
Annual Report 2024

UNE

 Observatorio
Vigilancia Mercado



Acknowledgements

From UNE, as the Technical Secretariat of the Market Surveillance Observatory, we would like to thank both the President and all its members, for their support and willingness at all times to carry out all the Observatory's activities. Their collaboration has enabled us to achieve our goals.

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Executive Summary

Market surveillance is a Union strategy. Ensuring a **fair competition framework** for all economic operators, where all actors are subject to the same supply chain rules, is one of the objectives. **Non-compliant, unsafe products pose a risk** to citizens and may distort competition with economic operators placing compliant products on the EU market.

In order to address this issue, the EU has published Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products, which establishes, inter alia, the **role to be played by each economic operator**. Thus economic operators must act responsibly and in accordance with the applicable legal requirements for placing and making products available on the market. One new feature is that it states that, in order to comply with its **Article 4** "Tasks of economic operators concerning products subject to certain Union harmonization legislation", there must always be an economic operator established in the Union.

Market surveillance is what the authorities responsible do to ensure that products on the market conform to applicable laws and regulations and meet current EU health and safety requirements. Effective market surveillance ensures fair competition, where all manufacturers are subject to the same rules, ensuring that their products comply with European laws and technical standards.

One of the shared objectives of public administrations, business organizations and UNE is to protect consumer health and safety, the environment, the proper functioning of the internal market, regulatory compliance, fair competition and business and industry. Market surveillance has become the priority strategy for the European Union (EU), providing protection of public and

private interests such as general and occupational health and safety; and protection of consumers, the environment and any other aspect of society covered by European legislation.

With this remit, and as enshrined in Regulation (EU) 2019/1020 **Article 9** "Joint activities to encourage compliance", UNE's members, together with different government agency departments set up the **Market Surveillance Observatory (OVM** in its Spanish acronym) which act as an Advisory Committee to the UNE's Board of Directors. Its current 50-plus strong membership includes Spanish business organizations that are UNE members; the Ministry of Industry and Tourism; the Ministry of Social Rights, Consumer Affairs and Agenda 2030; and several competent market surveillance authorities. Its remit is to strengthen public-private market surveillance partnership, raise awareness of the importance of complying with legislation and technical requirements of standards, and to help prevent the marketing of unsafe products and services, which harm both the economy and consumers, and unfair competition.

This Observatory is the ideal framework for highlighting this partnership between Administrations and economic operators, enabling them to promote and foster transparency about market irregularities and publish information about breaches of safety, quality and standardization requirements. In this regard, Spanish business organizations play a key role in market surveillance by acting at three levels: every year they launch courses of action to detect any products that do not comply with applicable legislation; they support public administrations in rolling out effective public policies and spearhead the development of technical standards in the two hundred-plus UNE Technical Standardization Committees. That is why technical standards must be met to properly protect consumer health and safety, the environment and the proper

functioning of the internal market and business and industrial activity.

This is the **fourth year running that the Observatory is publishing its Annual Report** which outlines all the market surveillance activities carried out during 2023 both by the public authorities and the UNE's member business organizations. These activities range from monitoring children's products (toys, children's

accessories, etc.) to industrial products for domestic consumption (paints, energy labelling of household appliances, plastic bags, LED lamps, taps, etc.) and industrial products for professional use (biocides, construction materials, road lighting, fluorinated gases, etc.).

This OVM Annual Report 2024 updates the data reported on market surveillance in Spain and includes new topical content on this issue, such as:



The UNE's Market Surveillance Observatory's remit is to strengthen public-private market surveillance partnership, and also to help prevent the marketing of unsafe products and services



New content

1

The new General Product Safety Regulation. How will it affect your day-to-day life?

Regulation (EU) 2023/988 of the European Parliament and of the Council on General Product Safety (GPSR) aims to improve the functioning of the internal market while ensuring a high level of consumer protection; and lay down essential rules on the safety of consumer products placed on the market or made available on the market.

This Regulation will apply to any devices placed or made available on the market insofar as European Law lacks any such specific provisions governing the safety of new, used, repaired or reconditioned devices. The general principle is that economic operators, manufacturers, authorized representatives, importers, distributors, fulfilment service providers or any other natural or legal person subject to obligations governing product manufacturing or placing compliant products on the market can only place or make available on the market **products that are safe**.

The GPSR features new obligations that apply to all harmonized and non-harmonized products: obligations for economic operators, on distance selling or in case of accidents, (voluntary and additional) electronic-format information, new obligations for online marketplace providers regarding Safety Gate Portal alerts and for operators in the Safety Business Gateway, or on the recall of unsafe products and solutions in case of product recall for safety reasons.

The GPSR explains **how you can know when the product you are putting on the market is actually safe**. This is no easy task for some products for which there are no standards or applicable legislation. Here you will find guidelines to help you, as an operator, work out when you can ensure that you comply with this essential requirement, which can involve multiple checks and security assessments.

From December 2024, all parties involved will have to comply with the GPSR, which is why it is important to be aware of the new obligations it entails. How can you get ready? A good approach is to read the GPSR thoroughly, checking each of the obligations that apply to you, depending on your marketing chain role, and get down to business if you need to change anything. Chapter 3 of this report outlines the Regulations' key features and explains how to know if the product you are placing on the market is safe.

Just before it published this 2024 Annual Report, UNE held a Meeting on **"General Product Safety (GPSR). Entry into force of Regulation (EU) 2023/988"**, at which speakers included competent authorities in the field and UNE member business organizations.

The main reason for the Meeting was to present the European General Product Safety Regulation (GPSR) and **the main developments and challenges posed by its entry into application on 13 December 2024**. Where does the GPSR apply and where does it not? How will it be implemented? How will it affect the different sectors? Clarifications, etc. were just a few of the issues discussed at the session. The programme was as follows:

Institutional openness

- Daniel Arribas González
Director General for Consumer Affairs. Ministry of Social Rights, Consumer Affairs and Agenda 2030
- Javier García
Director General of UNE and Vice-President of ISO

General Product Safety Regulation: Why is there a new Regulation, and what are the main new features and challenges posed by its entry into force?

- José Ignacio Vitón
Area Coordinator at the Subdirectorate-General for Coordination, Quality and Cooperation in Consumer Affairs. Head of the Single Liaison Office of Market Surveillance Regulation (EU) 2019/1020

Round table discussion. Application of the Regulation: Public vision and private vision

Moderator:

- Isabel Linares
UNE Market Surveillance Observatory Secretariat

Participants:

- Marta Alzás de la Fuente
Deputy Director General for Inspection, Certification and Technical Assistance to Foreign Trade of the Ministry of Economy, Trade and Enterprise
- Penelope Gonzalez
Deputy Director General for Consumer Affairs of the Madrid Regional Government
- Cristina Miró
Technical Director of the Spanish Toy Association (AEFJ in its Spanish acronym)

- Ricardo Pomatta
Technical Director of the Spanish Lighting Manufacturers Association (ANFALUM in its Spanish acronym)
- Cecilia Salamanca
Head of the Technical Department of the Association of Air Conditioning Equipment Manufacturers (AFEC in its Spanish acronym)
- Vicente Sales
Deputy Director of the Metalworking, Furniture, Wood, Packaging and Related Industries Technological Institute (AIDIMME in its Spanish acronym)
- Alfredo Gosálvez
Secretary General of the Spanish Federation of Domestic Appliance Retailers (FECE in its Spanish acronym)

Conclusions and closure

- Alfredo Berges
President of the Market Surveillance Observatory and President of UNE



The following are the most relevant comments expressed by the speakers who shared and participated in this Meeting. The session was divided into four blocks: Institutional opening, presentation of the Rules of Procedure, round table discussion and conclusions and closing of the event, as follows:

INSTITUTIONAL OPENNESS

The meeting was opened by Mr. Javier García, Director General of the Spanish Association for Standardization, UNE, and Vice-President of ISO. In his address, he stressed that strengthening market surveillance is a cornerstone for ensuring a high level of consumer protection in the European Union, as enshrined in the new European General Product Safety Regulation. This surveillance is inherent to product quality and safety and, in this regard, enhancing public-private partnership is a must. **UNE maintains an ongoing dialogue with public administrations to boost the use of UNE standards as effective tools to support legislation, favour the deployment of public policies and enhance market surveillance.**

After his speech, he gave the floor to Mr. Daniel Arribas, Director General of Consumer Affairs, at the Ministry of Social Rights, Consumer Affairs and Agenda 2030, who underscored the positive effect that the General Product Safety Directive has had over the years and, at the same time, stressed that the standard needed to evolve in line with how both new business practices and technologies built into products have changed the current landscape. The new Regulation responds to the objectives imposed by the New European Consumer Agenda and addresses emerging challenges and improved cooperation, aiming to reduce the presence of dangerous products on the market in recent years. He emphasized UNE's role due to the importance that the new regulation attaches to standards, as well as the forum that fosters public-private partnership.

PRESENTATION OF THE REGULATION

The second block on the Presentation of the (EU) Regulation was given by Mr. José Ignacio Vitón, Area Coordinator at the Subdirector General for Coordination, Quality and Cooperation in Consumer Affairs, and Head of the Single Liaison Office for Market Surveillance Regulation (EU) 2019/1020. In his presentation he gave an **overview of the regulation**, starting with the reasons justifying the proposal and some basic notions on its scope of application, and then set out the main **new features and challenges that it poses**. These include presumption of conformity with European standards, new elements of product safety assessment, obligations for economic operators, responsibilities for online selling including online marketplaces, as well as the new alert network and mechanisms to improve product recall efficiency. He emphasized that all these developments bring with them challenges that both the sector and the authorities must tackle together.

ROUND TABLE DISCUSSION

The Round Table on **"Applying the Regulation: Public vision and private vision"** was the third block of the event, and was moderated by Ms. Isabel Linares, Secretary of the UNE Market Surveillance Observatory's Advisory Committee. Speakers from the relevant authorities and business groups participated in this debate and gave their views on the implementation of this Regulation.

The **PUBLIC VISION** issued was addressed by

Ms. Marta Alzás de la Fuente, Deputy Director General of Inspection, Certification and Technical Assistance to Foreign Trade of the Ministry of Economy, Trade and Enterprise, who argued that after conducting 15 years of import safety controls, the SOIVRE Inspection Service had found that merely the fact that they might be subject to import controls makes operators aware of their obligations. The end result is better knowledge about product safety, better marking, improved categorization and design, etc., meaning that the imported products made available to consumers are much safer, and Spanish companies are more competitive.

Ms. Penélope González, Deputy Director General for Consumer Affairs of the Madrid Regional Government, argued that the General Product Safety Regulation is undoubtedly a major step forward in the safety checks performed by Market Surveillance Authorities. Its entry into force will mark a turning point in the protection of consumer rights, especially in distance shopping. Yet only cooperation and partnership between manufacturers, distributors, retailers, platforms and administrations will lead to the success we all want.

The issue of the **PRIVATE VISION** of the implementation of the (EU) Regulation was addressed by

Ms. Cristina Miró, Technical Director of the Spanish Toy Association (AEFJ), who stressed that the new Regulation only applies to toys in certain horizontal aspects, such as traceability requirements, accident reporting, the alert network and online sales. In this regard, we believe that online marketplaces should take more responsibility for the safety of toys sold on their platform, when there is no other operator in the EU. Legal loopholes will continue to exist unless all value chain players play their part.

Mr. Ricardo Pomatta, Technical Director of the Spanish Association of Lighting Manufacturers (ANFALUM), stressed that this new Regulation is a magnificent opportunity for market inspection; and apart from ensuring that market places and manufacturers face the same of obligations, it means authorities can now respond faster to non-safety compliant products and remove them from the market more quickly. ANFALUM supports this type of measures, because this public-private partnership with the administrations results in faster, more decisive market inspections and, therefore, a level market playing field.

Ms. Cecilia Salamanca, Head of the Technical Department of the Association of Air Conditioning Equipment Manufacturers (AFEC), concluded that manufacturers invest heavily in ensuring that their equipment complies with the necessary safety standards and requirements. That is why AFEC believes that highlighting their compliance to promote the safe use of products, is the best way to ensure user confidence, whichever channel they use when acquiring them. Importantly, this new GPSR Regulation applies to repaired, reconditioned, recycled or second-hand products, as well as to online sales.

Mr. Vicente Sales, Deputy Director of the Metalworking, Furniture, Wood, Packaging and Related Industries Technological Institute (AIDIMME), emphasized that the new General Product Safety Regulation extends the scope to furniture sold in marketplaces, a market that has transformed the sector in recent years. It also refers to vulnerable consumers and, in the case of furniture, apart from children this now includes elderly people with degrees of dependency that require them to use articulated or custom-made furniture. In these cases, information, user manuals and warnings about possible risks are essential to avoid accidents.

Mr. Alfredo Gosálvez, Secretary General of the Spanish Federation of Domestic Appliance Retailers (FECE), argued that Regulation 2023/988 concerns them as it will place additional burdens on local electrical appliance retailers, adding further bureaucracy to existing regulations. Complying with safety and traceability requirements could push up costs for manufacturers and distributors alike, because they will have to ensure that the products they market are safe and compliant. This will entail further product information and technical documentation checks, increasing accountability throughout the supply chain to protect the consumer.

CONCLUSIONS AND CLOSURE

Mr. Alfredo Berges, President of the Spanish Association for Standardization, UNE, and President of the UNE Market Surveillance Observatory, concluded the meeting by pointing out that **the new European General Product Safety Regulation marks a milestone in consumer protection**, especially in the face of the challenges posed by the safety of products marketed through online marketplaces. It also fosters market surveillance and the strengthening of public-private partnerships in this area. **At UNE, through the Market Surveillance Observatory, we promote compliance with regulations and technical standards to foster fair competition, protect consumers and the Spanish industrial fabric and promote a Spain Brand based on responsibility and shared progress.**

2

European Parliament adopts the Product Liability Directive

The new Product Liability Directive aims to provide an EU-wide system for compensating people who suffer physical injury or property damage due to defective products, adapting previous rules to changes brought about by the emergence of new technologies such as artificial intelligence and the rise of online shopping, and providing an additional layer of protection for EU consumers on top of national liability regimes.

The updated Directive simplifies the burden of proof requirements for anyone seeking compensation and abolishes the minimum damage threshold of €500. While normally the plaintiff would have to prove that the product was defective and that its fault caused the damage, a court can now presume that it is defective, especially in more technically and scientifically complex cases. Courts can also order a company to disclose evidence "necessary and proportionate" to assist victims of harm in their claims for compensation. The new rules also allow national consumer protection authorities to provide additional assistance to consumers.

Consumers will be able to obtain compensation not only for material damage, e.g. when their goods are destroyed. But can also claim compensation for non-material losses, including medically recognized damage to psychological health. The new Directive also ensures that anyone who suffers damage in the form of destroyed or damaged data (e.g. when files are deleted from a hard disk) will also be entitled to compensation.

Chapter 4 of this report presents the new features of the updated directive, as well as the extension of liability for late damages to exceptional cases.

The new directive aims to provide an EU-wide system for compensating people who suffer physical injury or property damage due to defective products

3

Proposal to amend the Toy Safety Directive

On 26 July 2023, the European Commission published a proposal for a toy safety regulation, which then began to be discussed by the European Parliament and the Council. The Toy Safety Directive 2009/48/EC, which is now in force, is the world's strictest toy safety standard in terms of physical, mechanical, hygiene, flammability and, above all, chemical requirements. These were the Directive's main new features and continue to be updated to stricter requirements, as the EU scientific committees have published relevant developments in the field.

Indeed, over the years compliance costs, and chemical requirement compliance costs in particular, together with the fact that third country-products are finding it much easier to access the EU market, have increasingly **widened the gap between responsible toy brands, which stake their reputation on each product, and opportunists who market seemingly similar products in Europe at much lower prices, precisely because they have saved on all the safety-associated production costs.**

Besides the already uncontrollable number of products entering the EU market every day, the online market has grown exponentially over the last few years. For better and for worse, our lives are now full of endless shopwindow-like platforms where we can buy anything anywhere in the world and have it delivered to our doorstep the next day at dirt-cheap prices. And there it all is: the good and the bad. And the bad stuff is always much cheaper. The big gap to be filled in the current Directive is effective market surveillance.

Chapter 5 of this report focuses on compliance monitoring developments, chemical requirements as a policy decision, as well as possible consequences.



4

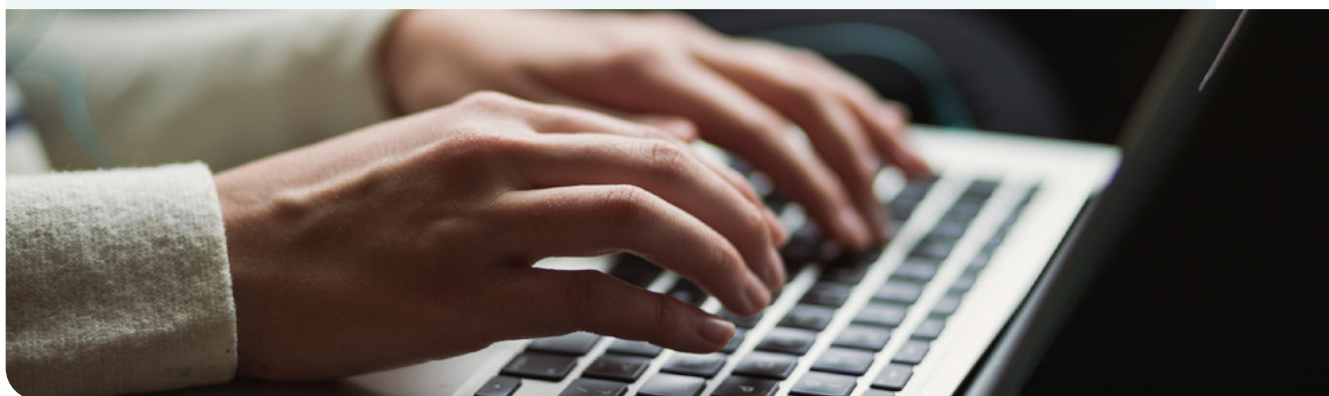
The ROHS Single Entry Point. The future is already here

The **Single Entry Point (SEP)** rolled out by the Spanish Tax Agency (AEAT in its Spanish acronym) and which currently features all of the SOIVRE Inspection Service's secure electronic authentication system (known as ESTACICE SEP in Spanish) type applications is what has always been regarded as **a true customs single window**. The SEP represents efficiency, both in terms of time savings and human resource streamlining.

The **ROHS SEP and COM SEP** are based on a set of web services and inboxes that supplement the AEAT's customs declaration management systems, and have served to integrate the SOIVRE Inspection Service's tools, namely ESTACICE SEP. They are used to send inspection requests to the I.S., receive SOIVRE certificates and for goods to be released directly through a single communication channel. The **SEP and ESTACICE** - now built into the SEP - have been adapted and **tailored to meet all the changes** that a customs declaration or a traditional SOIVRE request undergoes throughout their active lives: modifications, cancellations of customs declarations or SOIVRE requests, breakdowns of goods in different declarations. In other words, this system covers all the kinds of situations likely to arise during day-to-day customs work. This project means that **all the government agencies involved can celebrate the fact that customs formalities in Spain already enjoy** all the benefits that are expected to exist throughout the Union in a few years' time. The State Secretariat for Trade will work to ensure that the DOCUCICE document repository can be integrated into the EU repository.

The aim was to make things easier for companies that do things properly, while allowing inspection authorities to fulfil their useful mission of protecting consumers' and the environment's safety and economic interests, while rooting out, as much as possible, any unfair competition from those unscrupulous companies that disregard their obligations and want to undercut their rule-respecting competitors. The SEP's web services and inbox system let **companies develop their own SEP-compatible applications**.

Chapter 6 of this Report describes the system's advantages, the ESTACICE tool, and how the SEP and ESTACICE SEP, among others, can be used.



5

Why Regulation (EU) 2019/515 on Mutual Recognition of Goods Lawfully Marketed in Another Member State cannot be applied at border checks

Regulation (EU) 2019/515 of the European Parliament and of the Council on the mutual recognition of goods lawfully marketed in another Member State aims to strengthen the functioning of the internal market, remove unjustified barriers to trade and establish a formal procedure to ensure the effective and better application of the principle of mutual recognition and the removal of unjustified barriers to trade.

The principle of mutual recognition is one of the pillars of the EU internal market and has allowed different countries' technical rules to coexist in the internal market, avoiding the creation of technical barriers to the free movement of goods. The principle stems from the EU Court of Justice's case law relating to Articles 34 and 36 of the Treaty on the Functioning of the European Union (TFEU) and derives from the ruling on the "Cassis de Dijon case".

This principle is the basis for the fact that, despite the differences in the Member States' national rules on product requirements (such as designation, dimensions, composition, presentation, labelling, etc.), Member States cannot prohibit the sale in their territories of any products that are not subject to harmonized EU legislation and are lawfully marketed in another Member State, even if they are manufactured according to technical standards different from those with which national products must comply. This principle **is neither absolute nor automatic and Member States can restrict the marketing of a product in their territory provided that it is justified under certain conditions or for overriding reasons of public interest and is proportionate to the objective pursued.**

Chapter 7 of this Report explains why Regulation (EU) 2019/515 on mutual recognition of goods lawfully marketed in another member state cannot be applied at border checks.


Chapter 8 of this Report addresses energy labelling-related market surveillance, and highlights that market surveillance is essential to ensure compliance with current energy labelling regulations, thus guaranteeing its contribution to improving energy and environmental efficiency in society.

Chapter 9 contains information about other courses of action taken to report the non-compliances detected by the private sector, and which have been collected through the Observatory's member business associations.

Last, in Chapter 10 the competent market surveillance authorities provide information about the inspections and campaigns carried out during 2023.

The conclusion drawn is that proper market surveillance prevents the marketing of unsafe or misleading products, which can seriously harm the economy and businesses, while prompting unfair competition and market distortion for everyone who complies strictly with current regulations. The aim is none other than to ensure the free movement of compliant and safe products, which is one of the cornerstones of the European single market. That is why every year new initiatives and campaigns are launched to reinforce this surveillance and thus step up safety.

The UNE's Market Surveillance Observatory's priority is to keep on striving to help enhance market surveillance in Spain, and to be used as a framework for cooperation between administrations and economic operators.



The aim is none other than to ensure the free movement of compliant and safe products, which is one of the cornerstones of the European single market

Introduction

Market surveillance activities serve to ensure compliance with consumer protection laws and regulations, and that products marketed within the Union meet health, safety and environmental standards. In an environment where products and services can cross borders seamlessly within the Single Market, effective market surveillance requires a consistent and coherent approach between Market Surveillance Authorities in all Member States. The governance of market surveillance in the EU evolved following the entry into force of Regulation (EU) 2019/1020 on market surveillance. These changes were partly prompted by inefficiencies and limitations in the existing framework, as well as barriers limiting their cross-border cooperation with other market surveillance authorities and customs authorities.

Today, the challenges posed by the global market and increasingly complex supply chains encompass a wide variety of economic operators, All of whom should be subject to the application of Union harmonization legislation, taking into account their respective roles within the supply chain and the extent to which they contribute to the placing of products on the Union market. Practical market surveillance experience has shown that these modern supply chains sometimes involve economic operators in a new way that does not easily fit into traditional supply chains under the existing legal framework. This is the case for fulfilment service providers that have been included in the list of economic operators against which market surveillance authorities may take enforcement measures.

A fairer single market must ensure a level playing field for all economic operators and protect them against unfair competition. To this end, the implementation of Union harmonization legislation on products needs to be strengthened. Good cooperation between manufacturers and market surveillance authorities is key to being able to

intervene and implement corrective measures immediately in relation to a given product. Within this framework and to mark the entry into force of Regulation (EU) 2019/1020, the members of the Spanish Association for Standardization, UNE, together with different government agency departments and other interested parties, have set up the Market Surveillance Observatory (OVM), integrated into UNE as an Advisory Committee to its Board of Directors. Its remit is to support and complement UNE's Market Surveillance actions, in particular in support of Regulation (EU) 2019/1020 under Article 9 on joint activities, and in relation to the future Spanish Market Surveillance Strategy, under the approach of strengthening public-private partnership in this field.

This Observatory consists of representatives of more than 50 Spanish business organizations; the Ministry of Industry and Tourism; the Ministry of Social Rights, Consumer Affairs and Agenda 2030 and different authorities with market surveillance powers. Therefore, the Observatory mainly serves as a tool for enhancing this public-private partnership, which is essential for guaranteeing efficient compliance with Market Surveillance. Pursuant to Article 9 of the Regulation, and in view of the UNE's multi-industry nature, the OVM's intends to draft reference documents that serve as a basis for the Observatory's activities to comply with the principles of objectivity, independence and impartiality. The Observatory will help to ensure compliance.

The UNE's 2024 Market Surveillance Annual Report has been drafted by the UNE Market Surveillance Observatory's Advisory Committee, in line with the European Regulation and the public-private partnership. This report is being published for the **fourth year running** with content provided by the competent public market surveillance authorities and the private

sector, and outlines the official campaigns and other courses of action carried out during 2023. Among other issues, this report highlights market surveillance difficulties, largely prompted by the

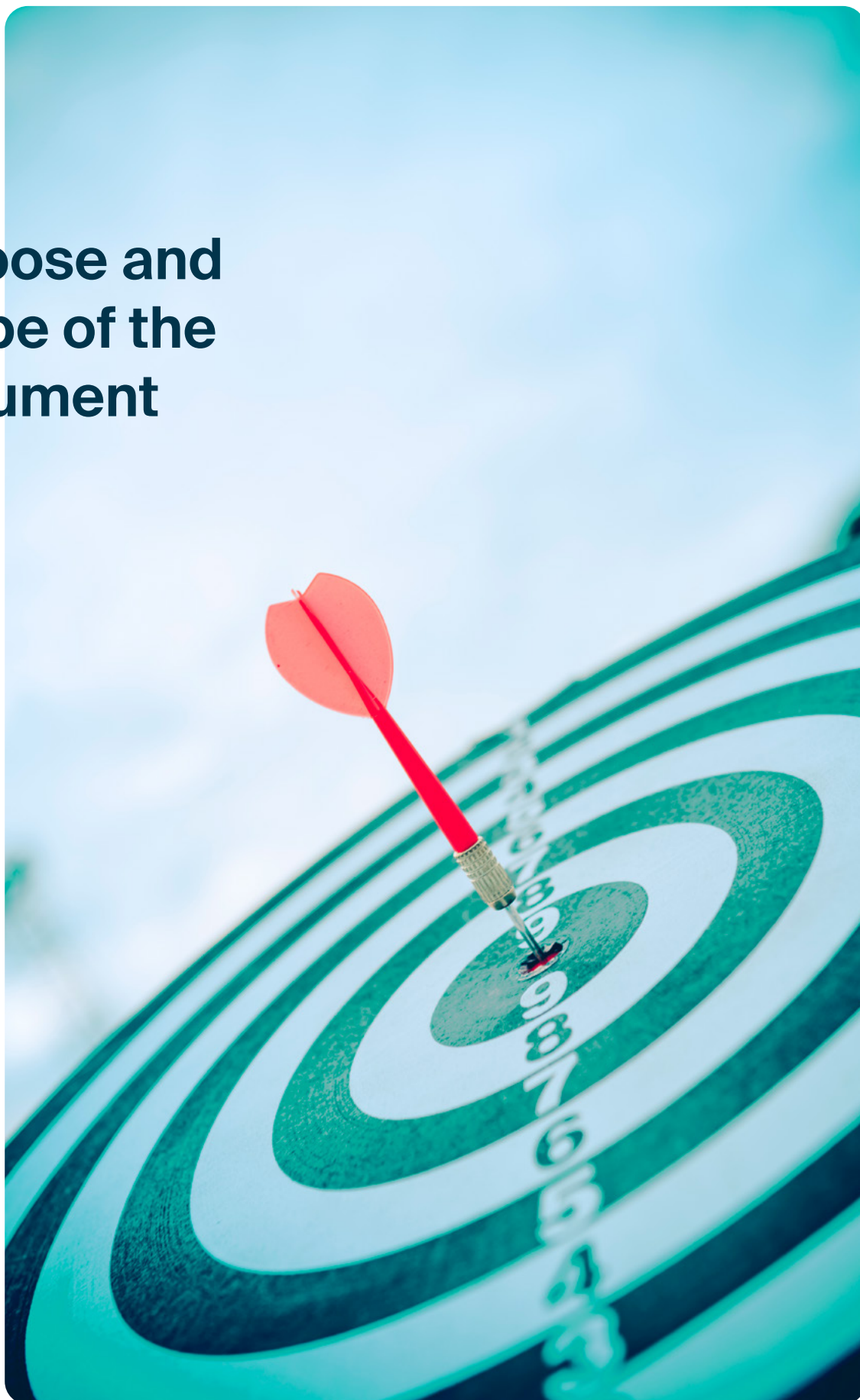
boom in e-commerce and the market places for some products bought outside the EU and which consumers receive directly.



The Observatory mainly serves as a tool for enhancing this public-private partnership, which is essential for guaranteeing efficient compliance with Market Surveillance

1

Purpose and scope of the document



This report aims to fulfil Objective 4 of the UNE Market Surveillance Observatory's Advisory Committee regarding the preparation of an Annual Report reflecting the situation of Market Surveillance in Spain. This updated report will be published annually.

This is the fourth edition of the Report, and it gives information about the official campaigns and market surveillance activities carried out in 2023, drawn from different sources of information. Firstly, it includes all the information about official market surveillance campaigns carried out in 2023 and provided by the competent market surveillance authorities. Secondly, it includes the sectors' concerns about market failures, unfair competition and the actions taken to this effect by UNE member business organizations during 2023:

- Market surveillance authorities focus their efforts on combating fraud, deception, misleading offers and offers of goods and services that do not comply with general and specific regulations governing aspects regarding composition, size, shape, labelling, advertising, presentation, unfair terms, conditions of sale, safety recommendations, price information, contracts, etc.
- UNE's member business associations report on the most common non-compliances they have detected in marketed products, which threaten the interests of consumers and professional users alike and represent unfair competition. The sector's information is reported in line with three economic groupings: children's and leisure products, industrial household products and industrial products for professional use.

The following new content has been included in this fourth edition of the Report:

The new General Product Safety Regulation. How will it affect your day-to-day life?

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The European Parliament adopts the Product Liability Directive

The new Directive aims to provide an EU-wide system for compensating people who suffer physical injury or property damage due to defective products, adapting previous rules to changes brought about by the emergence of new technologies such as artificial intelligence and the rise of online shopping and providing an additional layer of protection for EU consumers on top of national liability regimes. Consumers will be able to obtain compensation not only for material damage, e.g. when their goods are destroyed, but can also claim compensation for non-material losses, including medically recognized damage to psychological health.

Proposal to amend the Toy Safety Directive

On 26 July 2023, the European Commission published a proposal for a toy safety regulation, which then began to be discussed by the European Parliament and the Council. The Toy Safety Directive 2009/48/EC, which is now in force, is the world's strictest toy safety standard in terms of physical, mechanical, hygiene, flammability and, above all, chemical requirements. These were the Directive's main new features and continue to be updated to stricter requirements, as the EU scientific committees have published relevant developments in the field. Indeed, compliance costs, and chemical requirement compliance costs in particular, together with the fact that third country-products are finding it much easier to access the EU market, have increasingly widened the gap between responsible toy brands, which stake their reputation on each product, and opportunists who market seemingly similar products in Europe at much lower prices, precisely because they have saved on all the safety-associated production costs.

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The **Single Entry Point (SEP)** rolled out by the Spanish Tax Agency (AEAT in its Spanish acronym) and which currently features all of the SOIVRE Inspection Service's secure electronic authentication system (known as ESTACICE SEP in Spanish) type applications is what has always been regarded as **a true customs single window**. The **ROHS SEP and COM SEP** are based on a set of web services and inboxes that supplement the AEAT's customs declaration management systems, and have served to integrate the SOIVRE Inspection Service's tools, namely ESTACICE SEP. They are used to send inspection requests to the I.S., receive SOIVRE certificates and for goods to be released directly through a single communication channel. **The SEP and ESTACICE** - now built into the SEP - have been adapted **and tailored to meet all the changes** that a customs declaration or a traditional SOIVRE request undergoes throughout their active lives: modifications, cancellations of customs declarations or SOIVRE requests, breakdowns of goods in different declarations. In other words, this system covers all the kinds of situations likely to arise during day-to-day customs work.

Why Regulation (EU) 2019/515 on Mutual Recognition of Goods Lawfully Marketed in another Member State cannot be applied at border checks

This EU Regulation aims to strengthen the functioning of the internal market, remove unjustified barriers to trade and establish a formal procedure to ensure the effective and better application of the principle of mutual recognition and the removal of unjustified barriers to trade. The principle of mutual recognition is the basis for the fact that, despite the differences in the Member States' national rules on product requirements (such as designation, dimensions, composition, presentation, labelling, etc.), Member States cannot prohibit the sale in their territories of any products that are not subject to harmonized EU legislation and are lawfully marketed in another Member State, even if they are manufactured according to technical standards different from those with which national products must comply. This principle **is neither absolute nor automatic and Member States can restrict the marketing of a product in their territory provided that it is justified under certain conditions or for overriding reasons of public interest and is proportionate to the objective pursued**.

The rest of the contents have been updated in line with the market surveillance activities carried out in 2023.



2

Market Surveillance Framework and Relevance



2.1 Market Surveillance as an EU Strategy

The publication of Regulation (EU) 2019/1020¹ of the European Parliament and of the Council, of 20 June 2019, on market surveillance and compliance of products, **responds to one of the Union's priorities 'Improving the Single Market: more opportunities for citizens and businesses'**. This should be achieved by strengthening market surveillance, providing economic operators with clear, transparent and comprehensive rules, stepping up enforcement controls and promoting closer cross-border cooperation between enforcement authorities, including customs authorities. This Regulation will apply to products subject to the Union harmonization legislation referred to in Article 2 of this Regulation.

The market surveillance framework established by this Regulation should supplement and reinforce existing Union harmonization legislation provisions on guaranteeing product conformity and on the framework for cooperation with economic operators' or end-users' organizations, product market surveillance and checking products entering the Union market. However, this Regulation should apply only to the extent that Union harmonization legislation does not contain specific provisions with the same objectives, nature or effect.

Note that Union harmonization legislation applies to a large part of manufactured products, and that non-compliant and unsafe products pose a risk to citizens and may distort fair competition with economic operators selling compliant products in the Union. In order to ensure the free movement of products within the EU, products must conform to Union harmonization legislation. In other words, products must comply with requirements that provide 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 security 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 harmonization 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.

According to Regulation (EU) 2019/1020, **economic operator** is the manufacturer (including anyone who has a product designed or manufactured and to which they attach their trademark), authorized representative, importer, distributor, logistic service provider (if none of the above is established in the Union) or any other natural or legal person subject to obligations regarding the manufacture of products, making them available on the market or putting them into service in accordance with the relevant Union harmonization legislation.

¹ <https://eur-lex.europa.eu/eli/reg/2019/1020/oj/eng>

Understanding each economic operator's role entails knowing how they are defined in this Regulation:

- **"manufacturer"**: any natural or legal person who manufactures a product or who has a product designed or manufactured and markets it under their name or trademark;
- **"importer"**: any natural or legal person established in the Union who places a product from a third country on the Union market;
- **"authorized representative"**: any natural or legal person established in the Union who has received a written mandate from a manufacturer to act on their behalf with regard to specific tasks concerning the manufacturer's obligations under the applicable Union harmonization legislation or the requirements of this Regulation;
- **"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 who, in the course of their business, offers at least two of the following services: storing, packing, handling and dispatching, without owning the goods in question, but excluding postal services and package services, and any other postal services or freight transport services.

Regulation (EU) 2019/1020 recognizes 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 this Regulation (EU) provides new tools that market surveillance authorities can use, in particular, to check the conformity of products that are marketed on-line. 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, keep the EU declaration of conformity or the declaration of performance at the disposal of the market surveillance authorities for the period required by that legislation and ensure that the technical documentation can be made available to those authorities on request.

B

Where requested by a market surveillance authority, provide all information and documentation necessary to demonstrate the conformity of the product in a language which can be easily understood by that authority.

C

Where they have reason to believe that a product in question poses a risk, inform the market surveillance authorities.

D

Cooperate with market surveillance authorities, ensuring that the necessary corrective action is taken immediately to remedy any non-compliance with the requirements laid down in the Union harmonization legislation applicable to the product concerned or, where that is not possible, to reduce the risks posed by the product concerned, where 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 concerned poses a risk.

To determine which economic operator is responsible for fulfilling the tasks of Article 4, the questions in the first column of the table below should be answered in the order given:

Determining the responsible economic operator of Article 4	How it becomes a responsible economic operator for Article 4	How it obtains the role of responsible economic operator for Article 4
Is there an Authorized Representative established in the EU?	Through nomination by the manufacturer	Resulting from the manufacturer's mandate
Is there an established Manufacturer in the EU?	Because of its location in the EU	As a result of the application of Article 4 of Regulation 2019/1020
Is there an Importer established in the EU?	Putting a product on the EU market: through sale to a distributor or by offering it to end users	As a result of the application of Article 4 of Regulation 2019/1020
Fulfilment service provider	If none of the other three types of economic operators exist	As a result of the application of Article 4 of Regulation 2019/1020

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 of 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 harmonization legislation.

2.3 Joint activities to encourage compliance

Union market surveillance authorities engage in numerous initiatives together with other authorities - including supervisory authorities - consumer organizations, trade organizations and/or industry business organizations. Some initiative activities can involve several parties being involved and cooperating extensively, while others that only involve limited input from other parties, may be the responsibility of a single market surveillance authority.

In this regard, market surveillance authorities may carry out joint activities under Article 9 "Joint activities to encourage compliance" of Regulation (EU) 2019/1020 on market surveillance and product conformity with other authorities or organizations representing economic operators or end-users in order to:

- encourage compliance,
- detect cases of non-compliance,
- increase knowledge and
- provide guidance

regarding Union harmonization legislation and in respect of certain categories of products, including those offered for sale online.

If a market surveillance authority decides to engage in such a joint activity, it must comply with the two obligations set out in Article 9, namely:

- The relevant market surveillance authority and the parties shall ensure that the agreement on joint activities does not lead to unfair competition between the economic operators and does not affect the objectivity, independence and impartiality of the parties.
- The market surveillance authority concerned shall make the agreement on joint activities, including the names of the parties involved, publicly available and register it in the information and communication system referred to in Article 34².

In order to implement Article 9 of Regulation (EU) 2019/1020 on joint activities to encourage compliance, a Guide³ has been published and approved by European market surveillance experts in the framework of the Union Network on Product Conformity. Notwithstanding the above, it should be noted that only the text of the (EU) Regulation is legally effective.

2.3 Market Surveillance and the SDGs

Effective and efficient market surveillance contributes to the achievement of several of the United Nations Sustainable Development Goals (SDG⁴). Next, we explain how OVM contributes to SDGs by listing the main goals on which we focus our activities:

- Within the scope of **SDG 8** (Decent work and economic growth) we focus on target 8.2 to try to achieve higher levels of economic productivity through modernization, without forgetting target 8.3, where we promote policies that support productive activities and target 8.4 for the progressive improvement of resource efficient production and consumption.
- For **SDG 9** (Industry, innovation and infrastructure) we follow up on target 9.1 for the development of reliable, sustainable, resilient and quality infrastructure.
- We also meet some of the **SDG 12** targets (responsible consumption and production), focusing on target 12.1 where we implement programmes on sustainable consumption and production patterns. We also follow the dictates of target 12.6 where companies are encouraged to adopt sustainable practices and incorporate sustainability reporting.
- In **SDG 16** (Peace, justice and strong institutions) we follow target 16.10 to ensure public access to information and protect fundamental freedoms in accordance with national laws and international agreements.
- Finally, we follow targets 10 and 17 of **SDG 17** (Partnerships for the goals). Through target 17.10, the OVM seeks to promote a universal, rules-based, open, non-discriminatory and equitable multi-lateral trading system within the framework of the World Trade Organization. In addition, target 17.17 seeks to encourage and promote effective public, public-private, and civil society partnerships, building on the experience and resourcing strategies of partnerships.

2 [Information and Communication System on Market Surveillance - European Commission \(europa.eu\).](#)

3 https://eismea.ec.europa.eu/document/download/dc898c3c-9bc2-4c1b-b51a-6b2bc93c7050_en?filename=Guidance_Article%209_EN%20%281%29.pdf

4 <https://www.un.org/sustainabledevelopment/>



3

**The new
General
Product Safety
Regulation.
How will it
affect your
day-to-day
life?**



In May 2023 the **General Product Safety Regulation**, Regulation (EU) 2023/988 (hereafter GPSR), was published in the OJEU. We are very familiar with much of its content because it was already included in Directive 2001/95/EC, transposed into Spanish law in Spanish Royal Decree 1801/2003, which is widely known by all companies that place products on the Spanish market, whether as manufacturers, distributors, retailers, wholesalers or importers, all of whom are bound by it.

However, most consumers and users, except for the more educated, are unaware of this legislation, despite this Royal Decree and the Directive from which it stems having been drafted precisely to defend their rights and organize the responsibility of each of the operators involved in marketing products. It has also served to remind all operators, over all these years, **they they all have an obligation to market safe products, and that this is their sole and highest objective**. That is why the GPSR came into being.

This new regulation's main new feature is that it states that there must always be a **responsible economic operator (EO) in the EU**, who may be one of the usual operators, and who must be identified as such on the labelling; and that in addition to fulfilling their own responsibilities, they must identify themselves on the labelling as such, and verify that the products comply with the technical documentation and with the requirements demanded by applicable legislation or regulations.

The GPSR explains **how you can know when the product you market is safe**. This is no easy task for some products for which there are no standards or applicable legislation. Here you will find guidelines to help you, as an operator, work out when you can ensure that you comply with this essential requirement, which can involve multiple checks and security assessments.

For products covered by harmonized legislation, knowing what the essential requirements are is straightforward. The regulations and framework directives always clearly describe each of the operators' obligations and, above all, how they can guarantee the safety of the products that they are going to make available to consumers, or make available to them at earlier stages of marketing. For instance, personal protective equipment, toys, construction products, machines and electrical appliances have to comply with the Low Voltage Directive, the Electromagnetic Compatibility Directive, or with ROHS or WEEE legislation, to give a few examples, so interested parties should refer to the framework legislation, review the essential requirements of the products, and then refer to the requirements and testing standards (UNE, EN or ISO) that have been published for each type of product, compliance with which gives presumption of conformity with the harmonized legislation, in the form indicated therein. At this point, the manufacturer will be in a position to issue the declaration of conformity and to affix the **CE marking**, as the icing on the conformity cake. This CE marking is the public claim that the product has been tested as intended and is safe. The mere fact that a harmonized product does not bear the CE marking should immediately raise suspicions, as Regulation (EU) 2019/1020 indicates, about the safety of the product, because it shows that the responsible operator does not know the rules of the game.

Yet what happens when things are not so clear? What about products without harmonized legislation? This is why the recently published GPSR was drafted: to clarify, and greatly improve upon, the previous Directive, whose days are numbered.

