried out when they are presented to customs or when the goods are linked to a customs procedure by the electronic presentation of a customs declaration. Customs procedures may be those for release for free circulation, special procedures (transit, warehouse, end-use or processing) or export procedures.

In the case of the placing of goods on the EU market, the customs procedure to be applied shall be the release for free circulation, as provided for in Article 201 of the UCC.

Customs authorities carry out customs controls in accordance with Article 46 of the Union Customs Code on a random basis or through risk profiles to ensure compliance with specific legislation on the entry and exit of goods from the EU. Regarding prohibitions and restrictions on grounds of public morality, public order or security, protection of the health and life of persons, animals or plants and protection of the environment, goods brought into the customs territory shall be under customs supervision and may be subject to controls by the Customs Authorities.

Depending on the risk profiles, customs declarations may be subject to different types of control or circuits:

- **Green circuit**: Automatic checking or release.

- **Orange circuit**: Documentary checking of the customs declaration and the certificates, documents or licences accompanying it.

- **Yellow circuit**: Checking the existence and validity of a certain border inspection certificate or authorisation necessary for clearance and which, until the moment of admission, has not been sent to Customs by the corresponding issuing agency. This circuit does not identify the type of control that these Inspection Services will perform.

- **Red circuit**: Documentary checking of the customs declaration and the certificates, documents or licences accompanying it, together with a physical check of the goods.

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42 Regulation 1020/2019 indicates the moment of inclusion within the procedure for releasing for free circulation relevant to carry out customs controls.
Once the controls have been carried out and after payment or guarantee of the relevant customs and/or tax debt to which the declared merchandise is subject, its release shall be secured, thus being allowed to be introduced into the territory.

Regulation 765/2008 together with Article 25 of Regulation 1020/2019 state the performance of controls based on established risk profiles. Thus, for this purpose, three categories of filters or profiles can be distinguished:

- **Objective filters**: These are set according to objective criteria such as Community and national legislation which require in order to clear certain goods authorisations such as health or veterinarian certificates or trade licences etc. These filters direct the documents towards the orange and yellow circuits (examination of the documents).

- **Subjective filters**: These are set based on information obtained from investigations carried out, community alerts or complaints. Subjective filters mean the documents are normally routed to the red circuit.

- **Random filters**: Randomness criteria are established, allowing declarations unaffected by objective or subjective filters, since they do not fall within the risk parameters, to be directed to the red or orange circuits.

During the period 2019/2020, filters for mercury, melanin, costume jewellery, waste, fancy lighters, masks and COVID tests were introduced within the category of protective filters for goods affected by Regulation (EU) 2019/1020.

The structure of the risk analysis system used by the Spanish Customs Administration is based on the following criteria:

1. Securing information through national and international databases.
2. Analysing the available information and drafting the selection criteria.
3. Applying the criteria selected in the different Customs.
4. Assessing the results obtained.

This risk analysis system is carried out centrally in terms of its drafting or design but its implementation is decentralised and applied to the different phases of customs management.

In addition to the usual mechanics, the General Sub-directorate of Operations of the Deputy Directorate of Customs Surveillance, undertakes different specific operations with the aim of combating the illicit traffic of goods. In particular, as regards the goods covered by Regulation (EU) 2019/1020 of the European Parliament and of the Council, of 20 June 2019, on market surveillance and compliance of products, the following operations have been carried out during the period 2019-2020:

**Operation HYGIEA (2019)**

Operation HYGIEA, whose active phase took place between 13 and 24 May 2019, was a joint customs operation coordinated by OLAF (European Anti-Fraud Office) that aimed to combat the introduction into the European Union (EU) of goods that breached industrial and intellectual property rights with special emphasis on what are called fast moving consumer goods (fmcg) and more specifically, those products characterised by being in high demand, since their consumption is daily and they are in constant use, such as products intended for personal care and hygiene, cosmetics and home care products.

