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**Acknowledgements**

From UNE, as the Secretariat of the Observatory, we would like to thank both the President of the Observatory and all its members for their continuous support and willingness to carry out all the Observatory’s activities. It would have been impossible to achieve the Observatory’s goals without their collaboration.
The objective of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and product conformity is to improve the operation of the internal market by strengthening market surveillance to ensure that products placed on the market comply with the legislation applicable to them and thus contribute to increasing consumer confidence.

Article 9 of this Regulation (EU) establishes, for the first time, a framework for cooperation between government market surveillance authorities and economic operators. This public-private partnership materializes in the possibility of carrying out joint market surveillance activities. Within this framework of collaboration and under Article 9, the members of UNE, together with different government departments and other interested entities, have established the Market Surveillance Observatory (OVM), integrated into UNE as an Advisory Committee to its Board of Directors.

The Market Surveillance Observatory of the Spanish Association for Standardization, UNE, publishes this second annual report in order to provide an overview of the current situation in Spain regarding the market surveillance carried out in various fields in the campaigns conducted by the competent government authorities and the actions undertaken by some industry associations.

In this second edition, in addition to presenting the data related to market surveillance activities carried out during the 2021 financial year, new supplementary contents have been added, including content related to the functions and activity of the Single Liaison Office (SLO) as the coordinating body of the market surveillance authorities, the activity of the Alert Network, the role of the Autonomous Regions in the field of industry and consumer affairs, unfair competition from products being marketed on-line that do not comply with regulations, the new Blue Guide or market surveillance on energy labelling.

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

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 for consumers and users, at the same time as meeting the quality requirements. It also includes those requirements whose purpose is to protect legitimate economic interests and the right to receive correct information.

UNE Members together with different public administration departments and other interested entities, driven by the publication of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and product conformity, constitute the Market Surveillance Observatory (OVM), which is integrated into UNE as an Advisory Commission of its Board of Directors. As a new aspect of this new Regulation (EU), and made explicit in its Article 9 on joint market surveillance activities, a framework for cooperation between government market surveillance authorities and economic operators is set out.

The Observatory consists of representatives of more than 30 Spanish business organizations; the Ministry of Industry, Trade and Tourism; the Ministry of Consumer Affairs, and different competent Authorities for market surveillance. Therefore, the Observatory is positioned as a tool primarily aimed at enhancing the multi-industry nature of UNE. OVM intends to address the elaboration of reference documents that will 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.
Purpose and scope of this document

The purpose of this report is to comply with Goal 4 of the Observatory regarding the preparation of the Annual Report on the status of Market Surveillance in Spain. This updated report will be published annually.

This is the second edition of the Report. It sets out data on market surveillance activities conducted in 2021 financial year.

The content of the report has been provided by different sources of information. On the one hand, all data relating to official market surveillance campaigns that have been provided by the competent authorities are collected. On the other hand, information provided by UNE’s member associations on the concerns expressed by the industries regarding market failures and unfair competition, as well as the activities taken to tackle these issues, have been added. As a new aspect, this second edition includes new contents on the functions and activities of the Single Liaison Office (SLO), the activity of the Alert Network, the role of the Autonomous Regions in the different areas of action in market surveillance, unfair competition from products that are being marketed on-line and do not comply with regulations, the new Blue Guide and market surveillance in the area of energy labelling.

Market surveillance authorities focus their activities on combating fraud, deception, misleading and the offer of goods and services that do not comply with general and specific regulations governing aspects related to health, safety and/or quality requirements, composition, size, shape, labelling, advertising, presentation of products, as well as those related to unfair terms, conditions of sale, safety recommendations, price information, contracts, etc.

In addition, UNE member associations report on the most common non-compliances they have detected in products on the market, which threaten the interests of consumers and professional users, whilst at the same time constituting unfair competition. For this purpose, the industry data have been structured into three economic groupings: children’s and leisure products, industrial products for household consumption and industrial products for professional use.
2.1 Market surveillance as a EU strategy

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

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

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

2.2 Economic operators in the supply chain.

Responsibilities

Economic operators involved in the entire product supply chain shall act responsibly and entirely in accordance with the legal requirements applicable to the introduction and trade of products on the market, so that Union legislation on the 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.

Regulation (EU) 2019/1020 defines an economic operator as a manufacturer, authorized representative, importer, distributor, fulfilment service provider or any other natural or legal person subject to obligations in relation to the manufacture of products, their placing on the market or putting into service in accordance with applicable Union harmonization legislation.

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

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To determine which economic operator is responsible for complying with the tasks of Article 4, the questions in the first column in the following table shall be answered in the order in which they appear:

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<th>How it becomes the economic operator responsible for Article 4</th>
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The new Waste Law 7/2022 of 8 April, on waste and contaminated soils for a circular economy, includes an extended responsibility for e-commerce platforms, which in certain cases automatically become a product producer for those products sold on marketplace, an aspect that is relevant for the purposes of legal responsibilities and market surveillance. As stated in Article 2ac):

“(ac) “Producer of the product” means any natural or legal person who develops, manufactures, processes, treats, fills, sells or imports products on a professional basis, regardless the selling technique used in placing them on the domestic market. This includes both those who are established on national territory and place products on the national market, and those who are established in another Member State or third country and sell directly to households or other users than private households by means of distance contracts, which refers to contracts in the framework of an organized distance sales or service-provision system, without the simultaneous physical presence of the parties to the contract, and in which only one or more means of distance communication, such as post, Internet, telephone or fax, have been used up to the time of conclusion of the contract and at the time of conclusion of the contract. E-commerce platforms shall assume, as producers of the product, the financial and reporting obligations, as well as organizational obligations where appropriate, in the event that a producer as defined in the previous paragraph and which is established in another Member State or third country, acts through them and is not registered in the existing registers on extended producer responsibility and does not comply with the other obligations under extended producer responsibility schemes. To this end, the e-commerce platform may carry out a single registration for all the products concerned for which it assumes the status of producer of the product and shall keep a register of such products.”

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.

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.

• «manufacturer» means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark;

• «importer» means any natural or legal person established within the Union who places a product from a third country on the Union market;

• «authorized representative» means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on its behalf in relation to specific tasks with regard to the manufacturer's obligations under the relevant Union harmonization legislation or under the requirements of this Regulation;

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

Article 4 of Regulation (EU) 2019/1020 provides new tools for market surveillance authorities in order to verify, in particular, 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:

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

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

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

- Cooperate with the market surveillance authorities, making sure that immediate, necessary, corrective action is taken to remedy any case of non-compliance with the requirements set out in Union harmonization legislation applicable to the product in question. Or if that is not possible, to mitigate the risks presented by that product, when required to do so by the market surveillance authorities or on its own initiative, where the economic operator considers or has reason to believe that the product in question presents a risk.
2.3 Market surveillance and SDGs

Effective and efficient market surveillance contributes to the achievement of several of the United Nations Sustainable Development Goals (SDGs).

Next, we will develop how OVM contributes to SDGs by listing the main goals on which we focus our activities:

- In the scope of SDG 8 (Decent Work and Economic Growth) we focus on goal 8.2 in order to try to achieve higher levels of economic productivity through modernization, without forgetting goals 8.3 where we promote policies supporting productive activities, and goal 8.4 for the on-going improvement of efficient resource production and consumption.

- For SDG 9 (Industry, Innovation and Infrastructure) we monitor goal 9.1 for developing reliable, sustainable, resilient and quality infrastructures.

- We also meet some of the goals of SDG 12 (Responsible Production and Consumption), focusing on goal 12.1 where we implement programmes on sustainable consumption and production patterns. We also follow the dictates of goal 12.6 where companies are encouraged to adopt sustainable practices and incorporate sustainability reporting.

- In the SDG 16 range (Peace, Justice and Strong Institutions) we monitor goal 16.10 to ensure public access to information and protect fundamental freedoms in accordance with national laws and international agreements.

- Finally, we monitor goals 10 and 17 of SDG 17 (Partnerships for the Goals). Through goal 17.10, VMO 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, goal 17.17 seeks to encourage and promote efficient partnerships in the public, public-private and civil society spheres, building on the experience and resourcing strategies of the partnerships.

https://www.un.org/sustainabledevelopment/es/objetivos-de-desarrollo-sostenible/
Unfair competition from products being marketed on-line that do not comply with regulations

European Union’s legislation allows the free movement of products within the Union provided that they comply with European legislation and therefore meet 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 protected by such legislation. European legislation applies to all products marketed on its territory, regardless of their country of origin and whether they are from within or outside the European Union, whether they are intended for consumer or professional use. Legislation is extensive and strict, and complying with it entails costs and obligations for manufacturers, importers and distributors. These costs are, of course, incorporated into the final price of the product, and the consumer should bear in mind, when purchasing, that inevitably a product complying with the applicable legal requirements may be more expensive than one that does not.

It is precisely the saving of these costs, and therefore the possibility to offer similar products at lower prices, that allows irresponsible manufacturers, importers and distributors to compete unfairly by placing products on the European market that do not comply with the strict requirements set out by our legislation.

These products should not be able to reach the European market, or should be able to be withdrawn from it immediately, but this is not the case. Despite the efforts made by the competent authorities, the wide European Community borders, the lack of sufficient resources on the side of the supervisory authorities, the bureaucratization and long delays in dealing with irregularities, the lack of automatic action and the emergence of on-line trade without a legal definition of the responsibilities that all those who provide these transactions shall assume, have facilitated access to unsafe products without consequences for those who benefit from it.

Meanwhile, the consumer believes that they are covered, and that what is unsafe or non-compliant is not sold, and this is why the majority continue to decide on the basis of price.

The Market Surveillance Observatory aims to improve, through collaboration between the Administration and industry associations, the effectiveness of market surveillance, which shall be accompanied by a greater effort on the side of government agencies, by raising the awareness of companies about their obligations, by consumer training and by a continuous updating of European legislation to the reality of the market, so that we all play by the same rules.
New Blue Guide and market reality

A new version of the Commission’s Communication on the implementation of European product legislation or “Blue Guide” was published in June 2022, with the aim of reflecting all new regulations published since the previous version published in April 2016 and to assist in the implementation of the current European product legislation for all economic players involved. Thus, the main novelties are:

- A specific Section on marketing and placing on the market in the case of distance and on-line sales is included, providing criteria for determining when an offer is targeted at EU consumers. The legal consequence is that, if the offer is targeted at end-users in the Union, products offered for on-line sale or by other means of distance selling shall comply with all applicable EU rules and may be subject to checks by market surveillance authorities.

- The figure of Fulfilment Service Provider, defined as “any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved”. It clarifies that it does not refer to postal service providers benefit from an exemption from liability for damages “resulting from content provided by third parties using their networks”. This stems from the need to safeguard freedom of speech, but is also being used to exempt from liability for products that do not comply with EU safety standards. Thus, given that according to Article 15 of the E-Commerce Directive, Member States can impose on these service providers neither a general obligation to monitor content nor a general obligation to conduct active searches for facts or circumstances indicating illegal activities. Their obligation is limited to removing from their platforms what the authorities tell them is unsafe, without any further prior control on their part.

- There is an express reference to whom is considered to be an Economic Operator according to Article 4 of the above-mentioned Regulation 2019/1020: The manufacturer, the importer, the authorized representative and, where none of these is established in the Union, the fulfilment service provider. It also clarifies the obligations to be fulfilled by the Economic Operator according to Article 4 of the European Market Surveillance Regulation.

- It is striking, however, that neither the Blue Guide nor Regulation 2019/1020 nor the EU Digital Services Act (DSA) adopted in July 2022, foresee the situation where the seller located outside the EU stores and ships directly (without going through a fulfilment service operator) the products to EU consumers, to whom they have targeted their offer through on-line marketplaces offered by sales platforms or social media, which charge for this service to sellers.

- This is the situation we denounced in the previous Section, since, as these platforms or social media are not considered to be economic operators, they are not attributed any responsibility for the safety and health of consumers for the products they help to place on the market.

- Finally, it should be noted as a novelty that the Blue Guide necessarily incorporates, when dealing with its geographical scope of application, the rules applicable to the United Kingdom after its exit from the EU and to the regime applicable to Northern Ireland.
5.1 Energy labelling


With the entry into force of the Regulation, in the new energy labels the A+, A++ and A+++ classes disappear, with all products being re-scaled so that they are positioned within the new scale of classes from A to G. Household appliances bearing the class A label are those with the lowest consumption and are therefore the most efficient, while those in class G are those with the highest consumption and are therefore the most inefficient.

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 niche 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.

Both the Regulation (EU) 2017/1369 and the Eco-design and Energy Labelling Roadmap 2022-2024\(^8\) set out the roadmap for the coming years.

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). In this way, and in a very visual way, consumers have the option of comparing products from the same families and with similar technical characteristics on shop shelves, from the point of view of their energy efficiency and consequent economic savings and environmental contribution.

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

- The label provides the consumer with clearer and more detailed information on the energy consumption of the equipment.
- The energy label helps consumers and professional buyers in the search for and selection of more energy-efficient products.
- The label has promoted the development of more efficient and innovative products, reducing the energy consumption and running costs of household appliances.
- Increased commitment by manufacturers to the environment through controlled energy consumption.

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\(^7\) [https://www.boe.es/doue/2017/198/L00001-00023.pdf](https://www.boe.es/doue/2017/198/L00001-00023.pdf)

According to the Synthetic Report on Energy Efficiency Indicators in Spain 2019, household equipment impacted by energy labelling accounts for approximately 65-70% of household energy consumption, so its correct application can lead to energy savings, as well as its corresponding environmental contributions.