The GPSR gives guidelines **for assessing whether or not a product being placed on the market is safe**, taking into account its intrinsic characteristics, marking and instruction leaflets, the category of consumers it is intended for (or can reasonably be expected to serve), its appearance (confusing it with food or toys or appealing to children), cybersecurity or learning features and product evolution, if any (Article 6).

It guides you through the reference standards compliance with which gives presumption of conformity (Article 7), or which **additional elements** readers can follow if there are none (Article 8). It reminds you that you must assess any risks that the product may pose and what **technical documentation** you have to compile, which should contain at least a general description of the product and of the essential characteristics of the product that are relevant for assessing its safety (Article 9), including test reports (if the risks analyzed make it advisable to demonstrate safety).

First, a small caveat is in order: The new GPSR, which in itself is considered harmonization legislation, **gives specific details about the obligations of each of the operators involved in the manufacture, distribution, import or sale of non-harmonized products, but it also imposes obligations on products with harmonized legislation in those aspects that are not covered by it.** And it very clearly states in which areas it does not apply at all to the latter products.

The GPSR features new obligations that apply to all harmonized and non-harmonized products: obligations for economic operators, on distance selling or in case of accidents, (voluntary and additional) electronic-format information, new obligations for online marketplace providers regarding Safety Gate Portal alerts and for operators in the Safety Business Gateway, or on the recall of unsafe products and solutions in case of product recall for safety reasons.

It is a good **help for market surveillance authorities** (hereafter MSAs), and clearly defines the aspects of market surveillance Regulation (EU) 2019/1020 that also apply for to inspections of non-harmonized products, and reminds us that **the Authorities' powers** (referred to in Article 14 of Regulation (EU) 2019/1020) also apply to non-harmonized products. Other aspects of Regulation (EU) 2019/1020 that apply, among others, relate to the "Appointment of authorities and Single Liaison Office", market surveillance activities, national strategies and market surveillance measures, regarding products posing a serious risk.

MSAs will therefore rely on the GPSR, together with the Market Surveillance Regulation (EU), to ensure that consumer safety is guaranteed and the rules of the game are complied with.

It is important that all actors assume their relevant role in building product safety and protecting the physical integrity of consumers: there are **three cornerstones to product safety** (we focus more on non-harmonized products, but it applies to both):

From December 2024 all parties involved will have to comply with the GPSR, which is why they need to be aware of the new obligations it entails



The legislation with the essential requirements, and failing that **the standards** indicating the safety requirements and how to meet them. It is vital that appropriate standards exist for each product. Here UNE, the Spanish Association for Standardization, plays a crucial role in its Technical Standardization Committees. It is essential that standards are drafted accurately, unambiguously, that no risk is left uncovered, and that products are not burdened with unnecessary requirements and demonstrations. The fact that the Technical Committees for Standardization are made up of business and government stakeholders brings this necessary balance to the standards finally published (whether they are discussed in the field of European or national standards standardization).



The operators involved, from manufacturers to distributors, and most importantly the contract **prescribers**, must all be **committed to safety**. To do so, they must have a thorough understanding (either themselves or through specialized departments within their companies) of their obligations and the requirements to be met, carry out their risk analyses, test their products to make the corresponding checks (or ensure that the manufacturers they have purchased from have carried out all these checks and have them documented), carry out internal production controls to ensure a homogeneous production that performs at a safety level like the tested prototypes. All of this must be documented and demonstrate that the product is ultimately safe. CE marking must never be attached to any products not covered by any harmonization legislation beyond the GPSR. In this case, including it would show that the operator does not know the rules of the game, casting doubt on the safety of the products.



Testing laboratories. For non-harmonized products, Notified Bodies are not used, nor are EU Type Certificates required on a mandatory basis, but test reports based on recognized technical reference standards are sufficient. These laboratories' impartiality, commitment and serious approach to safety is very important, and they must always be impartial (even if they are contracted by the operators).

In this safety building, built on these foundations, **the MSAs will only be responsible for checking that the building is solid**, that everything that has been foreseen is fulfilled, that all the foundations are sturdy and play their role; that the products are actually safe in the end; and all players must be made aware of the importance of this. It is not a question of fulfilling all these obligations because an MSA is going to inspect the products and could have them removed from the market, impose a fine, or even reject the import request, but a matter of safety itself, because any party involved in marketing products must ensure that no consumer, whether they are an adult, elderly person or child, is harmed because that party has not done a good job.

Therefore, the GPSR reminds **all economic operators of the obligation to cooperate with MSAs** at all times and to facilitate their work on-site at their premises, or at the border, so that they can fulfil their compliance-verification role.

MSAs would not be necessary in an ideal world (which is bound to come sooner rather than later) in which there are no human errors, or problems with any of the operators in the chain, or faulty materials or constructions, but today such monitoring and verification is necessary to ensure consumer safety, and to ensure that companies that voluntarily choose to compete illegally and cheat are removed from the game. Because the other side of this equation is **achieving fair competition in the market. Fair competition** between companies is what safeguards a **fair and real law of supply and demand**, and will make it possible to maintain the Union's business fabric. Preventing unsafe goods that do not meet the requirements and are sold cheaper than EU goods, or Spanish goods in this case, from reaching the market **not only protects consumer safety from unscrupulous operators, but also protects a country's own economy.**

In the **SOIVRE Inspection Service's recent inspection of electrical and electronic equipment**, to ensure compliance with the obligations of the Integrated Industrial Registers (**WEEE -IIR or B&A-IIR**), specifically with the obligation to contribute to product recycling costs, **it has become clear how the border controls are putting an end to the malpractices of free riders** (operators who imported and did not contribute to recycling). The figures speak for themselves: before Spanish Royal Decree 993/2022 was published, there were approximately 1,000 active operators registered in the WEEE-IIR, but now there are more than 10,000, a year and a half after the inspections started.

The EU Commission was well aware that one real area of marketing had been left out of this safety net, which is why one of the most outstanding new features of the GPSR, and something that applies to all marketed products (not only for non-harmonized ones), is that it **clarifies the responsibilities of marketplaces or online service providers**.. This reality that is here to stay, in other words, online shopping, which many consumers now use constantly, which puts third country companies (some possibly not committed to, and often unfamiliar with, the rules for ensuring product safety in the EU) directly in contact with EU consumers at home. Before the GPSR, there were not enough tools for properly controlling these mass direct purchases, and although the interested parties' obligations were defined in one legislation or another, they were watered down and not understood, given what is being sold on some of these platforms. The GPSR starts by clarifying **when a website** (including a third country's websites) is understood to be **placing goods on the EU market**, clearly targeting its activities at consumers in the Member States .

Without questioning the good work that these platforms do (and there is direct evidence of this, because some of the websites' managers have explained how they manage product safety), it is time to check whether all platforms are in a position to comply with the GPSR's new requirements. The huge number of different products they manage, with thousands of sellers established in third countries who are often unaware of the Union's safety requirements, made it essential to take this step for the sake of consumer safety and fair competition, in accordance with the given rules, especially for all these products imported directly into households. Every year, millions of parcels arrive at our borders, waiting to be distributed in the Spanish market to our homes. By way of example, 18% of the files received by ESTACICE SEP for SOIVRE inspection from January 2023 to June 2024 were declared to refer to parcels (despite accounting for only 0.2% of the weight). This amounts to more than 200,000 parcels (most of which are purchases by private individuals). This, taking into account that these figures do not include any parcels addressed to private individuals, containing electrical and electronic equipment worth less than €1,000, and less than €150 in the scope of Spanish Royal Decree 330/2008, are exempt from the systematic sending of inspection requests because they are handled in a different way, and because the SOIVRE Inspection Service only inspects a tiny part of the goods marketed across our borders. So the total figure is many times larger than this figure.

This article does not purport to be a detailed review of the **obligations of online marketplace providers**, which are splendidly set out in detail in Article 22 of the GDPR, but only to give a brief overview of the change. Online service providers (as defined in Article 3) must, in relation to product safety issues (inter alia):

- **Designate a single point of contact** for market surveillance **authorities**, and a **different one** to enable **consumers** to contact them directly and quickly.
- **Have internal processes** in place to comply with GPSR requirements, including **self-certification of compliance**.
- **Cooperate with MSAs**, which will have the powers to require online marketplace providers to **remove** from their online interface, or prevent access to, unsafe product content or content similar to it, or to display an express warning.
- **Ensure** at their own expense, that any dangerous products reported in the Safety Gate are **removed** from their platforms; use this portal to warn about any dangerous products found, and also take action against any sellers who frequently offer unsafe products.
- **Adapt their platforms** to allow sellers to include basic information about the seller (identification and contact according to the Regulation), the responsible person in the EU (if applicable) and about the product (identification with unique reference, model, etc.), including an image, and any necessary safety warnings.
- **Work to recall** any dangerous products sold on their platform and inform consumers, vendors, and MSAs by giving them details about such dangerous products, including providing such information through the Safety Business Gateway .

Additionally, the GPSR extends information rights between the authorities and the general public and provides for a remedy to be given to data subjects (Article 33), as well as the right of data subjects to complain to the MSAs, and sanction-related issues.

How can you get ready? If you already market products responsibly, there will certainly be no major changes you need to address, but go through the GPSR in detail, check each of the obligations that apply to you according to your role in the marketing chain, and get to work if you need to rectify anything. All the new features come into force from December 2024.

Finally, if you have marketed a product and you realize that it is dangerous, you should be aware of your notification and recall obligations to avoid further harm to consumers.

And if you run a marketplace, understand the new obligations and that you have an important responsibility to the consumers who are your platform's customers, even if you do not sell the products directly. You must ensure that you compete fairly with companies that fall outside the scope of **online selling** , and that the safety of any products sold from your platform is guaranteed. From December onwards, an MSA may ask you to provide it with the technical documents demonstrating product safety or make it easier for them to get them from the manufacturer, and it may ask for your self-certification by which you commit to offer only products that comply with the Regulation's provisions; or remove unsafe products from your platform.

Implementing this GPSR is definitely one more step towards a fairer market for companies, safer for buyers and with an additional benefit, as there is plenty of evidence that companies that comply (they all have to) can offer their products far better than some competitors, including in third-country trade. There is no better calling card than safe, quality products.

4

The European Parliament adopts the Product Liability Directive

DEFECTIVE

On 12 March the [European Parliament approved the Proposal for a Directive of the European Parliament and of the Council on liability for defective products](#), presented by the Commission in September 2022.

The directive will now also have to be formally approved by the Council in order to enter into force 20 days after its publication in the EU Official Journal and become applicable to products placed on the market 24 months after its entry into force.

The new Directive, which repeals [Directive 85/374/EEC](#), on liability for defective products, aims to provide an EU-wide system for compensating people who suffer physical injury or property damage due to defective products, adapting the previous rules to the changes introduced by the emergence of new technologies such as artificial intelligence and the rise of online shopping and providing an additional layer of protection for EU consumers on top of national liability regimes.

The new directive will entail amendments to the third book of Spanish Royal Legislative Decree 1/2007, which regulates civil liability for defective goods or services.

The Directive aims to:

- Ensure that liability rules reflect the nature and risks of products in the digital age and the circular economy.
- Ensure that there is always an EU-based company that can be held liable for defective products purchased directly from manufacturers outside the EU, in light of the growing trend for consumers to buy products directly from third countries without an EU-based manufacturer or importer.
- Lighten the burden of proof in complex cases and ease restrictions on bringing complaints, while ensuring a fair balance between the legitimate interests of manufacturers, injured parties and consumers in general.
- Ensure legal certainty by better aligning the Product Liability Directive with the New Legislative Framework created by Decision 768/2008/EC and product safety rules, and by codifying the case law relating to the Product Liability Directive.

Main new features of the new Directive

Accordingly, the new Product Liability Directive has introduced a number of significant changes that extend consumer protection in the EU.

This update addresses a number of key issues, including the following:

- The extension of the definition of *product* from "*all movables, except agricultural raw materials and game products*" to "*all movables, even if integrated into, or inter-connected with, another movable or an immovable*", as well as "*electricity, digital manufacturing files, raw materials and software*". The new Directive seeks to ensure that people enjoy the same protection, regardless of whether the defective product that harms them is tangible or digital.

- Economic operators' liability: The new rules ensure that consumers can always take action against a responsible party based in the EU, even if the product was manufactured outside the EU. In this regard, recital 37 of the PLD states that "In order to ensure that injured persons have an enforceable claim for compensation where a manufacturer of a product is established outside the Union, it should be possible to hold the importer of that product and the authorized representative of the manufacturer, appointed in relation to specified tasks under Union legislation, for example under product safety and market surveillance legislation, liable".

The new wording removes the direct reference to the "*producer*", establishing instead a list of "*economic operators liable for defective products*", including the manufacturer, the importer, the authorized representative, the provider of distance order handling services or the distributor, so that the consumer can always turn to an agent on European territory that can be held liable.

- The notion or criteria for determining when a product is "*defective*": though the new Directive does not change in this respect, it does add factors such as interconnectedness or self-learning functions of products to the non-exhaustive list of factors to be taken into account by the courts when assessing defectiveness.
- Developments regarding the burden of proof and the presumption of defectiveness: the new Directive maintains the need for the burden of proof to lie with the injured parties, who must prove the damage they claim to have suffered, the defectiveness of the product and the causal link between the two.

However, and as stated in Recital 46 of the Directive, the new text understands that presumptions of fact are a common mechanism for alleviating a claimant's evidential difficulties and allowing a court to base the existence of defectiveness or of a causal link on the presence of another fact that has been proven while preserving the rights of the defendant.

Simpler compensation claims for victims

The updated Directive simplifies the burden of proof requirements for anyone seeking compensation and abolishes the minimum damage threshold of €500. While normally the plaintiff would have to prove that the product was defective and that its fault caused the damage, a court can now presume that it is defective, especially in more technically and scientifically complex cases. The court may also order the company to disclose evidence "*necessary and proportionate*" to assist injured parties in their claims for compensation. The new rules also allow national consumer protection authorities to provide additional assistance to consumers.

Consumers will be able to obtain compensation not only for material damage, e.g. when their goods are destroyed, but can also claim compensation for non-material losses, including medically recognized damage to psychological health. The new law also ensures that those who suffer damage in the form of destroyed or damaged data (such as digital files deleted from a hard drive) will also be entitled to compensation.

Extension of liability for late damages


Under the new Directive, there must always be an EU-based company, such as a manufacturer, importer or its authorized representative, to be held liable for damage caused by defective products. It also applies to products purchased online outside the EU. To protect innovation, the new rules will not apply to open source software, which is not part of commercial activity.

The liability period is extended to 25 years in exceptional cases where symptoms are slow to emerge. If the legal proceedings were initiated within the liability period, the victim of the damage may continue to obtain compensation after this period.

Structure of the Directive

The Directive consists of 64 recitals and 24 articles, divided into four chapters:

1. General provisions (arts. 1 to 4).
2. Specific provisions on liability for defective products (arts. 5 to 11).
3. General provisions on liability (arts. 12 to 17).
4. Final provisions (arts. 18 to 24).



The new Directive adapts to the changes introduced by the emergence of new technologies such as artificial intelligence and the rise of online shopping and provides an additional layer of EU consumer protection

5

Proposal for amendment of the Toy Safety Directive



In 2022, the European Commission began revising the Toy Safety Directive 2009/48/EC. On 26 July 2023, it published a proposal for a Regulation on the safety of toys, which initiated the process of discussion of the proposal in the European Parliament and the Council.

The 2009 Directive currently in force is the world's strictest toy safety standard in terms of physical, mechanical, hygiene, flammability and, above all, chemical requirements, which were the main new feature of the Directive and which have continued to be updated, always at a higher level, as the EU scientific committees have published relevant developments in the field.

Indeed, over the years compliance costs, and chemical requirement compliance costs in particular, together with the fact that third country-products are finding it much easier to access the EU market, have increasingly **widened the gap between responsible toy brands, which stake their reputation on each product, and opportunists who market seemingly similar products in Europe** at much lower prices, precisely because they have saved on all the safety-associated production costs.

Besides the already uncontrollable number of products entering the EU market every day, the online market has grown exponentially over the last few years. For better and for worse, our lives are now full of endless shopwindow-like platforms where we can buy anything anywhere in the world and have it delivered to our doorstep the next day at dirt-cheap prices. And that is all there is to it. Good stuff and bad stuff. And the bad stuff is always much cheaper.

The big gap to be filled in the current Directive is therefore effective market surveillance.

Compliance monitoring developments

Knowing this, the Commission devotes Chapter IV of its proposed Regulation to the creation of a Digital Product Passport, which will replace the current EC Declaration of Conformity and contain a product identification number that must be uploaded beforehand to a new, purpose-designed register, and to which both the Commission and European customs will have access.

This Digital Product Passport (DPP) refers, for development purposes, to the Ecodesign Regulation, and is therefore originally intended to provide consumers with information on ecological properties or chemical content, so the industry is concerned that the consumer notification-focus will hinder the passport's effectiveness in checking compliance with safety requirements.

Furthermore, DPP is still digitized information accessed through a QR or similar, and therefore information that can be falsified, copied or outright invented. We do not know how this is to be avoided.

As for the process of reading and confirming all product DPPs, some Member States have already objected to having to inspect everything that arrives, because it would bring their ports to a standstill.

If this is the case (one more obligation and therefore one more cost), responsible operators will be back to square one.

The Commission has already replied in Parliament that there are no plans to increase the resources allocated to customs, as everything has been entrusted to the Digital Passport. We hope it will work.

A political decision: Chemical requirements

The Commission's public consultation in 2022, as well as the inclusion of the Toy Safety Directive in the list of legislation to be reviewed under the European Chemicals Strategy, pointed to the likelihood that the proposed Toy Safety Regulation might further toughen the already complex and costly chemical property requirements.

The Commission needed to correct an irregularity prompted in 2009 by Germany's refusal to comply with the Directive's limits on nitrosamines and N-nitrosatable substances, which posed a conflict between the harmonized standard (which had been adapted to the higher German requirement) and the Directive, which contained less stricter limits.

Similarly, new evidence regarding substances classified as Endocrine Disruptors (EDCs) made it advisable to include them in the list of restricted substances in toys, alongside CMRs (Carcinogenic, Mutagenic or Toxic to Reproduction), for clarity.

However, the Commission considered - albeit without providing any evidence to date - that the safety provided by the current restrictions "is not sufficient", and therefore proposed removing the current exemptions for CMR substances, which are based on two principles:

1. Where there is no exposure, there is no risk; and
2. the thresholds determining the classification of a substance as CMR are regulated for all uses by the Community Regulation on Classification, Labelling and Packaging of Chemicals (CLP).

In the proposal, the inaccessibility exception is only maintained for electronic components, meaning that perfectly safe products will be removed from the market, and establishes a zero or trace level for all substances - more than 4,000. In its position and in an attempt to objectify this undefined limit, the Council has set it at a concentration of 100 mg/kg, with the sole criterion that this figure lies between the majority CLP limit of 1,000 mg/kg and the 10 mg/kg proposed by some countries that have no toy industry. It could have been 500, 80 or 134, because no scientific criteria were involved in this discussion.

The consequences

None of the proposals put forward in this three-way discussion have taken account of toxicological criteria for setting new thresholds, nor have they assessed the real consequences of such a policy decision:

- Responsible manufacturers will no longer be able to use, in concentrations that are considered safe for other children's products, substances that prevent other risks, such as preservatives that prevent microbiological infections or substances that make a material more resistant.
- Manufacturers will no longer be able to know whether their products meet all chemical requirements through the Safety Data Sheets provided by the supplier, because these are made according to the CLP thresholds, not below. And no laboratory in the world has tests available for testing the 4,000-plus restricted substances, nor will they have, because it is not economically viable.

Yet **there is one consequence** which stems directly from this decision and which is the most paradoxical:

- Neither will market surveillance authorities know whether toys comply with the new requirements, because there will be no related tests and no sufficient data in the Safety Data Sheets, as there is none for the manufacturers. The Spanish market surveillance authorities have already alerted the Ministry of Consumer Affairs to raise this issue at Council meetings, but there has been no response.

So, what is the point of making legislation that cannot be enforced? How can this improve children's safety?

In 2007, a group of 6 substances, phthalates, were banned in toys, despite the fact that DINP, the most widely used in the industry, was then validated as safe by a European Scientific Committee report published a few days later. This led the reputable industry, at considerable cost, to switch from this phthalate to other substances that were less studied but did not fall within the scope of the ban.

In 2024, and uninterruptedly since 2007, the presence of another banned phthalate, DEHP, remains the most reported Safety Gate toy alert. In other words, 15-plus years later, a ban on 6 perfectly identifiable and measurable substances has still not been enforced. Under the new regulation, 4,006 substances will no longer be controlled.

The trialogue scheduled to start in the coming months is based on three positions that have prioritized good intentions rather than reality, leaving the door wide open for non-compliant producers, severely denting the our industry's competitiveness and destroying everything that has been achieved so far for children's safety.

6

**The ROHS
Single Entry
Point.
The future
is already
here**



Background

Some of this article's readers may have first-hand experience of how **para-custom service** checks were handled years ago. Red tape was commonplace in customs offices. After filling in each and every box on the forms, you would hand your paperwork to the customs inspectors responsible for inspecting your goods; and after them, those same inspectors would walk back to the Customs Office to collect all the signed certificates, go back to their own office, sit at their desks behind piles of documents and hand out each certificate with its dossier. Then they would take that dossier back to the Customs Office, where an actuary would take the folder, study each block of information and then sign to release the customs declaration form that he had been given. If all this sounds a long-winded story, imagine what it was like to do it on a day-to-day basis, for each and every import and export dossier. Nowadays, very little paperwork is handled this way.

The differences between then and now, with the Single Point of Entry (SPE), are massive, both in terms of efficiency, time savings and streamlined human resources.

ROHS SEP and COM SEP brought an end to so much red tape, to having to input data twice, once for the inspectors and once for customs, to having to collect your certificate, to checking that declarations and certificates match one another. It has all been simplified **by integrating the customs procedure of filing declarations and obtaining releases, with the procedure of para-customs controls through the SEP.**

What does SEP stand for??

The SEP (Single Point of Entry) rolled out by the Spanish Tax Agency and which currently features all of the **SOIVRE Inspection Service's ESTACICE SEP⁵ applications is what has always been regarded as a true customs single windows.**

It is the first real **Single Customs Window** to be implemented in the EU, and has proven to be a system that speeds up customs clearance, facilitates the management of para-customs controls and facilitates the work of para-customs controls. The SOIVRE Inspection Service is the first to integrate its tools into the SEP, and the plan is to use the SEP rolled out by the Spanish Tax Agency as the sole channel for the managing its controls.

The ROHS SEP and COM SEP **are based on a set of web services and inboxes that supplement the AEAT's customs declaration management systems, and have served to integrate the SOIVRE Inspection Service's tools, namely ESTACICE SEP. They are used to send inspection requests to the I.S., receive SOIVRE certificates and for goods to be released directly through a single communication channel.**

It is a **shared project** staffed by officials from:

- The Subdirectorate-General for Tax Information Technology, (AEAT).
- The Subdirectorate-General for Customs Management (AEAT).
- The Subdirectorate-General for Information and Communication Technologies (MINTUR).
- The Subdirectorate-General for Inspection, Certification and Technical Assistance of the COMEX (the State Secretariat for Trade's Foreign Trade Committee), which coordinates the work of the SOIVRE Inspection Service.

⁵ The SOIVRE Inspection Service has already launched **ESTACICE ROHS SEP** (Inspection of electrical appliances, Spanish Royal Decree 993/2022), **ESTACICE COM SEP** (Safety inspections, Spanish Royal Decree 330/2008) and very soon will launch **ESTACICE ECO SEP** (Inspection of ecological products, Order ECO 1936/2014) and **ESTACICE CALCOM SEP** (Commercial quality inspections, Order PRE 3026/2003).

All of them, on behalf of their respective departments, together with their collaborating teams (of companies contracted for this purpose) **have worked tirelessly and shoulder to shoulder** to fulfil the 'dream' that customs and forwarding agents have had for so many years: **fast and economical customs formalities**. The **figures speak for themselves (see table 1)**.

Table 1 - Figures from when it was launched in January 2023 to June 2024

<ul style="list-style-type: none"> 1,105,631 TOTAL SEP files: <ul style="list-style-type: none"> 891,401 ROHS SEP files 214,230 COM SEP files
<ul style="list-style-type: none"> Weight of goods managed: more than 2.3 Million MT (some of the certificates are issued on PDIs with no declared weight and are not included in this total)
<ul style="list-style-type: none"> 982,288 SADs in SEP and related SOIVRE applications
<ul style="list-style-type: none"> 21,151 DVDs in SEP and related SOIVRE requests
<ul style="list-style-type: none"> 102,261 SOIVRE type Z applications in SEP (EIR operators)
<ul style="list-style-type: none"> 88,224 different importers involved in the controls:
<ul style="list-style-type: none"> 870 different declarants (customs representatives or companies)
<ul style="list-style-type: none"> Times of day: The SEP is open and active 24 hours a day. Files are also processed throughout the night
<ul style="list-style-type: none"> Average time from receipt of application to release under normal procedures, without additional customs controls (SAD procedure): 2 to 8 min
<ul style="list-style-type: none"> Average short-circuit time in normal operations, without additional customs control: 2 minutes
<ul style="list-style-type: none"> In ESTACICE SEP, there are 13 processes per file (on average). An estimated 13 million processes are executed in this time

Origin of the SEP approach

Prior to this project, the last 35 years have seen other attempts to design a single "window" for collecting enough input information to handle and control para-customs services and customs declarations at the same time; and for getting answers from all of them and from Customs at this same "window". None of the other projects came to fruition.

The challenge of having to implement a new ROHS⁶ and WEEE⁷ control of electrical and electronic equipment on import (Spanish Royal Decree 993/2022) by the SOIVRE Inspection Service, was the **trigger** for considering a firm approach to a control management procedure that would not slow down customs flows.

Interested parties faced high administrative costs with the traditional method of typing in the same data for different administrations and services, so **the approach taken was to:**

- look for a way to **take advantage of the information** available to Customs,
- ask the interested party for the **little additional information** necessary to complete the specific control request for the **para-customs** control, and only **the information needed at the time**,
- use **SEP keys** in the additional requests to organize the different handling of the various cases as automatically as possible.

ESTACICE SEP. The tool built into the SEP

ESTACICE (the trade tool), which is built into the SEP, has been developed to **streamline processes** and decides what information is needed at each stage of the process, so that **the declarant is only asked for what is essential at each step**. For this purpose, the input information has been divided into information packets with the minimum data required in each part of the flow. This saves users time.

In addition, in the case of ROHS controls, formulas have been devised that allow for the **early completion of one-time documentary checks that are valid for the whole life of a product reference or model** in order to benefit from super-fast times and simplified management, as this information is used in **intelligent risk analysis engines**. If the technical documentation that guarantees compliance with the requirements is uploaded to the DOCUCICE⁸ document repository, these documentary checks can be brought forward and the result is saved for all subsequent products imported out during the lifetime of that reference or model, provided that the applicable standard or the product itself does not change. So, in a record time of just 2 minutes and provided that the importer of the electrical equipment in question is registered in the IIR-WEE or in the IIR-B&A (Integrated Industrial Registers of Waste Electrical and Electronic Equipment and Batteries and Accumulators) can benefit from the so-called **control short circuits**. **Getting the SOIVRE certificate and the goods released, with the PDI, PDC or SAD depending on the case, in just a few minutes. And having passed a double documentary check. This serves the dual purpose of control obligations and smooth management. Thousands of files have benefited from this.**

⁶ ROHS refers to the legislation on the restriction of hazardous substances in electrical and electronic equipment (Spanish Royal Decree 219/2013 transposes Directive 2011/65/EU).

⁷ WEEE refers to control based on compliance with the Integrated Industrial WEEE and Waste Batteries and Accumulators Registers (Spanish Royal Decree 110/2015 and 106/2008 as amended by Spanish Royal Decree 27/2021).

⁸ To log into the external DOCUCICE platform, go to: <https://comercio.serviciosmin.gob.es/Docucice/AE/> Information on how it works [here](#).

Applicants no longer have to wait for the certificates obtained to be declared in the SADs, because the SEP simply does it for them. The system now allows the certificates obtained to be applied to the corresponding Customs Declarations automatically.

Apart from all this, **the SEP and ESTACICE built into the SEP** have been adapted **and tailored to meet all the changes** that a customs declaration or a traditional SOIVRE request undergoes throughout their active lives: modifications, cancellations of customs declarations or SOIVRE requests, breakdowns of goods in different declarations. In other words, this system covers all the kinds of situations likely to arise during day-to-day customs work.

The system's advantages

This project means that **all the administrations involved can celebrate the fact that customs formalities in Spain already enjoy all the benefits** that are expected to exist throughout the Union in a few years' time; including the use of the document repository (which in the EU will see the light in a few years in the platforms that will be provided where operators can upload the **digital product passport**). The State Secretariat for Trade will work to ensure that the DOCUCICE document repository can be integrated into the EU repository.

This great achievement has been reached **thanks to the coordinated, joint efforts** of professionals committed to and spurred by this challenge, all with a common goal: free-flowing trade to support industry, while guaranteeing protection for consumers and the environment alike. Despite seeming an undertaking beyond reach, after other failed attempts, sheer determination, hard work and commitment, day by day and step by step, has enabled us to build this great project. The aim was to make life easier for companies that do things properly, while **allowing inspection authorities to fulfil their useful mission of protecting consumers' and the environment's safety and economic interests, while rooting out, as much as possible, any unfair competition from those unscrupulous companies that disregard their obligations and want to undercut their rule-respecting competitors.**

How can I use the SEP and ESTACICE SEP

The SEPs' **web services and inboxes** system let **companies to develop their own SEP-compatible applications**. So information can be transferred straight from the companies' applications to the SEP for Customs and the Inspection Service, and in return these same applications get information on the certificates and release of goods, and notifications from the Services.

In case a company decides not to take full advantage of the SEP's benefits by using integrated applications, the system is backed up by a set of **online forms** for sending in the different types of information, and both the AEAT and SOIVRE's websites supply immediate information about certificates and goods releases.

If you want to take full advantage of the SEP's tools, the best approach is to use applications that are fully integrated in the SEP are perfectly acquainted with the SEP's language, that facilitates the following link working from its own system, and that let it automatically resolve each particular case in the "language" that the SEP understands, without complications for users.



You can find **additional information** about the system here:

- <https://estacice.comercio.es>
- <https://comercio.gob.es/ImportacionExportacion/Controles/Paginas/PUE-ESTACICE-ROHS-informacion-desarrolladores.aspx>
- [ESTACICE Headquarters \(mityc.age\)](http://mityc.age.es)
- <https://sede.agenciatributaria.gob.es/Sede/aduanas/aduana-electronica/guias-tecnicas/manual-usuario-pue-rohs.html>



Other useful information:

- Users will find a ROHS SEP and COM SEP User Manual here: [Control management manual](#).
- For a "Summary guide to help you use the ROHS SEP and COM SEP", go to: [Summary Help Guide](#).
- For AEAT information on the ROHS SEP in the developers' manual, go to: [Developer's Guide](#).



*As the renowned Peter Druker said, **the best way to predict the future is to create it.** When you have spent so many years working with dedication and commitment to create the future, one day it becomes the present, and it is within our reach to enjoy*

7

Why Regulation (EU) 2019/515 on the Mutual Recognition of Goods Lawfully Marketed in Another Member State cannot be applied at border controls



The main objective of Regulation (EU) 2019/515 of the European Parliament and of the Council on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) 764/2008 (hereinafter MRR) is to strengthen the functioning of the internal market, through better application of the principle of mutual recognition and the elimination of unjustified barriers to trade.

The principle of mutual recognition is one of the pillars of the EU internal market and has allowed different countries' technical rules to coexist in the internal market, avoiding the creation of technical barriers to the free movement of goods. The principle derives from EU Court of Justice case law regarding Articles 34 and 36 of the Treaty on the Functioning of the European Union (TFEU) and stems from the judgment of the "*Cassis de Dijon*" (1979)⁹ case.

This principle is the basis for the fact that, despite the differences in the Member States' national rules on product requirements (such as designation, dimensions, composition, presentation, labelling, etc.), Member States cannot prohibit the sale in their territories of any products that are not subject to harmonized EU legislation and are lawfully marketed in another Member State, even if they are manufactured according to technical standards different from those with which national products must comply. This principle is neither absolute nor automatic, and Member States can restrict the marketing of a product in their territory provided that it is justified under certain conditions or for overriding reasons of public interest and is proportionate to the objective pursued.

To **be able to apply the MRR and thus benefit from the principle of mutual recognition**, the goods (goods of any kind, including agricultural products) have to be "*lawfully marketed in another Member State*". According to the definition given by the MRR, this implies that the goods "*comply with the relevant rules applicable in that Member State or are not subject to such rules in that Member State, and are made available to end-users in that Member State*". This key definition encompasses two criteria. One is that the goods must comply with the relevant legislation applicable in the Member State of origin or must not be subject to such legislation in that Member State and the other relates to the concept of legal marketing, in other words, that the goods have been made available to end-users in that Member State. If these two criteria are met, goods to be marketed in the destination Member State, unless it has national legislation that is covered by one of the exceptions set out in Article 36 TFEU¹⁰ or there are overriding reasons of public interest.

The country of origin of the goods is not relevant for the application of the principle of mutual recognition and consequently is not taken into account in the definition of "lawfully marketed" goods in the MRR. In other words, products manufactured in non-EU countries can benefit from the principle of mutual recognition and are therefore not excluded from the scope of the MRR. However, this does not mean that third-country products can be subject to the MRR upon importation. This statement on the origin of the goods may have confused many operators who, in the course of border controls, have requested the application of this Regulation, arguing that their product was already being marketed in another Member State. Recently, one of these economic operators even lodged a complaint through SOLVIT (the Internal Market Problem Solving Network, used as a dispute settlement procedure under the MRR) with the Spanish authorities for this reason. This complaint was duly answered by the Spanish authorities and has given rise to an Opinion by the Commission.

⁹ Case 120/78, Rewe-Zentral (Cassis de Dijon) [1979] ECR 649.

¹⁰ Reasons of public order, public morality and public security, protection of health and life of humans and animals, preservation of plants, protection of national artistic, historical or archaeological heritage or protection of industrial and commercial property.

The main reasons why the MRR does not apply to third-country products, at the time of importation, even though these products are already lawfully marketed in the EU are as follows:

1. At import, products are subject to the Union Customs Code, UCC (Regulation 952/2013) and, in the case of non-agri-food products, to Regulation (EU) 2019/1020 on market surveillance and product conformity. This Community legislation on border controls (UCC and Regulation (EU) 2019/1020) makes no distinction between the controls to be carried out, regardless of whether or not the products concerned are subject to sectoral harmonization legislation. Therefore, border controls are the same for both harmonized products, e.g. a toy, and for products not covered by sectoral harmonization legislation, e.g. a chair. In both cases, border controls are carried out regardless of whether the product is already being marketed in the EU.
2. The MRR aims to reinforce the functioning of the internal market, through a better application of the principle of mutual recognition and concerns goods subject to Article 34 TFEU and lawfully marketed in another Member State. In other words, for the MRR to apply, the goods must be subject to Article 34 of the TFEU and be lawfully marketed in another Member State.
 - **Lawfully marketed in another Member State:** according to Article 3, (1) and recital 15 of the MRR, these are goods which comply with the relevant rules applicable in that Member State or are not subject to such rules in that Member State, and are made available to end-users there.
 - **Goods subject to Article 34 TFEU:** refers to products originating in the Member States and third-country products that are in free circulation as referred to in Article 28.2¹¹ of the TFEU. Products from third countries are in free circulation (Article 29 of the TFEU)¹² if the import formalities have been completed and the customs duties have been collected in that Member State. Thus, in accordance with Article 28(2) TFEU, Article 34 TFEU does not apply to non-Community goods that have reached the stage prior to release for free circulation in the Member States.

Consequently, if this condition is not met (goods subject to Article 34 TFEU), there is no need to analyse whether the other condition is met: that they are lawfully marketed in another Member State. This is because marketing is a phase subsequent to the importation of the good. The good must first be imported (from a third country) and once the product is in free circulation, it must be marketed. This is when mutual recognition can be invoked and when the MRR would apply.

The key question in determining whether the MRR applies to goods of non-EU origin is therefore whether or not they are released for free circulation.

¹¹ Art.28.2 TFEU. The provisions of Article 30 and of Chapter 3 of this Title shall apply to products originating in Member States and to products coming from third countries which are in free circulation in Member States.

¹² Article 29 defines what is considered to be release for free circulation in a Member State as "Products coming from a third country shall be considered to be in free circulation in a Member State if the import formalities have been complied with and any customs duties or charges having equivalent effect which are payable have been levied in that Member State, and if they have not benefited from a total or partial drawback of such duties or charges."

Therefore we can conclude that the MRR does not apply to third-country products that are not released for free circulation, because one of the requirements for applying the MRR, according to its Article 1, is that they are goods subject to Article 34 TFEU, and according to Article 28.2, that article (Article 34) only affects products originating in the Member States and third-country products that are in free circulation in the Member States. These products are subject to other EU legislation (e.g. UCC or Regulation (EU) 2019/1020) which does apply to border controls.

In the same vein, the Commission's Opinion on the implementation of the MRR mentioned above, which was published on 30 May [C(2024) 3446 final]¹³, states that:

"The Commission estimates, therefore, that the Regulation would not apply in the present case, as the goods originating and imported directly from a third country and not yet in free circulation do not constitute goods subject to Article 34 TFEU, while the Article 1(2) of the Regulation specifies that it only applies to goods subject to Article 34 TFEU.

Having regard to the above, and based on the information available, the Commission considers that the national administrative decision at issue did not violate the Regulation (EU) 2019/515, as this Regulation does not apply in the present case".

With the publication of this Opinion, the Commission takes a position on an aspect of the application of this Regulation which has triggered disagreements both between the Member States as well as between them and economic agents. We hope that this will help to dispel any doubts on the subject.

¹³ <https://ec.europa.eu/docsroom/documents/59794?locale=en>

8

Market Surveillance on Energy Labelling



8.1 Energy labelling

The regulatory framework for energy labelling consists of Regulation (EU) 2017/1369¹⁴ of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and its Delegated Regulations by which it is developed for each energy-related product group. The regulatory initiative is the responsibility of the European Commission and Spain participates in the drafting of the delegated energy labelling regulations through the Secretary of State for Energy, as the national authority.

Both the Energy Labelling Regulation and the Ecodesign and Energy Labelling Roadmap 2022-2024¹⁵ set the roadmap for the coming years.

With the entry into force of the Regulation, all the products have been rescaled to be positioned within the new scale of classes from A to G. This rescaling is motivated by the fact that in recent years, the A+ and higher categories have become saturated with models, and new technological developments to improve efficiency have not found a place to differentiate themselves. This labelling change leaves room in the new higher energy classes, A and B, in order to encourage technological development and widen the range of product choice for consumers.

This process is being carried out sequentially. Thus, some product groups are already labelled with the new labels and other products will continue to be labelled with the old energy label until the update of the label is regulated in the near future.

The energy label is a comparative tool made available to consumers that allows them to incorporate environmental criteria on energy consumption and other associated parameters (water consumption, suitability for use, etc.) into their usual purchasing criteria (price, brand recognition, performance). By scanning a QR code in the top right corner of the label, consumers can access the European Product Register for Energy Labelling (EPREL), where they will find more detailed information on energy-related products covered by the delegated Regulations.

The EPREL database will also help national market surveillance authorities to verify that products comply with the applicable legislation, in particular energy efficiency requirements, and that the information provided to the consumer is correct.

Recently the Commission adopted Implementing Regulation (EU) 2024/994¹⁶ of 2 April 2024, setting out the operational details of the functioning of the product database established under Regulation (EU) 2017/1369¹⁷.

Energy labelling is very present in our daily lives, hence the importance of knowing its usefulness:

- The label provides consumers with clearer and more detailed information on the energy consumption of the equipment.
- The energy label helps consumers and professional buyers to look for and choose more energy-efficient products.

¹⁴ [REGULATION \(EU\) 2017/1369 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL - of 4 July 2017 - setting a framework for energy labelling and repealing Directive 2010/30/EU](#).

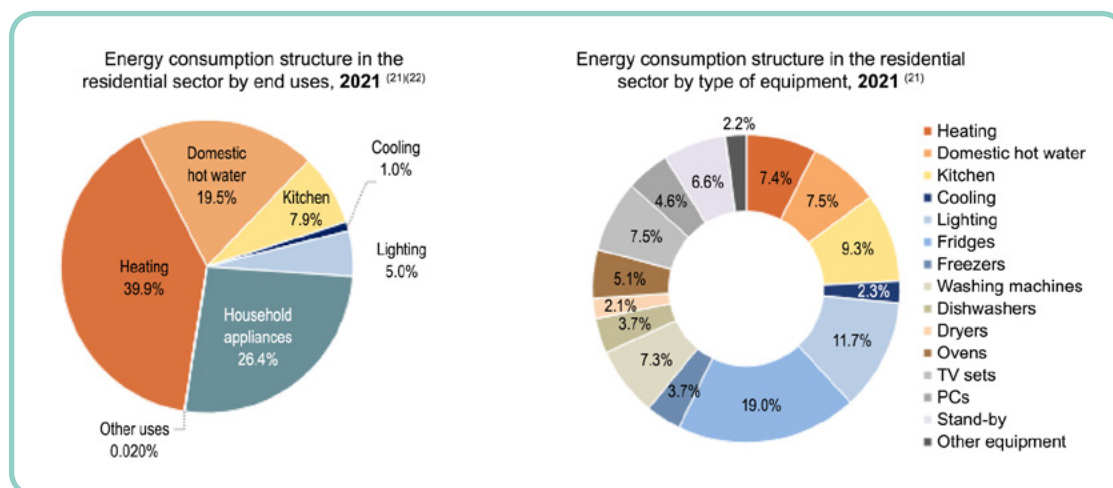
¹⁵ [Eco-Design and Energy Labelling Work Plan 2022-2024](#).

¹⁶ [Commission Implementing Regulation \(EU\) 2024/994 of 2 April 2024 laying down the operational details of the product database established under Regulation \(EU\) 2017/1369 of the European Parliament and of the Council \(europa.eu\)](#).

¹⁷ [REGULATION \(EU\) 2017/1369 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL - of 4 July 2017 - setting a framework for energy labelling and repealing Directive 2010/30/EU](#).

- The label has prompted the development of more efficient and innovative products, reducing the energy consumption and running costs of household appliances.
- Manufacturers are now more committed to the environment through controlled energy consumption.

According to the 2021 Synthetic Report on Energy Efficiency Indicators in Spain, domestic equipment affected by energy labelling accounts for approximately 65% of household energy consumption, so its correct application can lead to energy savings, as well as corresponding environmental contributions.



According to the latest draft of the National Integrated Energy and Climate Plan (PNIEC)¹⁸ 2021-2030, there are an estimated **76 million domestic appliances** (refrigerators, freezers, washing machines, dishwashers and televisions). Every year, **6.6 million** new white goods are sold.

A Eurobarometer survey has shown that the vast majority of EU consumers (93%) recognise the energy label and 79% are influenced by it when buying household appliances.