The operation, based on established profiles, focused on the maritime transport of containers, loaded in ASEM/ASIA country ports, for unloading in ports of the European Union. The maritime customs of Algeciras, Barcelona, Bilbao, Las Palmas, Valencia and Vigo took part in this operation.
Operation DEMETER

2019
Operation DEMETER V, whose active phase took place from 1 to 30 September 2019, focused on monitoring and controlling the illegal transborder transport of waste and substances affecting the ozone layer, as well as prosecuting the illegal shipping of waste from waste producing regions or countries to destination countries or regions around the world, especially Asia, the Pacific and Africa.

The operation focused on intensifying controls on cargo, mainly maritime (containers) of hazardous waste and ODS, especially shipments from countries of origin to countries/regions of Asia-Pacific and Africa; however, illegal movements made by air and land were also targeted.

2020
Operation DEMETER VI, which ran from 21 September to 11 October 2020, focused on the monitoring and control of transborder movements of waste and substances controlled by the Montreal Protocol, focusing on ODS Ozone Depleting Substances and Hydrofluorocarbons (HFCs), as well as prosecuting illegal shipments of waste from regions or waste-producing countries to destination countries or regions around the world, especially Asia, the Pacific and Africa. In this operation, controls on shipments, mainly maritime (containers) of hazardous waste and ODS, were intensified, especially shipments from countries of origin to countries/regions of Asia-Pacific and Africa; however, illegal movements made by air and land were also targeted by the operation.

Operation LUDUS (2020)
Operation LUDUS is a project designed and coordinated by Europol, with the co-leadership of Spain whose main objectives are to trace the impact that the illicit trafficking of toys, fundamentally counterfeit and unapproved, and therefore dangerous, produces on the economy and child safety, the most common risks being exposure to chemical substances, injuries, strangulation, suffocation, electric shocks, hearing damage and fire hazards. The timeframe of the action covered the period between 19 October and 19 November 2020, during which the controls to be carried out by all Spanish customs areas were intensified.

To implement Operation LUDUS, risk profile identifiers relating to suspicious shippers were provided and, consequently, a red filter was centrally set during the duration of this operation for 48 companies established in Hong Kong and China.

Operation PANGEA XIII (2020)
The objective of the member countries of Operation Pangea and Interpol with the participation of customs and police services, health regulatory bodies and private companies from various countries, was to promote actions aimed at combating and preventing the smuggling and illicit trafficking of pharmaceutical products and medical devices marketed over the Internet. This operation consisted of a week of international action against the abovementioned trade from 3 to 10 March 2020.

The main objectives of operation PANGEA were shutting down illicit websites, interrupting payment services, intercepting illicit medicines sent by post, investigating criminals involved in pharmacological crimes, and increasing public awareness about the risk posed by the purchase of illicit medicines over the Internet.
4.5 Telecommunications and Digital Infrastructure Authorities (SETELECO) and their contribution to market surveillance

Surveilling the telecommunications equipment market constitutes a public power granted to the Secretary of State for Telecommunications and Digital Infrastructures (SETELECO), in accordance with the provisions of Article 34 of the Regulations approved by Spanish Royal Decree 188/2016, of 6 May, approving the Regulation establishing the requirements for placing on the market, putting into service and using radio electronic equipment, and regulating the procedure for assessing conformity, market surveillance and the sanctioning regime for telecommunications equipment. European Union law has established requirements that seek to protect, among other things, the health of consumers and the radio electronic public domain. This has been established without prejudice to the application of other industry or horizontal legislation whose powers are not exercised by this State Secretariat.

4.5.1 Types of inspection and control of telecommunications equipment

Inspection actions during the years 2019 and 2020 have been of two types:

- **Visual inspections**, which consist of the visual assessment of the equipment’s compliance with the administrative requirements imposed by the applicable legislation.

- **Inspections with removal of equipment**, which consist in removing telecommunications equipment from the distribution chain, and placing it at the disposal of a test laboratory checking both the administrative and essential technical requirements, according to the applicable regulations.