According to the Integrated National Energy and Climate Plan 2021-2030 (PNIEC), the national fleet of household appliances is estimated at 76 million appliances (fridges, freezers, washing machines, dishwashers and TV sets). Annually, 6.6 million new white appliances are sold.

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

At the European level, savings due to energy labelling in 2021 were estimated to exceed 120 billion Euros and could double by 2022, which would mean savings of approximately 12 billion Euros at the national level.

The latest eco-design impact accounting report estimates that the cumulative effect of EU eco-design and energy labelling rules in 2020 leads to a reduction of EU primary energy demand by 7% or 1037 TWh/year.

5.2 The importance of market surveillance in energy labelling


5.3 Latest activities by the Subdirectorat-General for Energy Efficiency (SGEFE)

The following are some of the latest activities carried out by SGEFE in the field of market surveillance in energy labelling:

- In the last 4 years, 2 market research campaigns have been conducted.
- Information campaign together with the Spanish Association of Household Appliance Manufacturers (ANFEL), the Spanish Federation of Household Appliance Retailers (FECE) and the National Association of Large Distribution Companies (ANGED) on the entry into force, as of 1 March 2021, of the new label for fridges (including freezers and wine coolers), washing machines and washer-dryers, dishwashers and electronic displays (including TV sets and monitors).
- Information campaign together with the Spanish Association of Lighting Manufacturers (ANFALUM) on the entry into force, as of 1 September 2021, of the new label for lighting sources.
The content of this chapter has been provided by UNE’s member industry associations and includes data on supplementary industry activities conducted in the 2021 financial year.

At the 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, product safety aspects, environmental factors, the Sustainable Development Goals (SDGs), etc. with the target interest groups being the control Authorities, distributors (including fulfillment 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 industry groupings:

- **Products for children and leisure:**
  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 household 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.
6.1 Products for children and leisure

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

In the sector of products aimed at children, these two objectives involve particular attention and sensitivity, both on the part of the authorities and consumers. The legislation applicable in the EU to toys, 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 fairer and safer market for children.

Toy manufacturers, through the Spanish Association of Toy Manufacturers (AEFJ), have reported that the lack of responsibility of on-line 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 49/2008\(^1\) on the Safety of Toys, transposed by Spanish Royal Decree 1205/2011\(^2\).

During 2021 and 2022, AEFJ has worked to highlight to EU market surveillance authorities and legislators the need to take advantage of the EU Digital Services Act to include on-line sales platforms as economic operators when there is neither a manufacturer, importer, authorized representative or fulfilment service provider when there is neither a manufacturer, importer, authorized representative or fulfilment service provider.

As the Digital Services Act has not finally filled this gap, AEFJ continues to work to address this through the proposal currently under discussion in the Council of the EU, the General Product Safety Regulation (GPSR).\(^3\)

6.2 Industrial products for household consumption

Spanish industries provide society with a myriad of products that are essential to maintain the quality of life of our developed world. Across Europe, citizens rely on the products available to them to comply with comprehensive and increasing legislation on safety, health or environmental friendliness. In the next 5 years alone, legislation impacting products incorporating chemicals (virtually all of those around us) is expected to grow from 8,000 pages to 20,000 pages of legislation in Europe.

UNE’s Market Surveillance Observatory aims to collaborate with the Administration, consumers and distributors by providing guidance and presenting examples of verification of compliance with obligations, especially those with the greatest relevance and social impact.

This document includes recent activities conducted in Spain. The following are highlighted:

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\(^1\) https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:32008L0049&from=ES
\(^4\) https://adema.org/
“Intoxication. The container may mislead the consumer. The product could be confused with food”.

“Burns. It contains more than 70% sulphuric acid, is for professional use only and is sold in retail outlets”.

Claim of biocidal/pesticidal properties and effects of the product (disinfectant, repellent, antibacterial/viricide/fungicide, insecticide, rodenticide, etc.) without possessing the required marketing authorization. Not listed in the Official Register of Biocidal Products (European Register) or Pesticides (National Register).

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

- Technical-Sanitary Regulations for the manufacture, circulation and trade of detergents and cleaners (Spanish Royal Decree 770/199911 on Detergents).
- Technical-Sanitary Regulations for the manufacture, marketing and use of pesticides (Spanish Royal Decree 3349/198312 on Pesticides).
- Technical-Sanitary Regulation on Bleaches (Spanish Royal Decree 3360/198313).
- Regulation (EU) No. 528/201215 of the European Parliament and of the Council, of 22 May 2012, concerning the use and placing on the market of biocidal products (Regulation 528/2012 on Biocidal Products). All biocidal products require an authorization in order to be placed on the market and their active substances shall either have been approved or be included in the review program for evaluation at European Community level.
- Consumer Safety, etc.

The plastics industry represented by ANAIP (Asociación Española de Industriales de Plásticos, Spanish Association of Plastics Industry) have reported that plastic bags that do not comply with Spanish Royal Decree 293/2018 are being placed on the market and distributed16, mainly because the bag delivered is not compostable, or because it does not comply with the thickness or because it does not contain the amount of recycling required by the legislation. In addition, a considerable proportion of the bags that do not comply with the Spanish Royal Decree are imported and marketed at a lower price. The environmental benefit of using the bags established for each application, and the joint effort of authorities and industry, is lost.

Non-compliant bags, apart from being illegal, are harmful to the environment and damage the image of the product.

The legal basis for the non-compliant requirement is Spanish Royal Decree 293/2018, of 18 May, on reducing the consumption of plastic bags, under which the Register of Producers is created.

During 2021, ANAIP has conducted a campaign to detect market non-compliances of the following products:

- Shopping bags with a thickness of 50 microns or more. Reusable bags with a high recycling rate.
- Compostable section and shopping bags with a thickness of less than 50 microns.

In 2021, this campaign was launched by the sector and the industry concerned. In 2022, it seeks to involve the competent authorities in market surveillance in two areas:

- Import control (customs inspections prior to entry of bags).
- Market control (market inspections through the Autonomous Regions).

The 2021 campaign was carried out with the launch on 1 July of ReCAIB (Responsibility and Environmental Commitment in the Plastic Bag Industry), which is a platform made up of manufacturing companies that ensure compliance with the requirements and obligations of the standard and undertake not to produce or import bags that do not comply with the legislation and to monitor compliance with the regulation in the market. The procedure followed is set out below.

- A group of plastic bag manufacturers has promoted the ReCAIB Platform (Responsibility and Environmental Commitment in the Plastic Bag Industry), with the following objectives:
  - Promote good practice and malpractice detection.
  - Vocation to be an ally of the authorities in the implementation of Spanish Royal Decree 293/2018.
  - Manufacture in accordance with standards (UNE 53930, Plastic carrier bags with high content in recycled plastic for product carriage, and UNE-EN 13432, requirements for packaging recoverable through composting and biodegradation; test scheme and evaluation criteria for the final acceptance of packaging) and Certification of the bags as a guarantee of compliance.

In cases of malpractice, the Platform will contact the person(s) involved informing them of the applicable legislation and of the non-conformity or non-compliance with the requirements set out in Spanish Royal Decree 293/2018.

The member companies sign a 5-point commitment.

Information and communication efforts. An initiative is planned for 2022 to contact the regional ministries of the Environment and Consumer Affairs of all the Autonomous Regions to inform and offer collaboration in information activities and training workshops.

This platform has six member companies (six bag manufacturers and one distributor) and collaborating entities (two associations and one certifier). Interviews with the authorities have revealed a great deal of receptiveness to the problems raised.

According to the results obtained, the following actions have been conducted:

- Cover letters of the Platform, which also inform manufacturers and bag users, both in direct contacts and through the Associations, of the regulations that apply.
- Two press releases and an interview with the Platform’s spokesperson:
  - [https://anaip.es/comunicacion/sala-de-prensa/notas-de-prensa/869-anaip-presenta-recaib-una-plataforma-de-fabricantes-de-bolsas-de-plastico-para-promover-las-buenas-practicas-y-el-cumplimiento-del-real-decreto-293-2018.html](https://anaip.es/comunicacion/sala-de-prensa/notas-de-prensa/869-anaip-presenta-recaib-una-plataforma-de-fabricantes-de-bolsas-de-plastico-para-promover-las-buenas-practicas-y-el-cumplimiento-del-real-decreto-293-2018.html)
  - [https://anaip.es/comunicacion/sala-de-prensa/notas-de-prensa/927-recaib-incide-en-la-importancia-de-que-los-consumidores-esten-informados-y-de-que-conozcan-las-normas-y-su-capacidad-de-influencia-en-el-marcado.html](https://anaip.es/comunicacion/sala-de-prensa/notas-de-prensa/927-recaib-incide-en-la-importancia-de-que-los-consumidores-esten-informados-y-de-que-conozcan-las-normas-y-su-capacidad-de-influencia-en-el-marcado.html)
  - [https://anaip.es/comunicacion/sala-de-prensa/notas-de-prensa/927-recaib-incide-en-la-importancia-de-que-los-consumidores-esten-informados-y-de-que-conozcan-las-normas-y-su-capacidad-de-influencia-en-el-marcado.html](https://anaip.es/comunicacion/sala-de-prensa/notas-de-prensa/927-recaib-incide-en-la-importancia-de-que-los-consumidores-esten-informados-y-de-que-conozcan-las-normas-y-su-capacidad-de-influencia-en-el-marcado.html)
- A dedicated website has been created: [www.recaib.es](http://www.recaib.es).
- Communication and dissemination content created:
  - Dissemination on ANAIP’s social media (Twitter, LinkedIn, Instagram and Facebook) and collaborators.
  - Letters sent to the Regional Ministries of the Environment and Consumer Affairs of all the Autonomous Regions (informative and requesting a meeting to explain the situation).
  - Written submissions to the authorities in Customs and to the SLO.

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

- Spanish Royal Decree 842/2002[^22], of 2 August on the Low Voltage Electro-technical Regulations.
- Spanish Royal Decree 1580/2006[^23], of 22 December, regulating electromagnetic compatibility of electrical and electronic equipment.
- Spanish Royal Decree 187/2011[^24], of 18 February 2011 on the setting of eco-design requirements for energy-related products.

They are also particularly concerned about the sale of products via the Internet in the various marketplaces currently available.

During 2021, in the campaign conducted as a supplementary activity to the Product Control Campaigns conducted by the Ministry of Industry, Trade and Tourism and the Industry Delegations of the Autonomous Regions, and in collaboration with the Foundation for the Promotion of Industrial Innovation (F2I2), around 90 pieces of equipment have been visually analyzed. Out of these, 13 were selected for detailed study and testing within the scope of the applicable Directives and a total of 16 tests were carried out in the laboratory.

The inspected appliances were of LED technology and belonged to the following families:

- LED lamps.

The procedure followed for the campaign was as follows: ANFALUM invests a sum of money, by means of which a “Mystery Shopper”, who belongs to the F2I2, is in charge of buying the product present in the industry. This “Mystery Shopper” belongs to LCOE which is the ENAC-accredited laboratory in charge of testing and the market inspection procedure.

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:

- Performance and functional features of lamps manufactured/imported both by electrical warehouses and by major brands sold in shopping centers. These tests have been considered as interesting because there is some uncertainty regarding the rigour of manufacturers when marking and advertising the photometric, energy, etc. features of LED lamps in the first instance and, by extension, all LED luminaries in general. These parameters include luminous flux, power factor, color rendering index and color temperature, energy class, life time and switching cycles, etc.

Once again this year, the study has included the inspection of the technical performance and functional characteristics declared by the manufacturers of luminaries, lamps and associated equipment in their technical documentation and catalogues. As in 2020, a group of 2 LED lamps were selected, one with an E27 socket and the other with a GU10 socket and different light configurations, with their performance marked on their packaging and legible for the user.

The tests were carried out on a batch of 2 equal units of each of the samples, representative of the corresponding manufacturing batch, because for GU10 lamps no variability was found, but for E27 lamps the variability was so wide that up to 4 different types of samples were found. The following non-compliances were found:

- In view of the silk-screen printing on each of the samples, each of the batches has been manufactured by a different production site.
- The first lot does not conform in terms of the assigned characteristics with those indicated on the sample and obtained by measurement.
- Out of the last three batches, there is one that does not clearly comply with the requirements of the 10% tolerances assigned to parameters such as luminous flux.

A study of photometric behaviour has been conducted. For this study 1 batch of 2 samples of the GU10 lamp and 4 batches and 2 units of each batch of the E27 lamp have been tested. The purpose of the tests was to determine the following parameters:

- Luminous flux (lm).
- Chromatic coordinates (x, y).
- Color temperature (K).
- Color Rendering Index (CRI).
- Electrical parameters: Power (W), voltage (V), current (mA) and power factor.
- Luminous efficacy (lm/W).

While GU10 lamps have been compliant, in the case of E27 lamps, which are much more widely used, the dispersion of models gives the following results:

- One lot (1): these are 11 W lamps.
- One lot (2): units are clearly non-compliant with the requirements of the 10% tolerances assigned to parameters such as luminous flux.
- Two batches (3 and 4): narrowly outside tolerances of 840 lum-10% = 756 lum.

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

- 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 are reported at ANFALUM’s assembly itself held last December, which is public, so that the specialized press and any other press types concerned that may consider it necessary may have access to the information.

### 6.3 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:

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

In the case of industrial products for professional use, moreover, a non-compliance may occur more frequently where a biocide/pesticide product authorised to be applied by a certain type of personnel, is being used by the wrong personnel (professional personnel vs specialised professional personnel), and also where products for professional use are marketed in the household channels (without a clear warning that the product is restricted for professional use).