The latest 2023 eco-design impact accounting report estimates that **the combined effect of EU eco-design and energy labelling rules will lead to EU primary energy demand falling by 1,418 TWh, or 18%, in 2030**. This represents an increase compared to previous years, with a reduction in primary energy demand of 1,038 TWh in 2020 and 1,072 TWh in 2022, representing savings of 10% and 12% respectively.

Savings in total EU primary energy consumption from the combined effect of EU eco-design and energy labelling rules will increase from 7% in 2020 to 9% in 2030. 1000 kWh (24%) of electricity and 700 kWh (7%) of fuel (gas, oil, coal, wood) were saved by 2020. By 2030, these savings are expected to increase to 1200 kWh of electricity (30%) and 1400 kWh of fuel (18%).

380 kg CO₂eq of greenhouse gas emissions were avoided in 2020 and **by 2030 this figure is expected to rise to almost 400 kg CO₂eq of avoided emissions.**

In terms of the **energy design and labelling regulation's impact on business revenues and jobs** in 2020, additional business revenues amounted to €22 billion. This figure **would increase to €31 billion by 2030, but falling phone and tablet sales, (repairability) have reduced it to €16 billion.**

¹⁸ Integrated National Energy and Climate Plan (PNIEC) 2021-2030 (miteco.gob.es).

8.2 The Importance of Market Surveillance in Energy Labelling

The regulatory framework for market surveillance is formed by [Regulation \(EU\) 2019/1020](#)¹⁹ of the European Parliament and of the Council of 20 June 2019 on market surveillance and product conformity.

Executive market surveillance powers in the field of energy labelling have been transferred to Spain's Autonomous Region, and are therefore a decentralized power. Thus, the National Market Surveillance Authority for energy labelling is the Directorate General for Energy Planning and Coordination, through the Subdirectorate-General for Energy Efficiency and Access (SGEAE in its Spanish acronym), and the Market Surveillance Authorities are the Autonomous Regions through the competent Regional Ministries for energy.

The SGEAE is responsible for the European Product Register for Energy Labelling (EPREL²⁰) and the regional authorities have access to the private part in order to be able to carry out inspections.

In any case, SGEAE shall ensure proper coordination of market surveillance activities at national level in this area and take responsibility for those competences that shall be exercised at state level.

It should be noted that the energy labelling sector is an ever developing and changing market, as are the applicable regulations. This means that Market Surveillance Authorities must be continuously updated and vigilant of possible non-compliances, for which cooperation and coordination between them is essential, as well as to count on the collaboration of organizations representing economic operators or end users.

8.3 Latest actions carried out by the Subdirectorate-General for Energy Efficiency and Access (SGEAE)

The following are some of the latest activities conducted by SGEAE in the field of market surveillance in energy labelling:

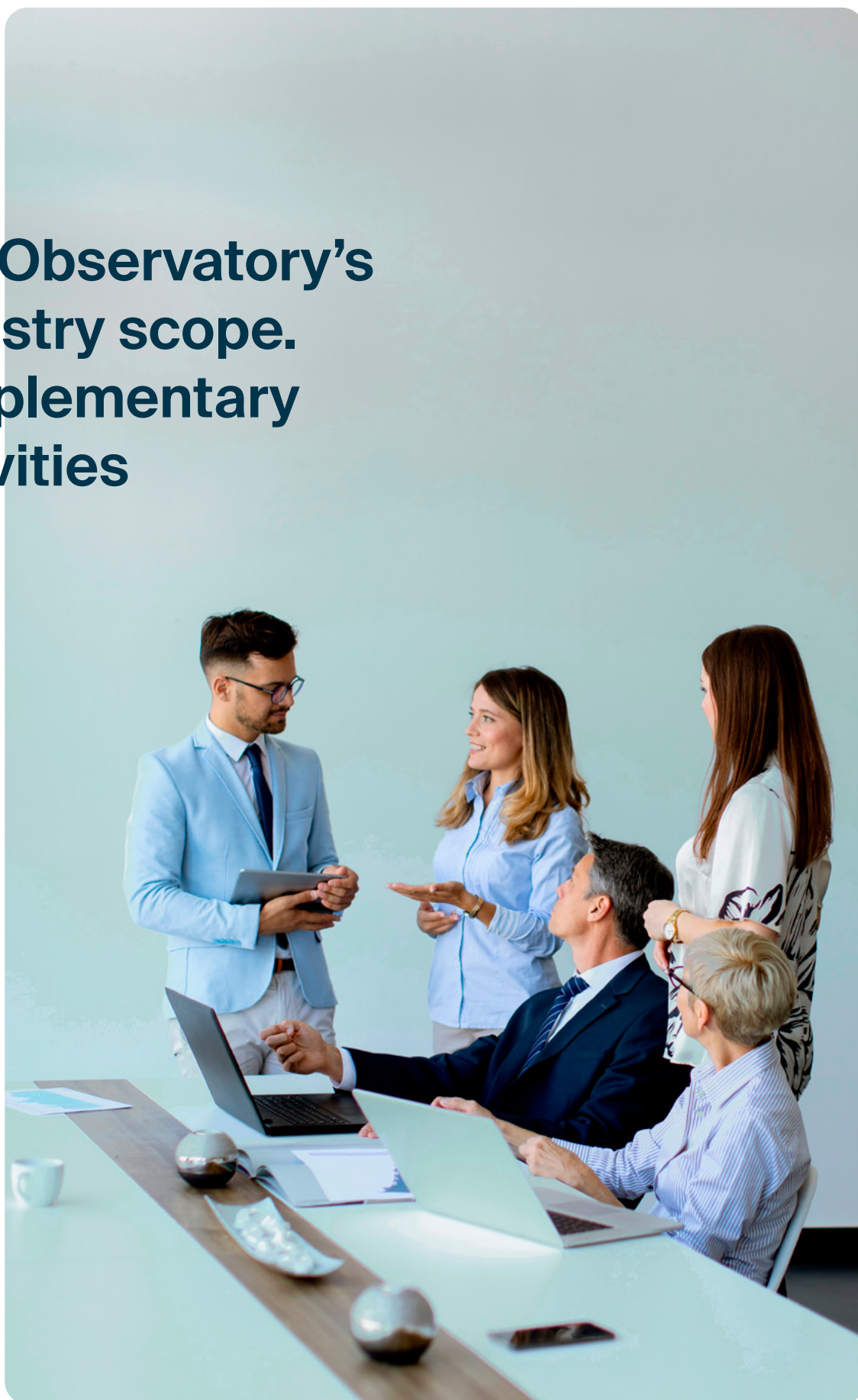
- To mark the approval of the Delegated Regulations, it has conducted nationwide **campaigns aimed at raising awareness, training and informing the general public, consumers and industry agents** about the importance of properly interpreting the information provided by energy labels.
- The new Comprehensive National Energy and Climate Plan (2021-2030), following on from the previous Plan, includes measure 2.9. for the renovation of residential equipment, the aim of which is to reduce energy consumption by improving the energy efficiency of the national domestic appliance fleet.
- **Participation in European energy labelling monitoring campaigns** is still ongoing.
- The Autonomous Regions, as the competent authorities, have collaborated in approving the **Sectoral Plan for Market Surveillance of Energy Labelling**, which develops the General National Strategic Framework for Market Surveillance of non-food products (2022-2025).

¹⁹ [Regulation \(EU\) 2019/1020 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL - of 20 June 2019 - on market surveillance and product conformity and amending Directive 2004/42/EC and Regulations \(EC\) No. 765/2008 and \(EU\) No. 305/2011 \(europa.eu\).](#)

²⁰ [European Product Registry for Energy Labelling \(EPREL\).](#)

9

The Observatory's industry scope. Supplementary activities



The content of this chapter has been provided by UNE's member industry associations and includes data on **supplementary industry activities** conducted **in 2023** and that have helped detect cases of **legal non-compliance in their industry** of particular concern to them, as well as its impact.

At industry level, 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 aspects, environmental factors, 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 sectoral groupings:

- **Children's and leisure products.** Its scope covers 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.** Its scope includes products that may be purchased by consumers (products for children and leisure are excluded).
- **Industrial products for professional use.** Its scope covers electro-technical and construction products.

Each of these products are discussed in the following Sections.



We present figures regarding the supplementary industry activities carried out in 2023 and that have helped detect cases of legal non-compliance in their industry and the impact that this entails

9.1 Children's and leisure products



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 intended for 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, and 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.



Represented by **AEFJ**, (*Asociación Española de Fabricantes de Juguetes* - Spanish Association of Toy Manufacturers), toy manufacturers have reported that the lack of responsibility of online sales platforms for the safety of the products that third party sellers offer to consumers through these platforms has created 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.

Toy manufacturers reported non-compliance with Directive 2009/48/ CE²¹ on the Safety of Toys, transposed by Spanish Royal Decree 1205/2011²².

For years, AEFJ has striven to highlight to EU market surveillance authorities and legislators the need to take advantage of all revisions of European laws to include on-line sales platforms as economic operators when there is neither a manufacturer, importer, authorized representative or fulfilment service operator established in the EU for a given product.

Unfortunately, the proposed Toy Safety Regulation misses the opportunity to consider on-line marketplaces as a responsible economic operator when the seller is established outside the EU and there is neither an importer nor a distributor (online direct-to-consumer selling), so the rules will remain only for companies that already comply, and any that ignore the rules will enjoy an even wider competitive price edge, and market safety will worsen.

²¹ Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys. Text with EEA relevance.

²² <https://www.boe.es/eli/es/rd/2011/08/26/1205>

9.2 Industrial products for domestic consumption



Regulatory compliance entails significant costs that impact companies' competitiveness and their survival. Many products are affected by legislation referring to chemicals legislation. Some of the most common non-compliances detected in the market are listed below:

9.2.1 Product labelling in English, German, Chinese etc.

With regard to products which are required to carry hazard labels and which are affected by Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No. 1907/2006 (CLP Regulation) it is worth underscoring that Article 17.2 states:

*"The label **shall be written in the official language(s) of the Member State(s) in which the substance or mixture is placed on the market**, unless the Member State(s) concerned provide(s) otherwise.*

*Suppliers **may use more languages** than those required by Member States on their labels, provided that the same details appear in all the languages used".*

Article 3.1 of the Spanish Constitution reads as follows:

"Castilian is the official Spanish language of the State. All Spaniards have the duty to know it and the right to use it".

Therefore, the labels of products classified as hazardous according to the CLP Regulation and marketed in Spain must be written at least in Spanish.

Failure to supply the label at least in Spanish **is considered a serious offence**, with penalties of up to €85,000, according to Article 6.3 section h) of Law 8/2010, of 31 March, which establishes the penalty system provided for in the Regulations (EC) concerning the registration, evaluation, authorization and restriction of chemical substances and mixtures (REACH) and on the classification, labelling and packaging of substances and mixtures (CLP), which amends it.

In addition, according to Article 56 of the Common Administrative Procedure of Public Administration Act 39/2015, of 1 October, the competent administrative body may, among other measures, proceed to withdraw or intervene goods, temporarily close the establishment, deposit, retain or immobilise movable property, intervene and deposit income obtained through an activity that is considered unlawful and whose prohibition or cessation is sought.

9.2.2 A distributor's responsibilities

According to Article 4(4), (9) and (10) of the CLP Regulation:

*"When a substance or mixture is classified as dangerous, **suppliers shall ensure that it is labelled and packaged in accordance with Titles III and IV before it is placed on the market.***

*Suppliers in a supply chain **shall cooperate to comply with the classification, labelling and packaging requirements of this Regulation.***

*Substances and mixtures which do not comply with this Regulation **shall not be placed on the market** ".*

And according to Article 2.26 of the same regulation:

*"supplier" means any manufacturer, importer, downstream user or **distributor placing a substance on the market on its own, as a mixture or in a mixture;**"*

This means that it is distributors' duty to ensure that the product they sell to consumers is correctly labelled, and if they detects that it is not, to inform the manufacturer to correct the label.

Under no circumstances can distributors sell a product that does not comply with the legislation. See also the **ECHA website** [[Home - ECHA \(europa.eu\)](https://home.echa.europa.eu/)] on distributors.

9.2.3 Online sales

Online sales are not regulated yet; however, it is good practice to display the full product label. Many websites only show the front side of the product, making it impossible to know, before buying it, what hazard pictograms it carries, how to use it, precautions, etc.

9.2.4 Safety Data Sheet

According to Article 31.1 of the REACH Regulation, it is mandatory to provide a Safety Data Sheet (SDS) to professional users when the mixture is classified as hazardous under the CLP Regulation.

It is essential to check that the distributor has attached the SDS once the purchase has been made. Failing to attach it is considered a very serious offence with penalties of up to €1,200,000, according to article 5.2 section e) of Law 8/2010.

9.2.5 Tax on plastic packaging

According to Law 7/2022 of 8 April on waste and contaminated soils for a circular economy, the "Excise duty on non-recycled and non-reusable plastic packaging" is levied on the manufacture, import or intra-Community acquisition of packaging placed on the Spanish market.

The taxable person shall be the person who possesses, markets, transports or uses such products. It applies both to packaging that arrives empty and to packaging that is presented containing or protecting goods.

The percentage of non-recycled plastic must be accredited by certification based on the UNE 15343:2008 Standard "Plastics. Recycled plastics. Plastics recycling traceability and assessment of conformity and recycled content".

The obligations of those liable for the tax include:

- Settling the tax.
- Putting it on the invoice separately.

- Reporting % of non-recycled plastic.
- Registering for excise duty on non-reusable plastic packaging.
- Keeping accounts of the products covered by the tax and, where appropriate, of the raw materials needed to obtain them.
- Taxpayers making intra-Community acquisitions must keep a stock record book and submit it to the Ministry of Finance's management office.
- Imports must state the quantity of non-recycled plastic imported and, if applicable, the exemption for Community purchase or import of less than 5 kilograms of plastic.
- Taxpayers not established in Spanish territory must appoint a natural or legal person to represent them.

This section covers recent courses of action taken by the private sector in Spain, The following are highlighted:



Tap and valve manufacturers, represented by AGRIVAL (*Asociación Nacional de Fabricantes de Grifería y Valvulería* - National Association of Tap and Valve Manufacturers), have reported non-compliance with Spain's current tap legislation, due to the lack of quality **with its consequent impact on people's health through the migration of toxic metals and on water saving, due to the lack of a watertight seal**. All this results in unfair competition for companies that are committed to the quality of their products.

The legal grounds for the unmet requirements are set out in the following provisions:

- Spanish Royal Decree 358/1985 of 23 January 1985, which establishes that sanitary fittings for use in sanitary premises, kitchens and laundries are subject to technical standards and are approved by the Ministry of Industry and Energy (BOE 22/03/1985).
- Order of 15 April 1985, on technical standards for sanitary fittings for use in body hygiene premises, kitchens and laundries and their approval by the Ministry of Industry and Energy (BOE 20/04/1985).
- [Spanish Royal Decree 145/2023 of 28 February](#), amending various regulatory standards on industrial safety to adapt them to the principle of mutual recognition.

Furthermore, regarding the certification of sanitary fittings, the fifth additional provision of Spanish Royal Decree 2200/1995 states that

"The concepts of product approval, type approval and type registration, established as mandatory in regulatory provisions on industrial safety, in force at the entry into force of this Spanish Royal Decree, are replaced (...) by (...) certifications of conformity with regulatory requirements, issued by the Control Bodies established in Chapter IV of the Regulation approved by this Spanish Royal Decree, in accordance with the corresponding regulatory provisions."

The procedure followed in the 2023 campaign consisted in the purchase and subsequent laboratory technical analysis of a broad spectrum of the most widely bought products of different national and foreign manufacturers, marketed through the different physical channels and online platforms operating within the country. AGRIVAL buys the entire range of first and second price consumer taps and fittings from different Spanish manufacturers, including Agrival's members, and foreign manufacturers, from retail shops, distributors/wholesalers, DIY and online platforms operating in Spain.

With the collaboration of AGRIVAL-member companies, ENAC-accredited laboratories conducted a technical and functional analysis, checking the following parameters:

- **Leaktightness.** The tap is checked for leaks or any type of water seepage. Standard UNE 19703 "Sanitary fittings. Technical specifications".
- **Salt spray.** The corrosion resistance of the tap's surface coating is checked. Standard UNE-EN 248 "Sanitary fittings. General technical specifications for Ni-Cr electrolytic coatings".
- **Alloys.** The tap body must comply with certain brass alloys, which have a high resistance to corrosion. This Market Observatory validates both Spanish and more restrictive European standards. European Initiative 4MS and the UNE-EN 1982 Standard "Copper and copper alloys. Ingots and castings".
- **Packaging.** The packaging is checked to see if it is correct and whether it has any recognized certification or approval.

The following campaign results were announced:

- Technical failure results totalled **79%** (including the salt spray test) of which **27%** (excluding the salt spray test) were **serious failures involving legislative incompatibility in reference to materials used in tap manufacture and/or technical failures in the mechanisms**, which may cause damage to users and installations.
- In the distribution of total technical failures by product type, **kitchen taps** had the highest percentage with **91%** (including the salt spray test) of which **43%** (excluding the salt spray test) involved **serious failures**.
- The **sales channels where the highest number of faulty products were found** were the **online marketplaces** with **94%** of technical failures, (including the salt spray test) of which **42%** (excluding the salt spray test) **were serious failures**, followed by retail shops with **84%** of technical failures, (including the salt spray test) of which **52%** (excluding the salt spray test) **were serious failures**. The **DIY channel** with **80%** of technical failures (including the salt spray test) of which **25%** (excluding the salt spray test) **were serious failures**. The **wholesaler/distributor channel had the lowest number of failures**, with **62%** of technical failures (including the salt spray test) of which only **7%** (excluding the salt spray test) **were actually serious failures**.
- **42%** of product **packaging** samples included product information mistakes.
- As for **products certified** by Ministry-recognized certification bodies, these samples were the only ones with **0% of serious failures**.

These results have been reported to the Subdirectorate-General for Industrial Quality and Safety of the Directorate General for Industrial Strategy and SMEs of the Ministry of Industry and Tourism.



Lighting manufacturers, represented by ANFALUM (*Asociación Española de Fabricantes de Iluminación* - Spanish Association of Lighting Manufacturers), have reported legal non-compliances in luminaires and associated equipment, which must comply, in addition to the advertised performance of the products, with the essential requirements of Directives and standards:

- Spanish Royal Decree 842/2002²³, of 2 August on the Low Voltage Electrotechnical Regulations.
- Spanish Royal Decree 187/2016²⁴, of 6 May, regulating the safety requirements for electrical equipment intended for use within certain voltage limits.
- Spanish Royal Decree 186/2016²⁵, of 6 May, regulating the electromagnetic compatibility of electrical and electronic equipment.
- Spanish Royal Decree 187/2011²⁶ of 18 February on the setting of ecodesign requirements for energy-related products. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products.

They are also particularly concerned about the implementation of the Ecodesign directive and the EPREL platform, which lead them to conduct a comprehensive analysis of websites of different establishments.

During 2023, in the campaign carried out as a supplementary activity to the Product Control Campaigns carried out by the Ministry of Industry and Tourism and the Industry Delegations of the Autonomous Regions, and in collaboration with the [Foundation for the Promotion of Industrial Innovation](#) (F2I2), some 60 pieces of equipment were visually analyzed. Out of these, 13 were selected for detailed study and testing within the scope of the applicable Directives.

The procedure followed for the campaign was as follows: ANFALUM invests a sum of money, which a Mystery Shopper from the F2I2 uses to buy the product present in the industry. This Mystery Shopper is a member of staff of LCOE, which is the ENAC accredited laboratory that performs all the relevant tests for each device and sends us the results of the test reports for each device. This is all done in full compliance with market inspection procedures, regulations and directives.

For several years now, all the products inspected have been LED technology and, in addition to the usual electrical safety tests, can also be tested for electrical safety:

- **Electromagnetic compatibility:** this evaluates phenomena that are very important for the operation and disturbances of luminaires in relation to the equipment and installations to which they belong and even to those around them. In view of this year's results, it is noteworthy that **this is the first time that the degree of compliance with the tests is almost total.**
- **On safety aspects, only two out of the 11 pieces of equipment** inspected complied with all the requirements assessed, and specifically this year no very serious non-conformities were detected, most of them being less serious errors (6).

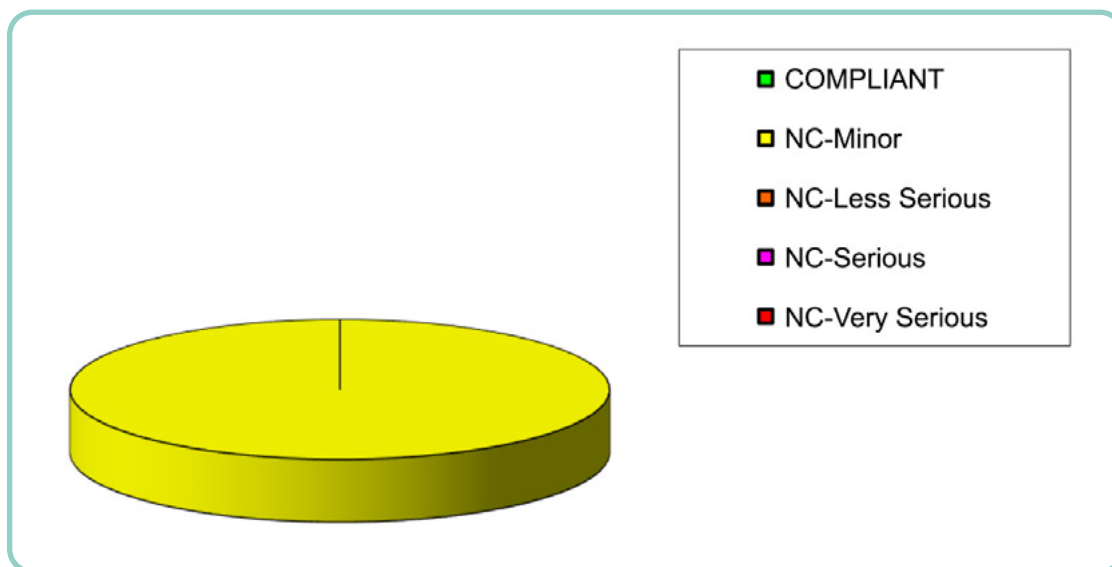
²³ <https://www.boe.es/eli/es/rd/2002/08/02/842>

²⁴ <https://www.boe.es/eli/es/rd/2011/02/18/187>

²⁵ <https://www.boe.es/eli/es/rd/2016/05/06/186>

²⁶ <https://www.boe.es/eli/es/rd/2011/02/18/187>

The tests were carried out on two **1.5 m, 22-24W replacement LED tubes** for garages, offices, corridors, large rooms with only minor marking non-compliances:



According to the results obtained, the following courses of action have been taken:

- Those involved are usually informed if possible, to respond to the possibility that it is a discontinued product, or to send new products for testing in case there is a problem with the product that was tested.
- If no reply is received, the competent authorities are informed, depending on where the product was purchased.
- These results were reported at ANFALUM's assembly held in December, which is public, so that the specialized press and any other types of press concerned that may consider it necessary can access the information.



Manufacturers and importers of household appliances represented by APPLiA SPAIN (*Asociación Española de Fabricantes e Importadores de Electrodomésticos* -Spanish Association of Manufacturers and Importers of Household Appliances), have reported non-compliance on waste, energy efficiency and warranty.

a) Some of the identified waste-related non-compliances are:

- Non-compliance with both Spanish Royal Decree 1055/2022 on packaging and packaging waste and Spanish Royal Decree 110/2015 on waste electrical and electronic equipment, mainly due to the high number of frauds involving certain third-country imports, **with imported products lacking declarations as to whether they comply with these and other regulations.**

- A very serious problem is the non-management of packaging and equipment waste at the end of its lifecycle, overlooking whether they belong to Extended Producer Responsibility (EPR) systems or, even if they do, making market placement declarations which are well below the actual data. This causes unfair competition vis-à-vis manufacturers that comply with their responsibilities, which presupposes an additional cost that the non-compliers have no intention of assuming.
- Of particular concern is the high incidence of non-compliance with regard to marketplace selling on online sales platforms.

b) Some of the energy efficiency-related non-compliances identified are:

- There are concerns about the advertising of non-existent energy classes on products that are not legislated for, which implies unfair competition resulting from a legal breach according to the Energy Labelling Framework Regulation 2017/1369.

c) Some of the warranty-related non-compliances identified are:

- Irregularities have been found in the information provided regarding the warranty of this type of product, as it is not up to date with current legislation, as well as providing the obligatory information to consumers in a language other than Spanish (Spanish Royal Decree 1/2007 on Consumers and Users).

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

Waste:

- Spanish Royal Decree 1055/2022²⁷, of 27 December, on packaging and packaging waste, Articles 15 and 16 (Register of Producers), Article 14 (marking) and Articles 28, 35 and 41 (financial responsibility).
- Spanish Royal Decree 110/2015²⁸ of 20 February on waste electrical and electronic equipment, Articles 7 (marking), Article 8 (Register of WEEE-IIR producers), Article 25 (collection of WEEE via SRAP) and Article 38 (extended producer responsibility obligations).

Energy efficiency:

- Regulation (EU) 2017/1369²⁹ of the European Parliament and of the Council of 4 July 2017 establishing a framework for energy labelling and repealing Directive 2010/30/EU, Article 6.d (other obligations on suppliers and distributors).

Warranty:

- Spanish Royal Legislative Decree 1/2007³⁰, of 16 November, approving the revised text of the General Law for the Defence of Consumers and Users and other complementary laws, Articles 18.3 and 120.

²⁷ <https://www.boe.es/eli/es/rd/2011/02/18/187>

²⁸ <https://www.boe.es/eli/es/rd/2015/02/20/110>

²⁹ <https://eur-lex.europa.eu/eli/reg/2017/1369/oj/eng>

³⁰ <https://www.boe.es/eli/es/rdlg/2007/11/16/1/con>

The campaign conducted throughout 2022 focused on the following products and/or services:

1. Safety:

Review, purchase and testing (in an accredited laboratory) of small household appliances to verify compliance with the Low Voltage Directive, by the Association itself. We are working with the Ministry of Consumer Affairs to indicate the main non-compliances detected in the reviews conducted by the Association, to allow the Ministry to draft the strategic plan focused on these non-compliances.

2. Energy efficiency and safety:

We are working with the Ministry of Industry, Trade and Tourism to suggest, based on experience, typical aspects and products suspected of non-compliance, for them to take into account in their control campaigns (energy efficiency and safety).

3. Waste:

Administrative complaints have been lodged with the Autonomous Regions about non-compliance with both Spanish Royal Decree 1055/2022 on packaging and packaging waste, and Spanish Royal Decree 110/2015 on waste electrical and electronic equipment, mainly due to the high number of fraudulent imports from third countries, with **imported products lacking declarations as to whether they comply with these and other regulations.**

The procedure followed for the 2023 campaign was as follows: Detection of potentially non-compliant companies and/or products in physical or online shops, both in formal and technical aspects. Subsequent verification of non-compliances both by the association's staff and, if necessary, by testing in an accredited laboratory. Subsequently, reporting to the authorities and informing the distributors where the products are being marketed.

The following results have been announced:

- The tests carried out in an accredited laboratory, detected certain products with serious safety breaches (electric shocks, sharp edges, excessive temperatures liable to burn users). The campaign also detected several producers who are not registered in environmental registers such as the WEEE-IIR.
- The campaign inspected a total of more than 300 brands, and more than 100 complaints have lodged with the competent authorities in the Autonomous Regions.

According to the results obtained, the following courses of action have been taken:

- They have been reported to the competent authorities of the Autonomous Regions and the Ministries to which they report, but as far as we are aware, the competent Autonomous Regions have initiated any proceedings once the complaints have been received.
- The Association issued a press release to inform the industry that it was launching the surveillance campaign, and has yet to issue another press release with the results obtained one year after the start of the campaign.



Paints and printing ink manufacturers, represented by ASEFAPI (*Asociación Española de Fabricantes de Pintura* - the Spanish Association of Paint Manufacturers), highlight the commitment to compliance with current legislation and free competition regulations as one of the organization's cornerstones.

In this context, the Association has a purpose-designed channel for reporting possible breaches and practices contrary to the law that affect both competition in the market and consumer interests.

Last year the Association carried out checks on the fraudulent content of 4 litre and larger containers which revealed situations where the advertised content did not match the actual content. The competent consumer authority carried out the appropriate checks and fined the companies involved in this practice.



The European Toner and Inkjet Remanufacturers Association (ETIRA) has been finding and denouncing that the consumables remanufacturing industry and the priority reuse of such consumables is subject to tremendous unfair competition.

This represents **mass, uncontrolled dumping** of products in breach of the requirements of Regulation (EU) 2019 /1020, as well as the General Product Safety Regulation (EU) 2023 /988 (GPSR). It also involves infringements of Regulation (EC) 1907/2006³¹ of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) and the safety of consumers and users is by no means guaranteed.

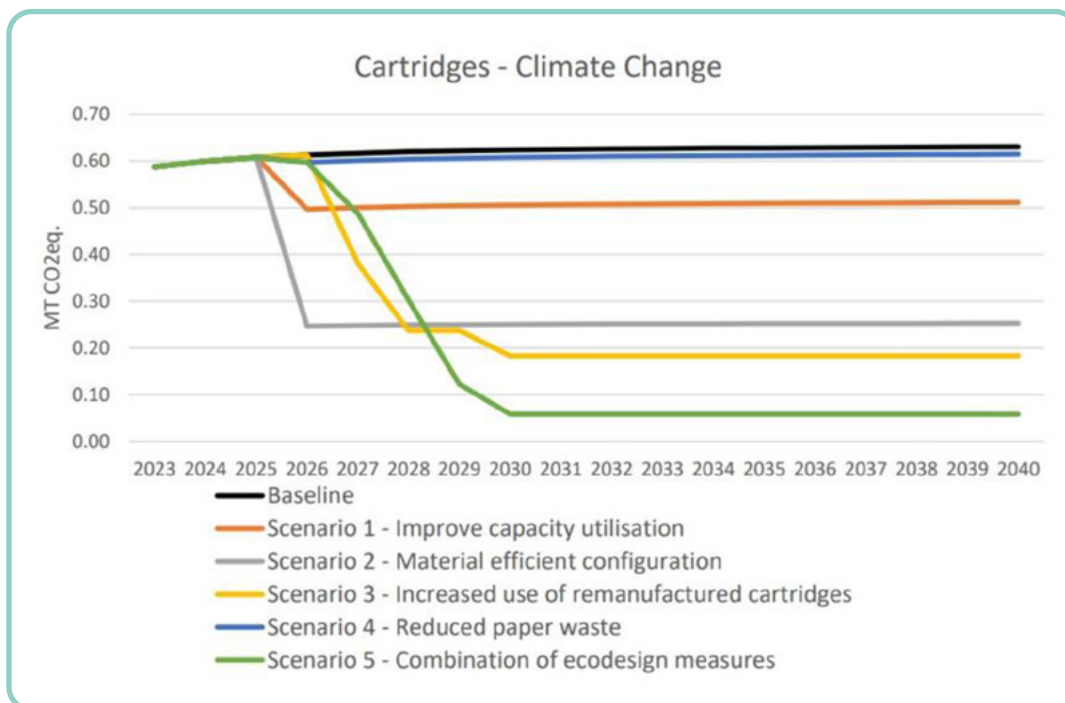
An investigation carried out on a sample of 300 **non-original cartridges** originating in China concluded that **none of them were legal**, and were in breach of the aforementioned regulations, Spanish Royal Decree 110/2015³² of 20 February on waste electrical and electronic equipment and other regulatory precepts (LVD, CLP, EMC).

Despite this, these products continue to circulate without any controls, bypassing the protection provided by these regulations, which simply do not exist. This results in a "cascade effect" in which non-compliant products, which cannot be remanufactured or reused, severely damage the consumable's reusability.

³¹ Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No. 793/93 and Commission Regulation (EC) No. 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2006:396:TOC>.

³² <https://www.boe.es/eli/es/rd/2015/02/20/110>

This **"uncontrolled, dispersed dumping"** is estimated to amount to between 30,000 and 40,000 tonnes of WEEE a year. By way of illustration, 5,000 tonnes of such waste were found in a warehouse in Murcia alone.



Source: Joint Research Center (JRC) of the European Commission.

The price level of public tenders, the relative laxity in the requirement of legal compliance, or even the lack of controls on the consumables delivered, together with the difficulty of their collection given their **"negative"** value, lead us to deduce that a major player in this problem may unfortunately be the public administration. These illegal consumables lack the slightest technical and environmental quality and respect for users' health, and are a clear example of **"unfair competition"**. There is also no end-of-life solution, so they end up in illegal landfills on a massive scale.

9.3 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 for Professional Use" cluster seeks to address problems caused by non-compliance of electrical, electronic and construction 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:



Air conditioning equipment manufacturers, represented by AFEC (*Asociación de Fabricantes de Equipos de Climatización* - Association of Air Conditioning Equipment Manufacturers), have reported problems of legal non-compliance in the industry and which are of particular concern to the organization and in this regard, continue to monitor this type of non-compliance and to publish news in this respect in the following cases:

a) Non-compliances arising from indoor air quality requirements in schools and nursery schools

Most schools and kindergartens do not have mechanical ventilation and CO₂ measurement systems to meet the requirements. Natural ventilation (opening windows) is used randomly and without any control, leading to issues such as a lack of comfort and energy efficiency, because heating system heat is wasted in winter, and pupils are exposed more to allergy problems in spring.

The legal basis for the unmet requirements may be found in [Regulation on Thermal Installations in Buildings](#), (RITE in its Spanish acronym), in *Technical Instruction 1.1.4.2 Indoor air quality requirement*, which states that these buildings shall have a ventilation system to provide a sufficient flow of outside air to prevent high concentrations of pollutants forming in the different premises where human activities occur. It also defines the minimum indoor air quality category (IDA) that must be met, which in these two cases is as follows:

- Nursery schools - IDA 1 (optimum air quality): the same as for hospitals, clinics and laboratories.
- Classrooms - IDA 2 (good air quality): the same as for offices, nursing homes (common rooms of hotels and similar, old people's homes and students' halls of residence), reading rooms, museums and courtrooms.

b) Non-compliances arising from the obligations set out in the different European ecodesign regulations

This is still the case in the HVAC market. Unfair competition means loss of business for compliant companies who have invested resources in adapting products and testing them to the relevant standards, and who are sometimes faced with low-cost offers from companies that have not incurred compliance costs.

The following regulations form the legal basis for the requirements that are not met:

- Commission Regulation (EU) No. 327/2011³³ of 30 March 2011 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for fans driven by motors with an electric input power between 125 W and 500 kW.
- Commission Regulation (EU) No. 206/2012³⁴ of 6 March 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for air conditioners and comfort fans.
- Commission Regulation (EU) No. 813/2013³⁵ of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters.
- Commission Regulation (EU) No. 814/2013³⁶ of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water heaters and hot water storage tanks.
- Commission Regulation (EU) No. 1253/2014³⁷ of 7 July 2014 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for ventilation units.
- Commission Regulation (EU) No. 2016/2281³⁸ of 30 November 2016 implementing Directive 2009/125/EC of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy-related products with regard to ecodesign requirements for air heating products, cooling products, high temperature process chillers and fan coil units.

(c) Non-compliance arising from misleading technical support services

Existence of misleading technical support service websites that use logos, brands and/or commercial names of many of the AFEC member companies, without being these companies' official authorized technical support service.

33 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011R0327&qid=1739811420557>

34 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R0206&qid=1739811508684>

35 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0813&qid=1739811588083>

36 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0814&qid=1739811706452>

37 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R1253&qid=1739811758300>

38 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R2281&qid=1739811808401>

(d) Non-compliance arising from the use of illegal and dangerous refrigerants

For years, the Association has been reporting the massive use of illegal and dangerous refrigerants in the servicing and maintenance of air conditioning equipment, mainly to replace R-134a, R-410A and R-32. These refrigerants are illegal because they are not registered in the Spanish Safety Regulations for Refrigeration Installations (RSIF in its Spanish acronym), which is a prerequisite for their use in these applications, and under the false claim that they are "ecological" and are tax-free, they are used without bearing in mind that they are extremely inflammable and hazardous. Why? Because they are used in equipment that is not designed to use these highly inflammable products and is usually handled by non-certified and/or non-qualified personnel, causing serious risks to people and property.

The following regulations form the legal basis for the requirements that are not met:

- Spanish Royal Decree 552/2019³⁹, of 27 September, approving the safety regulations for refrigeration installations and their complementary technical instructions.

The campaigns conducted in 2023 focused on the following products and/or services:

(a) Indoor air quality requirements in educational establishments and nursery schools

Air cleaning and purification equipment for air quality improvement; filters; air diffusion, distribution and treatment systems; measuring and monitoring systems; regulation and control systems.

b) The obligations laid down in the various European ecodesign regulations

In general, HVAC equipment: heating; air conditioning; ventilation; heat pumps; air diffusion, distribution and treatment systems; measurement and monitoring systems; regulation and control systems; etc.

(c) The existence of misleading technical services

In general, HVAC equipment: heating; air conditioning; ventilation; heat pumps; air diffusion, distribution and treatment systems; measurement and monitoring systems; regulation and control systems; etc.

(d) The use of illegal and dangerous refrigerants

Refrigerants, and all HVAC equipment based on them.

In the light of these results, the Association has collaborated with other organizations to take the information to SEPRONA (the Environmental Protection Service) and the Civil Guard, who have carried out operation "ECOGAS" and made arrests and seizures. Details can be found in the following links:

<https://www.coolingpost.com/world-news/hydrocarbons-being-sold-as-f-gas-replacements/>

<https://www.ideal.es/granada/cae-empresa-granada-vendio-toneladas-gases-refrigeracion-20240712095958-nt.html>

39 <https://www.boe.es/eli/es/rd/2019/09/27/552>



The metalworking, furniture, wood, packaging, transport and related industries sectors, represented by AIDIMME, (*Instituto Tecnológico metalmecánico, mueble, madera, embalaje y afines* - Metalworking, Furniture, Wood, Packaging and Related Industries Technological Institute), have reported legal non-compliances detected in AIDIMME's technical laboratories that test furniture, wood products, lighting and wooden packaging:

- The wood-based panels and furniture sector is concerned about the limited formaldehyde emission limit-checks being made on furniture imports. Domestic manufacturers comply with very strict formaldehyde emission limits, which leads to higher final product costs. From 2026 the obligations of Regulation (EU) 2023/1464 limiting formaldehyde emissions from all articles that may be present inside buildings or vehicles will enter into force. Thereafter, there should be greater control in this respect on goods entering the Single Market in order to avoid major economic consequences for European manufacturers.
- For several years now, and more and more, enquiries have been coming in from companies importing products from China, mainly plywood and wood flooring. Both products are CE marked as construction product RPC no. 305/2011, applying the harmonized standards EN 13986 and EN 14342, respectively. These importers are seen to be totally unaware of the legislation applicable to their products, complaining that they have been buying these products for many years and have not had any problems until now. The SOIVRE asks them for the corresponding declaration of performance and Initial standard reports. The companies start by providing some test reports provided by the Chinese manufacturer, which the SOIVRE does not trust, and in many cases neither the fire reaction or formaldehyde emission tests are carried out by a Notified Body. The SOIVRE stops the container at the port and asks the company to provide all the documentation required by law regarding CE marking.
- AIDIMME remains in contact with the SOIVRE and is conducting furniture safety tests (UNE-EN), which are covered by the SOIVRE's surveillance protocol, and in 2023 focused on children's furniture and seating in general. When the SOIVRE cannot check the validity of the reports because they are not traceable, this furniture is selected and tested for compliance before crossing the border. Random selection tests are also conducted as part of campaigns involving a certain type of furniture. Throughout 2023, some imported products were found to be non-compliant with the relevant regulations, and yet they can still be found and bought on the Spanish market. These products include toilet seats and plastic stools, and this represents unfair competition between importers, because some sell a lower quality product in terms of safety and bypass these entry barriers that other products do comply with. In other words, cheaper, unsafe products come onto the market and will be sold in large quantities due to their attractive price.
- TARIC codes not fit for purpose.
- Certificates that appear not to be legal, which is why the SOIVRE wishes to check their traceability.
- Panels for use in construction that are passed off as for use in other industries (that do not have to comply with CE marking).
- Packaging (in our case, wooden packaging): a sensitive industry-wide concern due to the area it covers (food-health contact) is compliance with food contact legislation. Any raw material or article intended to come into contact with food must have a Declaration of Conformity (Regulation 1935/2004) and these are currently rare. This lack of documentation for the most part and price competition means that the parties marketing these articles are encouraged to use unsuitable materials and that consumers are exposed to products that are unsuitable for use in contact with foodstuffs with the relevant consequences.

- Non-conformities are observed in luminaires and lighting fixtures imported from Asia corresponding to the phenomena of radiated and conducted electromagnetic emissions according to UNE-EN 61000-3-2, UNE-EN 61000-3-3 and UNE-EN 55015.

The following regulations form the legal basis for the requirements that are not met:

(a) FORMALDEHYDE and other VOCs:

- Regulation (EU) No. 305/2011 laying down harmonized conditions for the marketing of construction products. Formaldehyde emission classification is required for some products, including wood-based panels or floor and wall coverings.
- German legislation for wood-based panels and furniture: "*Ordinance on bans and restrictive measures for marketing of hazardous substances, preparations and products according to the Chemicals Act (ChemVerbotsV - Chemical Prohibition Regulation)*".
- French legislation on the labelling of construction products: *Décret no. 2011-321 du 23 mars 2011 relatif à l'étiquetage des produits de construction ou de revêtement de mur ou de sol et des peintures et vernis sur leurs émissions de polluants volatiles*.
- United States for wood-based panels and all products made from such panels: *US EPA 40 CFR Part 770 Toxic Substances Control Act (TSCA) Title VI - § 770.7 (c)(4)(i), Formaldehyde Emission Standards for Composite Wood Products*.
- Canada, same requirements as in the USA: *Formaldehyde Emissions from Composite Wood Products Regulations CANFER*.
- From August 2026, Regulation (EU) 2023/1464 amending Annex XVII of REACH Regulation (EC) No. 1907/2006 as regards formaldehyde and formaldehyde releasers, will apply to all products inside buildings or vehicles.

(b) PANELS FOR CONSTRUCTION USE

- CE marking: Product Regulation.

c) FURNITURE

- Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety. Article 9: Obligations of manufacturers.
- Spanish Royal Decree 330/2008 of 29 February 2008 adopting **import control** measures for certain products with regard to the applicable product safety standards.
- Regulation (EC) No. 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food. Article 16. Example of content in a declaration of compliance in Annex IV of Regulation 10/2011.

(d) LIGHTING

- UNE-EN 61000-3-2, UNE-EN 61000-3-3 and UNE-EN 55015.

e) REACH, ROHS

There is no information about non-compliance.

The campaigns conducted in 2023 focused on the following products:

- **FURNITURE**

AIDIMME's furniture laboratory has not conducted any campaign of its own, but it is aware of clients who carry out internal furniture safety campaigns, in which AIDIMME's laboratory has been involved in performing safety tests (for example, large supermarkets that sell furniture kits for the home, auxiliary furniture and outdoor furniture).