4.5.2 Market surveillance campaigns in 2019 and 2020

During the financial years 2019 and 2020, inspection campaigns focusing on the types of equipment that are of special interest given certain criteria established by the market surveillance authority were carried out. The criteria for determining the nature of the equipment to be inspected were, inter alia, the following:

- Identified or foreseeable risk of producing harmful interference.
- Identified or foreseeable risk to the health and safety of persons and domestic animals, and the protection of assets.
- The volume of consumers that the equipment can foreseeably reach.
- The equipment included within the scope of application of updated legislation.
- Evidence of complaints or cases of alleged non-compliance of equipment.
- The type of user and their degree of knowledge of telecommunications, as well as ease of acquisition, by face-to-face, telephone or telematic means.

During the years 2019 and 2020, the following market surveillance campaigns were carried out:

- Campaign on the Internet of Things equipment.
- Campaign on Personal Mobile Radio (PMR) equipment.
- Campaign on smartphones.
- Campaign on Local Area Radio Networks equipment (RLAN).
- Campaign on Unmanned Aircraft Systems (UAS), commonly known as drones.

These campaigns have been carried out, in parallel to other actions and specific inspections of different types of equipment.

### 4.5.3 Permanent campaign against frequency inhibitors

Frequency inhibiting equipment does not comply with the provisions of Spanish Royal Decree 186/2016, of 6 May, which regulates the electromagnetic compatibility of electrical and electronic equipment, so there is a ban on trading and using this type of equipment in Spanish territory.

Therefore, a permanent market surveillance campaign for this type of equipment has been put in place, which will be carried out on an annual basis.

During the years 2019 and 2020, different inspection actions have been carried out against the marketing of frequency inhibitor equipment.

### 4.5.4 Results of the 2019 and 2020 inspection campaigns

The following table shows the summary of results on technical and administrative non-compliances, as well as the number of formal requirements made to economic operators so they adopt corrective measures on telecommunications equipment subject to inspection during the years 2019 and 2020:

<table>
<thead>
<tr>
<th>Campaign</th>
<th>Total Cases</th>
<th>Administrative Non-compliances</th>
<th>Technical Non-compliances</th>
<th>Corrective measures imposed on economic operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>PMR</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>DRONES</td>
<td>30</td>
<td>11</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>IoT</td>
<td>18</td>
<td>6</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>RLAN / WLAN</td>
<td>10</td>
<td>8</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Smart phones (SAR)</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Frequency inhibitors</td>
<td>5</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>77</strong></td>
<td><strong>31</strong></td>
<td><strong>13</strong></td>
<td><strong>12</strong></td>
</tr>
</tbody>
</table>
5 Annual activities by the Observatory
(communications, meetings and events)
5.1 Communication and dissemination activities

With the aim of promoting and raising awareness about the work of the Market Surveillance Observatory, different communication actions, planned throughout the year 2021, have been carried out.

Various communication channels have been used to disseminate the different contents: Launching Press Releases, and news on the www.une.org website, publications over UNE’s social media, articles in UNE Magazine, sending releases via mail shots and disseminating videos, among other things.

A large part of these communications has been published on a website created on the occasion of the event “UNE MEET-UP: Boosting public-private collaboration in market surveillance”: https://www.une.org/la-asociacion/eventos/encuentroUNE_VigilanciaMercado

The following are the most relevant dissemination actions:

5.1.1 Executive summary
5.1.2 Details of actions by month

January 2021

• Current news, market surveillance observatory: boosting public-private collaboration

February 2021

• Front-page headline in UNE magazine, Market Surveillance Observatory: boosting public-private collaboration

• Opinion article by Mr José Manuel Prieto (MINCOTUR): The importance of compliance with rules and regulations

• Opinion article by Mr José I. Vitón and Mr Manuel Carbó (Ministry of Consumer Affairs): Safety and trust for consumers

• Article by Mr Alfredo Berges, President of OVM: Consumer affairs, regulation and market surveillance