Some of the non-compliances related to product labelling that lack the requirements demanded by the legislation affecting the sector or containers without the safety seals or touch-detectable signs which would correspond to them in accordance with the danger category classified by their contents have already been detailed in Section 6.2 of this report, covering products for household use, due to the fact that the requirements and legal basis match.
The manufacturers of HVAC equipment, represented by AFEC (Asociación de Fabricantes de Equipos de Climatización, Spanish Association of HVAC Equipment Manufacturers), have reported on the following:

**a) Non-compliance derived from the obligations set out in the different European eco-design regulations.**

This impacts the competitiveness of manufacturing companies, who have invested a lot of time and money in adapting their products to the new legislative requirements: there are situations where others who have not done so can gain access to an increased market share by being able to make offers based on lower cost, thereby incurring unfair competition.

The legal basis for the ECO-DESIGN requirements mainly has to do with the following regulations:

- Regulation (EU) no. 2016/2281 of the Commission, of 30 November 2016, implementing Directive 2009/125/EC of the European Parliament and of the Council establishing a framework for the setting of eco-design requirements for energy-related products, with regard to eco-design requirements for air conditioning, ventilation, heat pumps, air cleaning and purification equipment to improve indoor air quality, air distribution and treatment systems, etc. This campaign continued in 2022. In this scenario, there is continuous collaboration with MITECO (Ministry for the Ecological Transition and the Demographic Challenge) for the right interpretation of the legislative texts, especially in the transfer to daily practice in the Autonomous Regions, where sometimes different criteria are applied from one region to another.

The following procedure has been followed to detect non-compliance with eco-design requirements: When a notification of possible non-compliance is received, AFEC contacts the company in question to inform them, inviting them to review their data in search of any possible error, and offering help in the interpretation of the regulation requirements. In addition to this, the association produces and disseminates summaries and application guides of the different Eco-design Regulations, in order to help the sector to better understand them. AFEC has occasionally organized specific meetings with companies and/or government agencies.

**b) Non-compliance arising from the existence of non-official technical services services**

Since 2017, AFEC has been detecting that there are technical service websites that use the brand and/or trademark of some AFEC member companies, without being the OFFICIAL AUTHORIZED technical service of the same.

The legal basis for the non-compliant requirements is the improper use of the brand and trademark of the manufacturers of air-conditioning equipment without their express authorization.

The following procedure has been followed to detect misuse of company names for technical service announcement pages: after detection, AFEC sent letters to the non-compliant companies through its legal office, requesting the cessation of the improper use of the trademark. In addition, a campaign was launched both internally and externally, in industry media, dealer and user associations, and social media, alerting about the importance of contacting an official authorized technical service centre.

**Ready-mixed concrete manufacturers, represented by ANEFHOP (Asociación Nacional de Fabricantes de Hormigón Preparado, Spanish National Association of Ready Mix Concrete Manufacturers), have reported breaches of obligations under Spanish Royal Decree 163/2019**, regarding the need to obtain a production control certificate for each of the concrete production plants issued by an ENAC-accredited entity. There are facilities operating without said certificate, and there are other concrete manufacturing facilities that have obtained a certificate, forcing their compliance on the audit date but failing to comply immediately thereafter.

Similarly, they have also reported breaches of administrative, environmental, urban planning and occupational risk prevention legislations.

The economic impact of unfair competition in the sector, for all reasons, can be quantified as an approximate volume of 20% of the sector’s total production.

With regard to Spanish Royal Decree 163/2019, of 22 March, which approves the Technical Instruction for the production control of concrete manufactured in plants, an intense campaign is being conducted to detect non-compliance in collaboration with the Spanish Ministry of Industry, Trade and Tourism and the Ministries of Industry of the Autonomous Regions.

https://www.boe.es/doue/2014/337/L00008-00026.pdf
https://www.boe.es/doue/2013/239/L00162-00183.pdf
https://www.boe.es/doue/2013/239/L00136-00161.pdf
The procedure below has been followed:

- Market prospection of concrete plants certified in accordance with Spanish Royal Decree 163/2019.
- Request for a response by the Administration of Industry, to sanction and prevent those plants lacking legal authorisation from conducting any activity.
- Reminder to construction companies of their legal obligation to supply themselves from certified facilities.
- Request the Administration to keep a register of valid certificates for consultation, avoiding uncertainty as to whether or not the mandatory certificates are held, and preventing falsifications.

The results obtained can be improved and are very dissimilar according to the Autonomous Regions. Some forceful action is needed to make the defaulters react, not only because of the non-holding of the certificate, but also because of the fraud involved in obtaining and maintaining it. In the case of the Registry, we have not had any positive response. Not envisaged.

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

- Complaints submitted to Industry governments agencies.
- Awareness-raising campaigns aimed at concrete purchasers (construction companies and developers) and prescribers (professional associations and professional bodies).
- Complaints to construction companies, warning of the obligation.
- Reports of the situation in the press in some regions.

On the other hand, as regards cases of unfair competition centered on non-compliance with town planning and environmental regulations, and in cases of lack of the required municipal licences or administrative authorizations, we have also proceeded to report these situations of administrative and environmental illegality, etc. to City Councils and Autonomous Regions, with very mixed results.

A much more decisive commitment is needed from the different government agencies in the fight against unfair competition in this sector.

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

- Spanish Royal Decree 842/2002\(^\text{32}\), of 2 August on the Low Voltage Electro-technical Regulations.
- Spanish Royal Decree 1580/2006\(^\text{33}\) of 22 December, which regulates the electromagnetic compatibility of electrical and electronic equipment.
- Spanish Royal Decree 187/2011\(^\text{34}\), of 18 February 2011 on the setting of eco-design requirements for energy-related products.

They are also particularly concerned about the sale of products via the Internet in the various marketplaces currently available.

During 2021, in the campaign conducted as a supplementary activity to the Product Control Campaigns conducted by the Ministry of Industry, Trade and Tourism and the Industry Delegations of the Autonomous Regions, and in collaboration with the Foundation for the Promotion of Industrial Innovation (F2I2), around 90 pieces of equipment have been visually analysed. Out of these, 13 were selected for detailed study and testing within the scope of the applicable Directives and a total of 16 tests were carried out in the laboratory.

The following actions have been carried out:

- Compliance made with the usual electrical safety tests, and in addition to the above certain specific tests for electromagnetic compatibility:
  - Electromagnetic compatibility: this evaluates phenomena that are very important for the operation and disturbances of luminaries 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.
  - In terms of safety aspects, only one of the 9 inspected equipment complied with all the requirements assessed, and 62% of them showed very serious or serious non-compliance. This is an important conclusion on the current situation of the professional lighting market.

\(^{32}\) https://www.boe.es/eli/es/rd/2002/08/02/842
\(^{33}\) https://www.boe.es/eli/es/rd/2006/12/22/1580
\(^{34}\) https://www.boe.es/eli/es/rd/2011/02/18/187
Luminaries have generally failed in basic and essential safety aspects related to luminary classification, markings and indications, construction, external and internal wiring, switching operations, resistance to heat, fire and conductive path formation, endurance and heating tests, insulation resistance and dielectric strength, resistance to dust, solid bodies and moisture, insulation resistance and dielectric strength, photometric data, batteries for self-contained emergency luminaries.

As far as LED street lighting luminaries are concerned, this year a 90W street lighting luminary has been tested, which has shown the following non-compliances:

- **Marks and indications:**
  - The luminary does not have adequate mechanical resistance (IK10), as it does not continue to provide the IP degree of protection.
- **Construction:**
  - The luminary is declared by the manufacturer as being for outdoor use; however, it has external wiring with PVC insulation.
  - The characteristics of the connection block used in the installation have not been defined.
- **External and internal wiring:**
  - The luminary does not have the classification code according to Annex B.
  - Protective resistance to penetration of dust, solids and moisture: the luminary does not comply with the IPX5 degree of protection against jets of water.
- **Endurance and heating tests:**
  - The temperature measured in the heating test under normal conditions are above the temperature limits of the standard and of the components. Specifically, the TC LED driver. (Measured: 139.7°C; Limit: 90°C; for an ambient temperature of 60°C).
  - The luminary does not provide the full rated output continuously until the end of the rated emergency operation duration. The duration of the battery is shorter than declared.
- **Batteries for self-contained emergency luminaries:**
  - The maximum continuous overload rate (380mA) is greater than 0.08C5A (120mA) at 1.06 times the rated mains voltage. The discharge current (446mA) is higher than the maximum rated discharge for 3h at (0.25 C5 = 375 mA).
- **Switching operations:**
  - The luminary does not operate automatically when the voltage drops below 70% of the maximum marked voltage. It does not comply with ITC-BT-28 of the Low Voltage Electro-technical Regulations. The luminary does not have an idle state. In addition, the luminary does not operate when the voltage is between 60% of Vmax and 85% of Vmin.
  - Resistance to heat, fire and the formation of conductive paths: the insulating material of the luminary (which is in contact with the battery) does not satisfy the needle flame test according to IEC 60695-11-5 at 850°C.

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

- 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 are reported at ANFALUM’s assembly itself held last December, which is public, so that the specialized press and any other press types concerned that may consider it necessary may have access to the information.

### Breakdown of test inspection results by type of equipment in 2021

<table>
<thead>
<tr>
<th></th>
<th>COMPLIANCE</th>
<th>NON-COMPLIANCE</th>
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<tbody>
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<tr>
<td>Outdoor LED Floodlights</td>
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<tr>
<td>Outdoor LED Floodlights</td>
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<tr>
<td><strong>TOTAL</strong></td>
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</table>
The sector of Spanish installation and maintenance companies, represented by CONAIF (Confederación Nacional de Asociaciones de Instaladores y Fluidos, Spanish National Confederation of Installers and Fluids Associations), has reported the following:

1. Non-compliances in the sale of equipment to end users without the installation being carried out by authorized professional companies, which causes safety issues for the facilities concerned, unprofessional practices, black market economy, etc.

The legal grounds for the unmet requirement are as follows:

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

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

Throughout 2021, CONAIF has carried out a campaign, in collaboration with the Spanish Civil Guard’s Nature Protection Service (SEPRONA), to detect non-compliance in HVAC equipment for not being hermetically sealed.

As it is a regional responsibility to designate the competent body, CONAIF has held meetings with the Autonomous Regions, with those responsible for Industry, the Environment and the Presidency, and the Confederation’s member associations, reminding them of the obligations of this regulation, as well as informing them how it had been resolved in other Autonomous Regions.

According to data provided by the Association of Metal Entrepreneurs (ASPREMETAL), which is part of CONAIF, there are more than 1,800 open cases against end users that could result in sanctions for not having accredited that the installations have been carried out by authorized installation companies. However, the Regional Administration has so far failed to process any sanctions because it does not have the capacity to do so.

In accordance with the results obtained, CONAIF has disseminated all the activities through press releases.

2. Illegal sale of fluorinated gases.

The legal grounds for the unmet requirement are as follows:

- Spanish Royal Decree 552/2019, of 27 September, approving the Safety Regulations for refrigeration installations and their supplementary technical instructions.
- Law 16/2013, of 29 October, which establishes certain measures in matters of environmental taxation and adopts other tax and financial measures.
- Spanish Royal Decree 1042/2013, of 27 December, approving the Regulation on the Tax on Fluorinated Greenhouse Gases.

During February and March 2021, CONAIF has carried out a campaign, in collaboration with the European Fluorocarbons Technical Committee (EFCTC) to detect non-compliance in F-gas cylinders.

The following activities have been done:

- An information day for those responsible for the Spanish Civil Guard’s Nature Protection Service (SEPRONA), so that they could learn about the requirements demanded by the legislation, as well as be able to recognize the certifications and markings required for these products in the field.
- An information day for associations and installation companies in the refrigeration and HVAC sector, in which the current situation and how to eradicate the illegal trade in refrigerant gases was presented.

In accordance with the results obtained, dissemination of all the activities has taken place through press releases.

Manufacturers of electrical and fiber optic cables and conductors, represented by FACEL (Asociación Española de Fabricantes de Cables y Conductores Eléctricos y de Fibra Óptica, the Spanish Association of Cable-Makers, Conductors and Optical Fibre), have reported non-compliance in some imports of cables or wiring from outside the European Union, sometimes subsidized and sometimes not in compliance with European regulations.

At the request of the European fiber optic telecommunications cable manufacturers represented by the European Cable Confederation (ECBL) based in Brussels and with the presence of FACEL as the Spanish representative, the European Commission initiated an anti-dumping proceeding on 24/9/2020 against imports of fiber optic cables originating in China in various European States, including Spain, for obvious unfair competition in our European market to the detriment of European cable producers.

The legal basis for the non-compliant requirements are various European directives and legislation, regarding distortions in the European and international markets due to evidence of dumping:


Apart from the above, which was carried out at the European level with the active collaboration of FACEL, nothing else has been done in 2021. As a result of the above-mentioned case brought to the European level by the Cable Confederation ECBL, the European Commission was able to impose levies between 20% and 40% on imports of fiber optic cables originating in China. In the following link, you can see the New flash of EUROPCABLE summarising the resolution of the procedure that has been completed: EUR-Lex - 32021R2011 - EN - EUR-Lex (europa.eu).

On the basis of the results obtained, the following has been decided:

- dissemination on FACEL’s institutional website and to the sectoral media.
- FACEL, in collaboration with the Sub-Directorate-General for Tariff Policy of MINCOTUR and also with the German Cable Manufacturers’ Association before its own Ministry of Industry, demonstrated and succeeded in stopping the possible import of coaxial cables from outside the EU (specifically, from Turkey) for which the elimination of Tariff Duties was sought.