- **BOARDS**

Formaldehyde: AIDIMME technicians periodically inspect wood-based panel factories to verify the formaldehyde emissions of their products. Around 100 inspections per year, on an ongoing basis.

- **PACKAGING**

AIDIMME has taken part in studies (lead by business associations) on the suitability of medium density fibreboard and plywood for use in fruit and vegetable packaging. One of the studies was carried out around 2021-2022 and the other is earlier (not in 2023).

- **LUMINAIRES**

Consumption controls have been carried out on sockets with lighting in accordance with the UNE-EN 60598-2-12 Standard and luminous garlands in accordance with the UNE-EN 60598-2-20 Standard.

The campaign has been carried out for:

- **PACKAGING AND FURNITURE**

Industry associations and companies, not with the Administration.

- **BOARDS**

Formaldehyde: No, it is financed by the companies themselves for compliance with legislative requirements. In the case of verification of the requirements indicated by US legislation, The campaign is being conducted as a US *Environmental Protection Agency* (EPA) approved certification body.

- **LUMINAIRES**

AVACU Valencian Association of Consumers and Users.

Galician Regional Government.

The procedure was as follows:

- **PROCESS A**

Samples are chosen by whoever pays for the work and sent to AIDIMME's facilities for the study.

- **PROCESS B**

Formaldehyde: AIDIMME inspectors take random samples of certified wood-based panels, check that they maintain the manufacturing conditions and, finally, in the laboratory, check that formaldehyde emissions continue to comply with existing legislative requirements (in the USA, in Germany, or in the case of CE marking).

- **PROCESS C**

Samples tested for analysis or counter-analysis are delivered complete to the laboratory with their warning seal.

After following these processes, these were the results obtained:

- Formaldehyde: a large percentage of the samples complied with low formaldehyde emissions, allowing the factories to keep their certificates valid. However, the tests did detect some exceptional cases in which products did not comply with the legal requirements and the certificates have been withdrawn. It should be borne in mind that this product is manufactured in Spain.
- The rest of the products tested in retail outlets have a non-insignificant percentage of failures.

Courses of action taken in line with the results:

- Formaldehyde: in the case of US EPA TSCA Title VI legislation, the competent authorities are informed (it is an obligation for certifiers to inform the EPA if products exceeding the formaldehyde emission limit are detected). In all other cases, only the company is informed and the certificates issued by AIDIMME for that product are withdrawn.
- For the rest, as they are contracts of associations or companies, the latter are informed of the results and no further action is taken.



Lighting manufacturers, represented by ANFALUM (*Asociación Española de Fabricantes de Iluminación* - Spanish Association of Lighting Manufacturers), have reported legal non-compliances in luminaires and associated equipment, which must comply, in addition to the advertised performance of the products, with the essential requirements of Directives and standards:

- Spanish Royal Decree 842/2002⁴⁰, of 2 August on the Low Voltage Electrotechnical Regulations.
- Spanish Royal Decree 187/2016⁴¹, of 6 May, regulating the safety requirements for electrical equipment intended for use within certain voltage limits.
- Spanish Royal Decree 186/2016⁴², of 6 May, regulating the electromagnetic compatibility of electrical and electronic equipment.
- Spanish Royal Decree 187/2011⁴³ of 18 February on the setting of ecodesign requirements for energy-related products. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products.

They are also particularly concerned about the implementation of the Ecodesign directive and the EPREL platform, which led them to conduct a comprehensive analysis of websites of different establishments.

During 2023, in the campaign carried out as a supplementary activity to the Product Control Campaigns carried out by the Ministry of Industry and Tourism and the Industry Delegations of the Autonomous Regions, and in collaboration with the [Foundation for the Promotion of Industrial Innovation](#) (F2I2), some 75 items of equipment were visually analyzed. Out of these, 11 were selected for detailed study and testing within the scope of the applicable Directives.

The procedure followed for the campaign was as follows: ANFALUM invests a certain amount of money, which a Mystery Shopper from the F2I2 uses to buy products present, which are then sent to an ENAC-accredited laboratory, in this case the LCOE, which conducts all the relevant tests for each device and sends us the results of the test reports for each device.. This is all done in full compliance with market inspection procedures, regulations and directives.

For several years now, all products inspected have been LED technology and, in addition to the usual electrical safety tests, tests can also be carried out on:

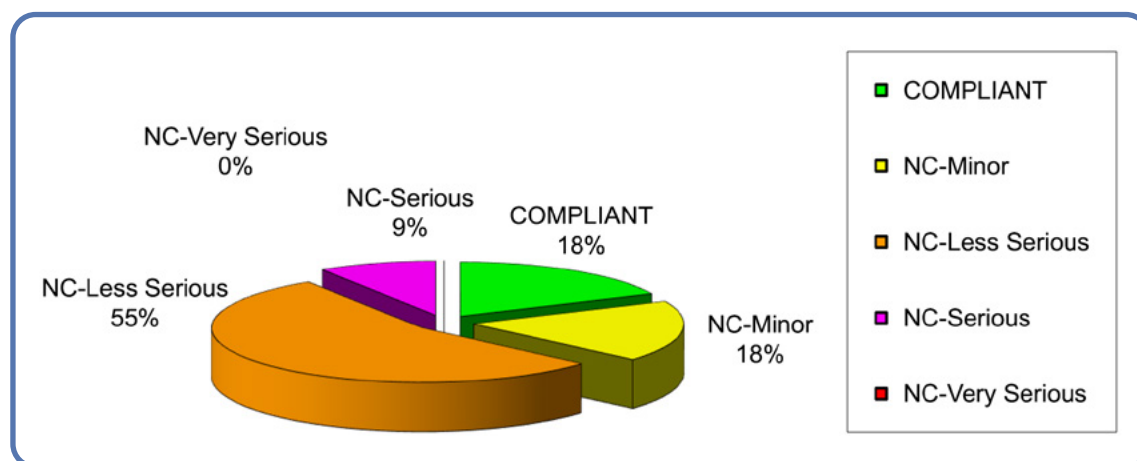
- **Electromagnetic compatibility:** this evaluates phenomena that are very important for the operation and disturbances of luminaires in relation to the equipment and installations to which they belong and even to those around them. In view of this year's results, it is noteworthy that **this is the first time that the degree of compliance with the tests is almost total.**
- **On safety aspects, only two out of the 6 pieces of equipment** inspected complied with all the requirements assessed, and specifically this year no very serious non-conformities were detected, most of them being less serious errors (6).

⁴⁰ <https://www.boe.es/eli/es/rd/2002/08/02/842>

⁴¹ <https://www.boe.es/eli/es/rd/2011/02/18/187>

⁴² <https://www.boe.es/eli/es/rd/2016/05/06/186>

⁴³ <https://www.boe.es/eli/es/rd/2011/02/18/187>



The following results were obtained:

BREAKDOWN OF RESULTS OF INSPECTIONS WITH TESTING BY TYPE OF EQUIPMENT IN 2023					
	COMPLIANCE	NON-COMPLIANCE			
		Minor	Less Serious	Serious	Very Serious
NON-LED LIGHTING	0	0	0	0	0
LED LIGHTING					
Electrical safety					
Replacement and spare LED tubes	0	2			
Fixed bell-type luminaire				1	
Outdoor LED floodlights	2		6		
Electromagnetic Compatibility					
Performance and Features					
Subtotal	2	2	6	1	0
TOTAL		11			

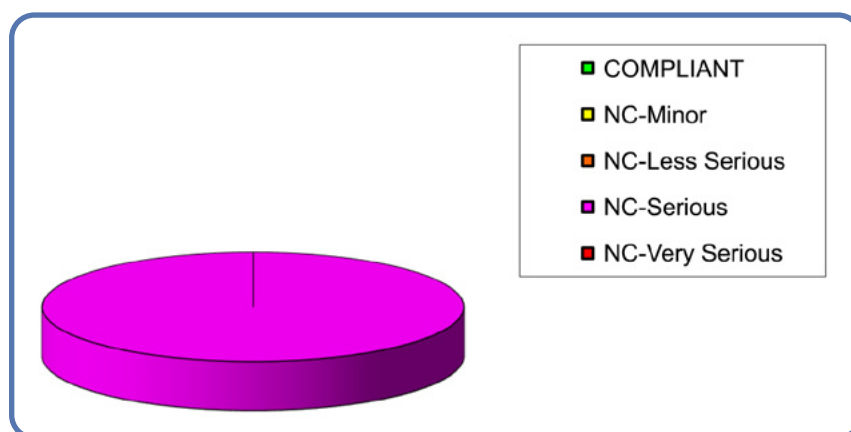
Only two items were compliant, although a further 18% were only slightly non-compliant. Therefore the degree of non-compliance was 64%, but only 9% involved serious and very serious non-compliance.

The following conclusions can be drawn from the campaign results:

- ANFALUM's 2023 inspection campaign of products from different families of widely-bought LED luminaires, components and lamps for professional use has focused heavily on the inspection of outdoor LED projectors, which is one of the most historically non-compliant families together with emergency lighting and some others.
- The second focus was on LED tubes and industrial hoods:
 - A 150W **fixed, bell-type luminaire** with hanging mounting system was found to be non-compliant as follows:
 - **Packaging and instructions for use:** no connection block is included and there is no specific information on packaging or instructions.
 - **Construction:** The lack of any tail assembly instruction information prevents any electric shock protection during installation.

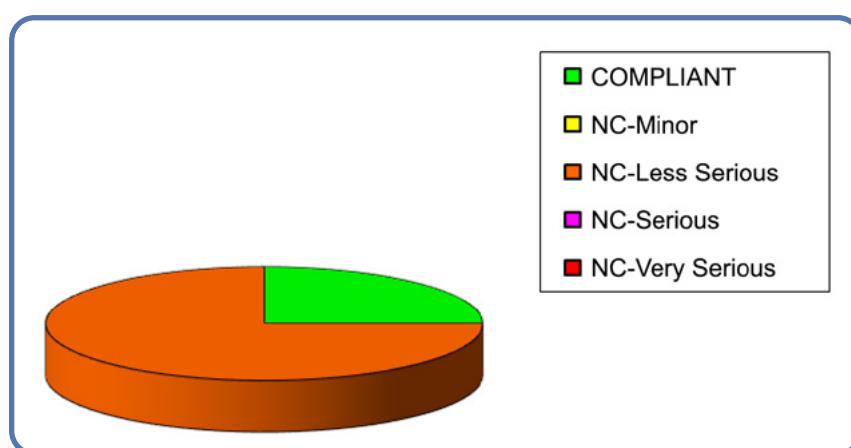
- **Dust, solid object and moisture resistance:** The IP65 luminaire does not comply with this requirement, because it has tails and does not define the type of watertight connection terminal for the degree of protection marked on it.

These products are for very specific use, but should not be allowed to fail to comply with such essential aspects, which are often a prelude to serious technical non-compliance or even a warning sign of a lack of quality in the product.



- **Outdoor projectors:** the mystery shopper purchased 3 x 100W, 1 x 73W, 3 x 50W and 1 x 30W projectors, and only two of them had no power cable, and were are precisely the ones that passed all the tests, the BLOOMA and GARZA brands.

Once again, this family's results were much better than in the past. This is an improvement, considering the more serious non-compliances found in the past, but this is a mass-marketed family, so it would be advisable to keep on insisting until all of them include adequate connection systems or information about them.



As for the Eco-Design part and the EPREL platform, as requested by ANFALUM, the first part of the campaign consisted of inspecting 30 light sources offered on the websites of agents affected by the energy labelling regulation, evaluating the information that the agents (manufacturers/importers/distributors) make available to potential buyers and/or users of energy labelled products.

After searching a wide range of websites, the inspectors visually analyzed about 50 devices on about 25 websites, and focused on **30 devices (14 lamps, 11 LED tubes and 5 different luminaires) from 15 online shops. To conduct a detailed study within the scope of the Energy Labelling Regulation:**

1. Firstly, they searched for websites with online sales of light sources, either from manufacturers or importers who sell their products directly (the fewest) or from distributors or final sales outlets, and of three different types:

General sales websites:

www.compraonline.alcampo.es

www.elcorteingles.es

www.carrefour.es

www.amazon.es

DIY and/or construction store websites:

www.obramat.es

www.bauhaus.es

www.leroymerlin.es

www.bricodepot.es

Websites of lighting manufacturers, or electrical warehouses or specialized lighting shops:

www.garza.es

www.efectoled.com/es/

www.lamparas.es

www.greenice.com/es/

www.barcelonaled.com

www.lamparadirecta.es

<https://tienda.madridramossierra.es/>

2. Secondly, they chose two specific products offered respectively on each of these websites, and then evaluated:

- The product "catalogue" page.
- The individual product page.
- The shopping cart page.

Then they recorded respective screenshots and entered the data in the corresponding tables. Specifically, they inspected the following items:

General sales websites:

www.compraonline.alcampo.es

1 light bulb and 1 LED tube

www.elcorteingles.es

1 light bulb and 1 LED tube

www.carrefour.es

1 light bulb and 1 LED tube

www.amazon.es

1 light bulb and 1 LED tube

DIY and/or construction store websites:

www.obramat.es	1 light bulb and 1 LED tube
www.bauhaus.es	1 light bulb and 1 downlight
www.leroymerlin.es	1 LED tube and 1 projector
www.bricodepot.es	1 light bulb and 1 LED tube

Websites of lighting manufacturers, or electrical warehouses or specialized lighting shops:

www.garza.es	1 light bulb and 1 LED tube
www.efectoled.com/es/	1 light bulb and 1 projector
www.lamparas.es	2 light bulbs
www.greenice.com/es/	1 LED tube and 1 rail projector
www.barcelonaed.com	1 light bulb and 1 downlight
www.lamparadirecta.es	1 light bulb and 1 LED tube
https://tienda.madridramossierra.es/	1 light bulb and 1 LED tube

Their conclusions:

a) On the general online shop websites:

- There is no EE or PEF of the models selected in the "catalogue" or in the "cart".
- In some countries, products are still marketed with old EE.
- EE was present on all the product pages inspected, but almost none of them contained PEFs. And almost none of them are positioned close to the price.

None of the selected online shops complied with the requirements of the Annex to Regulation (EU) 2019/2015: Information to be provided in case of distance selling on the Internet

b) On the online DIY shop websites:

- There is no EE or PEF of the models selected in the "catalogue" or in the "cart".
- There was no EE on the product pages inspected, except for BAUHAUS and LEROY MERLIN. And on BRICODEPOT's website, the EE of the inspected products are defective, and in general there is no PEF in any of them.

None of the selected online shops complied with the requirements of the Annex to Regulation (EU) 2019/2015: Information to be provided in the case of distance selling via the Internet.

c) On the websites of manufacturers' shops (GARZA, BARCELONA LED, GREENICE), electrical warehouses (RAMOS SIERRA) and specialized online lighting shops (EFECTO LED, LAMPARAS.ES and LAMPARADIRECTA.ES):

- Only LED EFFECT products made any reference to an EE, despite not being regulatory, but there was no EE reference in any of the others, or any PEF of the selected models in the "catalogue" or in the "cart".
- Some of the inspected product pages have something resembling an EE but in general there is no PEF on any of them.

None of the selected online shops complied with the requirements of the Annex to Regulation (EU) 2019/2015: Information to be provided in the case of distance selling via the Internet.

The results obtained led to the courses of action being taken:

- We normally inform those involved if possible, so that they can respond if it is a discontinued product, or send us new products for testing if there is a problem with the product that was tested.
- If no reply is received, the competent authorities are informed, depending on where the product was purchased.
- These results are reported at the ANFALUM assembly held in December, which is public and therefore information is available to the specialized press and any other interested parties.



The Spanish plumbing and gas company industry, represented by CONAIF (*Confederación Nacional de Asociaciones de Empresas Instaladoras y Mantenedoras de Energía y Fluidos* - National Confederation of Associations of Plumbing and Gas Companies), has reported that:

- The Confederation's partners have detected a proliferation of unauthorized refrigerants, advertised as substitutes for a wide range of banned refrigerants such as R-22 and current refrigerants such as R-32. In addition to the manifest non-compliance with the Safety Regulations for refrigeration installations, these refrigerants pose an imminent and serious danger to the safety of both users and handlers alike. The major threat lies in the fact that these refrigerants are recommended to replace non-flammable high-safety refrigerants, but these substances are unlawfully marketed highly flammable refrigerants. Secondly, it paves the way professional fraud, because it is so easy to purchase these products at different points of sale.

- The Autonomous Regions differ greatly in the extent to which they monitor F-gas marketing legislation (presentation of Appendices A and B accrediting that they have been installed by companies authorized to handle fluorinated gases), and each Region has a different procedure that acts as red tape for points of sale throughout the country. This often means that the procedure applicable is not very clear, so the point of sale does not report the non-compliance detected. This type of practice not only paves the way to professional fraud, also to the black economy, as well as being clearly detrimental to the environment. In some Autonomous Regions, we have found that the Authorities not only fine points of sale but also end users, who are ultimately responsible for complying with the obligations imposed by legislation.
- CONAIF has come across cases of misleading practices when it comes to offering potential customers more attractive installation deals. In these cases, the installation quotes include a reduced VAT rate to ensure a lower quote total. The problem is that this lower rate of VAT can only be applied in very specific situations that are regulated in legislation. This misleading practice, which in many cases uses the quote's small print to get round regulations, is seriously detrimental to installation companies, which have to fight against unfair competition.

The legal grounds for the unmet requirements are as follows:

- Spanish Royal Decree 552/2019⁴⁴, of 27 September, approving the safety regulations for refrigeration installations and their complementary technical instructions. IF-02
- Article 9 of Spanish Royal Decree 115/2017⁴⁵, of 17 February, which regulates the marketing and handling of fluorinated gases and equipment based on them, as well as the certification of professionals who use them and which establishes the technical requirements for installations that carry out activities that emit fluorinated gases.
- Section 20 of the Value Added Tax Act 37/1992⁴⁶ of 28 December.
- Spanish Royal Decree 919/2006⁴⁷, of 28 July, approving the technical regulation on the distribution and use of gaseous fuels and its complementary technical instructions ICG 01 to 11.
- Spanish Royal Decree 984/2015⁴⁸, of 30 October, which regulates the organized gas market and third party access to natural gas system facilities.
- Standard UNE- EN ISO/IEC 17025 General requirements for the competence of testing and calibration laboratories, Industrial Safety Regulation.

⁴⁴ <https://www.boe.es/eli/es/rd/2019/09/27/552>

⁴⁵ <https://www.boe.es/eli/es/rd/2017/02/17/115>

⁴⁶ <https://www.boe.es/eli/es/l/1992/12/28/37/con>

⁴⁷ <https://www.boe.es/eli/es/rd/2006/07/28/919>

⁴⁸ <https://www.boe.es/eli/es/rd/2015/10/30/984>



The manufacturers of heat generators and transmitters, represented by FEGECA (*Asociación de Fabricantes de Generadores y Emisores de Calor* - Association of Manufacturers of Heat Generators and Transmitters), have reported that the main problems of legal non-compliance in the thermal installations sector involve non-compliance with the regulatory standards that apply to heat generating and transmitting equipment, and the installation of such equipment.

The legal grounds for the unmet requirements are as follows:

- Spanish Royal Decree 919/2006⁴⁹, of 28 July, approving the technical regulation on the distribution and use of gaseous fuels and its complementary technical instructions ICG 1 to 11.
- Spanish Royal Decree 108/2016⁵⁰ of 18 March establishing the essential safety requirements for marketing of simple pressure vessels.
- Regulation EU 2016/426⁵¹ of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels.
- Spanish Royal Decree 275/1995⁵² of 24 February 1995 implementing European Community Council Directive 92/42/EEC on efficiency requirements for new hot water boilers fired with liquid or gaseous fuels, as amended by Council Directive 93/68/EEC.
- Eco-design Regulations:
 - Commission Regulation (EU) No. 813/2013⁵³ of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters.
 - Commission Regulation (EU) No. 814/2013⁵⁴ of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water heaters and hot water storage tanks.
- Energy Labelling Regulations:
 - Commission Delegated Regulation (EU) No. 811/2013⁵⁵ of 18 February 2013 supplementing Directive 2010/30/EU⁵⁶ of the European Parliament and of the Council with regard to energy labelling of space heaters, combination heaters, combined heater equipment, temperature control and solar device, and combined equipment of combined heaters, temperature control and solar devices.

49 <https://www.boe.es/eli/es/rd/2006/07/28/919>

50 <https://www.boe.es/eli/es/rd/2016/03/18/108>

51 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0426&qid=1739793931471>.

52 <https://www.boe.es/eli/es/rd/1995/02/24/275>

53 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0813&qid=1739794026138>

54 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0814&qid=1739794068659>

55 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0811&qid=1739794122311>

56 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010L0030&qid=1739794195626>

- Commission Delegated Regulation (EU) No. 812/2013⁵⁷ of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of water heaters, hot water storage tanks and packages of water heater and solar device.
- Spanish Regulation on thermal installations in buildings (RITE).
- Spanish Technical Construction Code (CTE).
- Spanish Royal Decree 115/2017⁵⁸, of 17 February, regulating the marketing and handling of fluorinated gases and equipment based on them, as well as the certification of professionals who use them and establishing the technical requirements for installations that carry out activities that emit fluorinated gases.

The equipment is subject to European Directives and Regulations on CE marking, Eco-design and Energy Labelling, which are not always complied with by the equipment marketed in our country. In addition, in certain equipment such as gas-fired equipment, the installation is crucial to ensure the safety and proper equipment operation.

The intrusion of professionals who do not have the necessary professional licences for the installation of equipment that certify that they are prepared and trained to handle combustible gases or refrigerant gases, such as those for handling refrigerated gases, or the use of refrigerant gases that are not permitted by the F-Gas and Safety in Refrigeration Installations regulations, RITE licences, gas licences, etc. leads to the equipment being installed improperly. These problems are detected when the equipment breaks down or is inspected, but in these cases the equipment is already installed and possibly operating with problems that can endanger user's health.

Another big problem is the sale of equipment through websites, mainly due to the fact that the products on the Internet are for a global market and there is no adequate information on which countries comply with the specific requirements of that product, even if they have the CE certificate, as in the case of gas appliances, they have requirements for pressures and gas compositions or combustion gas outlets that differ from those of the country where they are to be installed. For example, gas supply conditions can differ greatly from one country to another. The problem occurs when the user has already purchased the equipment and the installer comes to install it. In many cases, their installation is even prohibited, but once again this circumstance is detected when the equipment is installed and the installation has to be registered, which causes health risks and non-compliance with the regulations in force in our country.

An added problem with this sales channel is that the installation and operation manuals may not be in the language of the country of purchase, which makes it difficult to use the device correctly. Internet product sales must meet the same requirements as the sales outlets or channels in each country. If a country's regulations ban a product from being physically sold in a shop, it should not be possible to buy it on-line.

⁵⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0812&qid=1739794242156>

⁵⁸ <https://www.boe.es/eli/es/rd/2017/02/17/115>



Cement manufacturers, represented by OFICEMEN (*Agrupación de Fabricantes de Cemento de España* - Spanish Cement Manufacturers' Association), have reported that in Spain, courses of action are being taken to detect non-compliance with cement technical specifications. The impact that such non-compliance can have is unfair competition with respect to cement manufacturers that do comply, as well as a risk to the safety and durability of constructions.

The legal basis for the requirements that can be breached are:

- Spanish Royal Decree 256/2016⁵⁹ of 10 June, approving the Instruction for the reception of cements (RC-16) and the Correction of errors in Spanish Royal Decree 256/2016⁶⁰ of 10 June, approving the Instruction for the reception of cements (RC-16).
- Spanish Royal Decree 470/2021⁶¹ of 29 June, approving the Structural Code.

The following procedure is used to detect possible non-compliance:

- For AENOR quality-marked cements, the brand itself verifies compliance with the technical specifications by taking samples on the market on an annual basis.
- For concrete without AENOR mark, the taking of specific concrete samples and the tests defined in the official regulations are entrusted to ENAC-accredited companies and laboratories, for the analysis and verification of their technical specifications.

The campaign has been conducted throughout 2023 with the collaboration of different government agencies that have plans to control the quality of cements on the market.

According to the results obtained, the following courses of action have been taken:

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

No media coverage of the proceedings has been disseminated.

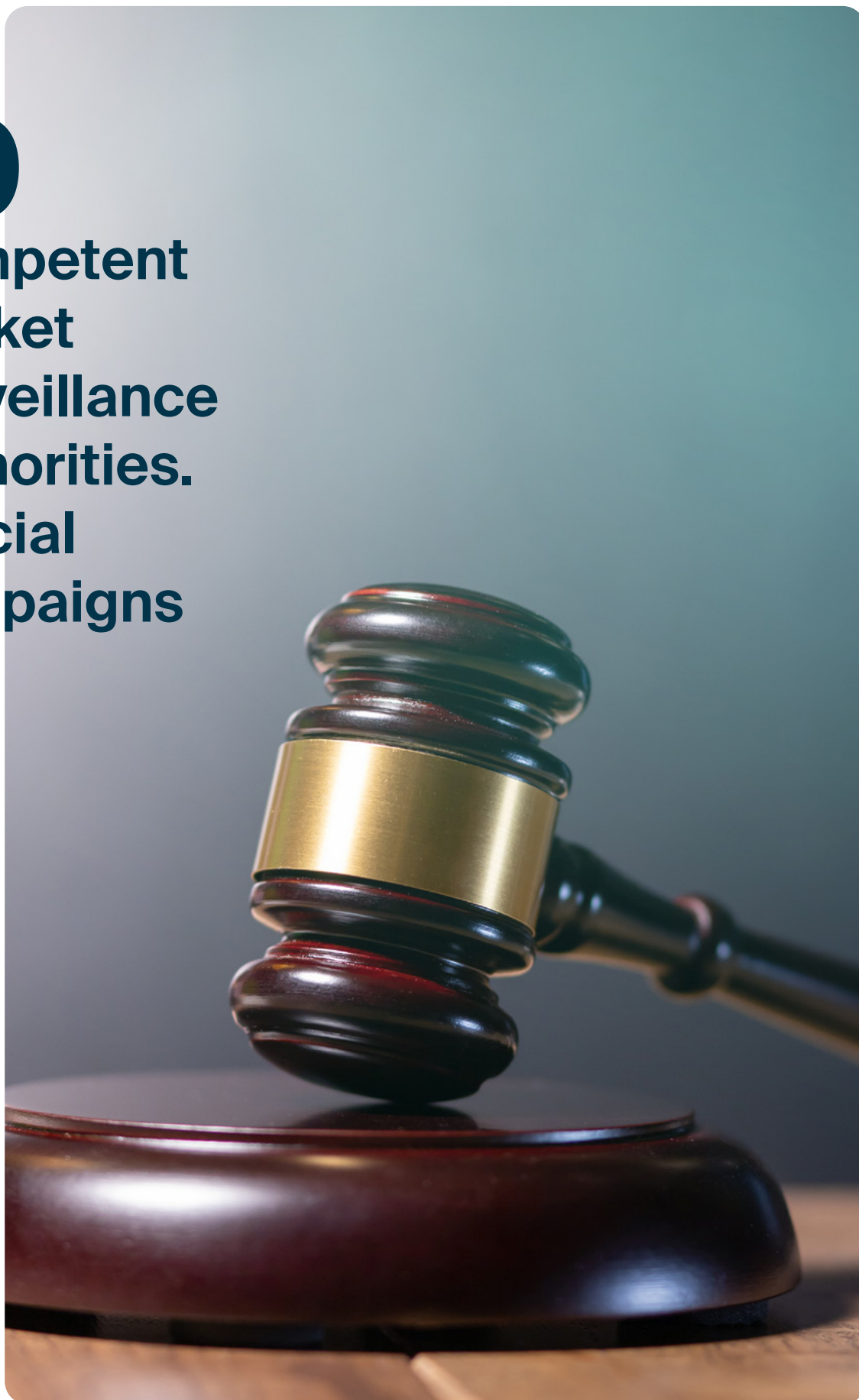
59 <https://www.boe.es/buscar/pdf/2016/BOE-A-2016-6167-consolidado.pdf>

60 <https://www.boe.es/boe/dias/2017/10/27/pdfs/BOE-A-2017-12282.pdf>

61 <https://www.boe.es/boe/dias/2021/08/10/pdfs/BOE-A-2021-13681.pdf>

10

Competent Market Surveillance Authorities. Official campaigns



10.1 Cooperation between national market surveillance authorities

- 1 Regulation (EU) 2019/1020: Single Liaison Office for Market Surveillance and Product Conformity
 - 1.1 General framework of the SLO
 - 1.2 Functions of the Single Liaison Office
- 2 Regulatory development
- 3 Single Liaison Office's activities
- 4 Other activities

1 Regulation (EU) 2019/1020: Single Liaison Office for Market Surveillance and Product Conformity

1.1 General framework of the SLO



As a result of the "Goods Package" project, which started in 2018, Regulation (EU) 2019/1020⁶² of the European Parliament and of the Council of 20 June 2019 on market surveillance and product conformity and amending Directive 2004/42/EC and Regulations (EC) No. 765/2008 and (EU) No. 305/2011 was approved.

The aim of strengthening market surveillance was justified by the experience gained with Regulation (EC) 765/2008 and a study commissioned by the European Commission which identified structural deficiencies in the single market for goods. These shortcomings included:

- The presence on the market of a large proportion of products, whether subject to harmonized legislation or not, which are neither safe nor legal, or which involve serious risks to consumers, or which are not of appropriate value and do not comply with the applicable legislation.
- Complexity of coordination due to the existence of more than 500 different market surveillance authorities in the EU.
- Lack of resources of market surveillance authorities (staff, budget, laboratory capacity), coordination and information exchange.

⁶² <https://eur-lex.europa.eu/eli/reg/2019/1020/oj/eng>

1.2 Functions of the Single Liaison Office

The minimum functions of the SLO which are regulated in Regulation (EU) 2019/1020 are to:

- Represent the coordinated position of national market surveillance authorities and authorities in charge of the control of products placed on the Union market.
- Report national market surveillance strategies to the European Commission, to be designed at least every four years, covering all sectors covered by EU harmonization legislation and all stages of the product supply chain, including imports and digital supply chains.
- Assist cooperation between market surveillance authorities in different Member States.
- Be part of the Union Product Conformity Network, as set out in Article 29. The Network shall meet on a regular basis and, if necessary, at the reasoned request of the Commission or of a Member State. These meetings shall be attended by at least one representative of the office.

2 Regulatory development

In Europe, the SLO has been actively involved during 2023 in assisting the Spanish Presidency of the Council with regard to the proposal for a Directive of the European Parliament and of the Council establishing common rules to promote the repair of goods and amending Regulation (EU) 2017/2394 and Directives (EU) 2019/771⁶³ and (EU) 2020/1828⁶⁴. The objective was achieved, with the Council adopting a general approach on this regulatory instrument, and even the trilogue phase of the Parliament and the Council began at the end of the Spanish presidency.

In addition, the SLO has been involved in representing consumer affairs as a competent authority in other regulatory proposals in Europe, including:

- Proposal for a Regulation establishing a framework for the setting of ecodesign requirements for sustainable products (ESPR)⁶⁵.
- Proposal for a Regulation on horizontal cybersecurity requirements for products with digital elements (Cybersecurity)⁶⁶.
- Proposal for a Product Liability Directive (PLD)⁶⁷.
- Proposal for a Directive on the adaptation of the rules on excontractual civil liability to artificial intelligence (AILD)⁶⁸.

⁶³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0771&qid=1739794545889>

⁶⁴ <https://data.consilium.europa.eu/doc/document/ST-7767-2023-INIT/EN/pdf>

⁶⁵ https://eur-lex.europa.eu/resource.html?uri=cellar:bb8539b7-b1b5-11ec-9d96-01aa75ed71a1.0022.02/DOC_1&format=PDF

⁶⁶ https://eur-lex.europa.eu/resource.html?uri=cellar:864f472b-34e9-11ed-9c68-01aa75ed71a1.0022.02/DOC_1&format=PDF

⁶⁷ https://eur-lex.europa.eu/resource.html?uri=cellar:b9a6a6fe-3ff4-11ed-92ed-01aa75ed71a1.0015.02/DOC_1&format=PDF

⁶⁸ <https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:52022PC0496>

- Proposal for a Regulation establishing the Single Market Emergency Instrument (SMEI) and associated regulations amending harmonized legislation.
- In Spain, the SLO has reported on the following legislative proposals from other authorities in the course of the public information and hearing process:
 - Draft Spanish Royal Decree amending annexes III and IV of Spanish Royal Decree 244/2016, of 3 June, which implements the Metrology Act 32/2014, of 22 December.
 - Draft Order laying down the essential requirements for the airworthiness of ultra-light motor-powered aircraft (ULM)

3 Single Liaison Office's activities



Throughout 2023, the Single Liaison Office (SLO) has focused its efforts on engaging in tasks related to Regulation (EU) 2019/1020:

- The Market Surveillance and Product Conformity Committee was held a meeting at which it adopted Commission Implementing Regulation 2023/2712⁶⁹ of 5 December 2023 laying down detailed rules for the application of Regulation (EU) 2019/1020 of the European Parliament and of the Council as regards the details of the information to be transmitted from national customs systems to the information and communication system for market surveillance concerning products placed under the customs procedure "release for free circulation" and work is ongoing on the future amendment of Implementing Regulation (EU) 2021/2248⁷⁰.
- The Union Product Conformity Network (EUPCN) has met six times. Among the items on the agenda were: the adoption of the EUPCN 2023-2024 biennial work programme, the adoption of the Guide to start peer reviews under Article 12 of the Regulation, the selection of new sectors for the designation of EU testing facilities, the first evaluation of national market surveillance strategies between Member States, and work on the development of the profile of customs authorities in the ICSMS system.
- In addition to the functions under Regulation 2019/1020, the SLO has been involved in the translation of the new General Product Safety Regulation 988/2023⁷¹ and has participated in two meetings of the Product Safety Network (CSN) where work on the implementation of this Regulation is ongoing. The SLO attended a meeting of the Consumer Policy Network.
- During the six months in which Spain held the Presidency of the Council of the European Union, the SLO supported the delegation it chaired in the COMPET Competitiveness Council, under COREPER I and more specifically in the Consumer Protection and Information working group, in particular to draft the proposal for a Directive of the European Parliament and of the Council establishing common rules to promote the repair of goods and amending Regulation (EU) 2017/2394 and Directives (EU) 2019/771 and (EU) 2020/1828.

⁶⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R2712&qid=1739794608308>

⁷⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R2248&qid=1739794649128>

⁷¹ <https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX%3A32023R0988>

- On an international level, the Spanish delegation took part in the 104th meeting of the OECD Committee on Consumer Policy (CCP) and in the 25th meeting of its working group (WPCPS - Working Party on Consumer Product Safety), where work is being carried out on the future Ministerial meeting to be held in October 2024.
- In Spain, the SLO coordinated the first annual monitoring of the National Strategic Objective OEN1 of the National Strategic Framework for market surveillance 2022-2025 (MENVIME), for which contacts have been maintained with the customs authorities and with the various national and regional authorities responsible for the rules annexed to Regulation (EU) 2019/1020. The MENVIME⁷² was also officially published.
- The SLO attended a meeting of the UNE Market Surveillance Observatory's Advisory Committee.
- The 2022 market monitoring indicators have also been submitted to the European Commission.
- The SLO participated in the resolution of 23 consultations related to aspects of Regulation 2019/1020 and in the coordination of 5 national and/or European or international surveys.



⁷² <https://www.consumo.gob.es/es/consumo/oeu-vigilancia-del-mercado-conformidad-productos-punto-contacto-icsms#05E>

4 Other activities

The SLO acts as the national contact point for the Information and Communication System for Market Surveillance (ICSMS)⁷³. During 2023, a standard operating procedure for the ICSMS national contact point has been developed.

ICSMS is the European database where all market surveillance authorities must enter information about marketed products for which an in-depth conformity check has been carried out. It also serves as a tool for exchange and cooperation between these authorities, management of the safeguard procedure, actions in accordance with the Mutual Recognition Regulation, etc.

In line with Article 34 of the Regulation, the SLO must enter in the ICSMS system the identity of the market surveillance authorities together with their areas of competence and border control authorities. During 2023, seven national and regional market surveillance authorities have been registered. The SLO is responsible for user registration and registered a total of 96 new users during 2023; and has delivered a nationwide ICSMS training session for users and authority administrators attended by 265 authorities. The SLO is also responsible for promoting good practice in the system and updating market surveillance authorities on the guidelines and guidance on product information to be introduced by providing 3 updates, translating multiple fields of the system, submitting 2 proposals for improvements to the system to the European Commission and resolving 35 queries from national authorities.

Finally, it should be noted that the SLO, as the ICSMS national contact point, produces an annual report to the market surveillance authorities each year, which includes the main ICSMS activities carried out by these authorities.

⁷³ <https://www.consumo.gob.es/es/consumo/oue/icsms-sistema-europeo-de-informacion-y-registro-de-vigilancia-de-mercado>

10.2 Cooperation and technical support for the Autonomous Regions, in relation to official control or surveillance in the goods and services market

- 1 Official control and market surveillance: foodstuffs, industrial products and services. Presentation
- 2 Programming and implementation of the official control and market surveillance 2023
- 3 Planning of the official foodstuff controls. Systematic official control
- 4 Sectoral consumer plan for market surveillance of non-food products under Regulation (EU) 2019/1020
- 5 National campaigns

1 Official control and market surveillance: foodstuffs, industrial products and services. Presentation

According to Regulation (EU) 2017/625⁷⁴ of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, competent authorities must carry out official checks of all operators on a regular basis, in terms of the risk and as often as appropriate.

Based on this mandate, the authorities have planned official checks of foodstuffs made available to consumers without any food safety impact, as developed in the National Food Chain Official Control Plan for 2021-2025 (PNCOCA 2021-2025), specifically in Strategic Objective 3.2 of the plan: To ensure the achievement of a high level of food quality, including differentiated quality and organic production, of agri-food products placed on the market, as well as the protection of consumers' interests and their right to receive accurate information in the labelling and advertising of agri-food products.

These official controls are carried out systematically and national official control campaigns are carried out as a reinforcement of the systematic control when justified on the basis of the criteria set out in the procedure, e.g. very high risk, in response to new legislation, lack of information on a certain type of product, or as a mandate from the European Commission.

⁷⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R0625&qid=1739794858853>

According to Regulation (EU) No. 2019/1020⁷⁵, market surveillance is defined as activities carried out and measures taken by the authorities to ensure that products comply with the requirements laid down or do not pose a health and safety risk or a risk to other public interest protection-related matters. These applicable requirements are laid down in Union harmonization legislation, which establishes rules on the marketing of products.

The free movement of goods is one of the fundamental freedoms of the European internal market. Goods traders are often able to place their products on the internal market without prior authorization from a market surveillance authority. However, they must ensure that such products comply with all legal requirements.

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, as well as requirements designed to protect legitimate economic interests and the right to receive correct information.

Recital 3 of Regulation (EU) 2019/1020 states that: Strengthening the single market for goods through further enhancing efforts to keep non-compliant products from being placed on the Union market was identified as a priority in the Communication from the Commission of 28 October 2015 entitled 'Upgrading the Single Market: more opportunities for people and business'. This should be achieved by strengthening market surveillance, providing economic operators with clear, transparent and comprehensive rules, intensifying compliance controls and promoting closer cross-border cooperation among enforcement authorities, including through cooperation with customs authorities.

The market surveillance work carried out by the Directorate General for Consumer Affairs focuses mainly on providing technical support to the Consumer Inspection Services of other government agencies and on activities aimed at the proper functioning of the market, in order to ensure consumer protection.

This work is carried out through the systematic and regular work carried out by the Market Control Section, with the mandatory approval of the Sectoral Consumer Commission (CSC), through the annual programming of national market surveillance campaigns, the approval of standardized work procedures and the support offered by the Center for Research and Quality Control (CRQC) through the analyses and tests that make it possible to verify the compliance of products with regulations and standards, determine their characteristics and check the veracity of the attributes declared on the labelling.

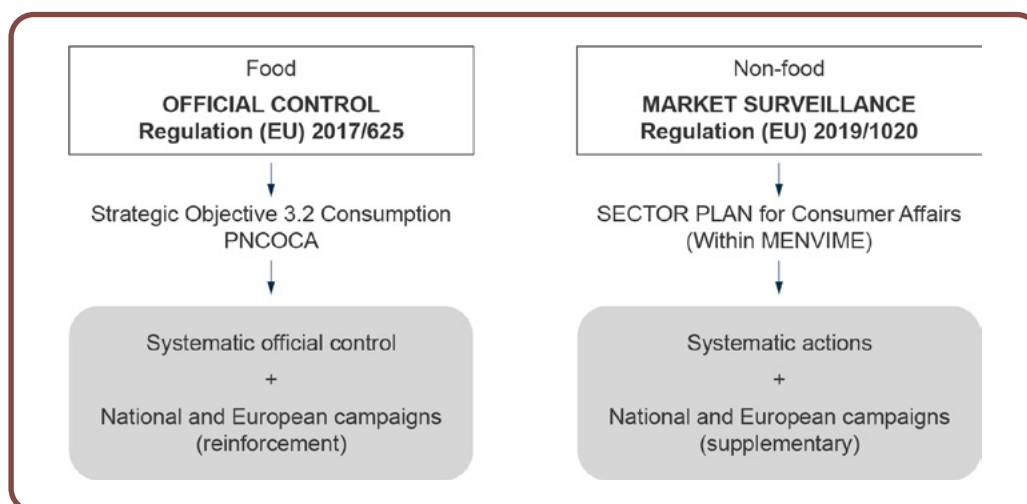
2 Programming and implementation of the official control and market surveillance 2023

Each Autonomous Region's consumer affairs inspectors are responsible for inspecting goods and services made available to consumers and users, their aim being to ensure the proper functioning of the market, eradicate practices that may infringe consumer rights, and at the same time monitor situations of unfair competition.

⁷⁵ <https://eur-lex.europa.eu/eli/reg/2019/1020/oj/eng>

Moreover, the homogeneous application of European and national rules helps to ensure a united market, which in turn directly impacts a similar level of protection for consumers, which is achieved through standard operating procedures.

The diagram below outlines the legal basis for carrying out official food control and non-food market surveillance activities, as reflected in the corresponding plans.



This is the framework for combating fraud, deception, misleading offers and offers of goods and services that do not comply with general and specific regulations governing aspects regarding composition, size, shape, labelling, advertising, presentation, unfair terms, conditions of sale recommendations, price information, contracts, etc.

3 Planning of the official foodstuff controls. Systematic official controls

The official control plan for the Consumer Affairs food chain has been drawn up jointly by the competent Consumer Affairs authorities of the Autonomous Regions and by the Market Control and Technical Assistance Area of the Subdirectorate General for Coordination, Quality and Cooperation of the Directorate General for Consumer Affairs of the Ministry of Consumer Affairs. This Plan is part of the National Food Chain Official Control Plan for 2021-2025 (PNCOCA 2021-2025), in compliance with Article 1 of Regulation (EU) 2017/625.