April 2021

• Website news: UNE members form the Market Surveillance Observatory

June 2021

• Communication Activities linked to the Publication of the Observatory’s Informative Leaflet:
  ○ Article by Mrs Cristina Miró (AEFJ) in UNE Magazine - The OVM as a safe and fair opportunity for all
  ○ Video by Mrs Cristina Miró (AEFJ) on Products for children and leisure (magazine, website and social media)
  ○ Press release: UNE highlights the importance of complying with standards and legislation to prevent economic damage to the consumer
  ○ Website news: UNE highlights the importance of complying with standards and legislation in the new Market Surveillance Observatory document
  ○ Intranet news about the Observatory’s Leaflet
July 2021
- UNE Magazine: Article by Mr José Luis Díez (ASEFAPI): The Observatory of market surveillance in the chemical industry
- Video by Mr José Luis Díez (ASEFAPI) on industrial products for domestic consumption (magazine and social media)
- UNE Meeting: Market Surveillance. Effective date of Regulation (EU) 2019/1020
- Video about the UNE Meeting
- Press release: The new European Market Surveillance Regulation will strengthen public-private collaboration/coordination with the Ministry of Consumer Affairs, MINCOTUR and 30 MB OVM
- Previous website news: Next UNE Meeting: EU Market Surveillance Regulation
- News web carousel, conclusions on Boosting public-private collaboration in market surveillance
- Previous web event
- Website of the event conclusions with materials (video, presentations, press release, etc.).
- Updated news magazine: UNE Meeting: EU Market Surveillance Regulation

September 2021
- UNE Magazine: Article by Mr Óscar Querol (AFME): The Market Surveillance Observatory: a guarantee for consumers
- Video by Óscar Querol on Industrial products for professional use (magazine and social media)

October 2021
- UNE Magazine: Article by Mr Nelson Castro (Ministry of Consumption): Consumer protection and fair competition

November 2021
- Dissemination of the Observatory’s Annual Report
5.2 Meetings and events held during the 2021 financial year

During the 2021 financial year, the activity of UNE’s Market Surveillance Observatory has led to several meetings being held as well as meetings between the competent authorities in the field of market surveillance and UNE’s member associations. Among other objectives, it has been possible to combine criteria and reach conclusions that have consolidated the Observatory as an effective tool aimed mainly at enhancing public-private collaboration in market surveillance, an Observatory that will ensure that its actions meet the necessary requirements of objectivity, independence and impartiality.

The details of the meetings and events held in 2021 are listed below:

January 2021
- Mr Alfredo Berges, President of OVM, reports on the activity of the Observatory in an informative session for UNE’s Board of Directors (28 January)

March 2021
- Internal meetings of the Observatory (23 and 31 March)

April 2021
- Mr Alfredo Berges, President of OVM, provides information about the Observatory’s activities to the new members of UNE’s Board of Directors in an informative session (8 April)

May 2021
- OVM’s Plenary Meeting 1/2021 (10 May)
- Ad-hoc WG meeting 1/2021 (28 May)

June 2021
- Publication of the Observatory's Informative Leaflet (8 June)

July 2021
- UNE Meeting: Market Surveillance. Effective date of Regulation (EU) 2019/1020 (6 July)
- Ad-hoc WG meeting 2/2021 (13 July)
September 2021

- Ad-hoc WG meeting 3/2021 (15 September)
- Publication of the Summary and Conclusions of the UNE Meeting (16 September)
- Meeting 1/2021. Meeting of Coordinators from the three Economic Groups of the ad-hoc WG (27 September)

October 2021

- Meeting 2/2021. Meeting of Coordinators from the three Economic Groups of the ad-hoc WG (7 October)
- Meeting 3/2021. Meeting of Coordinators from the three Economic Groups of the ad-hoc EG (14 October)
- Meeting 4/2021. Meeting of Coordinators from the three Economic Groups of the ad-hoc WG (28 October)

November 2021:

- OVM’s Plenary Meeting 2/2021 (22 November)
- Publication of the Observatory’s Annual Report