The European Commission’s DG Taxud itself, in view of the demonstration that there is indeed European manufacture of such coaxial cables by Spanish manufacturers (associated with FACEL) and German manufacturers, and with the backing of MINCOTUR, determined in February 2021 that it was NOT appropriate to eliminate the tariffs sought by Turkish manufacturers.

The manufacturers of heat generators and transmitters represented by FEGECA (Asociación de los Fabricantes de Generadores y Emisores de Calor, Spanish Association of Heat Generator and Transmitter Manufacturers) have reported that the main problems of legal non-compliance in the thermal installations sector are related to non-compliance with the regulatory Standards, both those that apply to heat generating and transmitting equipment and those relating to the installation of such equipment.

The legal grounds for the unmet requirements are as follows:

- Spanish Royal Decree 919/2008, of 28 July, approving the technical regulation on the distribution and use of gaseous fuels and its supplementary technical instructions ICG 1 to 11.
- Spanish Royal Decree 108/2016, of 18 March, establishing the essential safety requirements for the marketing of simple pressure vessels.

- Eco-design Regulations:

- Energy Labelling Regulations:

43 https://www.boe.es/doue/2020/03/06/L00001-00012.pdf
44 https://www.boe.es/doue/2020/03/01/L00001-00010.pdf
45 BOE.es - BOE-2010-8332 (Reglamento) (BOE-2010-8332 del Parlamento Europeo y del Consejo, de 9 de marzo de 2010, sobre los aparatos que queman combustibles gaseosos y por el que se deroga la Directiva 2009/142/CE)
46 https://www.boe.es/doue/2016/03/18/L00001-00082.pdf
47 https://www.boe.es/doue/2015/09/24/L00136-00161.pdf
50 https://www.boe.es/doue/2015/03/24/L00001-00010.pdf
51 https://www.boe.es/doue/2015/03/24/L00001-00015.pdf
52 https://www.boe.es/doue/2015/03/24/L00001-00025.pdf
53 https://www.boe.es/doue/2015/03/24/L00001-00025.pdf
54 https://www.boe.es/doue/2015/03/24/L00001-00025.pdf
55 https://www.boe.es/doue/2015/03/24/L00001-00025.pdf
56 https://www.boe.es/doue/2015/03/24/L00001-00025.pdf
• Regulation on Thermal Installations in Buildings (RITE).

• Spanish Royal Decree 919/2006, of 28 July, approving the technical regulation on the distribution and use of gaseous fuels and its supplementary technical instructions ICG 01 to 11.

• Spanish Royal Decree 115/2017, of 17 February, which regulates the marketing and handling of fluorinated gases and equipment based on the same, as well as the certification of the professionals using them and establishing the technical requirements for installations carrying out activities that emit fluorinated gases.

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, RITE licences, gases, etc. causes deficiencies in the equipment installation. Detected Problems arise when a breakdown occurs or an inspection is carried out, but in these cases the equipment is already installed and possibly operating with problems that may put the health of users at risk.

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 in each country can be very different. 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. The sale of products via the Internet shall meet the same requirements as the sales outlets or channels in each country. If it is not possible to sell a product physically in a shop because a country’s regulations do not allow it, it should not be possible to buy it on-line.

Concrete manufacturers, represented by OFICEMEN (Agrupación de Fabricantes de Cemento de España, Spanish Association of Cement Manufacturers), have reported breaches of the mechanical strength and physical and chemical specifications of some concrete marketed in Spain. In addition to the economic impact of marketing concrete of a lower quality than that required by the normal official Standards and unfair competition with concrete manufacturers that do comply, it also means a risk to the safety and durability of constructions due to the lower structural strength and durability of the concrete of which they are made.

The legal grounds for the unmet requirements are as follows:

• Spanish Royal Decree 256/2016, of 10 June, approving the Instruction for the reception of concrete (RC-16) and the Correction of errors in Spanish Royal Decree 256/2016, of 10 June, approving the Instruction for the reception of concrete (RC-16).

• Spanish Royal Decree 1247/2008, of 18 July, approving the structural concrete instruction (EHE-08).

• Spanish Royal Decree 470/2021, of 29 June, approving the Structural Code.

Activities are carried out in the market in Spain to detect non-compliances with the technical specifications for concrete. The following procedure has been followed:

• For concrete with AENOR quality mark, 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 carried out throughout the year 2021 with the collaboration of different government agencies, and some of them have plans to control the quality of concrete on the market.

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

• In the case of non-compliances of cements with AENOR mark, the mark Regulations are applied for their correction.

• In the case of 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.
7.1 Functions and activity of the Single Liaison Office provided for in Regulation (EU) 2019/1020

7.1.1 General


The aim of strengthening market surveillance was justified by the experience gained with Regulation (EC) 765/2008\(^\text{59}\) 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.

With the publication of Regulation (EU) 2019/1020, there is a need for the creation of the Single Liaison Office (SLO) to facilitate the coordination of market surveillance competent authorities.

7.1.2 Functions of the Single Liaison Office

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

- Represent the coordinated position of national market surveillance authorities and authorities in charge of the control of products placed on the Union market.
- Communicate 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. Each Member State shall design the first strategy by 16 July 2022.
- 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.

\(^{59}\) [https://www.boe.es/doue/2008/218/L00030-00047.pdf](https://www.boe.es/doue/2008/218/L00030-00047.pdf)
7.1.3 Single Liaison Office activity

Throughout 2021, the Single Liaison Office (SLO) has focused its activity on the development of tasks related to Regulation (EU) 2019/1020:

- Among the items on the agenda are: the adoption of its work program; the publication of the Guide on Article 4 of the Regulation\(^6\), addressing the tasks of economic operators in relation to products subject to certain Union harmonization legislation; the adoption of the indicators for designing the overall national market surveillance strategy; the adoption of a guide for collaboration between economic operators and market surveillance authorities, as foreseen in Article 9 of Regulation (EU) 2019/1020\(^7\) and the adoption of the common European template for the design of the national market surveillance strategy.

- The Office has participated in the meetings held in connection with the General Product Safety Regulation\(^8\) and a meeting with UNCTAD’s Working Group on Consumer Product Safety.

- The SLO at national level has continued to make progress in the development of the national market surveillance strategy. To this end, it has held various meetings with the customs authorities and with the different national and regional authorities. As a culmination of this work, the Spanish government agencies, through the SLO, have drawn up the National Strategic Framework for Market Surveillance (MENVIME), resulting in a document that has been submitted, as required, to the European Union Commission, and whose public version will be available shortly.

7.1.4 Other activities

SLO acts as the national contact point for the Information and Communication System for Market Surveillance (ICSMS)\(^9\).

SLO, in accordance with Article 34 of Regulation\(^10\), shall enter in the ICSMS system the identity of the market surveillance authorities together with their areas of competence and border control authorities\(^11\). It will also send the National Market Surveillance Strategy and the results of its review and evaluation.

SLO is responsible for registering users and has provided several courses on the use of the system to market surveillance officers.

7.2 Consumer authorities and their contribution to market surveillance

The market surveillance work carried out by the Directorate-General for Consumer Affairs (DGC) focuses mainly on technical support to other government Consumer Inspection Services and on activities aimed at the proper operation of the market, in order to ensure consumer protection. This mission is implemented through the annual schedule of national market surveillance campaigns, the approval of standardized working procedures, as well as the unification of criteria that guarantee the unity of the market in the national territory.

7.2.1 Autonomous Regions in relation to official control or surveillance in the market for goods and services

7.2.1.1 Schedule and implementation of national campaigns: 2021

The control of goods and services made available to consumers and users falls under the responsibility of the consumer inspection of the Autonomous Regions.

The following National Inspection and Market Control Campaigns are scheduled for 2021, as shown in Table 1, without detriment to those carried out by the consumer authorities of the different Autonomous Regions and Autonomous Cities, which are not detailed in this Section.

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\(^6\) [https://consumo.gob.es/sites/consumo.gob.es/files/consumo_masinfo/Guidance_Article_4_ES.pdf](https://consumo.gob.es/sites/consumo.gob.es/files/consumo_masinfo/Guidance_Article_4_ES.pdf)

\(^7\) [https://consumo.gob.es/sites/consumo.gob.es/files/consumo_masinfo/Guidance_Article_9_ES.pdf](https://consumo.gob.es/sites/consumo.gob.es/files/consumo_masinfo/Guidance_Article_9_ES.pdf)

\(^8\) [https://eur-lex.europa.eu/resource.html?uri=cellar:e6adc4a2-da3d-11eb-895a-01aa75ed71a1.0010.02/DOC_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:e6adc4a2-da3d-11eb-895a-01aa75ed71a1.0010.02/DOC_1&format=PDF)

\(^9\) [https://consumo.gob.es/sites/consumo.gob.es/files/consumo_masinfo/2021-06-16_Note_Art_34_4-ICSMScustoms-Ares%282021%293937812.pdf](https://consumo.gob.es/sites/consumo.gob.es/files/consumo_masinfo/2021-06-16_Note_Art_34_4-ICSMScustoms-Ares%282021%293937812.pdf)


\(^11\) [https://www.aragon.es/a1267534](https://www.aragon.es/a1267534)
## Table 1: National inspection and market control campaigns: 2021

<table>
<thead>
<tr>
<th>NAME OF THE CAMPAIGN</th>
<th>PARTICIPATING AUTONOMOUS REGIONS</th>
<th>Nº OF CONTROLS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FOOD PRODUCTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General control: monitoring the information on food labelling of the country of origin or place of provenance, as well as the country of origin or place of provenance of its main ingredient, when the origin of the food is mentioned and does not match that of its main ingredient</td>
<td>Aragon; Balearic Islands; Canary Islands; Castile-La Mancha; Castile and Leon; Catalonia; Extremadura; Madrid; Melilla and Murcia</td>
<td>225</td>
</tr>
<tr>
<td>Control of information supplied to the consumer on packaged foods: labelling and composition</td>
<td>Asturias; Canary Islands; Extremadura; Murcia; Navarre and Ceuta</td>
<td>120</td>
</tr>
<tr>
<td>Control of e-commerce in food: food information, advertising and general terms and conditions of trade</td>
<td>Balearic Islands; Cantabria; Castile-La Mancha; Catalonia; Extremadura; Galicia; Madrid; Murcia and La Rioja</td>
<td>250</td>
</tr>
<tr>
<td>Virgin and extra virgin olive oil: labelling and composition</td>
<td>Balearic Islands; Castile-La Mancha; Castile and Leon; Extremadura; Madrid and Murcia</td>
<td>219</td>
</tr>
<tr>
<td>Fresh meat preparations (burger meat, hamburgers, sausages, marinated, breaded, etc.), labelling and identification of species</td>
<td>Andalusia; Castile-La Mancha; Castile and Leon; Catalonia; Extremadura; Madrid; Navarre and La Rioja</td>
<td>215</td>
</tr>
<tr>
<td>Cheese. control of labelling and species identification on sheep/goat cheeses and verification of salt content in those making claims for the presence of salt reduction</td>
<td>Balearic Islands; Castile and Leon; Catalonia; Extremadura; Madrid and Murcia</td>
<td>156</td>
</tr>
<tr>
<td>Pastries and filled pastries identified as “with cream” and other incorrect statements: presence of cream/fatty preparation</td>
<td>Andalusia; Balearic Islands; Galicia; Madrid and Murcia</td>
<td>103</td>
</tr>
<tr>
<td>Mono-floral and thousand flower honey: verification of labelling and quality parameters</td>
<td>Andalusia; Asturias; Balearic Islands; Castile and Leon; Extremadura; Murcia; Navarre; La Rioja and Basque Country</td>
<td>120</td>
</tr>
<tr>
<td>Plant-based drinks: labelling and composition (national campaign 2020-2021)</td>
<td>Andalusia; Castile-La Mancha; Catalonia; Galicia; Madrid; Navarre and La Rioja</td>
<td>135</td>
</tr>
<tr>
<td>Saffron and paprika: labelling, origin and composition. foreign matter (national campaign 2020-2021)</td>
<td>Andalusia; Cantabria; Extremadura and Madrid</td>
<td>95</td>
</tr>
<tr>
<td>Children’s industrial bakery products (national campaign 2020-2021)</td>
<td>Andalusia; Balearic Islands; Cantabria; Catalonia; Extremadura; Madrid; Murcia and Ceuta</td>
<td>163</td>
</tr>
<tr>
<td>Wholemeal bread. labelling, characteristics and composition (determining the plant species of the flour) (national campaign 2020-2021)</td>
<td>Balearic Islands; Castile-La Mancha; Castile and Leon; Catalonia; Extremadura; Madrid; La Rioja; Basque Country and Melilla</td>
<td>184</td>
</tr>
<tr>
<td>Tuna: labelling and composition (national campaign 2020-2021)</td>
<td>Canary Islands; Castile-La Mancha; Extremadura; Madrid and La Rioja</td>
<td>122</td>
</tr>
<tr>
<td><strong>CONTROL OF NON-FOOD PRODUCTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General control: labelling of textile garments</td>
<td>Aragon; Castile and Leon; Extremadura; Valencia; Galicia; La Rioja; Madrid; Melilla; Murcia; Navarre and Basque Country</td>
<td>320</td>
</tr>
<tr>
<td>Costume, facemasks and mask campaign: labelling and safety</td>
<td>Asturias; Balearic Islands; Catalonia; Extremadura; Madrid and Murcia</td>
<td>200</td>
</tr>
<tr>
<td>Control of light garlands</td>
<td>Castle and Leon; Catalonia; Extremadura; La Rioja and Basque Country</td>
<td>122</td>
</tr>
<tr>
<td>Control of advertising of hygiene products with alleged virucidal properties</td>
<td>Asturias; Balearic Islands; Murcia; La Rioja and Ceuta</td>
<td>65</td>
</tr>
<tr>
<td>Monitoring advertising of ozone generators for households</td>
<td>Cantabria; Galicia; Murcia; La Rioja and Community of Valence</td>
<td>55</td>
</tr>
<tr>
<td>Toys composed of building blocks</td>
<td>Castile-La Mancha; Castile and Leon; Extremadura; Madrid; Murcia; Navarre; Community of Valence and Melilla</td>
<td>166</td>
</tr>
<tr>
<td>Hair straighteners</td>
<td>Andalusia; Castile-La Mancha; Catalonia; Murcia; La Rioja and Community of Valence</td>
<td>130</td>
</tr>
<tr>
<td>Liquid laundry detergents in single-use, soluble pods</td>
<td>Extremadura; Madrid; Murcia; Navarre and Ceuta</td>
<td>55</td>
</tr>
<tr>
<td>Petrol</td>
<td>Cantabria; Castile-La Mancha; Extremadura and Madrid</td>
<td>90</td>
</tr>
<tr>
<td>Garments containing at least one natural fiber (cotton, wool, silk, etc.) in their composition</td>
<td>Andalusia; Balearic Islands; Castile and Leon; Catalonia; Galicia and Madrid</td>
<td>220</td>
</tr>
<tr>
<td>Rubbers with the appearance of food products</td>
<td>Andalusia; Canary Islands; Catalonia; Extremadura; Madrid; Murcia and Melilla</td>
<td>115</td>
</tr>
<tr>
<td>Low-cost footwear: labelling and composition</td>
<td>Balearic Islands; Canary Islands; Castile and Leon; Catalonia; La Rioja and Community of Valence</td>
<td>177</td>
</tr>
<tr>
<td>Normal or spray grease remover products (not aerosol) (national campaign 2020-2021)</td>
<td>Balearic Islands; Cantabria; Ceuta; Madrid; Murcia; La Rioja and Community of Valence</td>
<td>138</td>
</tr>
<tr>
<td><strong>CONTROL OF SERVICES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General control: acceptance of European accounts for direct debiting of services</td>
<td>Balearic Islands; Castile-La Mancha; Castile and Leon; Extremadura; Community of Valence and Murcia</td>
<td>75</td>
</tr>
<tr>
<td>Control of the information provided to the consumer in the rental and sale of flats in relation to the energy performance certificate and labelling</td>
<td>Asturias; Castile-La Mancha; Extremadura; Madrid; Murcia and La Rioja</td>
<td>175</td>
</tr>
</tbody>
</table>
### 7.2.1.2 Results of the inspection activity