The official control related to Strategic Objective 3.2 of the PNCOCA 2021-2025 is developed through 5 official control programmes:

- **Programme 3.2.1.** General control of mandatory and voluntary food information with no impact on food safety and nutrition at the point of sale to end consumers.
- **Programme 3.2.2.** General food quality control at the point of sale to end consumers.
- **Programme 3.2.3.** General control of unfair consumer commercial practices.
- **Programme 3.2.4.** Specific control of food information and quality of organic products at the point of sale to end consumers.

- **Programme 3.2.5.** Specific control of food information and quality linked to protected designations of origin, protected geographical indications and traditional specialities guaranteed at the point of sale to end consumers.

To fulfil Strategic Objective 3.2 and thus comply with Regulation (EU) 2017/625, and in line with their respective consumer affairs powers, each Autonomous Region's competent authorities must conduct official controls on the categories of food products established in the Implementing Regulation (EU) 2019/723⁷⁶, organic food products, food products of differentiated quality and the operators who market these products as established in the aforementioned implementing regulation. In addition, these controls must be implemented at both the level of face-to-face retail trade and distance trading.

Systematic controls: Planned actions and campaigns on food products 2023		
CATEGORIES OF FOODSTUFFS	NO. OF PROGRAMMED INFORMATION CONTROLS	NUMBER OF QUALITY SAMPLES TAKEN
Dairy products	61	27
Alternative to dairy products (vegetable products: soya, almond...)	127	28
Fats, oils and their emulsions (excluding olive oil)	37	7
Olive oil	82	38
Edible ices (Ice cream)	13	2
Fruit and vegetables	516	91
Confectionery products	265	56
Cereals and cereal products	36	9
Bread, pastry, cakes, confectionery, biscuits and other baker's wares	148	45
Fresh meat	197	2
Minced meat, minced meat preparations and mechanically separated meat	51	17
Meat products (Stomachs, bladders and treated intestines)	7	2
Fish and fishery products	45	16
Eggs and egg products	12	15
Sugars, syrups, honey and table-top sweeteners	39	18
Salt, spices, soups, sauces, salads and protein products	36	8
Food for particular nutritional uses (R609/2013)	4	4
Alcoholic beverages, including their non-alcoholic and low-alcoholic counterparts	209	70
Non-alcoholic beverages (water, juices, soft drinks, coffee, ...)	47	9
Ready-to-eat snack products	47	10

⁷⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R0723&qid=1739794960755>

Systematic controls: Planned actions and campaigns on food products 2023		
CATEGORIES OF FOODSTUFFS	NO. OF PROGRAMMED INFORMATION CONTROLS	NUMBER OF QUALITY SAMPLES TAKEN
Desserts (other than those in categories 1, 3 and 4)	36	8
Food supplements	4	4
Other (Mixed ready meals and others)	63	33
TOTAL	2,082	519
Programme 3.2.3 (Operators)		
	NO. OF PROGRAMMED CONTROLS	
Operator controls	993	
Programmes 3.2.4 and 3.2.5 (ECOs and PDOs)		
	NUMBER OF INFORMATION CONTROLS	NUMBER OF QUALITY SAMPLES TAKEN
Organic food products	391	52
Food products of differentiated quality	261	27

*SOURCE: Subdirectorate-General for Consumer Affairs Coordination, Quality and Cooperation.
Directorate-General for Consumer Affairs.*

NOTE: Systematic official control of foodstuffs is defined as "Official control carried out by the competent authorities on the operators and category or types of products in each category made available to consumers, carried out regularly or uniformly over time, with a frequency appropriate to the risk, involving an increased frequency or number of checks on operators, or products with a higher risk".



Labelling and analytical checks made as part of the systematic control on foodstuffs in 2023 totalled 4,325

4 Sectoral consumer plan for market surveillance of non-food products under Regulation (EU) 2019/1020

The Sectoral Consumer Plan 2022- 2025 has been drawn up jointly by the Autonomous Regions' Consumer Market Surveillance Authorities and the Non-Food Products Area of the Sub-Directorate General for Coordination, Quality and Cooperation of the Directorate General for Consumer Affairs of the Ministry of Consumer Affairs. This Sectoral Plan is part of the overall National Strategic Framework for Market Surveillance of non-food products (MENVIME), in compliance with Article 13 of Regulation (EU) 2019/1020.

The Consumer Sector Plan aims to ensure compliance with EU harmonization legislation in Spain in those sectors and products that fall within the competence of Consumer Market Surveillance Authorities. Therefore, the scope of this sectoral plan will be the surveillance of the market for non-food products that are marketed and made available to consumers and users at national level for which the Consumer Affairs authorities have competence, without prejudice to the competence of other authorities.

In order to carry out this market surveillance, both in the face-to-face trade and in distance selling, the checks to be carried out by the consumer authorities are planned as follows:

- Systematic market surveillance actions.
- Specific targeted market surveillance actions.
- National reinforcement and reactive campaigns.

To this end, the following specific programmes for market surveillance have been developed and will be carried out on a systematic basis:

- **Programme 1.1.** Market surveillance actions in the toy sector.
- **Programme 1.2.** Market surveillance actions in the textile sector.
- **Programme 1.3.** Market surveillance actions in the footwear sector.
- **Programme 1.4.** Market surveillance actions in the personal protective equipment sector.
- **Programme 1.5.** Market surveillance actions in the detergents sector.
- **Programme 1.6.** Monitoring actions in the energy efficiency labelling sector.
- **Programme 1.7.** Surveillance actions in the tyre labelling sector.
- **Programme 1.8.** Surveillance actions in the other products sector under the General Product Safety Directive.

These programmes identify the product categories per sector to be addressed on the basis of a risk assessment and the technical resources available. In addition, frequencies are set in order to meet the High Level Objectives, Specific Objectives and Operational Objectives set out in the Sector Plan. As well as the levels of control to be carried out. For this purpose, three levels of control should be considered:

- **Visual or physical inspection:** Checking that the meets the requirements laid down in applicable legislation, mainly regarding the information that must accompany the product and checking that it is compliant.
- **Documentation check:** Checking that the technical documentation required by law is available, sufficient and correct.

- **Laboratory tests:** physical, chemical or any other type of examination or testing of the product, involving the issue of a laboratory result report.

The different Autonomous Regions' and cities' consumer affairs authorities have planned the following systematic actions for non-food products in 2023.

Systematic controls: Planned actions and campaigns on non-food products by 2023		
SPECIFIC PRODUCT CATEGORIES PRODUCT CATEGORIES	PARTICIPATING AUTONOMOUS REGIONS	PROGRAMMED ACTIONS
Toys for children under 36	Andalusia, Aragon, Balearic Islands, Catalonia	60
Musical toys	Cantabria, Asturias, Castile-La Mancha, Castile and León	60
Scooters	Canary Islands, Extremadura, Galicia, La Rioja	38
Construction sets	Murcia, Navarre, Basque Country	40
Projectile toys	Andalusia, Catalonia, Extremadura, Valencia	60
Functional toys	Cantabria, Madrid, Murcia, Valencia	40
Activity toys	Aragon, Asturias, Castile-La Mancha, Galicia, Navarre	50
Chemical toys	Balearic Islands, Castile and León, Madrid	30
Electric toys	Canary Islands, Basque Country, La Rioja	30
Autumn/winter clothing	Andalusia, Castile and Leon, Madrid	75
Spring/summer clothing	Aragon, Valencia	40
Sports clothing	Balearic Islands, Basque Country	50
Children's clothing under 36 months	Catalonia, Navarre	40
Children's clothing over 36 months	Asturias, Murcia	50
Household linen	Cantabria, La Rioja	40
Complements	Castile-La Mancha, Galicia	35
Corsetry	Canary Islands, Extremadura	50
Men's autumn/winter footwear	Canary Islands, Balearic Islands, Castile and Leon, La Rioja	90
Women's autumn/winter footwear	Aragon, Asturias, Basque Country, Valencia	90
Sports footwear	Andalusia, Castile-La Mancha, Galicia, Navarre,	70
Children's summer footwear	Cantabria, Catalonia, Extremadura	100
Children's winter footwear	Madrid, Murcia	50
Liquid machine detergent	Canary Islands, Catalonia	50
Detergent machine powder	Madrid, Navarre	35
Liquid softeners and pearls	Asturias, Extremadura, Basque Country,	65
Dishwashing machine dishwashing tablets powder or liquid	Andalusia, Castile and Leon	35
Dishwasher accessories. Salt, rinse aid, additives, air freshener	Aragon, Galicia	23
Bleaches, ammonia and disinfectants	Cantabria, La Rioja	38

Systematic controls: Planned actions and campaigns on non-food products by 2023		
SPECIFIC PRODUCT CATEGORIES PRODUCT CATEGORIES	PARTICIPATING AUTONOMOUS REGIONS	PROGRAMMED ACTIONS
Household cleaners	Balearic Islands, Castile-La Mancha, Murcia, Valencia	100
Head safety: helmets	Navarre, Valencia	20
Eye safety: goggles	Catalonia, La Rioja	30
Ear safety: headphones	Cantabria, Balearic Islands	18
Breathing safety: respirators	Andalusia, Basque Country	20
Hand safety: gloves	Canary Islands, Asturias	20
Foot safety: Footwear	Madrid, Murcia	20
Body safety: jackets, trousers and overalls	Castile-La Mancha, Extremadura, Galicia,	38
Other equipment: carabiners, ropes	Aragon, Castile and Leon	28
Fixed bases (flush and surface mounting) Type C2a	Andalusia	15
Mobile bases. Type ESC 10a	Madrid	15
Pins Type C2b/C4	Castile and León	15
Switchless extension cords	Aragon, La Rioja	20
Switch extensions	Extremadura, Valencia	20
Juicers	Balearic Islands, Basque Country	25
Convectors	Canary Islands	15
Stick blenders	Galicia	10
Plates	Cantabria, Navarre	20
Hotmelt gluing machine	Asturias, Murcia	20
Portable tabletop luminaires	Castile-La Mancha	15
Light garlands	Catalonia,	10
Group 1: domestic refrigerating appliances and wine preservation cabinets	Andalusia, Aragon, Balearic Islands	45
Group 2: Dishwasher	Cantabria, Asturias, Castile-La Mancha, Valencia	60
Group 3: washing machines and washer-dryers	Castile and León, Murcia, La Rioja	45
Group 4: televisions and other external monitors	Canary Islands, Extremadura, Galicia, Navarre	50
Group 5: light sources: light bulbs	Catalonia, Madrid, Basque Country	45
Tyres	Canary Islands, Cantabria, Andalusia, Aragon, Asturias, Balearic Islands, Castile-La Mancha, Castile and León, Catalonia, Extremadura, Galicia, Madrid, Murcia, Navarre, Basque Country, La Rioja, Valencia, Spain	241

Systematic controls: Planned actions and campaigns on non-food products by 2023		
SPECIFIC PRODUCT CATEGORIES PRODUCT CATEGORIES	PARTICIPATING AUTONOMOUS REGIONS	PROGRAMMED ACTIONS
NATIONAL CAMPAIGNS		
Leather goods and travel goods: bags, suitcases and wallets	Canary Islands, Cantabria, Andalusia, Balearic Islands, Castile-La Mancha, Castile and León, Extremadura, Madrid, Murcia, Navarre, Ceuta	296
Control of advertising and electrical safety of loudspeakers	Extremadura, Murcia, La Rioja, Galicia, Cantabria	83
SERVICES		
NATIONAL CAMPAIGNS		
Control of vehicle parking conditions	Aragón, Canary Islands, Castile-La Mancha, Madrid, Murcia, Navarre, La Rioja, Ceuta	117
Control of warranty periods for second-hand vehicles	Asturias, Canary Islands, Cantabria, Castile La Mancha, Madrid, Murcia, Catalonia, La Rioja, Extremadura	158
Control of warranty periods in the sale of small household appliances for new products	Cantabria, Balearic Islands, Extremadura, Madrid, Murcia, Navarre	95
Control of used parts used in the repair of motor vehicles. Origin and guarantee	Cantabria, Extremadura, Murcia, La Rioja	45
Quick loans	Cantabria, Balearic Islands, Castile-La Mancha, Castile and León, Catalonia, Extremadura, Murcia, La Rioja	99

SOURCE: Subdirectorate-General for Consumer Affairs Coordination, Quality and Cooperation.
Directorate-General for Consumer Affairs.



Labelling and analytical checks made as part of the systematic control of non-food products in 2023 totalled 2,866

5 National campaigns

According to the market controls programmed and planned by consumer affairs authorities, further official controls are required in addition to systematic controls, which is why the campaigns listed below were programmed and implemented in 2023.

NATIONAL INSPECTION AND MARKET CONTROL CAMPAIGNS ON FOOD PRODUCTS, NON-FOOD PRODUCTS AND SERVICES - 2023		
PROGRAMMED CONTROL	PARTICIPATING AUTONOMOUS REGION	PROGRAMMED ACTIONS
General control: control of the mandatory information on the marking or labelling of fresh fruit and vegetables marketed in bulk.	Andalusia, Aragon, Asturias, Balearic Islands, Canary Islands, Cantabria, Castile-La Mancha, Castile and Leon, Catalonia, Ceuta, Extremadura, Valencia, Galicia, La Rioja, Madrid, Melilla, Murcia, Navarre and Basque Country	445 Obligatory Information (OI)
Virgin and extra virgin olive oil: labelling and composition	Balearic Islands, Castile-La Mancha, Castile and Leon, Catalonia, Extremadura, Madrid, Murcia, La Rioja and Basque Country	131 (OI) 104 Sampling for laboratory analysis (SLA)
Canned fish in vegetable oil: labelling and composition	Andalusia, Cantabria, Catalonia, Extremadura, Madrid, Murcia, Navarre, La Rioja, Basque Country and Ceuta	132 (OI) 88 (SLA)
Honey: labelling, exogenous sugars and composition	Andalusia, Canary Islands, Castile and Leon, Extremadura, Madrid, Murcia, Navarre and La Rioja	110 (OI) 85 (SLA)
Leather goods and travel goods: bags, suitcases and wallets	Andalusia, Balearic Islands, Canary Islands, Cantabria, Castile-La Mancha, Castile and Leon, Extremadura, Madrid, Murcia, Navarre and Ceuta	222 (OI) 92 (SLA)
Control of advertising and electrical safety of loudspeakers	Cantabria, Extremadura, Galicia, Murcia and La Rioja	59 (OI) 24 (SLA)
Control of vehicle parking conditions	Aragon, Canary Islands, Castile-La Mancha, Madrid, Murcia, Navarre, La Rioja and Ceuta	117 (OI)
Control of warranty periods for second-hand vehicles	Asturias, Canary Islands, Cantabria, Castile-La Mancha, Catalonia, Extremadura, Madrid, Murcia and La Rioja	158 (OI)
Control of warranty periods in the sale of small household appliances for new products	Balearic Islands, Cantabria, Extremadura, Madrid, Murcia and Navarre	95 (OI)
Control of used parts used in the repair of motor vehicles - origin and guarantee	Cantabria, Extremadura, Murcia and La Rioja	45 (OI)
Quick loans	Balearic Islands, Cantabria, Castile-La Mancha, Castile and Leon, Catalonia, Extremadura, Murcia and La Rioja	99 (OI)

SOURCE: Subdirectorate-General for Consumer Affairs Coordination, Quality and Cooperation.
Directorate-General for Consumer Affairs

10.3 Activities of the Center for Research and Quality Control (CRQC): 2023

- 1 Presentation
- 2 Consumer analytical activity
 - 2.1 Samples analyzed
 - 2.2 Sample data grouped by type of senders
 - 2.3 Sample data grouped by type of analysis
 - 2.4 Data on sample opinions issued by the analytical units
 - 2.5 Opinions issued in relation to tests and determinations conducted
 - 2.6 CRQC activities in line with its powers under Spanish Royal Decree 579/2017
- 3 Collaboration with State Security Forces operations
- 4 CRQC Tasting Panel Activities
- 5 Activities related to the development of new methods
- 6 Activities related to the CRQC's quality system and accreditation
- 7 Standardization activities and participation in working groups
- 8 Other expert groups
- 9 Other activities

1 Presentation

The Center for Research and Quality Control (CRQC)⁷⁷ is a group of laboratories that analyze and test products on the Spanish market to assess their conformity with current regulatory legislation.

The CRQC analyzes products from annually scheduled campaigns in which all the Autonomous Regions participate, EC campaigns, inspections conducted by competent market control 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 the CRQC.

⁷⁷ <https://www.consumo.gob.es/es/consumo/centro-investigacion-control-calidad-cicc>



The CRQC is currently accredited according to the UNE-EN ISO/IEC 17025 standard by the National Accreditation Body (ENAC) with accreditation no. 178/LE389 for the testing of agri-food products. The scope of accreditation is set out in its [Technical Annex](#).

Analyses and product verification are carried out exclusively at the request of government agencies, and analytical requests from private individuals are not accepted.

2 Consumer-related analytical activities:

2.1 Samples analyzed

The numerical data below summarizes and describes the CRQC's analytical activities in 2023.

Evolution of samples received, analyzed and tests or determinations carried out from 2018 to 2023						
	2023	2022	2021	2020	2019	2018
Samples received	3,383	3,237	3,608	2,023	3,789	3,002
Samples analyzed*	3,279	3,127	3,294	2,425	3,448	3,255
Tests-determinations carried out	45,075	41,179	48,419	33,954	45,384	42,093

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

NOTE: The samples analyzed include part of those received 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.

The table below shows that 49.44% of the total number of food and industrial product samples analyzed were compliant, while 39.16% were non-compliant. 6.61 % of the total number of determinations made were non-compliant.

Opinion on samples analyzed and determinations made in 2023					
SAMPLES	Compliant	Non-compliant	Null	No opinion*	Total
Food products	930	581	36	213	1,760
Industrial products	691	703	54	71	1,519
TOTAL CICC	1,621	1,284	90	284	3,279
TOTAL %	49.44	39.16	2.74	8.66	
DETERMINATIONS	Compliant	Non-compliant	Null	No opinion*	Total
Performed	37,314	2,981	40	4,740	45,075
TOTAL %	82.78	6.61	0.09	10.52	

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

NOTE: No determination: It is not determined whether they are compliant or not as this is not necessary since the analysis carried out does not require it.

2.2 Sample data grouped by type of senders

The Consumer Inspection Services of the Autonomous Regions are the main users of the services of CICC. The "other senders" group includes any other bodies with which the CRQC collaborates on a more or less regular basis, such as the Spanish Civil Guardia, courts or other official laboratories.

Samples analyzed in 2023 grouped by sender				
Type of senders	Food	Industrial Products	Total	%
Internal	220	30	250	7.62
Local Corporations		80	80	2.44
Autonomous Regions	1,249	1,189	2,438	74.35
Other official bodies	263	81	344	10.49
Other senders	13	14	27	0.82
SOIVRE	15	125	140	4.27
Total samples analyzed	1,760	1,519	3,279	

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

The table shows the total number of samples grouped according to the Autonomous Region of origin and weighted per 100,000 inhabitants.

Samples analyzed in 2021, 2022 and 2023 grouped according to Autonomous Region of origin per 100,000 inhabitants							
Autonomous Region	2021		2022		2023		Population 2022
	No.	/100,000	No.	/100,000	No.	/100,000	
ANDALUSIA	208	2.46	353	4.17	310	3.66	8,472,407
ARAGON	152	11.46	168	12.67	205	15.46	1,326,261
ASTURIAS	227	22.44	150	14.83	130	12.85	1,011,792
BALEARIC ISLANDS	196	16.71	221	18.84	210	17.90	1,173,008
CANARY ISLANDS	8	0.37	20	0.92	27	1.24	2,172,944
CANTABRIA	51	8.73	50	8.55	85	14.54	584,507
CASTILE AND LEÓN	310	13.01	217	9.11	230	9.65	2,383,139
CASTILE-LA MANCHA	202	9.86	170	8.29	209	10.20	2,049,562
CATALONIA	306	3.94	316	4.07	266	3.43	7,763,362
VALENCIA REGION	115	2.27	117	2.31	96	1.90	5,058,138
EXTREMADURA	286	26.99	237	22.37	261	24.63	1,059,501
GALICIA	49	1.82	92	3.41	39	1.45	2,695,645
MADRID REGION	742	10.99	618	9.15	728	10.78	6,751,251
MURCIA	140	9.22	134	8.82	184	12.12	1,518,486
NAVARRRE	62	9.37	69	10.43	68	10.28	661,537
BASQUE COUNTRY	23	1.04	60	2.71	56	2.53	2,213,993
LA RIOJA	175	54.72	123	38.46	167	52.22	319,796

Samples analyzed in 2021, 2022 and 2023 grouped according to Autonomous Region of origin per 100,000 inhabitants							
	2021		2022		2023		Population
Autonomous Region	No.	/100,000	No.	/100,000	No.	/100,000	2022
CEUTA	6	7.18		0.00		0.00	83,517
MELILLA	36	41.73	12	13.91	8	9.27	86,261
National Ratio	2,425	5.11	3,294	6.95	3,279	6.92	47,385,107

SOURCE: Center for Research and Quality Control (CRQC). Directorate-General for Consumer Affairs.

NOTE: *Latest data from the National Statistics Institute.

The Madrid Region accounted for the largest number of samples analyzed per autonomous region with a total of 728, which represents 22.20% of the total. However, the figures show that La Rioja represented the largest workload for the CRQC in the ratio of number of samples per 100,000 inhabitants.

2.3 Sample data grouped by type of analysis

The table shows the number of sample analyses performed in 2023 grouped by the reason for analysis. It is noted that most were as a result of:

- Scheduled campaigns at the State level: **13.6%**
- Systematic controls: **8.91%**
- Market surveillance: **8.63%**
- Official controls: **20.07%**
- Campaigns programmed by the Autonomous Regions : **32.97%**

Samples analyzed in 2023 grouped by reason for analysis				
Reasons for analysis	Food	Industrial Products	Totals	%
SYSTEMATIC CONTROLS	292		292	8.91
MARKET SURVEILLANCE		283	283	8.63
ALERT	1	1	2	0.06
COLLABORATIVE ANALYSIS	146	30	176	5.37
AUDIT	6		6	0.18
REGIONAL CAMPAIGN	592	489	1,081	32.97
INTERNATIONAL CAMPAIGN		6	6	0.18
NATIONAL CAMPAIGN	341	105	446	13.60
OFFICIAL CONTROL	248	410	658	20.07
COMPLAINT	20	54	74	2.26
RESEARCH	47		47	1.43
CONTROL SAMPLE	22	1	23	0.70

Samples analyzed in 2023 grouped by reason for analysis				
Reasons for analysis	Food	Industrial Products	Totals	%
SOIVRE	15	135	150	4.57
OTHER	30	6	36	1.10
Grand total	1,760	1,519	3,279	

SOURCE: Center for Research and Quality Control (CRQC). Directorate-General for Consumer Affairs.

2.4 Data on sample opinions issued by analytical units:

The table below details the results of the samples according to the type of products analyzed.

Samples analyzed in 2023 grouped by product type and opinion									
FOOD PRODUCTS	Compliant		Non-compliant		Null	No determination	Total		
Vegetable oils and fats ⁽¹⁾	98	32.34	140	46.20	---	---	65	21.45	303
Beverages ⁽²⁾	173	71.78	31	12.86	3	1.24	34	14.11	241
Confectionery, Sauces and Additives ⁽³⁾	110	52.88	71	34.13	6	2.88	21	10.10	208
Preserved food, dietetics and ready meals ⁽⁴⁾	182	48.02	165	43.54	5	1.32	27	7.12	379
Products of Animal Origin ⁽⁵⁾	204	53.83	113	29.82	11	2.90	51	13.46	379
Products of Plant Origin and Carbohydrates	163	65.20	61	24.40	11	4.40	15	6.00	250
INDUSTRIAL PRODUCTS	Compliant		Non-compliant		Null	No determination	Total		
Fuels and Chemical Preparations ⁽⁷⁾	70	52.63	40	30.08	15	11.28	8	6.02	133
Electricity ⁽⁸⁾	174	50.00	163	46.84	11	3.16	---	---	348
Toys ⁽⁹⁾	226	53.30	183	43.16	3	0.71	12	2.83	424
Mechanical ⁽¹⁰⁾	89	30.69	188	64.83	10	3.45	3	1.03	290
Tobacco ⁽¹¹⁾	3	4.41	36	52.94	5	7.35	24	35.29	68
Textiles ⁽¹²⁾	129	50.39	93	36.33	10	3.91	24	9.38	256
Total FOOD PRODUCTS	930	52.84	581	33.01	36	2.05	213	12.10	1,760
Total INDUSTRIAL PRODUCTS	691	45.49	703	46.28	54	3.55	1	4.67	1,519
Total CRQC	1,621	49.44	1,284	39.16	90	2.74	284	8.66	3,279

SOURCE: Center for Research and Quality Control (CRQC). Directorate-General for Consumer Affairs.

NOTE 1 Fats: Edible oils and fats. Snack products.

NOTE 2 Beverages: Water, juices, alcoholic and non-alcoholic beverages.

NOTE 3 Confectionery, sauces and additives: Sugar, sweets and candies, nougats, marzipan, other with high sugar-content products, honeys. Spices, condiments, salt, table sauces.

NOTE 4 Preserves, dietetics and ready meals: Products for special diets, baby food, food supplements. Preserves of all kinds and ready meals. Broths, soups.

NOTE 5 Products of animal origin: Dairy products, eggs, fish, meat products.

NOTE 6 Products of plant origin and carbohydrates: Coffee, tea, other infusions, chocolate and other cocoa products. Pulses and rice.

NOTE 7 Fuels and chemical preparations: Fuels, cleaning products, paints, varnishes, glues.

NOTE 8 Electricity: Small electrical appliances, all types of electrical equipment, power tools, luminaires, light sources, etc.

NOTE 9 Toys: Toys and childcare articles

NOTE 10 Mechanical: Tools, household goods, ladders, sports equipment, etc.

NOTE 11 Tobacco: Tobacco and related products.

NOTE 12 Textiles: Textile and fur or leather garments or articles and the like.

The type of foodstuff where the highest degree of non-conformity was detected was in the subcategory of edible fats and oils, with 46.20% of non-conformities.

In industrial products, toys stand out as the product category in which most samples have been analyzed. However, the highest level of non-conformity was found in mechanical products, because 64.83% were non-compliant.

2.5 Opinions issued in relation to tests and determinations conducted

In order to be able to issue an opinion on the 3,279 samples analyzed in 2023, 45,075 valid tests or determinations had to be conducted, concluding that 82.78% were in compliance with the applicable regulations and 6.61% were not.

The following table shows the number of tests carried out by type of defect, and the following table shows the test opinions or determinations by type of defect.

Number of tests carried out by type of defect in 2023			
Defects	Food Products	Industrial Products	Total
Additives	335	26	361
Microbiological contamination	2	172	174
Chemical contamination	681	105	786
Net content	1139	123	1262
Packaging	131	62	193
Labelling	15,958	7,105	23,063
Quality factors	10,469	1,609	12,078
Organic or inorganic impurities	790	16	806
Other defects	37	34	71
Safety	---	6,281	6,281
Total	29,542	15,533	45,075

SOURCE: Center for Research and Quality Control (CRQC). Directorate-General for Consumer Affairs.

Test opinions or determinations by type of defect in 2023									
FOOD PRODUCTS	Compliant	%	Non-compliant	%	No determination	%	Null	%	Total
Additives	279	83.53	1	0.30	54	16.12	1	0.30	335
Microbiological contamination	---	---	---	---	2	100.00	---	---	2
Chemical contamination	338	49.63	7	1.03	336	49.34	---	---	681
Net content	1,077	94.56	44	3.86	18	1.58	---	---	1139
Packaging	86	65.65	---	---	45	34.35	---	---	131
Labelling and presentation	14,830	92.93	745	4.67	383	2.40	---	---	15958
Quality factors	7,453	71.19	374	3.57	2642	25.24	---	---	10469
Organic or inorganic impurities	519	65.70	68	8.61	203	25.70	---	---	790
Other defects	---	---	---	---	37	100	---	---	37
TOTAL	24,582	83.21	1,239	4.19	3,720	12.59	1	0.00	29,542
INDUSTRIAL PRODUCTS	Compliant	%	Non-compliant	%	No determination	%S			Total
Additives	---	---	---	---	26	100.00	---	---	26
Microbiological contamination	157	91.28	15	8.72	---	---	---	---	172
Chemical contamination	73	69.52	1	0.95	31	29.52	---	---	105
Net Content	74	60.16	20	16.26	24	19.51	5	4.07	123
Packaging	13	20.97	31	50.00	18	29.03	---	---	62
Labelling and Presentation	5,793	81.53	1,091	15.36	221	3.11	---	---	7105
Quality factors	1,010	62.77	67	4.16	532	33.06	---	---	1609
Organic or inorganic impurities	2	12.50	6	37.50	8	50.00	---	---	16
Other defects	---	---	---	---	1	2.94	33	97.06	34
Safety	5,610	89.32	511	8.14	159	2.53	1	0.02	6281
TOTAL	12,732	81.97	1,742	11.21	1,020	6.57	39	0.13	15533
GRAND TOTAL	37,314	82.78	2,981	6.61	4,740	10.52	40	0.09	45,075

SOURCE: Center for Research and Quality Control (CRQC). Directorate-General for Consumer Affairs.

For food products, 83.21% of the determinations carried out concluded that they were compliant, compared to 4.19% that were non-compliant due to some type of non-compliance. Most of the non-conformities related to labelling and presentation (4.67%) and net contents of the package (3.57%).

The industrial product test results were as follows: 82.78% complied and 6.61% failed to comply with any of the analysis concepts. In this case, the most frequent non-conformities were packaging (50.00%) and the presence of inorganic impurities, although the total number of samples in which these defects were analysed was small (62 and 16, respectively). If one evaluates the results of defects analyzed in a representative number of samples, the most common industrial product defects can be seen to relate to labelling and presentation (15.36%) and safety (8.14%), out of a total of 5,793 and 5,610 samples tested.

2.6 CRQC activities in line with its powers under Spanish Royal Decree 579/2017

In line with the powers given to it by Spanish Royal Decree 579/2017⁷⁸ regulating certain aspects relating to the manufacture, presentation and marketing of tobacco products and related products, in 2023 the CRQC carried out the following analytical activities:

a) Control of electronic nicotine delivery systems (ENDS) to check the volume contained in the END, due to complaints:

Results of top-up liquids (volume)					
Spanish Royal Decree 579/2017 on tobacco products and related products	Compliant	Non-compliant	No opinion	Null	Total
Display of net content	1	16	15*	5	37

(*) Their labelling states that they do not contain nicotine, so they do not have to comply with Spanish Royal Decree 579/2017.

SOURCE: Center for Research and Quality Control (CRQC). Directorate-General for Consumer Affairs.

b) Courses of action for checking compliance with Spanish Royal Decree 579/2017:

Samples for checking nicotine delivery systems, ENDS:

Results for nicotine delivery systems				
Spanish Royal Decree 579/2017, on tobacco products and related products	Compliant	Non-compliant	No opinion	Total
EU-ECG portal information	35	1	0	36
Production or packaging lot details	35	1	0	36
Health warning	30	6	0	36
Information leaflet	34	2	0	36
Display of net content	36	0	0	36
Display of nicotine content	21	15	0	36
Nicotine dose administration	34	2	0	36
List of ingredients	33	3	0	36
Regulation (EC) 1272/2008 on classification, labelling and packaging of substances and mixtures	Compliant	Non-compliant	No opinion	Total
Responsible party's details	35	1	0	36
Product identifier	27	9	0	36
Danger pictogram	19	17	0	36
Word of warning	29	7	0	36
Hazard statements	28	8	0	36
Precautionary statements	17	19	0	36
Supplementary information	3	0	0	3

⁷⁸ <https://www.boe.es/buscar/pdf/2017/BOE-A-2017-6585-consolidado.pdf>

Results for nicotine delivery systems				
Touch-sensitive hazard statement	0	36	0	36
Child safety locks	0	0	36	36
Unique Formula Identifier (UFI)	29	0	7	36
Display in official language	34	2	0	36
Display of mandatory information	14	22	0	36
TS 17287. Requirements and test methods for e-cigarettes (drop test against breakage)	Compliant	Non-compliant	No opinion	Total
	31	0	0	31
Analytical determinations requested from the CICC.	Compliant	Non-compliant	No opinion	Total
Net content	25	11	0	36
Density at 20°C	0	0	36	36
Nicotine	20	3	13	36
Propylene glycol	0	0	36	36
Glycerol	0	0	36	36
PG/VG percentage ratio	0	0	36	36

SOURCE: Center for Research and Quality Control (CRQC). Directorate-General for Consumer Affairs.

(c) Samples for control of refuelling fluids:

Results of top-up fluids				
Spanish Royal Decree 579/2017, on tobacco products and related products	Compliant	Non-compliant	No opinion	Total
EU-ECG portal information	10	0	0	10
Production or packaging lot details	8	2	0	10
Health warning	10	0	0	10
Information leaflet	10	0	0	10
Display of net content	8	2	0	10
Display of nicotine content	10	0	0	10
Nicotine dose administration	7	3	0	10
List of ingredients	7	3	0	10
Regulation (EC) 1272/2008 on classification, labelling and packaging of substances and mixtures	Compliant	Non-compliant	No opinion	Total
Responsible party's details	10	0	0	10
Product identifier	4	6	0	10
Danger pictogram	7	3	0	10
Word of warning	3	7	0	10
Hazard statements	6	4	0	10
Precautionary statements	2	8	0	10
Supplementary information	0	0	0	10

Results of top-up fluids				
Touch-sensitive hazard statement	10	0	0	10
Child safety locks	0	0	10	10
Unique Formula Identifier (UFI)	8	0	2	10
Display in official language	7	3	0	10
Display of mandatory information	3	7	0	10
Spanish Royal Decree 1468/88, regulating the labelling of industrial products	Compliant	Non-compliant	No opinion	Total
Sales description of the product	0	1	0	1
Declaration of composition	1	0	0	1
Display of expiry date	1	0	0	1
Display of net content	0	1	0	1
Essential product features	1	0	0	1
Production or packaging lot details	1	0	0	1
Responsible party's details	1	0	0	1
Display in official language	1	0	0	1
Analytical determinations requested from the CRQC	Compliant	Non-compliant	No opinion	Total
Net content	8	0	3	11
Density at 20°C	0	0	10	10
Nicotine	10	1	0	11
Propylene glycol	0	0	10	11
Glycerol	0	0	10	11
PG/VG percentage ratio	0	0	10	11

SOURCE: Center for Research and Quality Control (CRQC). Directorate-General for Consumer Affairs.

3 Collaboration with State Security Forces operations

- Operation Opson⁷⁹ in collaboration with the dept. of Overseas Health in determining volatile congeners in spirits and methanol in wines.
- Operation Matsu in collaboration with the Spanish Civil Guard in determining fatty acid profiles and species identification in canned fish.
- Operation Cherne in collaboration with the Consumer, Environment and Doping Section of the Judicial Police, for the control of products destined for sports nutrition.

⁷⁹ <https://www.interior.gob.es/opencms/es/detalle/articulo/Hasta-100-personas-investigadas-en-nuestro-pais-en-una-macrooperacion-internacional-contra-el-fraude-alimentario/>

4 CRQC Tasting Panel Activities

The virgin olive oil tasting panel, formed by duly trained members of the CRQC's staff, takes part in different external activities to maintain its analytical skills and the training of the panel members. During 2023 these activities were:

- Participation as a member of the Jury of the Extra Virgin Olive Oil (EVOO) Competition, which awards the Alimentos de España Best Extra Virgin Olive Oils Award, 2022/2023 campaign.
- Characterization of reference samples of virgin olive oil (intensity and attributes) used for panel training and control purposes, through participation in projects organized by the Ministry of Agriculture, Fisheries and Food and by the IOC.
- Collaboration of several qualified CRQC Tasting Panel tasters with the Spanish Olive Oil Interprofessional Association in the EVOO Screening for the olive oil tasting room at its stand at the Salón Gourmets (International Fine Food and Beverage Fair) held at the IFEMA Convention Center in Madrid. Participation in the 2nd World EVOO Competition at the 2023 Salón Gourmets.
- Participation in the preparation of the Iberóleum Guide (invitation from the Director of the Spanish EVOO Guide).
- Attendance at the International Olive Oil Council's headquarters for the tasting of the winning EVOO at the 23rd edition of the IOOC's "Mario Solinas" quality award with members of the international jury and Chef Andrés Madrigal.
- Participation in the Spanish Virgin Olive Oil research project organized by the Spanish Association of Olive Tree Municipalities, AEMO, and the Andalusian Institute of Agricultural and Fisheries Training, IFAPA, with the collaboration of the CSIC Institute of Fat, the Agri-Food Laboratory of Cordoba and the University of Cordoba.
- Training of new tasters: Continuation of the training of new tasters for the CRQC tasting panel. According to IOC Standard IOC/T20/Doc No. 14 Rev 7/2021 and IOC Guide IOC/T28/Doc No. 1 Rev 6 /2021. Standardized procedure for the selection, training, qualification and control of tasters.

5 Activities related to the development of new methods

The CRQC is constantly working on validating and developing new test methods, as well as new updates and applications of existing methods. In 2023 it engaged in the following activities:

- Validation in new matrices (breads and sauces - fried tomato) and start of validation in snacks and sauces - ketchup, of the method for the determination of chlorides by ion chromatography with conductivity detector.
- Further development and validation of the method for determining lactose in lactose-free milk by ion chromatography with a pulse amperometric detector.
- Testing for determining Bronopol in cleaning products by high performance liquid chromatography with a diode array detector (DAD).
- Start of the development and validation of a method for determining Bisphenol A in childcare products by high performance liquid chromatography with a triple quadrupole mass detector (LC-MS/MS).
- Implementation of the method for determining phthalates in textiles and toys in the triple quadrupole GC-MS apparatus.
- Study of the matrix effect in glues for the quantitative determination of SVOCs by single quadrupole GC-MS.
- Development of a method for determining metals extracted by acidic artificial perspiration solution in textile products, including coated fabrics and garment components (UNE-EN 16711-2-2016).
- Setting up of the resistance test of scooter steering rods, according to EN 71-1 Safety of toys. Mechanical and physical properties.

6 Activities related to the CRQC's quality system and accreditation

- The CRQC is accredited to carry out tests on agri-food products according to the criteria set out in the UNE EN ISO/IEC 17025 Standard by the National Accreditation Body (ENAC) with accreditation no. 178/LE389.
- During 2023, the laboratories have been assessed in an internal audit carried out in October and an external audit by ENAC in November.
- It took part in seventy-eight intercomparison exercises organized by national and international external companies to ensure the quality of the tests.
- 72 of these exercises were carried out for quality assurance of tests on foodstuffs and 6 for tests on industrial products.

7 Standardization activities and participation in working groups

During 2023, CRQC technicians have participated as experts in the following technical standardization bodies:

ISO- International Organization for Standardization	
ISO/TC 216 WG 1	Footwear and microbiological aspects
CEN- European Committee for Standardization	
CEN/TC 289 WG1	Chemical test methods in Leather
CEN/TC 289 WG2	Physical test methods in Leather
CEN/TC 309 WG1	Performance requirements and test methods for components for footwear
CEN/ TC 309/ WG2	Footwear and environmental aspects
CEN/TC 248 WG 20	Technical Experts Working Group on Safety of children's clothing
CEN/TC 248 WG38	Community face coverings
CEN/TC 248 WG39	Circular textiles Chain- Requirements and categories
CEN/TC 460/WG 2	Species analyses using DNA-based methods
UNE- Spanish Association for Standardization	
CTN-UNE 34/SC5:	Milk and milk products: Analysis and sampling methods
CTN-UNE 34/SC8	Spices, culinary herbs and seasonings
CTN-UNE 34/SC10	Food authenticity
CTN-UNE 34/SC10/GT10	Spectrophotometric methods
CTN-UNE 34/SC4/GT12	Food allergens
CTN-UNE 327	Bee products
CTN-UNE 40/SC8	Behaviour of textiles in fire
CTN-UNE 40/GT8	Safety of children's clothing
CTN-UNE 40/GET26	Hygienic masks. Community face shields
CTN-UNE 40/SC 06	Chemical testing of textile materials
CTN-UNE 40/SC 04	Clothing
CTN-UNE 40/GT11	Circular economy for products and the textile chain
CTN-UNE 59/GT1	Safety of children's footwear
CTN-UNE 118	Tobacco and tobacco products
CTN-UNE 118/SC3	Electronic cigarettes and refill liquids
CTN-UNE 172/SC1	Toys
CTN-UNE 172/SC2	Childcare articles

Source: Center for Research and Quality Control (CRQC). Directorate-General for Consumer Affairs.

8 Other expert groups

- Harmonization workshop with IOOC-recognized panels.
- Meetings of experts in organoleptic assessment of virgin olive oils organized by the IOOC and the Ministry of Agriculture, Fisheries and Food.
- 3rd Seminar on the Harmonization of Virgin Olive Oil Tasting Panels organized by the Directorate General for Industry, Innovation and the Agri-Food Chain of the Andalusian Regional Ministry of Agriculture, Fisheries, Water and Rural Development (CAPADR).
- 3rd meeting of the allergens working group. Spanish Agency for Food Safety and Nutrition.
- LagroRed Working Group of Laboratories for Metal Analysis in Food and Feed.
- Participation in the meetings of the European SEATRACES project. Tracing fish: a research project, funded by Interreg Atlantic Area, aimed at demonstrating to stakeholders (production, industry and markets) and consumers that labelling and traceability are essential to protect and enhance the value of fisheries and aquaculture in the Atlantic area.

9 Other activities

9.1 Training

Other important activities include the organization of the following courses of the INTERADMINISTRATIVE CONTINUING TRAINING PLAN 2023, promoted by the Directorate General for Consumer Affairs of the Ministry of Consumer Affairs and financed by the ongoing training funds of the National Institute of Public Administration -INAP- for 2023, within the framework of the Training Agreement for the Employment of Public Administrations (AFEDAP):

COURSE NAME	HOURS	PARTICIPANTS
Advanced training in FT/IR technique	16	6
Product safety in toys and light childcare articles	16	9
Biocidal products and their marketing in Spain	15	5
Technical information on personal protective equipment (PPE)	16	9
Updating of consumer legislation: Regulatory provisions applicable to the labelling of foodstuffs. Safety and hygiene in food labelling. Quality and Inspection	15	10
Quality management system audits in testing laboratories	15	16

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

9.2 Trainees, interns, traineeship holders

- Training and qualification activities continued in the Parasitology Unit with the training grant in research and quality control of consumer products.
- Participation in the Master's Degree in Food Safety at the Complutense University of Madrid in the Traceability and Labelling module.

10.4 Non-Food Alert Network (NFAN)-2023

- 1 Presentation
- 2 Alert Network notification trends
- 3 EU Notifications
- 4 Autonomous Region Notifications
- 5 Producer Obligations
- 6 Origin of the alerted products
- 7 Categories of the alerted products
- 8 Withdrawal and destruction of products
- 9 Notifications published on the web

1 Presentation



The **Non-Food Consumer Product** alert network system ensures that national and EU market surveillance authorities exchange information quickly if a product likely to pose a risk is detected, in order to prevent unsafe products from reaching consumers. It operates as a network with a contact point for each

Autonomous Region and for each country. In the EU it is known as Safety Gate, and in Spain as SIRI (*Sistema de Intercambio Rápido de Información* - Rapid Information Exchange System).

This system has been developed in line with the provisions of Directive 2001/95/EC⁸⁰ on general product safety and Spanish Royal Decree 1801/2003⁸¹ of 26 December 2003 on general product safety, which transposes it.

The Directorate General for Consumer Affairs of the Ministry of Social Rights, Consumer Affairs and Agenda 2030, hereinafter DGC, is the Spanish contact point for the Safety Gate system and, at the same time, is responsible for coordinating the national alert network system for non-food products (SIRI). The DGC is the Spanish Safety Gate contact point and therefore sends the European Commission any notifications issued in Spain, derived both from market inspections conducted by the Autonomous Regions' consumer authorities and from rejections of imports of products likely to pose a serious risk, carried out by the border control authorities.

⁸⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32001L0095&qid=1739796024320>

⁸¹ <https://www.boe.es/buscar/pdf/2004/BOE-A-2004-511-consolidado.pdf>

This Alert Network system operates at two levels: in **Spain** where the DGC, helps the Autonomous Regions' consumer authorities to exchange information (Autonomous Regions notifications) and in the **EU**, where each Member State's authorities, through their corresponding national contact points, inform the European Commission of the measures adopted regarding products liable to pose a risk so that it can pass them on to all the Member States (EU notifications). All these notifications include products that pose a risk that has been notified by the producers to the Member States' competent authorities, pursuant to the obligation established in the legislation on general product safety (art. 5.3 of Directive 2001/95/EC and art. 6 of Royal Decree 1801/2003).

The DGC also issues Alert Network notifications (AGE notifications) when third-country products being imported **are rejected at the border** because they are likely to pose a serious risk, according to the non-compliances detected in the analyses carried out prior to customs clearance and reported by the Official Customs Inspection, Surveillance and Regulation Service (SOIVRE).

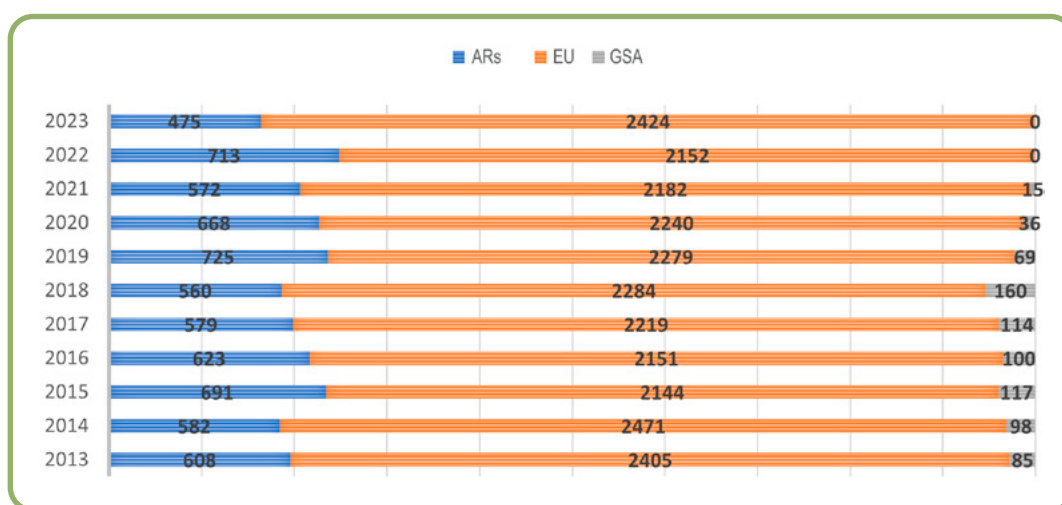
In order to comply with Regulation (EU) 2019/1020⁸² of the European Parliament and of the Council on market surveillance, the DGC is also the contact point for professional products and for consumer products posing other risks, such as environmental and occupational safety risks, in which case the relevant ministerial departments are informed.

2 Alert Network notification trends

The Non-Food Alert Network system has been gaining momentum over the years ever since it was launched, both in the EU and Spain, and has been kept busy in recent years, as displayed in the graph below.

In 2023, the network handled a total of 2899 notifications, **475** generated by the Autonomous Regions and **2424** from the EU. EU notifications also include other products that do not fall under consumer authorities' competence, such as cosmetics, professional products, pyrotechnic articles and those products that pose an environmental risk, which are handled by other authorities.

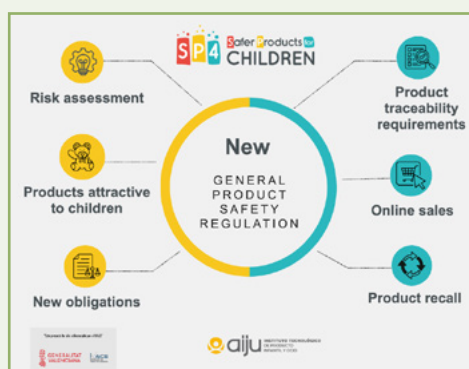
As usual, most notifications concern a serious risk, accounting for 91.26% of the total EU notifications and 76.21% of those issued by the Autonomous Regions.



⁸² <https://eur-lex.europa.eu/eli/reg/2019/1020/oj/eng>

Royal Decree 1801/2003 of 26 December 2003 on general product safety defines risk:

"The possibility for consumers and users to suffer damage to their health or safety arising from the use, consumption or presence of a product. In order to qualify a risk from the point of view of its severity, among other possible circumstances, the likelihood of damage and the severity of the damage shall be jointly assessed. A serious risk shall be deemed to be such as to require rapid intervention by public authorities under such criteria, even if the potential damage to health and safety does not materialize immediately."



Taking this into account, the Alert Network system has two types of notification procedure depending on the

risk posed by the "serious" or "non-serious" product. Also included are notifications of a purely informative nature, "information notifications" of products for which traceability is not possible or of products that do not meet the criteria set out in the provisions to be alerted, such as the specific risk they pose, but contain important information on the unsafety of a product that may be of interest to the competent authorities.

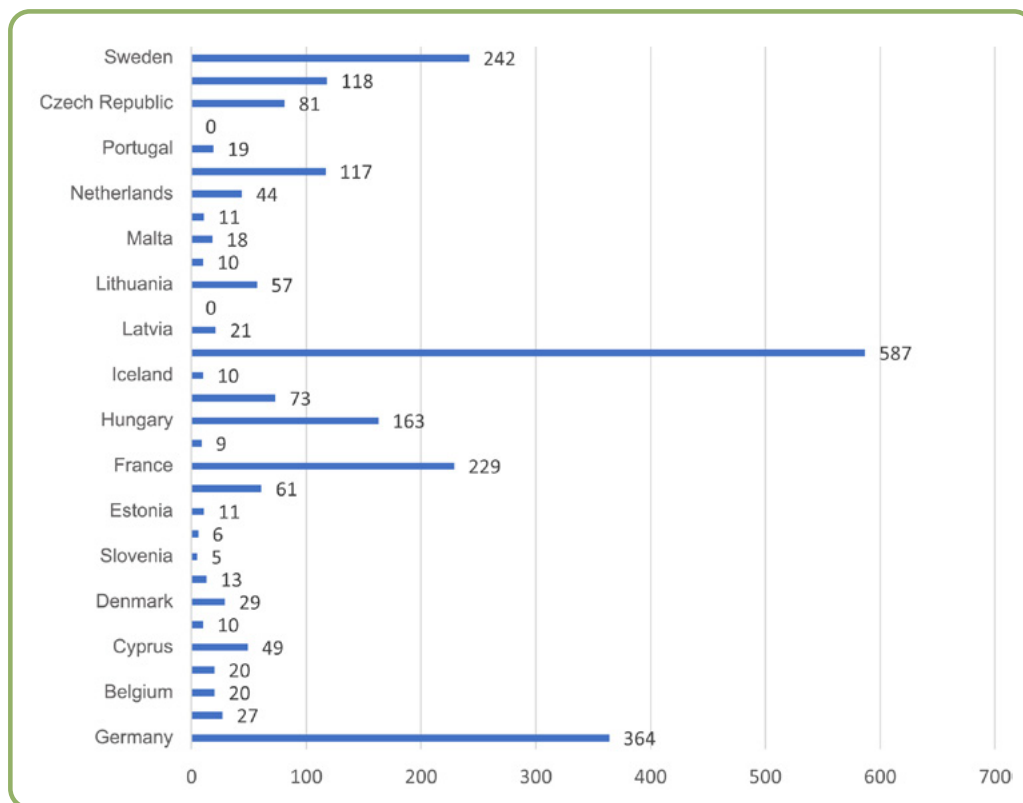


Total data show that in the period from 2021 to 2023 there was a significant change in serious risk notifications, mainly due to the large number of cosmetics notifications issued in 2023. However, both non-serious risk and information risk notifications decreased.

One special case that arose in 2023 was when Safety Gate reported that Germany had notified a serious risk with **emergency measures** concerning diving masks that have caused serious harm to a child. National and EU authorities have been quick to act on these products.

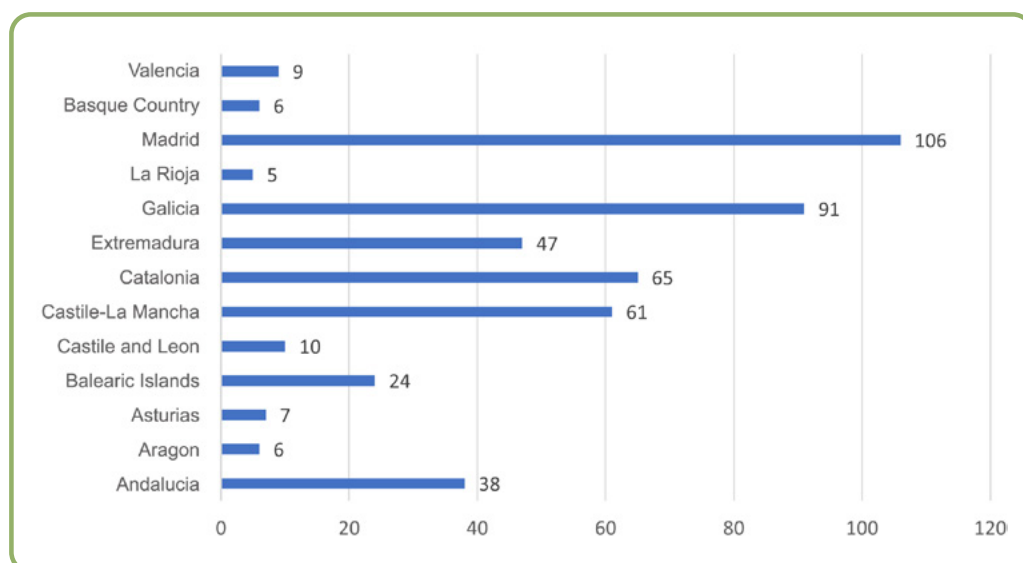
3 EU Notifications

Out of a total of 2424 EU notifications processed, **Italy** issued **the most notifications** (587), followed by Germany (364) and Sweden (242).



4 Autonomous Region Notifications

Of the 475 notifications issued by Autonomous Regions, **Madrid** was the Region that issued **the most notifications** (106), followed by **Galicia** (91), Catalonia (65), Castile-La Mancha (61) and Andalusia (38).



5 Producer Obligations

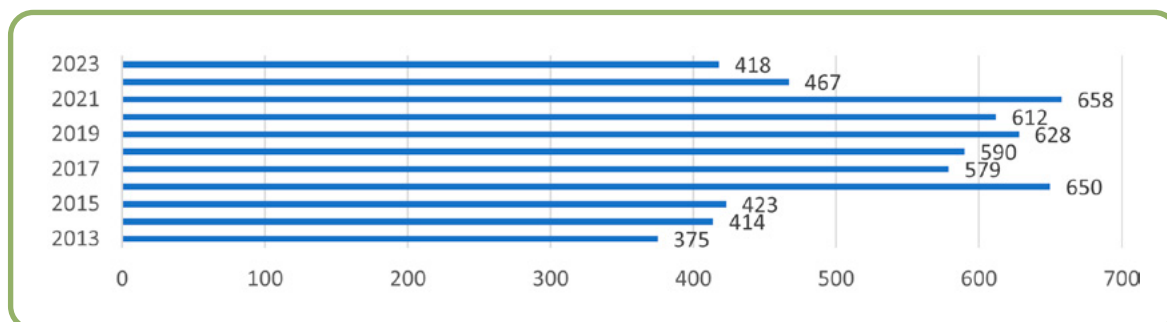
In compliance with their obligations, producers and distributors have informed the competent authorities of the measures they have taken as soon as they detect that their marketed products pose a risk to consumers. In 2023, 418 notifications were issued regarding products likely to pose a risk (339 from EU and 79 from the Autonomous Regions), with vehicles and accessories ranking in first place, as in previous years.

The EU notifications refer to products classified as professional products, mainly vehicles such as trucks and buses, which do not fall under consumer authorities' competence and are referred to the Ministry of Industry, Trade and Tourism.

Categories of products reported by producers	
CATEGORY	TOTAL 2023
Miscellaneous leisure and sports goods *	9
Various decorative items	2
Children's articles *	2
Do-it-yourself and tools	0
Cosmetics	2
Personal protective equipment *	2
Toys	11
Luminaries	3
Furniture, household goods and home *	1
Adult fashion and accessories *	3
Children's fashion and accessories *	2
Other products *	5
Chemicals	2
Electrical products *	7
Professional	27
Laser pointers	1
Vehicles and accessories	339
Total	418

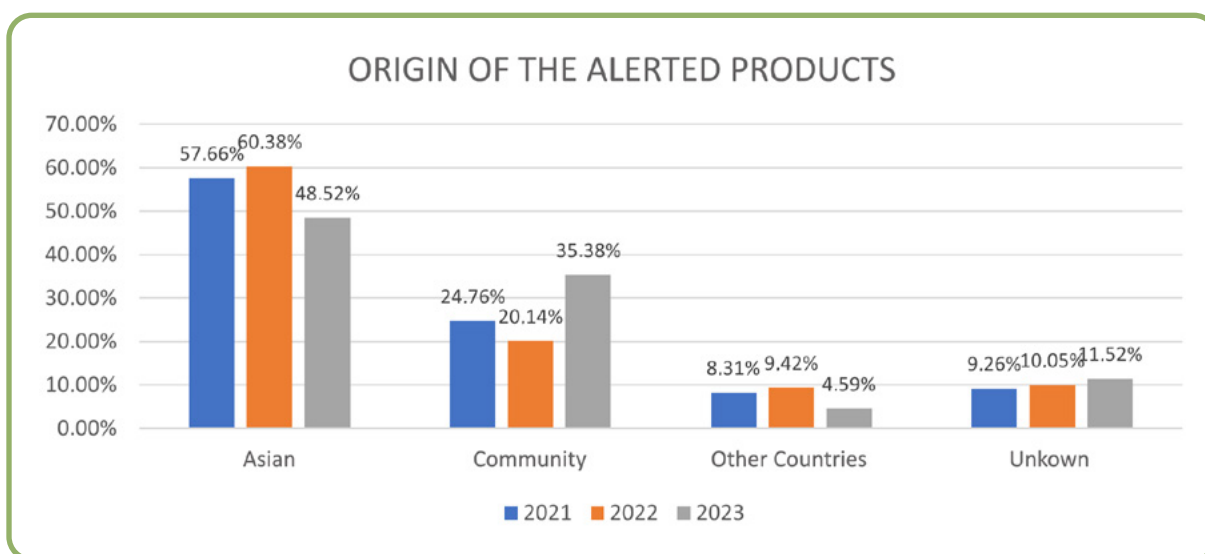
SOURCE: Subdirectorate-General for Consumer Affairs Coordination, Quality and Cooperation.
Directorate General for Consumer Affairs.

The following graph shows how notifications issued by producers have changed in recent years:



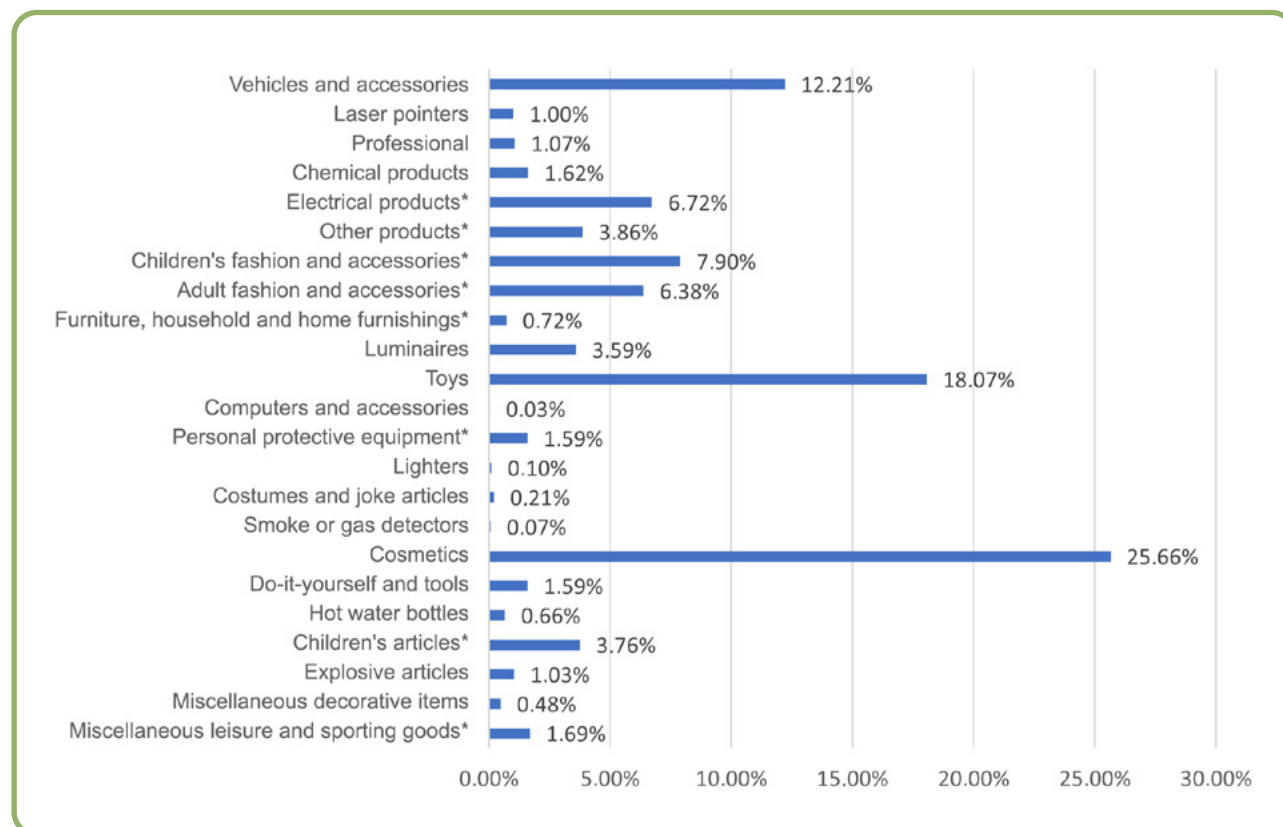
6 Origin of the alerted products

The majority of the origin of the total number of products notified in 2023 belongs to the geographical area of Asia, with almost 49% of the items.



7 Categories of the alerted products

Of the 2899 notifications issued, the **most notified** product categories in 2023 globally were cosmetics (25.70%), toys (18.10%) vehicles and accessories (12.23%) and children's fashion and accessories (7.91%).



The most alerted products by category in 2023 were cosmetics, toys and vehicles and their accessories

Most of the vehicle and accessory notifications involve cars, followed by motorbikes, but also caravans, trailers, tyres and various components. Most of them (354) were notified by the producers themselves because they posed a serious risk, generally because of the danger of an accident.

The main category of alerted products this year was cosmetics, as Italy and Hungary, in particular, conducted market surveillance in this area, detecting a large number of products that were dangerous for consumers.

If we look at the table we see that products intended for children (toys, children's articles and fashion and accessories) represent almost 30%, and more than 89% pose a serious risk, mainly of suffocation due to small parts, intoxication due to the presence of chemical substances in quantities that exceed the limits of the regulations and strangulation and injuries due to the presence of cords of a certain length in the garments.

The "other goods" category includes gas appliances, gardening articles, electronic cigarettes and accessories, luggage ropes, telecommunications equipment, stationery and others.

Categories of alerted products, 2021-2022-2023			
CATEGORY	2021	2022	2023
Miscellaneous leisure and sports goods *	46	58	49
Various decorative items	17	23	14
Explosive articles	49	30	30
Children's articles *	70	97	109
Hot water bottles	2	6	19
Do-it-yourself and tools	41	75	46
Cosmetics	69	230	744
Smoke or gas detectors	6		2
Costumes and gag items	11	16	6
Lighters	11	1	3
Personal protective equipment *	233	99	46
Computers and accessories	3	4	1
Toys	620	778	524
Luminaries	101	141	104
Furniture, household goods and home *	29	44	21
Adult fashion and accessories *	218	165	185
Children's fashion and accessories *	124	184	229
Other products *	120	137	111
Electrical products *	272	231	195
Chemicals	31	70	47
Professional	59	39	31
Laser pointers	30	37	29
Vehicles and accessories	592	400	354
Total	2,754	2,865	2,899

Source: Subdirectorate-General for Consumer Affairs Coordination, Quality and Cooperation.
Directorate-General for Consumer Affairs.

The table below provides more detailed information on the sub-categories of the alerted products.

Category of alerted product subcategories 2023		
CATEGORY / SUBCATEGORY	TOTAL	PERCENTAGE
Miscellaneous leisure and sporting goods	49	1.69%
Leisure/sporting goods	40	
Bicycles and Accessories	9	
Children's articles	109	3.76%
Childcare articles	108	
School Supplies	1	
Personal protective equipment	46	1.59%
Personal protective equipment	42	
EPI Footwear	4	
Furniture, household goods and home furnishings	21	0.72%
Kitchenware	3	
Household items	4	
Furniture	14	
Adult fashion and accessories	185	6.38%
Jewellery and watches	148	
Handbags and wallets	12	
Adult footwear	19	
Adult clothing	6	
Children's fashion and accessories	229	7.90%
Children's footwear	9	
Children's clothing	215	
Hair accessories	5	
Other products	111	3.83%
Gas appliances	11	
Gardening articles	9	
Luggage ropes	15	
Electronic cigarettes and accessories	16	
Flying lanterns	12	
Other	44	
Stationery	4	
Electrical products	195	6.73%
Small electrical appliances	100	
Household appliances	5	
Electrical equipment	90	

Source: Subdirectorate-General for Consumer Affairs Coordination, Quality and Cooperation.
Directorate-General for Consumer Affairs.

8 Withdrawal and destruction of products

Throughout 2023, the DGC has received information on 429,004 unsafe products withdrawn by the Autonomous Regions, involving products from Autonomous Region and EU alerts.

Withdrawn and destroyed products, 2023			
CATEGORY	Autonomous Regions	EU	TOTAL
Miscellaneous leisure and sporting goods*	77	14	91
Various decorative items	131	122	253
Children's articles	18,281	551	18,832
Hot water bottles	1,582	0	1,582
Do-it-yourself and tools	12,177	0	12,177
Costumes and gag items	802	0	802
Personal protective equipment	3,087	100	3,187
Toys	266,159	17,213	283,372
Luminaries	3,495	0	3,495
Furniture, household and home furnishings*	3,708	9	3,717
Adult fashion and accessories*	4,476	110	4,586
Children's fashion and accessories*	4,906	24	4,930
Other products*	10,659	343	11,002
Electrical products	75,744	1,085	76,829
Chemicals	2,003	1,290	3,293
Laser pointers	564	0	564
Vehicles and accessories	0	292	292
Total	407,851	21,153	429,004

SOURCE: Source: Subdirectorate-General for Consumer Affairs Coordination, Quality and Cooperation.
Directorate-General for Consumer Affairs.

* They comprise several subcategories.

9 Notifications published on the web⁸³

In compliance with the principle of transparency laid down in Article 17 of Spanish Royal Decree 1801/2003 on general product safety, the DGC website regularly posts national notifications that are likely to be published at that time.

In 2023, the DGC published information on **253** unsafe products on the web. The website also provides access to both the Community notifications published weekly on the European Commission's website and notifications from other international alert networks.

⁸³ <https://www.consumo.gob.es/es/consumo/productos-alertados>

10.5 Quality and industrial safety authorities in the field of market surveillance (MINTUR, Autonomous Regions and Member States.

- 1 Market surveillance in 2023
- 2 Joint actions with the Autonomous Regions
- 3 Joint actions with Member States
- 4 The Autonomous Regions' role in industrial product market surveillance
 - 4.1 Participation in Spanish and European market surveillance projects
 - 4.2 Implementation of regional market surveillance campaigns
 - 4.3 Market surveillance activities performed as a result of complaints or accidents
 - 4.4 Collaboration in processing personal protective equipment cases rejected at the border by the SOIVRE service

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 requirements designed 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 Regions, which they have taken on in their statutes of autonomy, and market surveillance is organized in such a way that it reflects this distribution of power. In the case of industrial products, the State has the powers to legislate, control borders, and coordinate the Autonomous Regions. Basically, the State draws up the regulations and represents Spain in international forums when discussing what conditions products must meet; it carries out border controls to protect the country from non-compliant products coming from outside the Union; and, finally, it also has the complicated role of coordinating the Autonomous Regions' actions and drawing up National Market Surveillance Plans, which it encourages the Autonomous Regions to follow in order to have an overview in this regard. The powers of the Autonomous Regions /Cities are executive.

This chapter addresses both the national campaigns and the joint campaigns coordinated with all the Autonomous Regions. According to the Spanish Industry Act, the Autonomous Regions have executive market surveillance powers, and the Directorate-General of Industry and Small and Medium Enterprises, which reports to the Secretariat-General for Industry and SMEs of the Ministry of Industry, Trade and Tourism, is responsible for promotion and coordination activities. It also addresses any joint activities carried out with Member States and that are included in MENVIME (Strategic Framework for Market Surveillance in Spain).

1 Market surveillance in 2023

The table below outlines the initial programme drawn up by the Directorate-General of Industry and Small and Medium Enterprises (DGPYME in its Spanish acronym), which reports to the Secretariat of State for Industry of the Ministry of Industry and Tourism, for carrying out the national industrial product market surveillance campaigns during 2023.

Initial programme established for 2023			
SECTORS	APPLICABLE EU LEGISLATION	PRODUCT CATEGORIES AND OBJECTIVE OF PROJECT	AUTHORITY
SECTORES DE PRODUCTOS	LEGISLACIÓN APLICABLE	FAMILIAS DE PRODUCTOS Y OBJETIVOS	AUTORIDAD
04. Personal protective equipment	Regulation (EU) 2016/425	Categories of products: Personal protective equipment designed for professional use. Objective: Detection of products that pose significant risks, Location of products without CE marking.	MINCOTUR SGCSI
04. Equipos de protección personal	Reglamento (UE) 2016/425	Categorías de productos: Equipos de protección individual diseñados para uso profesional. Objetivos: Detección de productos con incumplimientos normativos o sin marcado CE.	SGCSI del MINCOTUR
05. Construction products	Regulation (EU) 305/2011	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.	MINCOTUR SGCSI
05. Productos de construcción	Reglamento (UE) 305/2011	Categorías de productos: Cementos; Yesos, escayolas y prefabricados; Productos cerámicos; Arenas y gravas; Ventanas y puertas. Objetivos: Detección de productos con incumplimientos normativos o sin marcado CE.	SGCSI del MINCOTUR
07. Simple pressure vessels and Pressure equipment	Directives 2014/29/EU and 2014/68/EU	Categories of products: Compressors, Accumulators, Aerosols, Cartridges and Cleaning systems. Objective: Detection of products that pose significant risks, Location of products without CE marking.	MINCOTUR SGCSI
07. Recipientes a presión simples y equipos a presión	Directivas 2014/29/UE y 2014/68/UE	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.	SGCSI del MINCOTUR
08. Transportable pressure equipment	Directive 2010/35/EU	Categories of products: Transportable pressure containers. Objective: Detection of products that pose significant risks, Location of products without CE marking.	MINCOTUR SGCSI
08. Equipos a Presión Transportables	Directiva 2010/35/UE	Categorías de productos: Botellas y contenedores a presión transportables. Objetivos: Detección de productos con riesgos significativos y localización de productos sin marcado CE.	SGCSI del MINCOTUR
09. Machinery	Directive 2006/42/EC	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.	MINCOTUR SGCSI
09. Máquinas	Directiva 2006/42/CE	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.	SGCSI del MINCOTUR

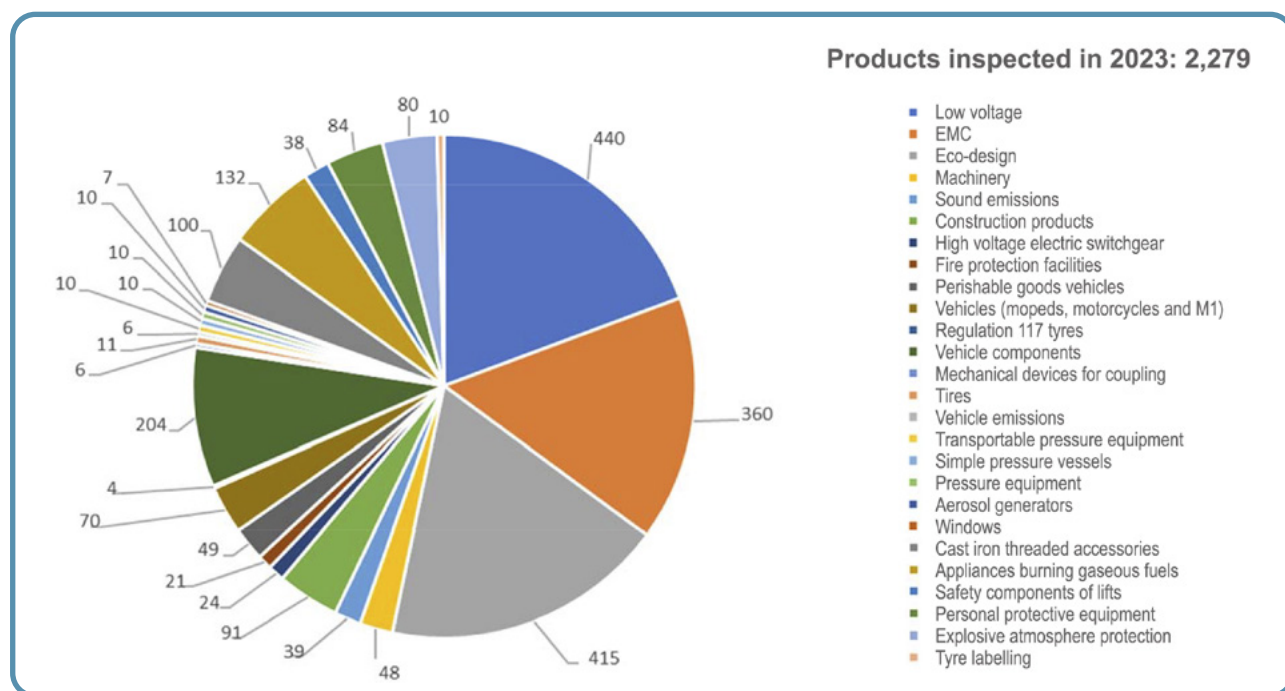
SECTORS	APPLICABLE EU LEGISLATION	PRODUCT CATEGORIES AND OBJECTIVE OF PROJECT	AUTHORITY
SECTORES DE PRODUCTOS	LEGISLACIÓN APLICABLE	FAMILIAS DE PRODUCTOS Y OBJETIVOS	AUTORIDAD
10. Lifts	Directive 2014/33/EU	Categories of products: Safety components of lifting apparatuses. Objective: Detection of products that pose significant risks, Location of products without CE marking.	MINCOTUR SGCSI
10. Ascensores	Directiva 2014/33/UE	Categorías de productos: Componentes de seguridad de aparatos elevadores. Objetivos: Detección de productos con incumplimientos normativos o sin marcado CE.	SGCSI del MINCOTUR
13. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres	Directive 2014/34/EU	Categories of products: Walkie talkies, emergency switches, fans, pumps, etc. Objective: Detection of products that pose significant risks, Location of products without CE marking.	MINCOTUR SGCSI
13. Aparatos y sistemas de protección para uso en atmósferas potencialmente explosivas	Directiva 2014/33/UE	Categorías de productos: Walkie talkies, interruptores de emergencia, ventiladores, bombas, etc. Objetivos: Detección de productos con incumplimientos normativos o sin marcado CE.	SGCSI del MINCOTUR
16. Appliances burning gaseous fuels	Regulation (EU) 2016/426	Categories of products: Appliances burning gaseous fuels used for cooking, heating, hot water production or refrigeration; and safety devices, controlling devices or regulating. Objective: Detection of products that pose significant risks, Location of products without CE marking.	MINCOTUR SGCSI
16. Aparatos de gas	Reglamento (UE) 2016/426	Categorías de productos: Aparatos de cocción, calefacción, producción de agua caliente o refrigeración que funcionan con combustible gaseoso; y Equipos como: dispositivos de seguridad, control y regulación. Objetivos: Detección de productos con incumplimientos normativos o sin marcado CE.	SGCSI del MINCOTUR
18. Electrical equipment under EMC	Directive 2014/30/EU	Categories of products: White goods, Small household appliances, Consumer electronics, Informatics and office equipment, Luminaires and switchgear, Equipment for hotel and catering use. Objective: Detection of products that pose significant risks, Location of products without CE marking.	MINCOTUR SGCSI
18. Equipos eléctricos (Directiva sobre compatibilidad electromagnética)	Directiva 2014/30/UE	Categorías de productos: Línea blanca, Pequeños aparatos electrodomésticos, Línea marrón, Informática y ofimática, Luminarias y aparamenta, Aparatos para uso comercial y de hostelería. Objetivos: Detección de productos con riesgos significativos y Localización de productos sin marcado CE.	SGCSI del MINCOTUR
20. Electrical appliances and equipment under LVD	Directive 2014/35/EU	Categories of products: White goods, Small household appliances, Consumer electronics, Informatics and office equipment, Luminaires and switchgear, Equipment for hotel and catering use. Objective: Detection of products that pose significant risks, Location of products without CE marking.	MINCOTUR SGCSI
20 Aparatos y equipos eléctricos (Directiva «baja tensión»)	Directiva 2014/35/UE	Categorías de productos: Línea blanca, Pequeños aparatos electrodomésticos, Línea marrón, Informática y ofimática, Luminarias y aparamenta, Aparatos para uso comercial y de hostelería. Objetivos: Detección de productos con riesgos significativos y Localización de productos sin marcado CE.	SGCSI del MINCOTUR

SECTORS	APPLICABLE EU LEGISLATION	PRODUCT CATEGORIES AND OBJECTIVE OF PROJECT	AUTHORITY
SECTORES DE PRODUCTOS	LEGISLACIÓN APLICABLE	FAMILIAS DE PRODUCTOS Y OBJETIVOS	AUTORIDAD
23. Eco-design and Energy Labelling. Efficiency requirements for hotboilers fired with liquid or gaseous fuels	Directive 2009/125/EC Directive 2010/30/EU	Categories of products: TVs, PCs, White goods, Fans, Luminaries, etc. Objective: Detection of products that do not comply with the requirements of the Directive and EC Regulations. Documentary verification and testing, whenever possible.	MINCOTUR SGCSI
23. Diseño ecológico y etiquetado energético Calderas calentadas con combustibles líquidos o gaseosos	Directiva 2009/125/CE Directiva 2010/30/UE	Categorías de productos: Televisores, Ordenadores, Electrodomésticos de línea blanca, Ventiladores, Luminarias, etc. Objetivos: Detección de productos que no cumplan con los requisitos de la Directiva y los Reglamentos específicos. Verificación documental y cuando sea posible por ensayo.	SGCSI del MINCOTUR
27. Motor vehicles and tractors	Regulation (EU) 168/2013 Regulation (EU) 167/2013 Regulation (EU) 2018/858	Categories of products: Cars, Mopeds and motorcycles, Trailers, Spare parts and components. Objective: Detection of products that are not type-approved or are non-compliant as regards the applicable characteristics.	MINCOTUR SGCSI
27. Vehículos de motor y tractores	Reglamento (UE) 168/2013 Reglamento (UE) 167/2013 Reglamento (UE) 2018/858	Categorías de productos: Automóviles, Ciclomotores y motocicletas, Remolques, Repuestos y componentes. Objetivos: Detección de productos no homologados o con incumplimientos respecto a las características aplicables	SGCSI del MINCOTUR

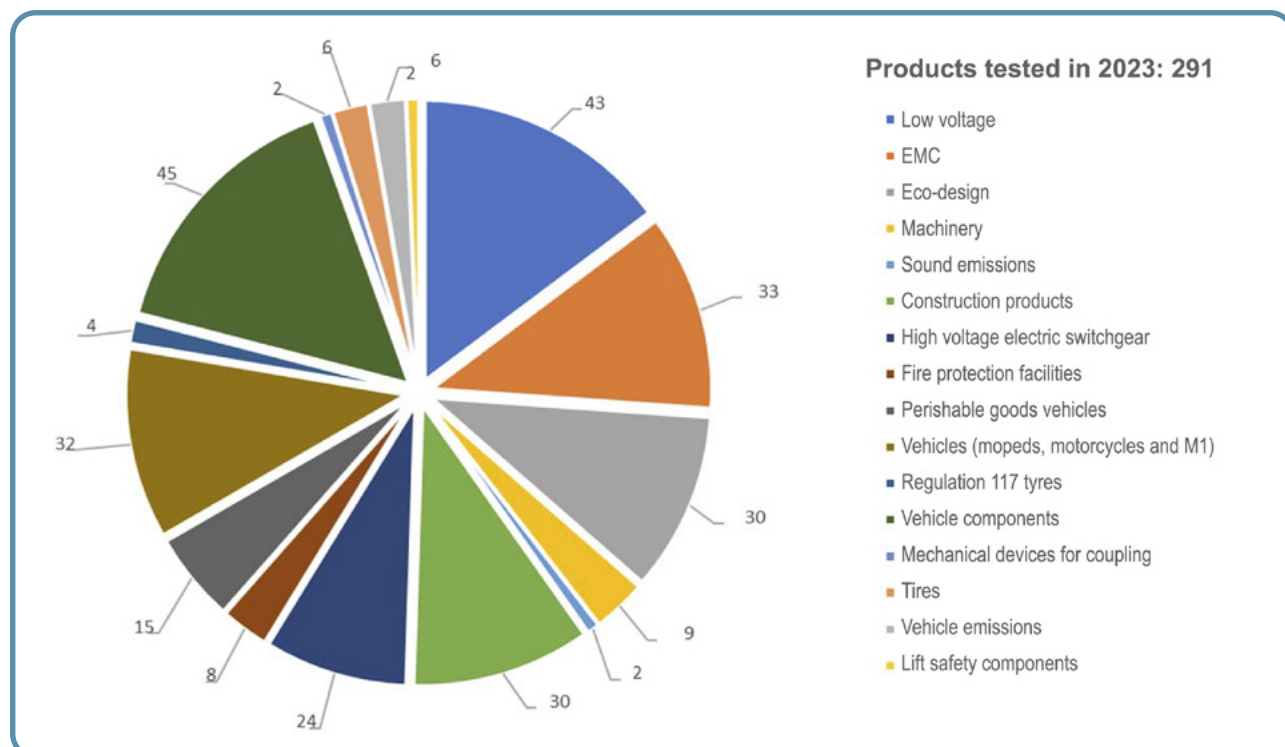
OTHER LEGISLATIONS			
OTRAS LEGISLACIONES			
SECTORS	APPLICABLE EU LEGISLATION	PRODUCT CATEGORIES AND OBJECTIVE OF PROJECT	AUTHORITY
SECTORES DE PRODUCTOS	LEGISLACIÓN APLICABLE	FAMILIAS DE PRODUCTOS Y OBJETIVOS	AUTORIDAD
41. High Voltage electrical installations	Spanish Royal Decree 3275/1982 Spanish Royal Decree 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	Real Decreto 3275/1982 Real Decreto 337/2014	Categorías de productos: Aisladores, Interruptores, Transformadores, 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, Hidrantes, Productos de protección pasiva. Objetivos: Detección de productos con riesgos de seguridad significativos.	SGCSI del MINCOTUR

Results of the 2023 market surveillance campaign					
Products analyzed	Inspected	Tested	Non-compliances Tested	Documentary Analysis	Documentary Analysis Non-compliances
Low voltage	440	43	36	102	80
Electromagnetic compatibility	360	33	22		
Eco-design	415	30	13		
Machinery	48	9	8	6	0
Sound emissions	39	2	0	13	0
Construction products	91	30	2	15	1
High voltage electric switchgear	24	24	7	0	0
Fire fighting facilities	21	8	3	0	0
Perishable goods vehicles	49	15	12	0	0
Vehicles (mopeds, motorcycles and M1)	70	32	0	0	0
Tyres Regulation 117	4	4	0	0	0
Vehicle components	204	45	26	0	0
Mechanical coupling devices	6	2	2	0	0
Tyres	11	6	0	0	0
Vehicle emissions	6	6	0	0	0
Transportable pressure equipment	10	0	0	8	8
Simple pressure vessels	10	0	0	8	7
Pressure vessels	10	0	0	8	8
Aerosol generators	10	0	0	8	8
Windows	7	0	0	6	1
Cast threaded accessories	100	0	0	63	11
Gas appliances	132	0	0	30	27
Lift safety components	38	2	0	2	0
Personal protective equipment	84	0	0	29	18
Explosive atmosphere protection	80	0	0	21	12
Tyre labelling	10	0	0	10	0
TOTAL	2,279	291	131	329	181