A total of 86,117 inspections were carried out during financial year 2021. Out of these inspections, 39.4% were carried out on food products, 39.4% on non-food and industrial products, and 21.2% on services. Out of the total number of proceedings, irregularities were detected in only 14.5%. The graph illustrates the reasons.

The following Table summarizes the inspection activity by products and services under control and the outcome of their surveillance:

<table>
<thead>
<tr>
<th>CLASSIFICATION BY PRODUCTS AND SERVICES</th>
<th>TOTAL POSITIVE REPORTS</th>
<th>TOTAL NEGATIVE REPORTS</th>
<th>SAMPLING REPORTS</th>
<th>TOTAL REPORTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oils and fats</td>
<td>52</td>
<td>129</td>
<td>119</td>
<td>300</td>
</tr>
<tr>
<td>Dairy products</td>
<td>109</td>
<td>209</td>
<td>68</td>
<td>386</td>
</tr>
<tr>
<td>Meat products</td>
<td>141</td>
<td>252</td>
<td>81</td>
<td>474</td>
</tr>
<tr>
<td>Fishery products</td>
<td>35</td>
<td>90</td>
<td>34</td>
<td>159</td>
</tr>
<tr>
<td>Bread and speciality breads</td>
<td>154</td>
<td>286</td>
<td>67</td>
<td>507</td>
</tr>
<tr>
<td>Preserves</td>
<td>96</td>
<td>224</td>
<td>215</td>
<td>535</td>
</tr>
<tr>
<td>Wines and spirits</td>
<td>37</td>
<td>162</td>
<td>36</td>
<td>235</td>
</tr>
<tr>
<td>Eggs</td>
<td>33</td>
<td>31</td>
<td>0</td>
<td>64</td>
</tr>
<tr>
<td>Frozen products</td>
<td>16</td>
<td>59</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Fruit and vegetables</td>
<td>128</td>
<td>413</td>
<td>2</td>
<td>543</td>
</tr>
<tr>
<td>Miscellaneous food products</td>
<td>642</td>
<td>1,588</td>
<td>355</td>
<td>2,585</td>
</tr>
<tr>
<td>Household appliances</td>
<td>386</td>
<td>4,869</td>
<td>115</td>
<td>5,370</td>
</tr>
<tr>
<td>Toys</td>
<td>2,560</td>
<td>21,942</td>
<td>560</td>
<td>25,062</td>
</tr>
<tr>
<td>Automobiles and spare parts</td>
<td>224</td>
<td>1,147</td>
<td>0</td>
<td>1,371</td>
</tr>
<tr>
<td>Textiles</td>
<td>661</td>
<td>5,118</td>
<td>118</td>
<td>5,897</td>
</tr>
</tbody>
</table>

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

NOTE: The number of controls includes the reporting obligations foreseen in the applicable regulations and the analytical controls carried out by the Center for Research and Quality Control (CICC).

In the period 2016-2021, the number of National Inspection and Market Control Campaigns, programmed and carried out by the consumer authorities of the Autonomous Regions, was 192. The following Table shows the figures for each sector of activity.
On the basis of the positive reports, the inspection services of the consumer authorities have proceeded to initiate sanctioning proceedings against the alleged offenders. The majority of the positive reports are due to non-compliance with irregularities regarding standardization and terms and conditions of sale, accounting for 56% of the total.

### Classification by Products and Services

<table>
<thead>
<tr>
<th>Classification by Products and Services</th>
<th>Total Positive Reports</th>
<th>Total Negative Reports</th>
<th>Sampling Reports</th>
<th>Total Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leather and fur products</td>
<td>119</td>
<td>435</td>
<td>17</td>
<td>571</td>
</tr>
<tr>
<td>Cosmetics</td>
<td>101</td>
<td>429</td>
<td>2</td>
<td>532</td>
</tr>
<tr>
<td>Household chemicals</td>
<td>55</td>
<td>203</td>
<td>95</td>
<td>353</td>
</tr>
<tr>
<td>Fuels</td>
<td>146</td>
<td>509</td>
<td>111</td>
<td>766</td>
</tr>
<tr>
<td>Chemicals</td>
<td>19</td>
<td>1752</td>
<td>20</td>
<td>1,791</td>
</tr>
<tr>
<td>Fatty oils (not intended for oral consumption)</td>
<td>1</td>
<td>2</td>
<td>10</td>
<td>13</td>
</tr>
<tr>
<td>Miscellaneous industrial products</td>
<td>2,606</td>
<td>24,004</td>
<td>420</td>
<td>26,997</td>
</tr>
<tr>
<td>Dry cleaning laundry general services</td>
<td>73</td>
<td>128</td>
<td>1</td>
<td>202</td>
</tr>
<tr>
<td>Vehicle repair</td>
<td>165</td>
<td>315</td>
<td>2</td>
<td>482</td>
</tr>
<tr>
<td>Repair of household appliances</td>
<td>62</td>
<td>113</td>
<td>26</td>
<td>201</td>
</tr>
<tr>
<td>Dwelling</td>
<td>371</td>
<td>187</td>
<td>1</td>
<td>559</td>
</tr>
<tr>
<td>Transport</td>
<td>106</td>
<td>121</td>
<td>0</td>
<td>227</td>
</tr>
<tr>
<td>Repairs to dwellings</td>
<td>71</td>
<td>116</td>
<td>1</td>
<td>188</td>
</tr>
<tr>
<td>Tourism (hotel, travel agencies)</td>
<td>170</td>
<td>120</td>
<td>71</td>
<td>361</td>
</tr>
<tr>
<td>Health and care services</td>
<td>148</td>
<td>366</td>
<td>0</td>
<td>514</td>
</tr>
<tr>
<td>Advertising</td>
<td>21</td>
<td>7</td>
<td>0</td>
<td>28</td>
</tr>
<tr>
<td>Utilities, supply</td>
<td>218</td>
<td>200</td>
<td>0</td>
<td>418</td>
</tr>
<tr>
<td>Miscellaneous services</td>
<td>2744</td>
<td>5551</td>
<td>22</td>
<td>8317</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>12,470</strong></td>
<td><strong>71,077</strong></td>
<td><strong>1,570</strong></td>
<td><strong>86,117</strong></td>
</tr>
</tbody>
</table>

Source: This information reproduces that provided by the Autonomous Regions

7.2.13 Regional market surveillance and control campaigns

The following Table includes information from the campaigns carried out during 2021 by the Autonomous Regions, in which the Center for Research and Quality Control (CICC) collaborated by analyzing the samples collected at points of sale to consumers.

### Table 3: Campaigns carried out by the Autonomous Regions and with the collaboration of the CICC

<table>
<thead>
<tr>
<th>FOOD PRODUCTS</th>
<th>PARTICIPATING AUTONOMOUS REGIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soft drinks containing cyclamate and saccharin</td>
<td>Andalusia; Aragon; Asturias; Balearic Islands; Cantabria; Galicia; Madrid; Castle-La Mancha; Catalonia and La Rioja</td>
</tr>
<tr>
<td>Natural mineral waters and bottled spring waters</td>
<td>Andalusia; Balearic Islands</td>
</tr>
<tr>
<td>Canned preserved pickled vegetables</td>
<td>Andalusia; Cantabria; Extremadura; Madrid; Murcia; Navarre; La Rioja</td>
</tr>
<tr>
<td>Canned whole red peppers</td>
<td>Andalusia; Extremadura; Galicia; Madrid; Murcia; Castile and Leon; Catalonia; Navarre; La Rioja</td>
</tr>
<tr>
<td>Hard nougat and soft nougat (Jijona)</td>
<td>Andalusia; Balearic Islands; Madrid; Castile and Leon; Catalonia; Ceuta</td>
</tr>
<tr>
<td>Virgin and extra virgin olive oils</td>
<td>Asturias; Balearic Islands; Murcia; Castile and Leon</td>
</tr>
<tr>
<td>Wines with designation of origin (wines of the land)</td>
<td>Extremadura; Madrid; Murcia; Castile-La Mancha</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NON-FOOD PRODUCTS</th>
<th>PARTICIPATING AUTONOMOUS REGIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citrus juicers</td>
<td>Asturias; Galicia; Castile and Leon; Catalonia; Community of Valence</td>
</tr>
<tr>
<td>Children's tableware</td>
<td>Asturias; Balearic Islands; Castile-La Mancha; Catalonia; Ceuta</td>
</tr>
<tr>
<td>Cyanocrylate adhesives</td>
<td>Asturias; Madrid; Castile and Leon; Ceuta; La Rioja</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SERVICES</th>
<th>PARTICIPATING AUTONOMOUS REGIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunglasses</td>
<td>Balearic Islands; Extremadura; Madrid; Castile-La Mancha; Castile and Leon; La Rioja</td>
</tr>
<tr>
<td>Laundry stain remover (not aerosol)</td>
<td>Balearic Islands; Extremadura; Madrid; Castile and Leon; La Rioja; Community of Valence</td>
</tr>
<tr>
<td>Children's clothing with drawstrings (-14 years)</td>
<td>Balearic Islands; Castile La Mancha; Castile and Leon; Catalonia; Community of Valence</td>
</tr>
<tr>
<td>Wool, knitting balls (spool)</td>
<td>Cantabria; Castile and Leon</td>
</tr>
<tr>
<td>Finger painting</td>
<td>Extremadura; Galicia; Castile-La Mancha; Castile and Leon; Catalonia; La Rioja; Community of Valence</td>
</tr>
<tr>
<td>Ceramics in contact with Food</td>
<td>Madrid; Murcia; La Rioja</td>
</tr>
<tr>
<td>Stainless steel cutlery</td>
<td>Madrid; Castile-La Mancha; Ceuta</td>
</tr>
<tr>
<td>Kitchen knives</td>
<td>Madrid; Ceuta; Community of Valence</td>
</tr>
<tr>
<td>Paper rolls for food use in ovens</td>
<td>Madrid; Castile-La Mancha; Ceuta; La Rioja; Community of Valence</td>
</tr>
</tbody>
</table>

Source: Center for Research and Quality Control (CICC). Directorate-General for Consumer Affairs
7.2.2 Center for Research and Quality Control (CICC) as a support tool for market surveillance authorities

7.2.2.1 Presentation

At the CICC\(^{57}\) products are analyzed that come from annually scheduled campaigns, in which all the Autonomous Regions participate, European Union campaigns, collaboration with other competent bodies in market control, complaints filed by State Law Enforcement Forces, studies carried out by the laboratory itself and collaborative analyses, which are also annually scheduled, for the maintenance and improvement of the quality system implemented in the CICC.

7.2.2.2 Analytical activity: Samples analyzed

Below is a series of data that summarizes and allows us to visualize the analytical activity carried out by the CICC from 2016 to 2021.

Since 2016 there has been a decrease in the number of samples received and analyzed, as well as in the number of determinations due to the refurbishment of the laboratory facilities, and in 2020 the figures were reduced due to the temporary cessation of analytical activity forced by the lockdown to control the COVID-19 pandemic, with some recovery being observed in 2021.

Table 4 shows that 48.85% of the total samples analyzed, both food and industrial products, were compliant, while 45.20% were non-compliant. 6.35% of the total number of determinations made were non-compliant.

\(^{57}\) https://consumo.gob.es/es/consumo/centro-de-investigacion-y-control-de-la-calidad-cicc

### Table 4: Expert’s judgment on samples analyzed in 2021

<table>
<thead>
<tr>
<th>SAMPLES</th>
<th>COMPLIANT</th>
<th>NON-COMPLIANT</th>
<th>NULL</th>
<th>NO JUDGMENT *</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food products</td>
<td>721</td>
<td>484</td>
<td>7</td>
<td>143</td>
<td>1,355</td>
</tr>
<tr>
<td>Industrial products</td>
<td>888</td>
<td>1,005</td>
<td>11</td>
<td>35</td>
<td>1,939</td>
</tr>
<tr>
<td>TOTAL CICC</td>
<td>1,609</td>
<td>1,489</td>
<td>18</td>
<td>178</td>
<td>3,284</td>
</tr>
<tr>
<td>TOTAL %</td>
<td>48.85%</td>
<td>45.20%</td>
<td>0.55%</td>
<td>5.40%</td>
<td>-</td>
</tr>
</tbody>
</table>

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 it is not necessary since the analysis carried out does not require it.

The Consumer Inspection Services of the Autonomous Regions are the main users of the services of CICC. The group called “other senders” includes those other bodies with which collaboration takes place on a more or less regular basis, such as SOIVRE, Spanish Civil Guard, courts or other official laboratories.

7.2.2.3 Analytical activity: Sample data grouped by reason for analysis

Table 5 identifies the number of sample analyses performed in 2021 grouped by the reason for analysis. It is noted that most were as a result of:
- Scheduled campaigns at the State level: 34.09%.
- Official controls: 25.62%, and
- Campaigns scheduled by the Autonomous Regions, with the collaboration of CICC: 26.44%.

### Table 5: Samples analyzed in 2021 grouped by reason for analysis

<table>
<thead>
<tr>
<th>REASONS FOR ANALYSIS</th>
<th>FOOD PRODUCTS</th>
<th>INDUSTRIAL PRODUCTS</th>
<th>TOTALS</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alert</td>
<td>-</td>
<td>3</td>
<td>3</td>
<td>0.09%</td>
</tr>
<tr>
<td>Collaborative analysis</td>
<td>89</td>
<td>17</td>
<td>106</td>
<td>3.22%</td>
</tr>
<tr>
<td>Regional campaign</td>
<td>320</td>
<td>551</td>
<td>871</td>
<td>26.44%</td>
</tr>
<tr>
<td>National campaign</td>
<td>594</td>
<td>529</td>
<td>1123</td>
<td>34.09%</td>
</tr>
<tr>
<td>Official control</td>
<td>300</td>
<td>544</td>
<td>844</td>
<td>25.62%</td>
</tr>
<tr>
<td>Complaint</td>
<td>8</td>
<td>90</td>
<td>98</td>
<td>2.98%</td>
</tr>
<tr>
<td>Research</td>
<td>39</td>
<td>-</td>
<td>39</td>
<td>1.18%</td>
</tr>
<tr>
<td>Sample control</td>
<td>5</td>
<td>-</td>
<td>5</td>
<td>0.15%</td>
</tr>
<tr>
<td>SOIVRE</td>
<td>-</td>
<td>204</td>
<td>204</td>
<td>6.19%</td>
</tr>
<tr>
<td>Other</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>0.03%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,355</td>
<td>1,939</td>
<td>3,294</td>
<td></td>
</tr>
</tbody>
</table>

Source: Center for Research and Quality Control (CICC). Directorate-General for Consumer Affairs
In order to be able to issue an opinion on the 3,294 samples analyzed in 2021, 48,419 valid tests or determinations had to be carried out, concluding that 86.05% were in compliance with the applicable regulations and 6% were not. For food products, 84.99% of the determinations carried out were found to be compliant, compared to 4.05% which were found to be non-compliant due to some type of non-compliance. Most of the non-conformities are related to labelling and presentation (3.12%) and quality factors (0.81%).

The determinations on industrial products showed the following result: 87.17% comply and 8.80% fail to comply with one of the legal precepts. In this case, the most frequent non-conformities are: labelling and presentation (5.42%) and safety (2.33%).

### 7.2.3 Activity of the Alert Network

#### 7.2.3.1 Presentation

The Alert Network System\(^68\) for food products has become increasingly important over the years, as a result of import rejections of products posing a serious risk.

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.

In 2021, 2769 notifications were managed, 572 generated by the Autonomous Regions and 2182 received from the EU, making a total of 2754 notifications referring to products found on the market by the control authorities, and to which shall be added the 15 issued by the DGC, as a result of import rejections of products that have not reached the market, as communicated by SOIVRE.

Naturally, the majority of notifications to the alert network correspond to serious risks, accounting for 86.3% of all notifications in the EU and 70.9% of those issued by the Autonomous Regions. DGC notifications always correspond to serious risk, except for some informative cases.

The majority of the origin of the total number of products notified in 2021 belongs to the geographical area of Asia, with almost 58.00% of the items.
### 7.2.3.2 Categories of alerted products

Out of the 2,754 notifications of products detected on the market, which do not include those issued by the DGC, the most notified product categories in 2021 were toys (22.51%), followed by vehicles and accessories (21.50%), electrical products (9.88%), personal protective equipment (8.46%) and adult fashion and accessories (7.92%).

#### Table 8: Categories of alerted products, 2019-2020-2021

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>TOTAL 2019</th>
<th>TOTAL 2020</th>
<th>TOTAL 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous leisure and sports goods *</td>
<td>79</td>
<td>31</td>
<td>46</td>
</tr>
<tr>
<td>Various decorative items</td>
<td>44</td>
<td>26</td>
<td>17</td>
</tr>
<tr>
<td>Explosive articles</td>
<td>13</td>
<td>16</td>
<td>49</td>
</tr>
<tr>
<td>Children’s articles *</td>
<td>108</td>
<td>100</td>
<td>70</td>
</tr>
<tr>
<td>Hot water bottles</td>
<td>5</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Do-it-yourself and tools</td>
<td>32</td>
<td>72</td>
<td>41</td>
</tr>
<tr>
<td>Cosmetics</td>
<td>176</td>
<td>113</td>
<td>69</td>
</tr>
<tr>
<td>Smoke or gas detectors</td>
<td>5</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Costumes and gag items</td>
<td>25</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Lighters</td>
<td>16</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>Personal protective equipment *</td>
<td>48</td>
<td>367</td>
<td>233</td>
</tr>
<tr>
<td>Computers and accessories</td>
<td>8</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Toys</td>
<td>886</td>
<td>762</td>
<td>620</td>
</tr>
<tr>
<td>Luminaries</td>
<td>199</td>
<td>186</td>
<td>101</td>
</tr>
<tr>
<td>Flame-retardant blankets</td>
<td>2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Furniture, household goods and home *</td>
<td>24</td>
<td>20</td>
<td>29</td>
</tr>
<tr>
<td>Adult fashion and accessories *</td>
<td>86</td>
<td>101</td>
<td>218</td>
</tr>
<tr>
<td>Children’s fashion and accessories *</td>
<td>230</td>
<td>112</td>
<td>124</td>
</tr>
<tr>
<td>Other products *</td>
<td>74</td>
<td>89</td>
<td>120</td>
</tr>
<tr>
<td>Electrical products *</td>
<td>266</td>
<td>217</td>
<td>272</td>
</tr>
<tr>
<td>Chemicals</td>
<td>18</td>
<td>47</td>
<td>31</td>
</tr>
<tr>
<td>Professional</td>
<td>58</td>
<td>71</td>
<td>59</td>
</tr>
<tr>
<td>Laser pointers</td>
<td>17</td>
<td>28</td>
<td>30</td>
</tr>
<tr>
<td>Vehicles and accessories</td>
<td>586</td>
<td>526</td>
<td>592</td>
</tr>
<tr>
<td>TOTAL</td>
<td>3,005</td>
<td>2,508</td>
<td>2,754</td>
</tr>
</tbody>
</table>

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

NOTE: *It encompasses several subcategories.

### 7.2.3.3 Withdrawal and destruction of products

Throughout 2021, the DGC has received information on the withdrawal of 2,048,337 unsafe products by the Autonomous Regions, corresponding to products from alerts from Autonomous Regions, EU and DGC (in the case of DGC alerts, the units indicated correspond to those withdrawn from the market that had been imported prior to rejection by SOIVRE Inspection Service, as the goods had not been paralysed while awaiting the results of the tests).

This figure is a large increase compared to the units withdrawn in 2019 and 2010, mainly due to the withdrawal of protective masks.

#### Table 9: Data on withdrawals of unsafe products by consumer authorities (Autonomous Regions): 2019-2020-2021

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>TOTAL 2019</th>
<th>TOTAL 2020</th>
<th>TOTAL 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous leisure and sports goods *</td>
<td>1337</td>
<td>631</td>
<td>388</td>
</tr>
<tr>
<td>Various decorative items</td>
<td>421</td>
<td>195</td>
<td>685</td>
</tr>
<tr>
<td>Children’s articles *</td>
<td>28,501</td>
<td>2,625</td>
<td>4,156</td>
</tr>
<tr>
<td>Hot water bottles</td>
<td>24,166</td>
<td>447</td>
<td>1,350</td>
</tr>
<tr>
<td>Do-it-yourself and tools</td>
<td>43,193</td>
<td>2,834</td>
<td>2,995</td>
</tr>
<tr>
<td>Costumes and gag items</td>
<td>1,749</td>
<td>1,430</td>
<td>2,310</td>
</tr>
<tr>
<td>Lighters</td>
<td>25,220</td>
<td>910,410</td>
<td>451,510</td>
</tr>
<tr>
<td>Personal protective equipment *</td>
<td>377,990</td>
<td>81,141</td>
<td>173,466</td>
</tr>
<tr>
<td>Computers and accessories</td>
<td>4,044</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Toys</td>
<td>7,085</td>
<td>14,195</td>
<td>3,644</td>
</tr>
<tr>
<td>Luminaries</td>
<td>453</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Flame-retardant blankets</td>
<td>48,991</td>
<td>2,989</td>
<td>69</td>
</tr>
<tr>
<td>Furniture, household goods and home *</td>
<td>498</td>
<td>2</td>
<td>562</td>
</tr>
<tr>
<td>Adult fashion and accessories *</td>
<td>26,574</td>
<td>637</td>
<td>6,112</td>
</tr>
<tr>
<td>Children’s fashion and accessories *</td>
<td>1,976</td>
<td>11,419</td>
<td>1,375,956</td>
</tr>
<tr>
<td>Other products *</td>
<td>40,251</td>
<td>22,313</td>
<td>22,560</td>
</tr>
<tr>
<td>Chemicals</td>
<td>3,485</td>
<td>2,069</td>
<td>893</td>
</tr>
<tr>
<td>Laser pointers</td>
<td>7</td>
<td>495</td>
<td>1,618</td>
</tr>
<tr>
<td>Vehicles and accessories</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>TOTAL</td>
<td>635,941</td>
<td>1,054,111</td>
<td>2,048,337</td>
</tr>
</tbody>
</table>

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

NOTE: *It encompasses several subcategories.

In addition, SOIVRE Inspection Service has rejected the import of 43,914 units, bringing the total number of units withdrawn to 2,092,251.
7.3 Quality and industrial safety authorities for market surveillance (MINCOTUR, Autonomous Regions and Member States)

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

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

In this chapter, we will address, in addition to the national campaigns, the joint campaigns coordinated with all the Autonomous Regions, where, through the application of the Industry Law, the executive powers of Market Surveillance corresponds to the Autonomous Regions, with the Directorate-General of Industry and Small and Medium Enterprises, which belongs to the Secretariat-General for Industry and SMEs of the Ministry of Industry, Trade and Tourism, being responsible for promotion and coordination activities. Joint activities with Member States and included in MENVIME (Strategic Framework for Market Surveillance in Spain) shall also be addressed.

7.3.1 Market surveillance in 2021

El programa inicial establecido para llevar a cabo las campañas nacionales de vigilancia de mercado de los productos industriales por la Dirección General de Industria y de la Pequeña y Mediana Empresa (DGPIPYME), perteneciente a la Secretaría General de Industria y PYME (SGCSI), durante el año 2021, se indica en la tabla siguiente.