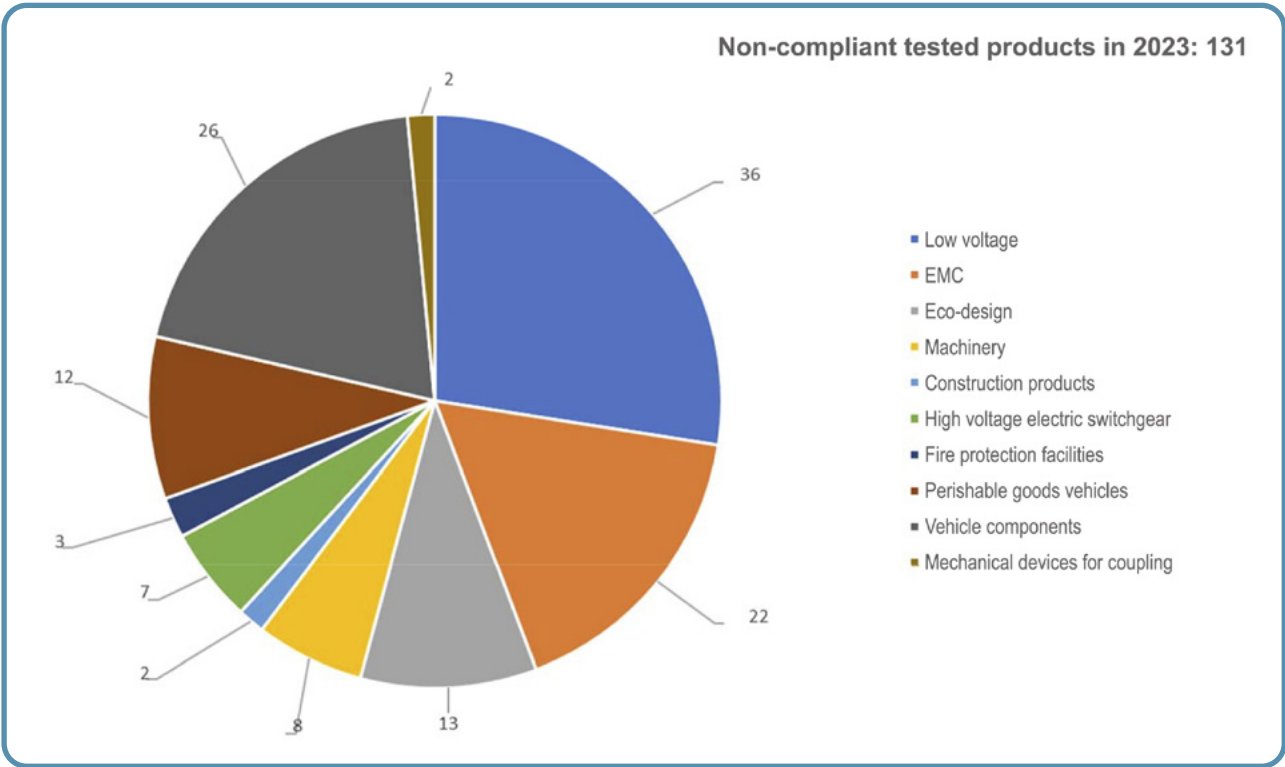
INSPECTED PRODUCTS 2023



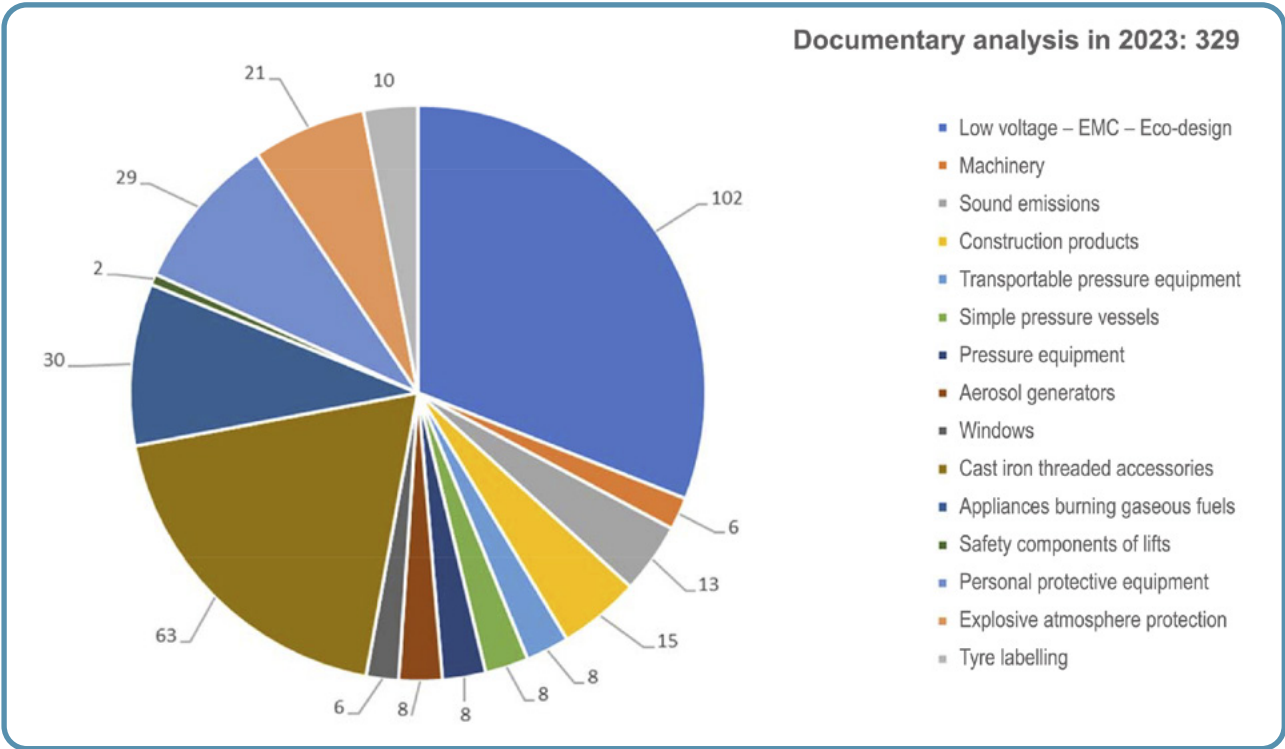
TESTED PRODUCTS 2023



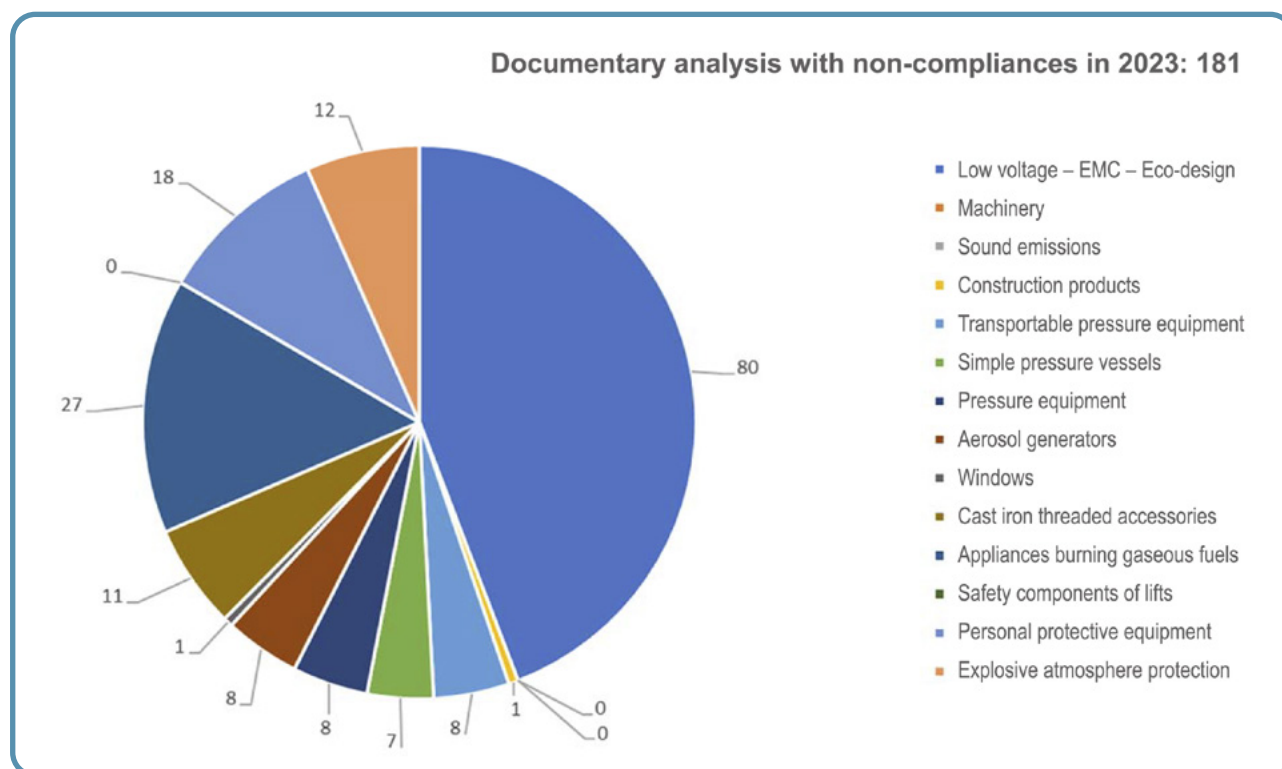
NON-COMPLIANT PRODUCTS 2023



DOCUMENTARY ANALYSIS 2023



DOCUMENTARY ANALYSIS WITH NON-COMPLIANCES 2023



2 Joint actions with the Autonomous Regions

The following joint national market surveillance campaigns coordinated with the Autonomous Regions continued in 2023:

- Joint campaign on commercial and garage industrial motorized doors.
- Joint campaign on lifts.
- Joint campaign on magnetic thermal circuit breakers.
- Joint campaign on PPEs:
 - Safety footwear.

3 Joint actions with Member States

As in previous years, our authority collaborates with other Member States in the industrial products sector. The joint inspections which have started and will continued in subsequent years are summarized in the following sections:

Project JAHARP2020

The JAHARP2020 triplet, a 24-month pan-European project co-funded by the European Union (EU), came to an end in May 2023. Its strategic objective was threefold: (i) raising the level of market surveillance; (ii) facilitating the implementation of the new Market Surveillance Regulation (EU) 2019/1020; and (iii) enhancing the capacity of market surveillance authorities.

The project involved 29 market surveillance authorities and other organizations from 22 EU Member States and covered seven product areas. The Foundation for the Promotion of Industrial Innovation (FFII in its Spanish acronym), through the Official Central Electrotechnical Laboratory (LCOE in its Spanish acronym), and in collaboration with the Ministry of Industry and Tourism, was involved in the following product types: gas cookers, gas heaters, tumble dryers and USB chargers.

Project JAHARP2022

September 2023 saw the launch of the Joint Action on Harmonized Commodity Market Surveillance 2022 (JAHARP2022), which is a group of five projects co-funded by the European Union (EU).

In total, 25 organizations from the following 16 countries are participating: Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Ireland, Italy, Latvia, the Netherlands, Portugal, Romania, Spain and Sweden.

Its objectives are:

- Keeping non-compliant and/or dangerous products out of the Single Market.
- Supporting the implementation of the new Market Surveillance Regulation (EU) 2019/1020.

The FFII-LCOE, in collaboration with the Ministry of Industry and Tourism, is spearheading the project on energy labelling and eco-design of washing machines and professional refrigeration appliances and is taking part in the electric vehicle charger and market surveillance harmonization projects.

Participation in the Commission's Plan on Vehicle Market Surveillance in compliance with Regulation (EU) 858/2018

The scope of the actions is to conduct tests on a set of M1 category vehicles identified by FORUM to ensure that vehicles placed on the Union market provide a high level of safety protection by verifying that they comply with Union harmonization legislation and therefore meet the applicable requirements.

It specifies the vehicles to be sampled and the regulatory acts [of those contained in Annex II of Regulation (EU) 858/2018], to be checked on them and which is based on the Safety Hazard Ranking established by DG Growth, considering the Risk Assessment Tool proposed by the JCR.

The number of vehicles and RAs considered is based on the 1/40,000 vehicles registered in the Member State, with at least 20% of the tests performed on the emission aspects.

The selection of the specific vehicle models to be tested has been established in such a way as to avoid the inspection of vehicles of the same make, type or model in the different Member States and ensuring that it is conducted on vehicles that have not been approved by the inspecting Member State.

In 2023, a total of 6 different registered makes of manufacturers and commercial models of those listed in sections 0.1 and 0.2.1 of the type-approval certificates were inspected. In addition to emission testing all of them, the following items of Annex II of Regulation (EU) 2018/858 were tested:

- 31A - Seat belts, restraint systems, child restraint systems and Isofix child restraint systems - UNECE Regulation 16, vehicle installation.
- 46D - Tyre rolling noise emissions, wet grip and rolling resistance (classes C1, C2 and C3) - UNECE Regulation 117.
- 1A - Noise level of motor vehicles and replacement silencing systems - Regulation (EU) 540/2014 - UNECE Regulation 51.
- 5A - Steering Mechanism - UNECE Regulation 79.
- 22B - Daytime running lamps for motor vehicles - UNECE Regulation 87.
- 10A - Electromagnetic Compatibility - UNECE Regulation 10.
- 2A - Emissions from passenger cars and light commercial vehicles (Euro 5 and Euro 6) - Regulation (EC) 715/2007; as amended by Regulation (EU) 2018/1832 - UNECE Regulation 101.

4 The Autonomous Regions' role in industrial product market surveillance

As explained earlier, in Spain, all applicable industrial product market surveillance legislation stems from The Industry Act 21/1992, of 16 July, which establishes the bases for developing all industry-related provisions, particularly those intended to guarantee industrial safety. Specifically, market surveillance powers are set out in articles 10.3 and 14 of the aforementioned law, which provide for the possibility of the government agencies carrying out activities to verify that products comply with current regulations and grant them the necessary powers to withdraw from the market those products whose use endangers the interest protected by said regulations, or even to destroy them if necessary. In addition to this national provision, there are also the European regulations already discussed in other chapters, as well as the corresponding regulatory developments.

The executive competence in this area lies on the Autonomous Regions, with the State coordinating the national plans through the Sectoral Conference on Industry and SMEs and, more specifically, through its Market Unity Working Group.

In exercising these powers, the Autonomous Regions engage in the following activities:

- Participation in Spanish and European market surveillance projects.
- Implementation of regional market surveillance campaigns.
- Implementation of market surveillance actions as a result of complaints or accidents.
- Collaboration in processing personal protective equipment cases rejected at the border by the SOIVRE service.

4.1 Participation in Spanish and European market surveillance projects

The work conducted in recent years through the Sectoral Conference on Industry and SMEs has enabled the Ministry of Industry, Trade and Tourism and the Autonomous Regions to collaborate more closely in market surveillance issues. As a result, the Autonomous Regions have come to play a much more active role in national market surveillance campaigns, collaborating with the aforementioned Ministry in taking samples and compiling documentation to be provided by the economic players involved, and then taking charge of processing the market surveillance procedures associated with the products under investigation and, where appropriate, the corresponding sanctioning activities.

This has meant that much of the market surveillance activity conducted by the Autonomous Regions has been shifted to these national campaigns, which have already been described in a previous chapter.

Apart from helping the Ministry of Industry, Trade and Tourism to conduct national market surveillance campaigns, the Autonomous Regions also sometimes take part in European projects promoted by the European Commission, in which they work side by side with other Member States' market surveillance authorities to promote this type of action throughout the EU.

In 2023, the Madrid Region continued taking part in the EU-funded European project [ENERTP2020 \(Energy Testing Pool 2020\)](#), coordinated by PROSAFE. This 48-month (December 2021 - December 2025) framework contract is organizing yearly testing campaigns of multiple energy-related products under the Ecodesign and Energy Labelling legislation. The project involves market surveillance authorities from nine Member States (Belgium, Denmark, France, Germany, Italy, the Netherlands, Poland, Portugal, Spain and Belgium), as well as twelve laboratories from the same Member States.

The ENERTP2020 project will test the energy requirements of the following seven product categories: domestic washing machines; domestic ovens (gas and electric); gas and electric hobs; gas and electric cooker hoods; gas and electric extractor hoods; air-to-water heat pumps; gas combi boilers; electric air coolers. In 2023, the Madrid Region's action in the framework of this project focused on the inspection of gas-fired combi boilers.

Andalusia, Catalonia and the Basque Country have also continued taking part in the EU-cofunded European project [JAHARP2021 OMNIBUS \(Joint Market Surveillance Actions on Harmonized Products 2021\)](#), also coordinated by PROSAFE. This 24-month framework contract focuses on seven different categories of products affected by European regulation and includes, in addition, three horizontal activities aimed at improving the competence of the participating market surveillance authorities. The project involves 45 market surveillance authorities from 24 countries (Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden and Switzerland), as well as 12 laboratories from the same countries.

In 2023, the actions of Andalusia, Catalonia and the Basque Country in the framework of this project focused on the inspection of scissor lifts.

4.2 Implementation of regional market surveillance campaigns

Apart from participating in national and European campaigns, some Autonomous Regions design and implement market surveillance campaigns every year at Autonomous Community level for products that are not included in these campaigns or in which aspects that have not been verified in other activities are checked. Given the wide range of products to be covered, they focus mainly on those that have been regulated more recently or among which a higher degree of regulatory non-compliance has been detected through complaints, inspections, etc.

Once the objective and scope of these campaigns have been defined, the Autonomous Regions select the products to be inspected, take samples of the selected products if the campaign is not limited to documentary verification, carry out a prior check of the regulatory administrative requirements and, if necessary, use their own or external laboratories to carry out the necessary tests and trials. If any non-compliance is detected, the relevant economic agents are required to provide the appropriate clarifications and, if necessary, to remedy the defects; depending on the risk posed by these non-compliances, measures may be taken to withdraw, recall or prohibit the marketing of the products in question. Such non-compliances can also lead to proposals to being disciplinary proceedings against the economic operators responsible.

During 2022, the Autonomous Regions have conducted regional market surveillance campaigns in eight different product areas, analyzing 266 different products. The campaigns conducted in this purely regional framework have been the following:

Inspected product	No. of products analyzed	% of non-compliant products
Gas appliances	4	50%
Lifts	14	43%
Low voltage equipment	3	0%
Equipment subject to electromagnetic compatibility (EMC) regulations	2	0%
Machinery	22	86%
Concrete manufacturing plants	158	50%
Construction products	58	48%
High voltage transformers	5	40%

4.3 Market surveillance activities performed as a result of complaints or accidents

The Autonomous Regions' market surveillance tasks also include processing complaints from different bodies (such as the Ministry of Industry and Tourism, the competent bodies of other Autonomous Regions, the European Commission or other Member States), associations or companies, as well as notifications regarding products involved in an accident (generally machinery), which they investigate and, on many occasions, lead them to initiate market surveillance procedures.

During 2023, the Autonomous Regions have conducted a total of 75 market surveillance activities as a result of complaints, communications and accidents.

Below is a Table with the type of products included in this Section:

Inspected product	No. of analyzed models	% of non-compliant products
Gas boilers	2	100%
Transportable pressure equipment	1	100%
Low voltage equipment	11	100%
Personal protective equipment	2	100%
Equipment subject to electromagnetic compatibility (EMC) regulations	13	77%
In-plant concrete manufacture	6	100%
Machinery	35	94%
Construction products	5	100%
Tank vehicles (ADR)	1	100%
Two and three-wheeled vehicles and quadricycles	2	100%

4.4 Collaboration in processing personal protective equipment cases rejected at the border by the SOIVRE service

In addition to these activities, the Autonomous Regions also help SOIVRE to monitor certain products that have been subject to border controls and allowed to enter the country while awaiting the results of a test that finally turns out to be unfavourable. In such cases, the competent bodies of the Autonomous Regions where the products are stored ensure that the products are brought into conformity or withdrawn from the market and investigate whether similar items of these products have entered the Spanish market in the past in order to act accordingly.

During 2023, the Autonomous Regions have managed 18 of these cases.

10.6 Control activities by SOIVRE Inspection Service in 2023

- 1 What is the SOIVRE Inspection Service?
- 2 Structure
- 3 Sphere of competence
- 4 General inspection data
- 5 Monitoring covered by Regulation (EU) 2019/1020 on market surveillance
- 6 ROHS and WEEE control of imported electrical and electronic equipment
- 7 Safety controls on imported industrial products
- 8 How are controls undertaken?
- 9 Safety control data of industrial products
- 10 Documentary checks carried out in DOCUCICE
- 11 Collaboration between authorities
- 12 Non-conformity files
- 13 Reasons for non-conformity
- 14 Origin of imports
- 15 Conclusion

1 What is the SOIVRE Inspection Service?

The SOIVRE Inspection Service (hereinafter, SOIVRE I.S.) of the Territorial and Provincial Trade Directorates (hereinafter, DTs/DPs), is a **multi-disciplinary** border inspection service, attached to the Secretary of State for Trade of the Ministry of Economy, Trade and Enterprise, and coordinated in relation to its functions by the Subdirectorate-General for Foreign Trade Inspection, Certification and Technical Assistance (hereinafter, SGICATCE), which is entrusted with **various types of control** tasks, as set out in Spanish Royal Decree 1456/2005, **for goods subject to foreign trade, in Spanish customs offices**.

2 Structure

SOIVRE I.S has a territorial network of 31 centres integrated in the DTs/DPs coordinated by the SGICATCE, and provides its service in the Border Goods Control Facilities, at **138 inspection points** located in the main Spanish customs offices.

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

These laboratories conduct different chemical or mechanical tests on the industrial products to be tested. Among others, the following tests are carried out: dimethyl fumarate residues, phthalates, aromatic amines from azo dyes, chromium (VI), safety tests on protective footwear according to standard UNE-EN ISO 20346 and standard UNE-EN ISO 20345; safety in children's footwear according to UNE 59300, bisphenol A, formaldehyde, phthalates, heavy metals, safety in toys according to UNE-EN 71-1, safety in toys according to EN 62115, electrical safety, primary aromatic amines, binary mixture of textile fibres quantification, identification of textile fibres, safety in textiles according to UNE 40902, ROHS compliance tests and quantitative analysis of heavy metals in electrical appliances.

The SOIVRE I.S. has the support of other State-run laboratories. In the case of industrial products, these are the National Center for Means of Protection (CNMP) belonging to the Ministry of Labor and Social Economy, and the Center for Research and Quality Control (CRQC) of the Ministry for Consumer Affairs.

Whenever necessary, the SOIVRE also relies on external laboratories officially certified to comply with UNEEN ISO/IEC 17025 Standard, for appropriate analytical techniques and matrixes, to test any products within its sphere of competence.

3 Sphere of competence

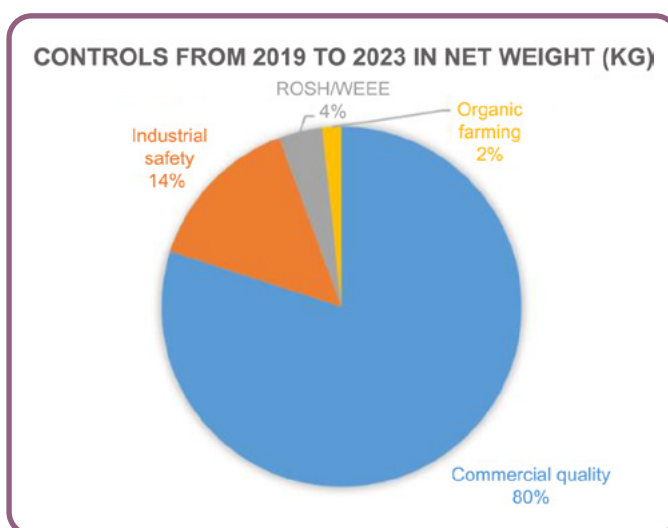
The SOIVRE I.S. conducted the following monitoring and inspection tasks in 2023:

- Testing of the **commercial quality** of certain agri-food products traded abroad ([Order PRE/3026/2003](#)).
- Testing of organic farming products imported from third countries ([Order ECC/1936/2014](#)).
- Safety checks on certain industrial products imported from third countries ([Spanish Royal Decree 330/2008](#)).
- **ROHS/WEEE** testing of electrical and electronic equipment, batteries and accumulators imported from third countries ([Spanish Royal Decree 993/2022](#)).
- Monitoring of protected species subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (**CITES**).

4 General inspection data

In the last five years, in the **total of the control areas described (excluding CITES)**, more than 7 million items of goods, with a net weight of more than 30 million tons, have been presented for control, with foodstuffs predominantly under commercial quality control.

TOTAL CONTROL AREAS FROM 2019 TO 2023		
Area	Items submitted for control	Net weight (Kg)
Commercial Quality	4,028,020	24,683,396,793
Industrial Safety	2,450,725	4,434,138,439
ROSH/ WEEE (2023 only)	572,384	1,211,160,335
Organic farming	18,819	528,390,313
Total	7,069,948	30,857,085,880



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

Regulation (EU) 2019/1020 on market surveillance, governs the safety checks conducted on imports of industrial products included in the annex of Spanish Royal Decree 330/2008, both in the harmonized sectors to which the corresponding specific legislation applies, as well as in the non-harmonized sectors to which Royal Decree 1801/2003 on general product safety applies.

Under the framework of Regulation (EU) 2019/1020, SOIVRE I.S. has been entrusted with new controls, in particular checking compliance with Spanish Royal Decree 219/2013 on restrictions on the use of certain hazardous substances in electrical and electronic equipment, prior to importation; as well as checking that they comply with the obligations established in Spanish Royal Decree 110/2015 on waste from electrical and electronic equipment, with regard to the Integrated Industrial Register with the aim of appropriately managing said waste (**WEEE**), as well as compliance with these latter obligations regarding batteries and accumulators subject to import (Spanish Royal Decree 106/2008). In order to carry out these controls, [Spanish Royal Decree 993/2022, of 29 November, adopting control measures for the import of electrical and electronic equipment, batteries and accumulators from third countries](#) was published.

Spanish authorities **recently published** Royal Decree 517/2024⁶⁴, which makes the SOIVRE I.S. responsible for **inspecting the safety of drones** modifying the annex of Spanish Royal Decree 330/2008. This will **start taking effect in mid-September** 2024.

⁶⁴ Spanish Royal Decree 517/2024 of 4 June developing the legal regime for the civil use of unmanned aircraft systems (UAS), and amending various regulatory standards on the import control of certain products with regard to the applicable product safety standards; civil aerial demonstrations; firefighting and search and rescue and airworthiness requirements and licensing requirements for other aeronautical activities; civil aircraft registration; electromagnetic compatibility of electrical and electronic equipment; air regulations and licensing requirements for other aeronautical activities; and civil aviation occurrence reporting.

6 ROHS and WEEE control of imported electrical and electronic equipment

As a novelty, in January 2023, and in application of Spanish Royal Decree 993/2022 adopting control measures for the import of electrical and electronic equipment, batteries and accumulators from third countries, these controls began to be managed through the first SEP (Single Customs Entry Point) project in the European Union, in the form of a true Customs Single Window.

The outcome of these controls after only and a half a years are noticeable. For example, regarding controls to check compliance with IIR-WEEE and IIR-B&A registration obligations, before Spanish Royal Decree 993/2022 was published, there were approximately 1,000 active operators registered in the IIR-WEEE, but now the controls are in place, the number **has risen to 10,000-plus registered operators in one and a half years. The benefit** is immediate for companies that used to pay the device recycling costs themselves, while there were free riders who were competing unfairly in the market against them. There is still some way to go, but the trend is very good, and companies are much better acquainted of their ROHS control-related obligations, while compliance increases as control progresses.

7 Safety controls on imported industrial products

Ever since 2008, SOIVRE I.S. has been conducting pre-import mandatory safety and labelling monitoring checks on the products covered by Appendix I of Spanish Royal Decree 330/2008, which adopted control measures for the import of certain products regarding the applicable product safety regulations. Customs does not allow any products to be imported unless they have the corresponding safety monitoring document issued by SOIVRE I.S.

The groups of controlled products are:

- Consumer textiles ([Spanish Royal Decree 1801/2003](#); [Regulation 1007/2011](#); [Spanish Royal Decree 928/1987](#)).
- Consumer footwear ([Spanish Royal Decree 1801/2003](#); [Spanish Royal Decree 1718/1995](#)).
- Personal protective equipment (PPE); ([Regulation 2016/425](#)).
- Toys ([Spanish Royal Decree 1205/2011](#)).
- Small electrical equipment, intended for use by a common user within certain voltage limits ([Spanish Royal Decree 187/2016](#)).
- Wood intended for use in construction ([Regulation \(EU\) No. 305/2011](#)).
- Furniture ([Spanish Royal Decree 1801/2003](#)).

In addition to the safety control, authorities check that products are labelled properly, and that the textile composition is marked correctly.

In all these areas, import security control has proven an effective tool to prevent non-compliant goods from coming onto the market and jeopardizing consumers' safety and financial interests while competing unfairly with other compliant goods on the market.

8 How are controls undertaken?

The authorities select a sample of all the goods presented for inspection purposes, and then check the documentation and/or inspect the goods physically, with or without taking samples for laboratory tests. Goods are selected 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 minimizing disturbances to the normal movement of goods and optimizing technical and administrative resources.

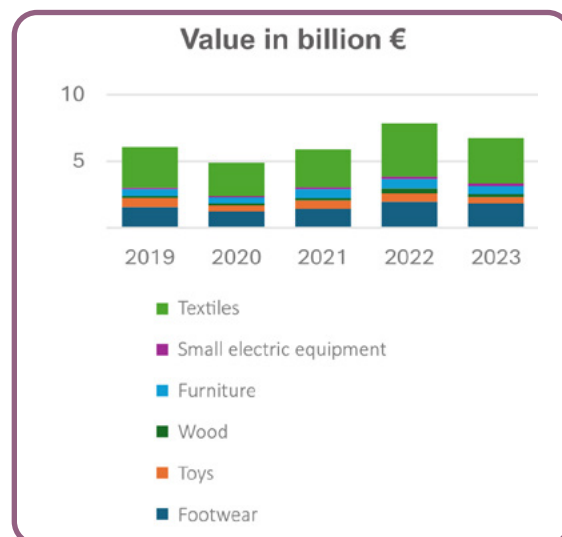
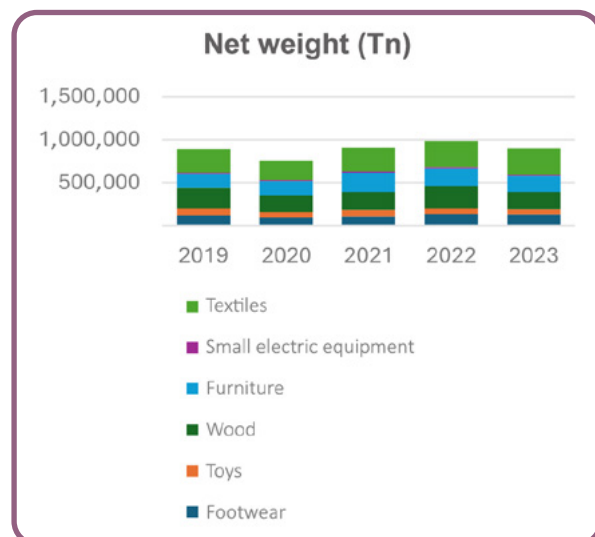
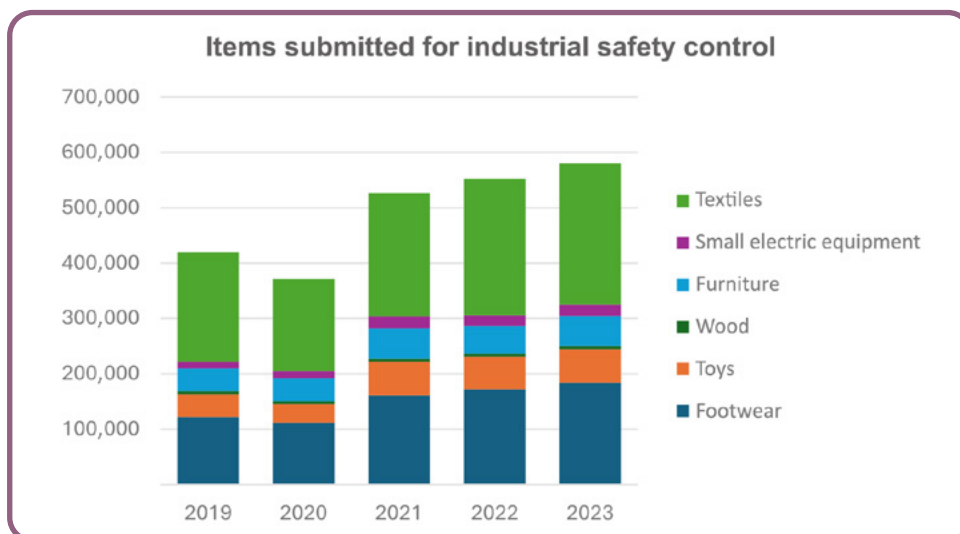
Any goods that are not submitted to physical or documentary inspection due to the risk analysis are issued a certificate with the compliance outcome and the monitoring classification "not inspected" for customs clearance purposes.

9 Safety control data of industrial products

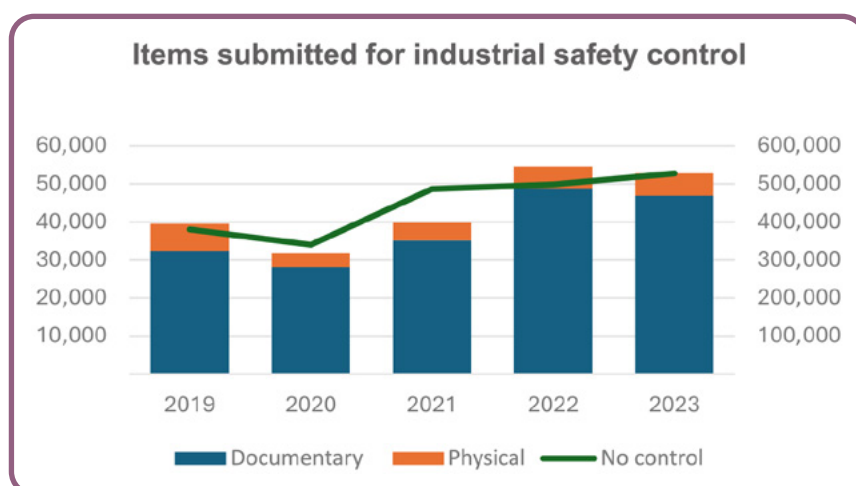
Over the last 5 years, **2,450,724 items** worth approximately **31 billion euros** were submitted for inspection.

ITEMS SUBMITTED FOR INSPECTION						
PRODUCT GROUP	2019	2020	2021	2022	2023	Total
Footwear	122,336	111,910	161,588	172,106	184,075	752,015
Toys	40,572	33,213	60,386	58,453	60,525	253,149
Wood	5,766	4,852	5,147	5,749	5,568	27,082
Furniture	40,963	42,066	54,896	50,625	54,761	243,311
Small electrical equipment	12,186	13,106	22,143	19,358	20,466	87,259
Textiles	197,981	166,490	222,136	246,399	254,902	1,087,908
Total	419,804	371,637	526,296	552,690	580,297	2,450,724

In 2023, a total of **580,297 items** (552,690 in 2022) with a net weight of **896,380 Tonnes** (987,371 metric tonnes in 2022) and worth **€6.7 billion** (€7.8 billion in 2022) were submitted for inspection. The items are broken down by product group in the table below.



Of the **580,297** items submitted for inspection in **2023**, **9%** (52,767 items) **underwent some kind of inspection** (physical and/or documentary), consolidating the level of activity seen in 2022 compared to previous years. The inspected goods underwent **1,581 laboratory tests**.



In terms of **inspection results**: of all the items submitted in 2023, a total of **439,025 were accepted for import and 1,059 were rejected for release for free circulation. This represents 2% of the total amount of goods inspected, worth €5,742,110 and a net weight of 1,095,314 kg.** Of the goods rejected **because different non-compliances were found**, 209 had been tested.

10 Advance documentary checks carried out in DOCUCICE

The SOIVRE I.S. has changed the concept of border controls by allowing technical documentation to be submitted in advance, on a voluntary basis, by leaving this documentation in the DOCUCICE repository linked to a reference with the result of the archived documentary control. This result is then valid for the item's entire lifecycle, and the item will not be inspected again unless the standards applicable to the products change, or the product test reports or technical certifications expire. The intelligent risk analysis used this ROHS inspection result control to issue a compliant result for the so-called short circuit, without having to go through the inspector.

Parties can apply for registration through the DOCUCICE EXTERNO website:
<https://comerciomig2.serviciosmin.gob.es/WebEstacice/>

DOCUCICE currently contains **15,467 different references from 272 importers**, of which 13,551 are ROHS, 1,594 safety, and 322 both. A total of 781 importer references are in the process of being added. 7,367 registrations were rejected for non-compliance (some due to formal errors) and 14,291 were accepted. And 1,176 references were uploaded before opening external DOCUCICE.

11 Collaboration between authorities

As provided for in Regulation (EU) 2019/1020, there is close cooperation and coordination of actions with the competent internal market control authorities: Ministry of Consumer Affairs, other Departments of the Ministry of Industry and with the competent Authorities of the Autonomous Regions, as well as with the Customs Department.

12 Non-conformity cases

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

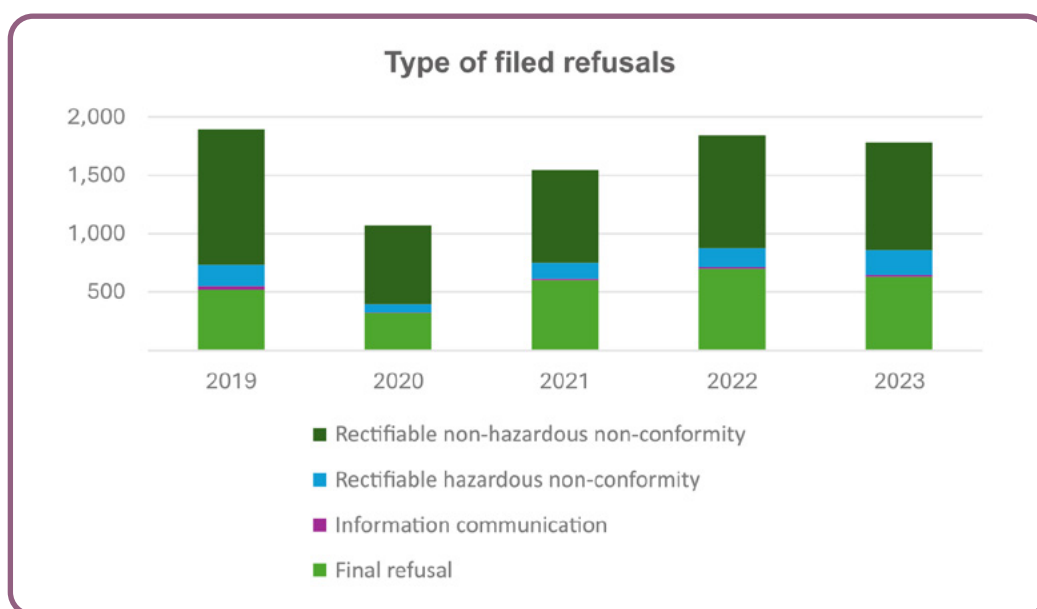
216 technical non-conformities were issued due to cases being abandoned by operators.

If the non-compliance cannot be rectified, the goods are banned from being imported (629 cases in 2023). Whenever the non-compliance can be rectified but is highly dangerous, it is only allowed to be rectified in a customs area (214 cases in 2023), in this case it is only imported when the merchandise has already been made compliant and this has been checked by SOIVRE I.S.

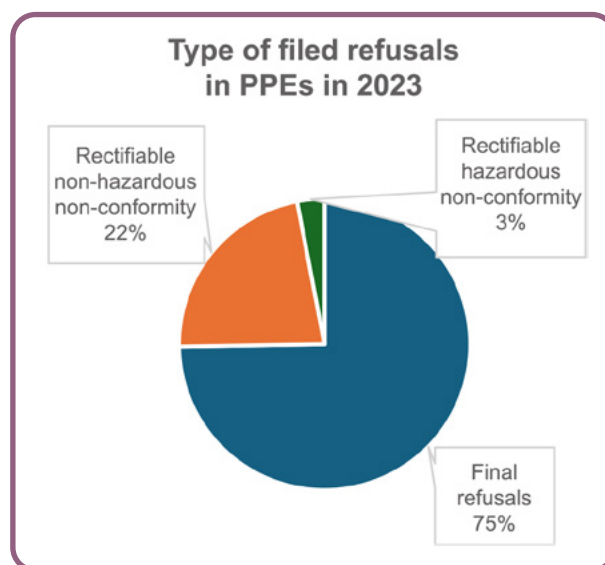
If the non-compliance does not make the product dangerous, it can be imported and brought into conformity in the importers' warehouses (918 cases in 2023). In this case, the competent consumer or industry authorities of the Autonomous Regions are the ones who check compliance before the product is placed on the market.

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 Regions through the INC (18 cases in 2023) of this fact).

Year	Documentary and/or physically controlled items	Final refusal	Information communication	Hazardous remediable non-conformity	Rectifiable non-hazardous non-conformity	Total non-conformity cases	% of NCs compared to those inspected
2019	39,568	522	30	182	1,157	1,891	5%
2020	31,809	321	5	72	671	1,069	3%
2021	39,759	603	9	137	797	1,546	4%
2022	50,624	700	15	161	966	1,842	4%
2023	52,767	629	18	214	918	1,779	3.6%
TOTAL	214,527	2,775	77	766	4,509	8,127	4%



3.4% of the items subject to documentary and/or physically inspection in 2023 (1,779 items) had **some type of nonconformity**, and **96.6% of the goods were compliant**. **By product** in 2023, most of the non-conformities occurred in toys (9% of those checked had a non-conformity), followed by WEEE (5%), furniture (3%), textiles (3%), footwear (2%) and wood (0.3%).



In addition, in 2023 SOIVRE issued alerts for goods for which a prospective sample was taken, without detaining the goods, and which were subsequently shown to be NON-compliant goods in laboratory tests. In this case a SOIVRE Alert is launched and reported communicated to the internal market consumer or industry authorities. The total number of SOIVRE Alerts amounted to 83, distributed as indicated in the table below.

Product	No. of SOIVRE Alerts
Footwear	17
Toys	13
Furniture	6
Small electrical equipment	5
Textiles	42
TOTAL	83

In total, the control results show the following data:

Product	Documentary and/or physically controlled items	Non-compliant items	% of NCs compared to those inspected
Footwear	16,698	362+17=379	2%
Toys	5,876	515+17=532	9%
Wood	658	2+0= 2	0%
Furniture	5,595	149+6= 155	3%
Small electrical equipment	1,086	51+5= 56	5%
Textiles	22,854	700+ 42=742	3%
TOTAL	52,767	1,779+83= 1,862	3.5%

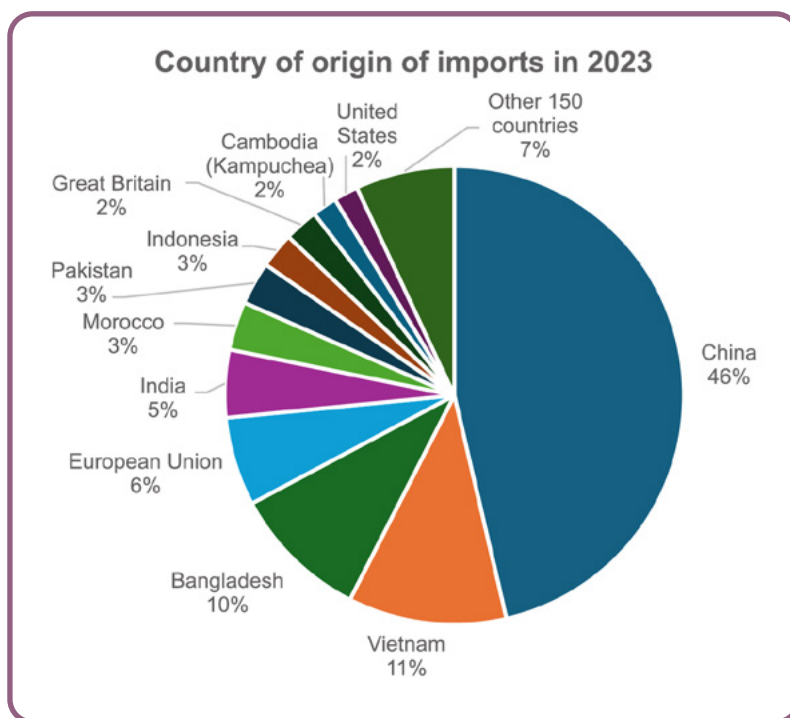
If one separates PPE items from textiles and footwear, in 2023 **385 PPE items** were physically and documentarily controlled, **99** of which had **some type of non-conformity** and **74% were compliant goods**.