<table>
<thead>
<tr>
<th>Sectors de productos</th>
<th>Applicable EU legislation</th>
<th>Product categories and objective of project</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>04. Personal protective equipment</td>
<td>Regulation (EU) 2016/425</td>
<td>Categories of products: Personal protective equipment designed for professional use.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>04. Equipos de protección personal</td>
<td>Reglamento (UE) 2016/425</td>
<td>Objectives: Detection of products that pose significant risks, Location of products without CE marking.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>05. Construction products</td>
<td>Reglamento (UE) 305/2011</td>
<td>Objectives: Detection of products that pose significant risks, Location of products without CE marking.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>05. Productos de construcción</td>
<td>Reglamento (UE) 305/2011</td>
<td>Objectives: Detection of products with non-conformities or CE marking.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>07. Simple pressure vessels and Pressure equipment</td>
<td>Directives 2014/29/EU and 2014/68/EU</td>
<td>Objectives: Detection of products with risks, Location of products without CE marking.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>07. Recipientes a presión simples y equipos a presión</td>
<td>Directivas 2014/29/UE y 2014/68/UE</td>
<td>Objectives: Detection of products with risks, Location of products without CE marking.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>08. Transportable pressure equipment</td>
<td>Directive 2010/35/UE</td>
<td>Objectives: Detection of products that pose significant risks, Location of products without CE marking.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>08. Equipos a Presión Transportables</td>
<td>Directiva 2010/35/UE</td>
<td>Objectives: Detection of products that pose significant risks, Location of products without CE marking.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>09. Machinery</td>
<td>Directive 2006/42/EC</td>
<td>Categories of products: Tools for dry and gardening, Food machinery, lifting devices, etc.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>09 Máquinas</td>
<td>Directiva 2006/42/CE</td>
<td>Objectives: Detection of products that pose significant risks, Location of products without CE marking.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
<tr>
<td>10. Lifts</td>
<td>Directive 2014/33/EU</td>
<td>Objectives: Detection of products with risks, Location of products without CE marking.</td>
<td>MINCOTUR SGCSI</td>
</tr>
<tr>
<td>10. Ascensores</td>
<td>Directiva 2014/33/UE</td>
<td>Objectives: Detection of products with non-conformities or CE marking.</td>
<td>SGCSI del MINCOTUR</td>
</tr>
</tbody>
</table>
### Familias de productos y objetivos

#### Sectors de productos

<table>
<thead>
<tr>
<th>Sectors de productos</th>
<th>Applicable EU legislation</th>
<th>Product categories and objective of project</th>
<th>Authority</th>
<th>Authoridad</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Aparatos y sistemas de protección para uso en atmósferas potencialmente explosivas</td>
<td>Directiva 2014/33/UE</td>
<td>Categorías de productos: walkie talkies, interruptores de emergencia, ventiladores, bombas, etc.</td>
<td>SGCSI del MINCOTUR</td>
<td></td>
</tr>
<tr>
<td>16. Appliances burning gaseous fuels</td>
<td>Directive 2009/142/EC</td>
<td>Categories of products: Appliances burning gaseous fuels used for cooking, heating, hot water production or refrigeration; and safety devices, controlling devices or regulating.</td>
<td>MINCOTUR SGCSI</td>
<td></td>
</tr>
<tr>
<td>16. Aparatos de gas</td>
<td>Directiva 2009/142/CE</td>
<td>Categorías de productos: Aparatos de cocción, calefacción, producción de agua caliente o refrigeración que funcionan con combustibles gaseosos; y equipos como: dispositivos de seguridad, control y regulación.</td>
<td>SGCSI del MINCOTUR</td>
<td></td>
</tr>
<tr>
<td>18. Equipos eléctricos (Directiva sobre compatibilidad electromagnética)</td>
<td>Directiva 2014/30/UE</td>
<td>Categorías de productos: Línea blanca, Pequeños aparatos electrodomésticos, Línea marrón, Informática y ofimática, Luminarias y aparato, Aparatos para uso comercial y de hostelería.</td>
<td>SGCSI del MINCOTUR</td>
<td></td>
</tr>
<tr>
<td>20 Aparatos y equipos eléctricos (Directiva baja tensión)</td>
<td>Directiva 2014/35/UE</td>
<td>Categorías de productos: Línea blanca, Pequeños aparatos electrodomésticos, Línea marrón, Informática y ofimática, Luminarias y aparato, Aparatos para uso comercial y de hostelería.</td>
<td>SGCSI del MINCOTUR</td>
<td></td>
</tr>
</tbody>
</table>

#### Sectors de productos

<table>
<thead>
<tr>
<th>Sectors de productos</th>
<th>Applicable EU legislation</th>
<th>Product categories and objective of project</th>
<th>Authority</th>
<th>Authoridad</th>
</tr>
</thead>
<tbody>
<tr>
<td>23. Eco-design and Energy Labelling. Efficiency requirements for hot water boilers fired with liquid or gaseous fuels</td>
<td>Directiva 2009/125/EC</td>
<td>Categories of products: TVs, PCs, White goods, Fans, Luminaires, etc.</td>
<td>MINCOTUR SGCSI</td>
<td></td>
</tr>
<tr>
<td>23. Diseño ecológico y etiquetado energético. Requisitos de eficiencia para calderas listas para uso con combustibles líquidos o gaseosos.</td>
<td>Directiva 2009/125/CE</td>
<td></td>
<td>SGCSI del MINCOTUR</td>
<td></td>
</tr>
<tr>
<td>27. Vehículos de motor y tractores</td>
<td>Regulation (EU) 168/2013</td>
<td>Categories of products: Cars, Mopeds and motorcycles, Trailers, Spare parts and components.</td>
<td>MINCOTUR SGCSI</td>
<td></td>
</tr>
<tr>
<td>27. Motor vehicles and tractors</td>
<td>Directiva 2009/125/CE</td>
<td></td>
<td>SGCSI del MINCOTUR</td>
<td></td>
</tr>
</tbody>
</table>

#### OTHER LEGISLATIONS

<table>
<thead>
<tr>
<th>Otras legislaciones</th>
</tr>
</thead>
<tbody>
<tr>
<td>41. High Voltage electrical installations</td>
</tr>
<tr>
<td>41. Instalaciones de Alta Tensión</td>
</tr>
<tr>
<td>42. Fire protection equipment</td>
</tr>
<tr>
<td>42. Equipos de protección contra incendios</td>
</tr>
</tbody>
</table>

#### Applicable EU legislation

<table>
<thead>
<tr>
<th>Sectors de productos</th>
<th>Applicable EU legislation</th>
<th>Product categories and objective of project</th>
<th>Authority</th>
<th>Authoridad</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Aparatos de gas</td>
<td>Directiva 2009/142/CE</td>
<td></td>
<td>SGCSI del MINCOTUR</td>
<td></td>
</tr>
<tr>
<td>18. Equipos eléctricos (Directiva sobre compatibilidad electromagnética)</td>
<td>Directiva 2014/30/UE</td>
<td>Categories of products: White goods, Small household appliances, Consumer electronics, Informatics and office equipment, Luminaires and switchgear, Equipment for hotel and caterin</td>
<td>MINCOTUR SGCSI</td>
<td></td>
</tr>
<tr>
<td>20. Aparatos y equipos eléctricos (Directiva baja tensión)</td>
<td>Directiva 2014/35/UE</td>
<td></td>
<td>SGCSI del MINCOTUR</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
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<tr>
<td>16. Aparatos de gas</td>
<td>Directiva 2009/142/CE</td>
<td></td>
<td>SGCSI del MINCOTUR</td>
<td></td>
</tr>
<tr>
<td>18. Equipos eléctricos (Directiva sobre compatibilidad electromagnética)</td>
<td>Directiva 2014/30/UE</td>
<td>Categories of products: White goods, Small household appliances, Consumer electronics, Informatics and office equipment, Luminaires and switchgear, Equipment for hotel and catering use.</td>
<td>MINCOTUR SGCSI</td>
<td></td>
</tr>
<tr>
<td>20. Aparatos y equipos eléctricos (Directiva baja tensión)</td>
<td>Directiva 2014/35/UE</td>
<td></td>
<td>SGCSI del MINCOTUR</td>
<td></td>
</tr>
</tbody>
</table>
In 2021, 25 types of products were analyzed, 2,228 products were inspected, and 278 products were tested. In the following Table you can see the results of this campaign.

**Table 11: Results of the 2021 market surveillance campaign**

<table>
<thead>
<tr>
<th>Products analyzed</th>
<th>Inspected</th>
<th>Tested</th>
<th>Non-compliances Tested</th>
<th>Documentary Analysis</th>
<th>Non-compliance Documentary Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low voltage</td>
<td>435</td>
<td>42</td>
<td>35</td>
<td>110</td>
<td>86</td>
</tr>
<tr>
<td>Electromagnetic compatibility</td>
<td>358</td>
<td>33</td>
<td>25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eco-design</td>
<td>412</td>
<td>29</td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Machinery</td>
<td>26</td>
<td>9</td>
<td>6</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Sound emissions</td>
<td>36</td>
<td>2</td>
<td>0</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Construction products</td>
<td>102</td>
<td>31</td>
<td>6</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>High voltage electric switchgear</td>
<td>23</td>
<td>23</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fire protection facilities</td>
<td>8</td>
<td>8</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Perishable goods vehicles</td>
<td>46</td>
<td>15</td>
<td>9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Vehicles (mopeds, motorcycles and M1)</td>
<td>70</td>
<td>24</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>E-Call and Tyres</td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Vehicle components</td>
<td>205</td>
<td>45</td>
<td>32</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mechanical devices for coupling</td>
<td>6</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Tyres</td>
<td>6</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Vehicle emissions</td>
<td>8</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transportable pressure equipment</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Simple pressure vessels</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Pressure equipment</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Aerosol generators</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Windows</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Cast iron threaded accessories</td>
<td>101</td>
<td>0</td>
<td>0</td>
<td>52</td>
<td>9</td>
</tr>
<tr>
<td>Appliances burning gaseous fuels</td>
<td>133</td>
<td>0</td>
<td>0</td>
<td>26</td>
<td>19</td>
</tr>
<tr>
<td>Safety components of lifts</td>
<td>57</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Personal protective equipment</td>
<td>85</td>
<td>0</td>
<td>0</td>
<td>25</td>
<td>18</td>
</tr>
<tr>
<td>Explosive atmosphere protection</td>
<td>60</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>14</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>2,228</strong></td>
<td><strong>278</strong></td>
<td><strong>137</strong></td>
<td><strong>308</strong></td>
<td><strong>168</strong></td>
</tr>
</tbody>
</table>

**INSPECTED PRODUCTS 2021**

- Low voltage
- EMC
- Eco-design
- Machinery
- Sound emissions
- Construction products
- High voltage electric switchgear
- Fire protection facilities
- Perishable goods vehicles
- Vehicles (mopeds, motorcycles and M1)
- E-Call and tires
- Vehicle components
- Mechanical devices for coupling
- Tyres
- Vehicle emissions
- Transportable pressure equipment
- Simple pressure vessels
- Pressure equipment
- Aerosol generators
- Windows
- Cast iron threaded accessories
- Appliances burning gaseous fuels
- Safety components of lifts
- Personal protective equipment
- Explosive atmosphere protection

**TESTED PRODUCTS 2021**

- Low voltage
- EMC
- Eco-design
- Machinery
- Sound emissions
- Construction products
- High voltage electric switchgear
- Fire protection facilities
- Perishable goods vehicles
- Vehicles (mopeds, motorcycles and M1)
- E-Call and tires
- Vehicle components
- Mechanical devices for coupling
- Tyres
- Vehicle emissions
NON-COMPLIANT PRODUCTS 2021

Non-compliant tested products in 2021: 137

- Low voltage
- EMC
- Eco-design
- Machinery
- Sound emissions
- Construction products
- High voltage electric switchgear
- Fire protection facilities
- Perishable goods vehicles
- Vehicles (motorcycles and M1)
- E-Car and tires
- Vehicle components
- Mechanical devices for coupling
- Tires
- Vehicle emissions

DOCUMENTARY ANALYSIS WITH NON-COMPLIANCES 2021

Documentary analysis with non-compliances in 2021: 168

- Low voltage – EMC – Eco-design
- Machinery
- Sound emissions
- Construction products
- Transportable pressure equipment
- Simple pressure vessels
- Pressure equipment
- Aerosol generators
- Windows
- Cast iron threaded accessories
- Appliances burning gaseous fuels
- Safety components of lifts
- Personal protective equipment
- Explosive atmosphere protection

DOCUMENTARY ANALYSIS 2021

Documentary analysis in 2021: 308

- Low voltage – EMC – Eco-design
- Machinery
- Sound emissions
- Construction products
- Transportable pressure equipment
- Simple pressure vessels
- Pressure equipment
- Aerosol generators
- Windows
- Cast iron threaded accessories
- Appliances burning gaseous fuels
- Safety components of lifts
- Personal protective equipment
- Explosive atmosphere protection
7.3.2 Joint activities with the Autonomous Regions

The joint national market surveillance campaigns coordinated with the Autonomous Regions that have continued in 2021 were as follows:

- Joint campaign on commercial and garage industrial motorised doors.
- Joint campaign on lifts.
- Joint campaign on magnetic thermal circuit breakers.
- Joint campaign on PPEs:
  - fall arrest harness, seat harness and restraint belt;
  - disposable gloves for protection against chemicals and micro-organisms.

7.3.3 Joint Activities with Member States

Collaborations with other Member States on industrial products are carried out on an annual basis. The joint inspections to be continued for the following years are specified below:

EEPLIANT3 (Energy Efficiency Compliant Products 2018)

It is a concerted action for market surveillance in Energy Labelling and Eco-design, included in the European Commission’s Horizon 2020 program.

**Duration:** June 2019-November 2023  

There are 12 work packages. Some are horizontal issues and others focus on market surveillance of specific products. Participation will be in the following packages:

- WP5. Training and exchange program.
- WP6. New challenges and priorities. We will participate with inspection of washing machines and washer-dryers. (Screening, documentary inspection and tests on a specific model).
- WP11. Light sources.

Participation in the project JAHARP 2021

**Duration:** planned for 2023-2024.

Some of the areas in which participation has been proposed are:

- Energy labelling – washing machines.
- Energy labelling – tumble dryers.
- Energy labelling – lighting.
- Energy labelling – professional refrigerated storage cabinets.
- Electrical safety of vehicles E-regulation No. 100 & e-car charging stations/cables.
- Transportable pressure equipment – small receptacles (cylinders) containing gas (gas cartridges) mainly sold on-line.

For the following horizontal activities:

- Harmonisation of market surveillance methodologies.
- Knowledge sharing between ADCOs.

Participation in the Commission's Plan on market surveillance in the field of vehicles in compliance with Regulation (EU) 858/2018

It specifies the vehicles to be sampled and the regulatory acts (from 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 (Risk Assessment Tool).