13 Reasons for non-conformity

The **main reasons for non-conformity** in 2023 were the lack of technical documentation supporting product safety, followed by product labelling and marking non-compliances, followed by construction defects leading to non-compliance with essential product requirements. A very significant number of items were ruled non-compliant for not submitting the right documents:

14 Origin of imports

In 2023, 46% of the imported products presented for inspection came from China, 11% from Vietnam, 10% from Bangladesh, 6% from the EU, 5% from India, 3% from Morocco, 3% from Pakistan, 3% from Indonesia, and the rest from other origins.



15 Conclusion

What any of the authorities involved in market surveillance achieve, in any of its fields, **always goes far beyond the results in terms of detected non-conformities**. The fact is that not only do the products that have been checked improve, but the improvement extends to all the goods presented for import (in this case). The mere likelihood of being inspected makes interested parties in particular aware of the need to check what their obligations are in order to fulfil them.

After 15 years of SOIVRE I.S.' industrial product safety checks at import on goods included in the annex of Spanish Royal Decree 330/2008, many benefits have been noted, the main one being that importers are far more aware of their obligations in terms of safety-related responsibilities, and complying with the obligation to compile or ensure that the required technical documentation is issued and that it is truthful. There is also better marking of goods, and product categorization and design improvements.

As a result, imported products are now safer and of better quality **and, short, the products made available to consumers are much safer**. All these improvements bring collateral benefits, as they are usually result in exported products being safer and Spanish companies being more competitive abroad.

2023 marked the implementation of ESTACICE SEP integrated in SEP⁶⁵ for managing ROHS controls (ROHS SEP) and security control (COM SEP), which has speeded up processing times.

In addition, the General Product Safety Regulation (Regulation (EU) 2022/988) starts to apply in 2024. This will be a turning point in improving the control of products imported in parcels, as a result of online sales from online service providers (market place) or online sales directly by manufacturing companies; while also improving operators' awareness of their product safety obligations⁶⁶.

⁶⁵ We recommend you read the article published in this annual report.

⁶⁶ We recommend you read the article on this subject included in this annual report.

10.7 Subdirectorate-General for Customs Management. Spanish Tax Agency (AEAT). 2023 campaign

Regulation 952/2013⁶⁷ of the European Parliament and of the Council of 9 October 2013, laying down the Union Customs Code, contains the general provisions and procedures applicable to goods brought into or out of the customs territory of the Union, its implementing rules being Commission Implementing Regulation (EU) 2015/2447⁶⁸ of 24 November and Commission Delegated Regulation (EU) 2015/2446⁶⁹ of 28 July 2015.

This Regulation states that the task of customs authorities is to oversee the Union's international trade, contributing to fair and open trade, and to implement the common trade policy and the other common trade-related policies of the Union, 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 Union 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 Spanish Tax Agency, 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 Union, controls are conducted 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 procedures⁷⁰.

In the case of the placing of goods on the Union market, the customs procedure to be applied must 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 by means of risk profiling to ensure compliance with specific legislation on goods entering or leaving the Union. 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 are subject to customs supervision and may be subject to controls by the Customs Authorities.

67 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0952&qid=1739797017324>

68 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R2447&qid=1739797058376>

69 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02015R2446-20241014>

70 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02015R2446-20241014>

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 authorization 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.

Once the controls have been conducted 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 (EC) 765/2008 together with Article 25 of Regulation (EU) 2019/1020 **provides for the performance of controls based on established risk profiles**. Thus, for this purpose, three categories of filters or profiles can be distinguished:

- **OBJECTIVE FILTERS:** They are set according to objective criteria such as Community and national legislation, which require that authorizations such as health certificates, veterinarian certificates or trade licences etc., be requested in order to clear certain goods. 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 conducted, 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 2023 the filters established for goods affected by Regulation (EU) 2019/1020 were applied to ozone depleting substances, refrigerant gases, fluorinated gases, tyres, dialyzers, mercury and backhoe loaders.

The following criteria underpin the structure of the Spanish Customs Authorities' risk analysis system:

- a) Securing information through national and international databases.
- b) Analyzing available information and drafting the selection criteria.
- c) Applying the selected criteria in the different Customs offices.
- d) Assessing the results obtained.

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

Apart from its usual processes, the Subdirectorate-General of Operations of the Deputy Directorate of Customs Surveillance undertakes different specific operations to combat 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 conducted during the period 2023:

Operation DEMETER IX

Operation DEMETER IX was a global operation to monitor and control cross-border movements of hazardous wastes and their disposal and illegal trade in ozone depleting substances (ODS) and other gases that contribute to global warming. The operational phase was conducted from 1 to 31 October 2023, during which the focus was on cargo, mainly maritime (containers) of hazardous waste and ODS and on movements by air and land.

This Operation was backed by the Ministry of Ecological Transition and Demographic Challenge through the Sub-Directorate General for Clean Air and Industrial Sustainability, the Sub-Directorate General for Circular Economy and the Spanish Climate Change Office.

As part of this operation, Spanish Customs inspected eight containers suspected of transporting plastic waste. Three containers were released for free circulation as the visual inspection was negative and samples were taken from the other five containers and sent to the Customs laboratory for analysis; the results of these analyses were negative and the containers were released.

Operation PANGAEA XVI

The main objectives of the international operation Pangea XVI were to combat and prevent smuggling and illicit trafficking of pharmaceuticals and medical devices, mainly by courier/postal mail. The term "trafficking in illicit pharmaceuticals" covers practices such as counterfeiting, smuggling of legitimate products and tax evasion, products that have been tampered with, diverted, counterfeited, improperly stored or have expired. The operation ran from 3 to 10 October 2023 and was supported by the Spanish Agency for Medicines and Health Products (AEMPS).

The authorities seized 1,841 units, mainly involving erectile dysfunction products and mostly of Indian origin.

Operation SHIELD I

The overall objective of this operation was to tackle illicit trafficking of hormonal substances, food supplements and erectile dysfunction drugs. The term "illicit trafficking of medicines" covers practices such as counterfeiting, smuggling of legitimate products, diverted from legal channels, or unauthorized i.e. without the corresponding medical prescription. This operation was backed by the Spanish Agency for Medicines and Health Products (AEMPS in its Spanish acronym).

The operational phase ran from 18 to 29 September 2023 with 2,127 seizures of various drugs, mainly erectile dysfunction products and hormones, the vast majority of which came from India and China.

Operation STOP III

Operation STOP III ran from 4 to 15 December 2023, targeting counterfeit and substandard medicines, and any other everyday consumer products that may infringe intellectual property rights (IPR) through e-commerce. The authorities seized a total of 7,103 units in this operation, including counterfeit clothing and accessories as well as erectile dysfunction drugs.

Operation LUDUS IV

One of the key goals of Operation LUDUS IV was to trace how the illicit trafficking of toys, fundamentally counterfeit and unapproved products, and therefore dangerous, impacts 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 operation ran from 1 November 2023 to 31 January 2024, during which time all Spanish customs premises stepped up their inspections, with the collaboration of the Ministry of Industry, Trade and Tourism's Foreign Trade Inspection, Certification and Technical Assistance Service (SOIVRE).

A total of 1,428,931 units of this type of goods were withdrawn, with the greatest risks of non-compliance detected being the absence of the CE marking, marking with the indication CE (China Export) leading to confusion with the real CE marking, as well as false certificates.

Operation SPARE OFF

Operation SPARE OFF ran from 1 November to 15 December 2023 and aimed to detect and combat the illicit trade (physical and online) in counterfeit automotive spare parts and was carried out in collaboration with the Sub-Directorate General for Industrial Quality and Safety of the Ministry of Industry, Trade and Tourism. No seizures were reported in this operation.

10.8 Telecommunications and Digital Infrastructure Authorities (SETELECO) and their contribution to Market Surveillance. 2023

- 1 Introduction and Legal Framework
- 2 Sector Plan for Telecommunications Equipment Market Surveillance 2022-2026
- 3 Market Surveillance campaigns in 2023
- 4 Ongoing frequency inhibitor campaign

1 Introduction and Legal Framework

Market surveillance of telecommunications equipment is a public authority granted to the State Secretariat for Digital Telecommunications and Infrastructure (SETELECO), as provided for in Article 83 of the General Telecommunications Act (Law 11/2022, of 28 June).

Telecommunications equipment is defined in the regulations as any apparatus or fixed installation used for the remote transmission, emission or reception of signs, signals, writings, images, sounds or information of any nature by wire, radio electricity, optical means or other electromagnetic systems.

As a result of this definition, and given their status as electronic and radio equipment, the following sector-specific European directives apply to them:

- Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonization of the laws of the Member States relating to the placing on the market of radio equipment (RED Directive).
- Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonization of the laws of the Member States relating to electromagnetic compatibility (EMC Directive).
- Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonization of the laws of the Member States relating to the placing on the market of electrical equipment designed for use within certain voltage limits (LVD Directive).

European Union law has established requirements that seek to protect, among other things, the health of consumers and the public radio spectrum. This has been established without prejudice to the application of other sectoral or horizontal legislation for which SETELECO does not have competence.

2 Sector Plan for Telecommunications Equipment Market Surveillance 2022-2026

The Sector Plan for Market Surveillance of Telecommunications Equipment 2022-2026 prepared by SETELECO, represents an overview of the national sectoral market surveillance strategy for telecommunications products, required by Regulation (EU) No. 2019/1020, in order to ensure a coherent, comprehensive and integrated approach to market surveillance in Spain and the coordinated application of EU harmonization legislation within the national territory, including border controls.

This plan includes, among others, the following aspects that have been implemented in the campaigns carried out in 2023:

- Horizontal areas identified as priorities: Specific Objectives, Programmes and Projects.
- Levels of control applied.
- Market Surveillance Campaigns.

The full text of the Sector Plan is available here:

<https://avancedigital.mineco.gob.es/equipos-telecomunicacion/Paginas/plan-sectorial-vigilancia-mercado.aspx>

3 Market Surveillance Campaigns in 2023

During 2023, the inspection campaigns targeted types of telecommunications equipment that are of special interest due to certain criteria established by SETELECO. The criteria for determining the nature of the equipment to be inspected were, among others, 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 property.
- 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.

Throughout 2023, SETELECO conducted the following market surveillance campaigns:

Mobile phone repeaters

Equipment known as mobile phone repeaters, re-transmitters or amplifiers (GSM, 3G, 4G, LTE, 5G), which are marketed in order to improve the coverage of mobile phone and data services indoors or in remote locations, are radio stations operating in licensed frequency bands, therefore they are not free to use, and certain requirements must be met for their installation and use.

In 2022, SETELECO launched a campaign to publish and check compliance with the information requirements on restrictions on using and putting into service of this type of equipment.

During 2023, it launched a much broader campaign, collecting of market samples and conducting technical tests. The result was that 100% of the inspected equipment had non-compliances, either of a formal nature or related to essential requirements. As a result, 85% of the equipment inspected has been recalled.

The full report with the results of the campaign can be found here:

https://avancedigital.mineco.gob.es/equipos-telecomunicacion/Paginas/Vigilancia_de_Mercado.aspx

Home automation equipment (devices for home connection and automation)

In 2023, SETELECO completed its inspection of this type of equipment, conducting technical tests on a selection of smart plugs, sensors, connectable light bulbs, Wi-Fi cameras and management gateways for use in the home.

The main findings of the campaign were as follows:

- 87% of the home automation equipment inspected showed non-conformities with respect to formal requirements.
- 33% of the equipment did not comply with any of the applicable essential requirements.

The abridged campaign report can be found here:

https://avancedigital.mineco.gob.es/equipos-telecomunicacion/Paginas/Vigilancia_de_Mercado.aspx

Mobile phones and their Galileo location requirements

In 2023 SETELECO conducted a documentary campaign to check that mobile phones placed on the Spanish market declare their conformity with the regulation⁷¹ to guarantee the location of the caller in emergency communications, through the Galileo satellite positioning system.

85% of the inspected equipment was found to declared compliance with the standard.

The abridged campaign report can be found here:

https://avancedigital.mineco.gob.es/equipos-telecomunicacion/Paginas/Vigilancia_de_Mercado.aspx

⁷¹ COMMISSION REGULATION (EU) 2019/320 of 12 December 2018 supplementing Directive 2014/53/EU of the European Parliament and of the Council with regard to the application of the essential requirements referred to in Article 3(3)(g) of that Directive in order to ensure caller location in emergency communications from mobile devices.

4 Ongoing Frequency Inhibitors Campaign

Frequency jamming equipment is designed to interfere with radio frequency communications, preventing the operation of different types of telecommunications networks and services, including: mobile telephony and data (5G, 4G, 3G, etc.), wireless communications (Wi-Fi, Bluetooth, etc.), broadcasting (TV and radio), navigation and geolocation (GPS, Galileo).

Frequency jammers can affect the proper functioning of critical public services such as: communication of ambulances, fire brigades and security forces, port and airport control towers, mobile emergency calls, etc.

Article 106.9 of the Spanish Telecommunications Act 11/2002 of 28 June, in force since 29 June 2022, states that it is a very serious offence to import, market, advertise, transfer free of charge or for a fee, install, own, commission or use any equipment designed to intentionally interfere with telecommunications equipment, networks or services, except when these activities are covered by the exception provided for in article 82.4.

Therefore, an ongoing market surveillance campaign for this type of equipment has been put in place, which will be conducted on an annual basis.

During 2023, SETELECO conducted different inspections to remove frequency jamming equipment from the market, and withdrew more than 70 items of equipment from the market to prevent their sale.

Official information note on frequency jammers:

https://avancedigital.mineco.gob.es/equipos-telecomunicacion/Paginas/Inhibidores_de_Frecuencia.aspx

11

The Observatory's own annual activities



11.1 Communication and publication activities

In 2024 UNE stepped up its efforts in publishing news and reports about the Market Surveillance Observatory, following the line of recent years, aiming to make society and the Spanish productive fabric aware of the importance of complying with technical standards and legislation, as well as boosting public-private partnerships.

Its communication strategy has revolved around the publication of the OVM's third annual report, which has been widely disseminated through all of UNE's own channels and the media. It also highlights the event on the General Product Safety Regulation (GPSR) held in November 2024, which was attended by the Director General for Consumer Affairs and OVM representatives, among others.

UNE has used several communication channels, involving both its own media and the mass media, to publish the different contents. It has updated the [Market Surveillance Observatory website](#), which is a collection of all the OVM's information and serves as a knowledge centre, and it has published content on the website, social media and in the UNE magazine.

It published special features in the February and December magazines to highlight these two annual milestones: the publication of the OVM annual report 2023 and the event on the entry into force of the new European General Product Safety Regulation. Both articles were written by Isabel Linares, Secretary of the UNE OVM, with an opinion piece and video by Alfredo Berges, President of UNE and the OVM, as well as twenty opinions from OVM members, government agency representatives, and representatives of children's and leisure products, industrial products for professional use and industrial products for domestic consumption.

The most relevant dissemination activities are highlighted below:

Executive summary



Breakdown of activities by month

FEBRUARY 2024

Announcement of the Market Surveillance Observatory's third annual report:

- Publication of the report on the [webpage of UNE *une.org*](https://www.une.org).
- Top story [web](#).
- Update of the [UNE Market Surveillance Observatory](#) website.
- Press release: [UNE publishes its third annual market surveillance report](#)
- Sending of the report to UNE members through the newsletter "UNE Monthly Information", signed by UNE's Director General, Mr. Javier García.
- Special report in the February issue of UNE Magazine (No. 66): [The Market Surveillance Observatory presents its 2023 Report](#):
 - Article written by Ms. Isabel Linares, Secretary of the UNE's OVM.
 - With a speech by the President of UNE, Mr. Alfredo Berges.
 - With a video featuring the President of UNE, Mr. Alfredo Berges.
 - With 10 opinion articles from OVM members:

Government Agencies: Ms. Belén Alonso (SOIVRE I.S.); Mr. Jorge Iñesta (Madrid Regional Government) and Mr. Iñaki Vitón (DG Consumer Affairs).

Products for children and leisure: Ms. Cristina Miró (AEFJ).

Industrial products for professional use: Mr. Óscar Querol (AFME), Ms. Marta San Román (AFEC) and Mr. Alejandro Saenger (FACEL).

Industrial products for household consumption: Mr. Jose Luis Díez (ASEFAPI), Mr. Alberto Zapatero (APPLiA SPAIN) and Ms. Pilar Espina (ADELMA).
- Intranet news of the report on the [web page of UNE *une.org*](#).
- Dissemination in UNE's Social Media(LinkedIn and Twitter):
 - 4 LinkedIn posts (publication of the report with a thank you thread to OVM members).
 - 4 X posts (publication of the report with a thank you thread to OVM members).
- Sending of report to the new Director General of Consumer Affairs, Mr. Daniel Arribas, accompanied by a letter signed by the President of UNE, Mr. Alfredo Berges.
- The Ministry of Industry and Tourism highlights the OMV on the Quality and Industrial Safety / Market Surveillance section of its [website](#).
- Thank you messages to the Ministry of Industry and Tourism on UNE's social media: LK and X.

MARCH 2024

- Dissemination of the Report as content of the February UNE Magazine on LinkedIn and X.
- Sending of printed copies of the report in English in its previous version to the *Light and Building Fair* (Frankfurt), in which the President of UNE, Mr. Alfredo Berges, participated.
- News in the March monthly newsletter of [CEN and CENELEC "On The Spot"](#).
- News on the [CEN and CENELEC website](#).
- Delivery of the report at the meeting between the President and Director General of UNE, Mr. Alfredo Berges and Mr. Javier García, with the Director General of Industrial Strategy and Small and Medium Enterprises of the Ministry of Industry and Tourism, Mr. Jordi García Brustenga.
- Visit by the President and Director General of UNE, Mr. Alfredo Berges and Mr. Javier García, to the Secretary of State for Industry, Mrs. Rebeca Torró, in which, among other matters, she was told about the annual report.

APRIL 2024

- Sending of the annual report to the Secretary of State for Industry, Ms. Rebeca Torró, accompanied by a letter from the President of UNE, Mr. Alfredo Berges.
- Article by Ms. Isabel Linares on the OVM's third annual report in the Forum Calidad journal.

MAYO 2024

- Publications on LinkedIn and X about the article by Ms. Isabel Linares in Forum Calidad journal.

JUNIO 2024

Sending of the OVM Annual Report 2023 in digital format, accompanied by a letter signed by the President of UNE, Mr. Alfredo Berges:

- President of the Congress of Deputies: Ms. Francina Armengol.
- President of the Senate: Mr [Pedro Rollán](#).
- Chairpersons of the following Congressional Committees:
 - [Committee on Industry and Tourism](#).
 - [Committee on Social Rights and Consumer Affairs](#).
 - [Committee on Economy, Trade and Digital Transformation](#).
 - [Commission on Ecological Transition and Demographic Challenge](#).

- Chairpersons of the following Senate Committees:
 - [Industry and Tourism](#).
 - [Social Rights, Consumer Affairs and Agenda 2030](#).
 - [Economy, Trade and Business](#).
 - [Population and Demographic Challenge](#).

Sending of the OVM Annual Report 2023 in printed format, accompanied by a letter signed by the President of UNE, Mr. Alfredo Berges:

- President of the Congress of Deputies: Ms. [Francina Armengol](#).
- President of the Senate: Mr [Pedro Rollán](#).
- Chairpersons of the following Congressional Committees:
 - [Committee on Industry and Tourism](#).
 - [Committee on Social Rights and Consumer Affairs](#).
 - [Committee on Economy, Trade and Digital Transformation](#).
 - [Commission on Ecological Transition and Demographic Challenge](#).
- Chairpersons of the following Senate Committees:
 - [Industry and Tourism](#).
 - [Social Rights, Consumer Affairs and Agenda 2030](#).
 - [Economy, Trade and Business](#).
 - [Population and Demographic Challenge](#).

Sending of the OVM Annual Report 2023 in digital format, accompanied by a letter signed by the President of UNE, Mr. Alfredo Berges:

- Members of the following Congressional Committees:
 - [Committee on Industry and Tourism](#).
 - [Committee on Social Rights and Consumer Affairs](#).
 - [Committee on Economy, Trade and Digital Transformation](#).
 - [Commission on Ecological Transition and Demographic Challenge](#).
- Members of the following Senate Committees:
 - [Industry and Tourism](#).
 - [Social Rights, Consumer Affairs and Agenda 2030](#).
 - [Economy, Trade and Business](#).
 - [Population and Demographic Challenge](#).

Letter sent by Mr. Alfredo Berges, informing about the Annual Report, to the Secretary of State for Trade, Ms. María Amparo López Senovilla.

JULY 2024

- Reprint of the OVM Annual Report 2023 in Spanish.

SEPTEMBER 2024

Sending of the OVM Annual Report 2023 in digital format, English version, accompanied by a letter signed by the President of UNE, Mr. Alfredo Berges:

- DG-GROW.
- Committee on the Internal Market and Consumer Protection - EP.
- European Commission.

Sending of the OVM Annual Report 2023 in digital format English version to CEN CENELEC.

Sending of the OVM Annual Report 2023 in digital format:

- Territorial and Provincial Trade Directorates.
- To Autonomous Regions (Regional Ministries of the Presidency).
- Distribution agents (FECE, ANGED, ASEDAS, ACES, FIAB, ADIME).
- Opinion piece by Mr Alfredo Berges in the legal supplement Expansión Jurídico and dissemination in social media.

NOVEMBER 2024

Holding of the UNE Meeting on "General Product Safety (GSPR). Entry into force of Regulation (EU) 2023/988" on 21 November at UNE headquarters.

- Dissemination in own and other media.
- Sending of five e-mailings: invitation and thank you with the video and presentations.
- Full capacity at the event.
- Creation of two landing pages about the event on the UNE website: pre and post.
- Web news: pre and post.
- Dissemination in UNE's social media (LinkedIn and X):
 - 4 posts on LinkedIn.
 - 4 posts in X.
- Update of the OVM microsite on the UNE website.
- 1 Video.
- 1 news item in UNE magazine.

DECEMBER 2024

Cover story in the December issue of UNE Magazine (No. 75): Rules to ensure the safety of European consumers

- Article written by Ms. Isabel Linares, Secretary of UNE's Market Surveillance Observatory.
- With a speech by the President of UNE, Mr. Alfredo Berges.
- With a video by Ms. Isabel Linares.
- With 10 opinion articles from OVM members:
 - Daniel Arribas. Director General for Consumer Affairs. Ministry of Social Rights, Consumer Affairs and Agenda 2030.
 - Javier García. Director General of UNE and Vice-President of ISO.
 - José Ignacio Vitón. Area Coordinator at the Subdirectorato General for Coordination, Quality and Cooperation in Consumer Affairs. Head of the Single Liaison Office for Market Surveillance Regulation (EU) 2019/1020.
 - Penélope González. Deputy Director General for Consumer Affairs of the Madrid Regional Government.
 - Marta Alzás de la Fuente. Deputy Director General for Inspection, Certification and Technical Assistance to Foreign Trade of the Ministry of Economy, Trade and Enterprise.
 - Cristina Miró. Technical Director of the Spanish Toy Association (AEFJ).
 - Ricardo Pomatta. Technical Director of the Spanish Association of Lighting Manufacturers (ANFALUM).
 - Cecilia Salamanca. Head of the Technical Department of the Association of Air Conditioning Equipment Manufacturers (AFEC).
 - Vicente Sales. Deputy Director of the Metal-mechanical, Furniture, Wood, Packaging and Allied Industries Technology Institute (AIDIMME).
 - Alfredo Gosálvez. Secretary General of the Spanish Federation of Domestic Appliance Retailers (FECE in its Spanish acronym).
- Dissemination of the magazine's report in social media:
 - 2 posts on LinkedIn.
 - 2 posts in X.
- Update of the content on the OVM microsite on the UNE website.

11.2 Meetings and events held during 2024

During 2024, the UNE Market Surveillance Observatory has continued engaging in its courses of actions and complying with the principles of objectivity, independence and impartiality. This Observatory has earned itself a reputation as a successful public-private partnership collaboration in market surveillance and continues to make progress and fulfil its purpose.

UNE has set up a specific section on its website ([UNE Market Surveillance Observatory](#)) with information about the Observatory since it was set up, and which serves as a centre of knowledge in this field. The Observatory has arranged and held several meetings and events with the competent market surveillance authorities and UNE's member business organizations, and held the event on the entry into force of the General Product Safety Regulation (EU). Some details of the meetings and events held during 2023 are listed below:

JANUARY 2024

- Meeting 1/2024 of Ad-Hoc Group (22 January). Proposed actions for the year 2024 and their follow-up.

FEBRUARY 2024

- Special report in the February issue of UNE Magazine (No. 66): [The Market Surveillance Observatory presents its 2023 Report](#). Article by the OVM Secretariat together with the opinion piece by UNE's President, Mr. Alfredo Berges, and 10 opinion articles from OVM members:
 - Government Agencies: Ms. Belén Alonso (SOIVRE I.S.); Mr. Jorge Iñesta (Madrid Regional Government) and Mr. Iñaki Vitón (DG Consumer Affairs).
 - Products for children and leisure: Ms. Cristina Miró (AEFJ).
 - Industrial products for professional use: Mr. Óscar Querol (AFME), Ms. Marta San Román (AFEC) and Mr. Alejandro Saenger (FACEL).
 - Industrial products for household consumption: Mr. Jose Luis Díez (ASEFAPI), Mr. Alberto Zapatero (APPLiA SPAIN) and Ms. Pilar Espina (ADELMA).
- UNE contacts and meetings with the distribution sector.
- Publication of the Market Surveillance Annual Report 2023.

MARCH 2024

- Identification of contacts at national level for the dissemination of the OVM Annual Report 2023 to Presidents of the Congress and Senate, to the Chairs of the different Congressional and Senate Committees and their corresponding members, and other contacts.
- Identification of European contacts for the dissemination of the OVM Annual Report 2023 .
- Distribution of the OVM Annual Report 2023 (previous version) at the *Light and Building Fair* by the President of UNE, Mr. Alfredo Berges.

APRIL 2024

- Article in the April issue of Forum Quality Magazine on the OVM: "UNE's Market Surveillance Observatory publishes its Annual Report for the third consecutive year".
- Meeting 2/2024 of Ad-Hoc Group (11 April). Follow-up of activities.
- UNE contacts and meetings with the distribution sector.

MAY 2024

- OVM Plenary Meeting 1/2024 (8 May). The Plenary approves OVM's action and communication plan for 2024. A new feature is the event to be held by the end of the year on the entry into force of the General Product Safety Regulation (EU). Follow-up of activities.
- Publication of the OVM Annual Report 2023 (final version).

JUNE 2024

- Manage and coordinate the different actions for the event related to the entry into force of the General Product Safety Regulation (EU).
- Preparation of letters for sending the OVM Annual Report 2023 to the Presidents of Congress and the Senate and to the members of the committees identified as relevant to market surveillance.
- Dissemination in Europe of the OVM Annual Report 2023 , preparation of letters to be sent.

JULY 2024

- Meeting 3/2024 of Ad-Hoc Group (2 July). Drafting of the proposed programme of the event on the entry into force of the General Product Safety Regulation (EU). Follow-up of other activities
- Webinar with the [Argentine Institute for Standardization and Certification \(IRAM\)](#) (16 July) "The Market Surveillance Observatory, a successful public-private partnership model".

SEPTEMBER 2024

- Webinar with ANCE Standards (MEX) "The Market Surveillance Observatory, a successful model of public-private collaboration".
- Preparation and layout of the OVM Draft Annual Report 2024.

OCTOBER 2024

- Meeting 4/2024 Ad Hoc Group (8 October):
 - Approval of the proposal for the Observatory's Annual Report 2024 for presentation to the Plenary.
 - Finalization of the proposed programme for the event on the entry into force of the General Product Safety Regulation (EU). Follow-up of activities.

NOVEMBER 2024

- UNE Meeting on the entry into force of Regulation (EU) 2023/988 on General Product Safety (21 November), held at the UNE Forum.
- OVM Plenary Meeting 2/2024 (25 November).
 - Approval of the Observatory's Annual Report 2024 for publication.
 - Publication plan for the Observatory's Annual Report 2024.

DECEMBER 2024

Special report in the December issue of UNE Magazine (No. 75): Standards to ensure the safety of European consumers. Article and video from the OVM Secretariat together with a speech by the President of UNE and President of the OVM, Mr. Alfredo Berges, and accompanied by the testimony of the Director General of UNE and Vice-President of ISO, Mr. Javier García, together with 9 opinions from OVM members:

- Government Agencies:
 - Mr. Daniel Arribas. Director General for Consumer Affairs. Ministry of Social Rights, Consumer Affairs and Agenda 2030.
 - Mr. José Ignacio Vitón. Area Coordinator at the Subdirector General for Coordination, Quality and Cooperation in Consumer Affairs. Head of the Single Liaison Office for Market Surveillance Regulation (EU) 2019/1020.
 - Ms. Marta Alzás de la Fuente. Deputy Director General for Inspection, Certification and Technical Assistance to Foreign Trade of the Ministry of Economy, Trade and Enterprise.
 - Ms. Penélope González. Deputy Director General for Consumer Affairs of the Madrid Regional Government.
- Business organizations:
 - Ms. Cristina Miró. Technical Director of the Spanish Toy Association (AEFJ in its Spanish acronym).
 - Mr. Ricardo Pomatta. Technical Director of the Spanish Association of Lighting Manufacturers (ANFALUM in its Spanish acronym).
 - Ms. Cecilia Salamanca. Head of the Technical Department of the Association of Air Conditioning Equipment Manufacturers (AFEC in its Spanish acronym).
 - Mr. Vicente Sales. Deputy Director of the Metal-mechanical, Furniture, Wood, Packaging and Allied Industries Technology Institute (AIDIMME in its Spanish acronym).
 - Mr. Alfredo Gosálvez. Secretary General of the Spanish Federation of Domestic Appliance Retailers (FECE in its Spanish acronym).

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Acronyms



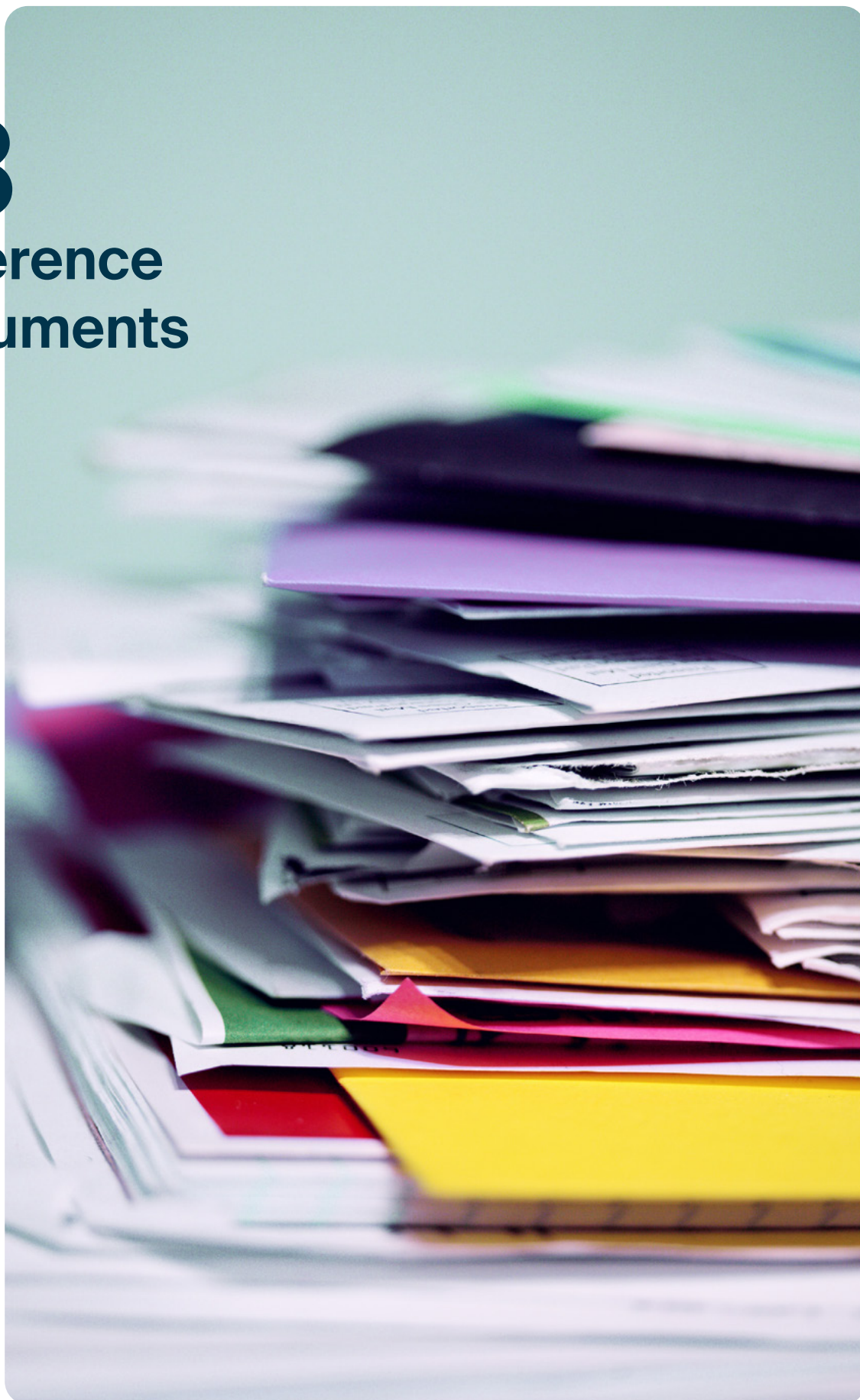
ADCOs	Administrative Cooperation Groups under Regulation (EU) 2019/2010	ANDIMAT	National Association of Insulating Material Manufacturers
ADELMA	Spanish Association of Detergents and Cleaning, Maintenance and Allied Products Companies	ANEFHOP	Spanish National Association of Ready Mixed Concrete Manufacturers
AEAT	State Tax Agency	ANFACA	National Air Conditioning and Ventilation Duct Manufacturers Association
AECE	Association of Forklift Companies	ANFALUM	Spanish Association of Lighting Manufacturers
AEE	Electrical and Electronic Equipment	ANFAPA	Association of mortar and SATE manufacturers
AEFECC	Spanish Association of Manufacturers of Solid Fuel Stoves, Fireplaces and Stoves for Solid Fuels	ANFEL	Association of Spanish Domestic Appliance Manufacturers
AEFJ	Spanish Toy Manufacturers Association	ANGED	National Association of Large Distribution Companies
AEFYT	Association of Refrigeration Companies and their Technology	ANMOPYC	Spanish Association of Construction, Public Works and Mining Machinery Export Manufacturers
AEMPS	Spanish Agency of Medicines and Health Products	APPLiA ESPAÑA	Spanish Association of Manufacturers and Importers of Domestic Appliances
AENOR	AENOR Internacional, S.A.U.	APPLUS+	LGAI Technological Center S.A.
AFBEL	Electrical Equipment Manufacturers Association	ASEFAPI	Spanish Association of Manufacturers of Paints and Printing Inks
AFEC	Association of Air-Conditioning Equipment Manufacturers	ASEFAVE	Spanish Association of Manufacturers of Curtain Walling and Windows
AFME	Association of Electrical Material Manufacturers	ATEDY	Spanish Association of Manufacturers of Construction, Public Works and Mining
AGRIVAL	National Association of Tap and Valve Manufacturers	ASPREMETAL	Association of Metal Entrepreneurs
AIDIMME	Metalworking, Furniture, Wood, Packaging and Related Industries Technological Institute	B&A	Batteries, accumulators and battery packs
AIJU	Technological Institute of Children's and Leisure Products)	CAM	Madrid Regional Government
ANAIP	Spanish Association of Plastics Manufacturers		

CALSIDER	Calidad Siderúrgica	EU	European Union
CEIS	Centro de Ensayos, Innovación y Servicios	EPREL	European Product Register for Energy Labelling
CEM	Spanish Metrology Centre	ESTACICE	IT platform developed for handling safety checks at borders
CEPCO	Spanish Confederation of Construction Product Manufacturers' Associations	ETIRA	European Toner & Inkjet Remanufacturers' Association
CICC	Centre for Research and Quality Control	F2I2	Foundation for the Promotion of Industrial Innovation
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora	FACEL	Spanish Association of Manufacturers of Electrical and Fibre Optic Cables and Conductors
CNMP	National Centre for Means of Protection	FECE	Spanish Federation of Domestic Appliance Retailers
CONAIF	National Confederation Of Associations Of Plumbing And Gas Companies	FEDAOC	Spanish Federation of Associations of Control Organizations
DGC	Directorate-General for Consumer Affairs	FEGECA	Spanish Association of Heat Generator and Transmitter Manufacturers
DGPYME	Directorate-General for Industry and Small and Medium-Sized Businesses	FEM-AEM	European Handling Association
DOCUCIC	The DOCUCICE-AE application is the tool that the SOIVRE Inspection Service makes available to interested parties to request that the technical documentation corresponding to a specific product reference be studied by the inspector (advancing the documentary control) and registered in the repository	FGP-LOEMCO	Official Construction Materials Testing Laboratory
DSA	Digital Services Act	GPSR	General Product Safety Regulation (EU)
EC	European Commission	ICSMS	European Market Surveillance Registration and Information System
EEPLIANT	Energy Efficiency Compliant Products	IIR	Integrated Industrial Registers
EFCTC	European Fluorocarbons Technical Committee	JRC	Joint Research Centre
ENAC	National Accreditation Body	LCOE	Official Central Electrotechnical Central Laboratory
		MENVIME	Strategic Framework for Market Surveillance in Spain
		MINTUR	Ministry of Industry and Tourism

MITECO-SGEFE	Ministry for Ecological Transition and the Demographic Challenge / Subdirectorato-General for Energy Efficiency	SEOPAN	Association of Infrastructure Concessionaires and Construction Companies
OFICEMEN	Spanish Cement Manufacturers' Association	SERCOBE	National Association of Capital Goods Manufacturers
OVM	Market Surveillance Observatory	SETELECO	State Secretariat for Telecommunications and Digital Infrastructures
PNIEC	National Integrated Energy and Climate Plan	SGICATCE	Subdirectorato-General for Foreign Trade Inspection, Certification and Technical Assistance
PPE	Personal protective equipment	SLO	Single Liaison Office
PRYSMA	Prysm Products y Materiales S.L.U	SOIVRE	SOIVRE Inspection Service
ROSH SEP ROHS	Single Point of Entry	TECNALIA	Research and Technological Development Centre
ReCAIB	Responsibility and Environmental Commitment in the Plastic Bag Industry	TECNIFUEGO	Spanish Association of Fire Protection Societies
RITE	Regulation of Thermal Installations in Buildings	TFEU	Treaty on the Functioning of the European Union
SCW	Single Customs Window SDGs Sustainable Development Goals	UCC	Union Customs Code
SEPRONA	The Civil Guard's Nature Protection Service	UNE	Spanish Association for Standardization
SETELECO	State Secretariat for Telecommunications and Digital Infrastructures		

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Reference documents



13.1 Legislation and regulation

- [Regulation \(EU\) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety.](#)
- [Regulation \(EU\) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and product conformity and amending Directive 2004/42/EC and Regulations \(EC\) No. 765/2008 and \(EU\) No. 305/2011.](#)
- [Commission Implementing Regulation \(EU\) 2021/1121 of 8 July 2021 specifying the details of the statistical data to be submitted by Member States on checks of products entering the Union market in relation to product safety and conformity.](#)
- [Commission Implementing Regulation \(EU\) 2021/2248 of 16 December 2021 specifying the details of the electronic interface between national customs systems and the market surveillance information and communication system and the data to be transmitted via that interface.](#)
- [Commission Implementing Regulation \(EU\) 2022/1267 of 20 July 2022 specifying the procedures for the designation of Union testing facilities for the purposes of market surveillance and verification of conformity of products pursuant to Regulation \(EU\) 2019/1020 of the European Parliament and of the Council.](#)
- [Royal Decree 330/2008 of 29 February 2008 adopting measures to control the import of certain products with regard to the applicable product safety standards.](#)

13.2 Guidelines and recommendations

- [Strategic Consumer Framework of the Consumer Sector Conference \(2022-2025\).](#)
- [Overall National Strategic Framework for Market Surveillance 2022-2025.](#)
- [Blue Guide to the implementation of European product legislation.](#)
- [Good market surveillance practices.](#)
- [Guidance on the implementation of Article 9 of Regulation \(EU\) 2019/1020 on joint activities to encourage compliance.](#)
- [Data to be entered in ICSMS in relation to investigations of products placed on the market and products entering the Union market whose release for free circulation has been suspended.](#)
- [Refusal of release for free circulation. Hazardous/non-compliant product information in ICSMS and customs systems.](#)

Members of the UNE Market Surveillance Observatory

ADELMA

Asociación de Empresas de Detergentes y de Productos de Limpieza, Mantenimiento y Afines

AFEC

asociación de fabricantes de equipos de climatización

AFME

Asociación de Fabricantes de Material Eléctrico

ANMOPYC

ASOCIACIÓN ESPAÑOLA DE FABRICANTES DE MAQUINARIA DE CONSTRUCCIÓN, OBRAS PÚBLICAS Y MINERÍA



Asociación Española de Fabricantes de Juguetes

Calidad Siderúrgica

APPLiN ESPAÑA

ASEFAPI
Asociación Española de Fabricantes de Pinturas y Tintas de Imprimir



Comunidad de Madrid



fegeca
FABRICANTES DE GENERADORES Y EMISORES DE CALOR



seopan
Asociación de Empresas Constructoras y Concesionarias de Infraestructuras

asefave
ASOCIACIÓN ESPAÑOLA DE FABRICANTES DE FACHADAS LIGERAS Y VENTANAS

Agencia Tributaria

FEM AEM
Asociación Española de Manutención

tecnifuego desde 1967

ANFACA

agrival

sercobe ASOCIACIÓN NACIONAL DE FABRICANTES DE BIENES DE EQUIPO

aiju INSTITUTO TECNOLÓGICO DE PRODUCTO INFANTIL Y OCIO

ATEDY
ASOCIACIÓN TÉCNICA Y EMPRESARIAL DEL YESO



tecnal:a
MEMBER OF BASQUE RESEARCH & TECHNOLOGY ALLIANCE

FECE
Federación Española de Comerciantes de Electrodomésticos



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