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 analyzed has been established in such a way as to avoid the inspection of vehicles of the same make, type or model in the different State Members and to ensure that it is carried out on vehicles that have not been homologated by the inspecting State Member.
7.3.4 Role of the Autonomous Regions in the area of market surveillance of industrial products

As mentioned above, in Spain, the applicable legislation on market surveillance of industrial products is rooted in Law 21/1992, of 16 July 1992, on Industry, which establishes the bases on which all provisions relating to industry are developed, particularly those aimed at guaranteeing 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 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.

La competencia ejecutiva en esta materia corresponde a las comunidades autónomas, ejerciendo el Estado una labor de coordinación de los planes nacionales a través, actualmente, de la Conferencia Sectorial de Industria y PYME y, más concretamente, de su Grupo de Trabajo de Unidad de Mercado.

In the exercise of this competence, the Autonomous Regions carry out, in essence, the following activities:

a) Participation in national and European market surveillance projects

In recent years, as a result of the work carried out in the framework of the Sectoral Conference on Industry and SMEs, collaboration between the Ministry of Industry, Trade and Tourism and the Autonomous Regions in the area of market surveillance has been greatly strengthened. 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 carried out by the Autonomous Regions has been shifted to these national campaigns, which have already been described in a previous chapter.

Apart from their collaboration with the Ministry of Industry, Trade and Tourism in the execution of national market surveillance campaigns, the Autonomous Regions also participate, on occasions, in European projects promoted by the European Commission in which they work side by side with the market surveillance authorities of other Member States to promote this type of action throughout the EU.

Thus, in 2021, the Community of Madrid has continued its participation in the EEPLIANT3 (Energy Efficiency Compliant Products 2018) project, a pan-EU market surveillance concerted action coordinated by PROSAFE, the Austrian Energy Agency and Vores Bureau. The project consortium is composed of twenty-four monitoring authorities of the market in the following countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, France, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Spain, Sweden and Turkey.

b) 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, where appropriate, to remedy the defects detected, which may lead, depending on the risk involved, to the adoption of measures for the withdrawal, recall or prohibition of the marketing of the products in question. The aforementioned breaches of regulations may also lead to penalties being imposed on the responsible economic players.
During the year 2021, the Autonomous Regions have carried out nine regional market surveillance campaigns, in the framework of which they have examined 598 different products. The campaigns carried out in this purely regional framework have been the following:

<table>
<thead>
<tr>
<th>Inspected product</th>
<th>No. of analyzed models</th>
<th>% of non-compliant products</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motorized garage doors</td>
<td>55</td>
<td>98.2%</td>
</tr>
<tr>
<td>High voltage transformers</td>
<td>3</td>
<td>100%</td>
</tr>
<tr>
<td>Personal protective equipment against falls</td>
<td>19</td>
<td>100%</td>
</tr>
<tr>
<td>Personal protective equipment, filtering half masks for protection against particulate matter</td>
<td>7</td>
<td>87.7%</td>
</tr>
<tr>
<td>Vehicle refinishing products (VOC content)</td>
<td>6</td>
<td>0%</td>
</tr>
<tr>
<td>Solid fuel boilers (biomass wood)</td>
<td>16</td>
<td>12.5%</td>
</tr>
<tr>
<td>Concrete manufacturing plants</td>
<td>492</td>
<td>18.3%</td>
</tr>
</tbody>
</table>

Another of the market surveillance tasks carried out by the Autonomous Regions are those derived from complaints from different bodies (such as the Ministry of Industry, Trade and Tourism, the competent bodies of other Autonomous Regions, the European Commission or other Member States), associations or companies, as well as notifications related to products that have been involved in an accident (generally machinery), which they investigate and, on many occasions, lead them to initiate market surveillance procedures.

During 2021, the Autonomous Regions have carried out a total of 84 market surveillance activities as a result of complaints, communications and accidents.

In addition to the above activities, the Autonomous Regions also collaborate with SOIVRE in the monitoring of 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 2021, the Autonomous Regions have managed 17 of these cases.
7.4 Control activities by SOIVRE Inspection Service. 2021 campaign

7.4.1 What is SOIVRE Inspection Service?

SOIVRE Inspection Service (hereinafter referred to as SOIVRE I.S.) of the Territorial and Provincial Trade Directorates (hereinafter referred to as DTs/DPs), is a multi-disciplinary border inspection service, attached to the Secretary of State for Trade of the Ministry of Industry, Trade and Tourism, and coordinated in relation to its functions by the Subdirectorate-General for Foreign Trade Inspection, Certification and Technical Assistance (hereinafter referred to as 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.

7.4.2 Structure

SOIVRE I.S. has a territorial network of 31 centers integrated in the DTs/DPs coordinated by the SGICATCE and provides its services in the Border Goods Control Facilities, in 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 UNE-EN ISO/IEC 17025 and are accredited by ENAC for a large part of their tests.

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

In addition, SOIVRE I.S. has the support of other government laboratories to cover the tests that cannot be carried out at its own facilities. 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 Control of Foreign Trade, which acts as a Central Laboratory. These laboratories have implemented quality systems based on UNE-EN ISO/IEC 17025.

In addition, for those tests that are not carried out in SOIVRE Laboratories, nor in CNMP or CICC, a budget item is available to cover the costs of tests carried out in external private laboratories.

7.4.3 Jurisdiction

During the period 2020/2021 SOIVRE I.S. carried out the following monitoring and inspection tasks:

- Commercial quality control of certain agri-food products traded abroad (Order PRE/3026/2003). 70
- Safety checks on certain industrial products imported from third countries (Spanish Royal Decree 330/2008). 71
- Control of organic farming products imported from third countries (Order ECC/1936/2014). 72
- Control of protected species subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). 73
- Safety checks on certain products imported from third countries (Order PRE/3026/2003).

7.4.4 Some general data on control

In the last five years, in the total of the control areas described (excluding CITES), more than 5 million items of goods, with a net weight of more than 25 million tons, have been presented for control, with foodstuffs predominantly under commercial quality control.

![Control areas chart](https://www.boe.es/buscar/pdf/2008/BOE-A-2008-4730-consolidado.pdf)

### Total control areas from 2017 to 2021

<table>
<thead>
<tr>
<th>Area</th>
<th>Items submitted for control</th>
<th>Net weight (kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial quality</td>
<td>2,972,581</td>
<td>21,165,395,697</td>
</tr>
<tr>
<td>Industrial Safety</td>
<td>2,104,667</td>
<td>4,061,134,416</td>
</tr>
<tr>
<td>Organic farming</td>
<td>13,260</td>
<td>408,025,638</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>5,090,508</strong></td>
<td><strong>25,634,559,751</strong></td>
</tr>
</tbody>
</table>

7.4.5 Controls under Regulation (EU) 2019/1020 on market surveillance

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

Furthermore, within 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 (ROHS), 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 as per Spanish Royal Decree 106/2008 (R PYA).

The SGICATCE is currently working on the implementation of these control tasks, which will begin in autumn 2022, and which will be managed through the European Union’s first SOP (Customs Single Point of Entry) project, in the form of the first true customs single window.

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7.4.6 Safety controls on imported industrial products

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

The groups of controlled products are:

3. Personal Protective Equipment (PPE); (Regulation 2016/425).
4. Toys (Spanish Royal Decree 1205/2011).
5. Small electrical equipment, intended for use by a common user within certain voltage limits (Spanish Royal Decree 187/2016).

7.4.7 How are controls undertaken?

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

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

Checkpoints: Official controls are carried out at:

- at the points set up for this purpose by the Ministry of Industry, Trade and Tourism in customs enclosures or the like, subject to authorization by the customs administration, or
- at the trader’s own storage, loading or distribution facilities, provided that the trader is a customs warehouse.

Security screening is carried out on a regular basis and in proportion to the objective pursued, as indicated in Regulation (EU) 2019/1020 and Spanish Royal Decree 330/2008.

7.4.8 Collaboration between authorities

The activities to monitor the internal market are the result of intense collaboration and coordination between the competent 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.

Coordination takes place at various levels for two specific purposes:

1. The transmission of information on non-conformity files, both for knowledge, for the purposes considered by the authority, and for the verification of the correct bringing into conformity of the products for which non-hazardous rectifiable non-compliances have been detected.
2. Coordination in the interpretation of applicable rules and legislation.

Coordination is maintained with the customs administration in a number of areas:

- All control results issued in this area are systematically communicated through the VUA (customs single window).
- All non-conformity files issued are communicated, with the aim of informing local Customs of each case of non-conformity detected in their area. It is also reported to the SG for Customs Management, and included in the consignment to the SG responsible for customs filters for their review where appropriate.

In addition, in order to improve coordination with the competent authorities of other Member States, SGICATCE includes in ICSMS (Information and Communication System for Market Surveillance), a tool made available to the Member States by the Commission of the European Union, information on the non-conformity files detected by the Service. This tool is used to consult the non-conformities of goods arriving in the European Union from third countries, as well as the non-conformities found by the Authorities in market control.

The information received in the various contacts with other Authorities is considered in the risk analysis applied in SOIVRE control.
7.4.9 Corporate tools

SOIVRE I.S. has a series of modern and innovative corporate tools that facilitate the work of managing controls both internally and externally and speed up the communication of non-compliance files.

Of particular note is the use of ESTACICE control management tool, an IT platform developed for the management of security checks at borders. This management platform is used for the submission of control requests by stakeholders. These requests reach the acting inspectors who manage the files from this platform, finally issuing the results of the control through this platform. It also transmits the Certificates of Conformity and the Reports of Non-conformity to the stakeholders and to Customs (AEAT) through the VUA. ESTACICE can be accessed:

- Through the website https://estacice.comercio.es/

- Through a SOIVRE/Operator web service that allows submitting control requests and receiving control results in XML format.

ESTACICE incorporates an automatic risk analysis that speeds up procedures and selectively performs controls, showing the appropriate frequency for each type of control, always with the aim of ensuring compliance with the applicable legislation and regulations, in a swift and accurate manner.

ESTACICE is integrated into the so-called Customs Single Window (VUA) implemented by the Customs Department.

It is also important to mention the use of DOCUCICE. Technical documentation repository with external access for operators (https://comercio.serviciosmin.gob.es/Docucice.AE/Access/Key) so that stakeholders voluntarily carry out document control. The technical documentation that guarantees the safety of the product will be provided through the external website. The inspectors will study the technical documentation and the result of the control is stored in the repository together with the technical documentation. In this way, the person concerned will not have to provide the technical documentation again at any later stage when the goods are imported. In addition, the results of the control already carried out by one inspector are used by the other inspectors. All of this facilitates and speeds up procedures, reducing response times.

7.4.10 Safety control data of industrial products

In the last 5 years, 2,104,667 items with an approximate value of 28 billion Euros were submitted for control.

In 2021, a total of 526,296 items (371,643 in 2020) with a net weight of 904,398 tons (756,298 metric tons in 2020) and worth 5.8 billion Euros (4.8 billion Euros in 2020) were submitted for control. The breakdown by product group can be seen in the table below.

<table>
<thead>
<tr>
<th>PRODUCT GROUP</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOOTWEAR</td>
<td>118,664</td>
<td>124,114</td>
<td>122,336</td>
<td>111,916</td>
<td>161,588</td>
</tr>
<tr>
<td>TOYS</td>
<td>34,309</td>
<td>33,999</td>
<td>40,574</td>
<td>33,213</td>
<td>60,386</td>
</tr>
<tr>
<td>WOOD</td>
<td>5,524</td>
<td>5,682</td>
<td>5,786</td>
<td>4,852</td>
<td>5,147</td>
</tr>
<tr>
<td>FURNITURE</td>
<td>25,553</td>
<td>29,961</td>
<td>40,963</td>
<td>42,066</td>
<td>54,896</td>
</tr>
<tr>
<td>SMALL ELECTRICAL EQUIPMENT</td>
<td>3,220</td>
<td>6,035</td>
<td>12,188</td>
<td>13,106</td>
<td>22,143</td>
</tr>
<tr>
<td>TEXTILES</td>
<td>194,308</td>
<td>204,610</td>
<td>197,986</td>
<td>166,490</td>
<td>222,136</td>
</tr>
<tr>
<td>TOTAL</td>
<td>381,578</td>
<td>404,401</td>
<td>419,833</td>
<td>371,643</td>
<td>526,296</td>
</tr>
</tbody>
</table>

Our of the 526,296 items submitted for control in 2021, 8% (39,759 items) had some form of control (physical and/or documentary). For these controlled goods, 1,181 laboratory tests were carried out.
Regarding the control results: of all the items submitted in 2021, a total of 406,190 items were accepted for import and 746 rejected, of which 134 were tested, with the rejected items having a value of 2,613,971 Euros and a net weight of 569,254 kg.

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

If the non-compliance cannot be rectified, the goods are banned from being imported (603 files in 2021). In cases where the non-conformity is rectifiable but highly hazardous, it is only allowed to be rectified in a customs area (137 files in 2021), in which case it is only imported when the merchandise has already been made compliant and this has been checked by SOIVRE I.S. In cases where the non-conformity does not make the product hazardous, importation and compliance rectification is allowed in the importer’s warehouses (797 files in 2021). 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 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 DGC (9 files in 2021) of this fact.

Finally, in cases where importing the goods has been allowed, but a prospective sample for laboratory testing has been taken, and where eventually the results show a non-compliance, a SOIVRE Alert is launched and sent to the internal market Consumer Affairs or Industry Authorities (58 files in 2021).

7.4.11 Non-conformity files

There are different categories of non-compliance files, depending on the non-compliance detected whether or not it can be rectified and how hazardous it makes the product.
If we separate the items of PPEs from textiles and footwear, in 2021, 647 items of PPEs were physically and documentarily controlled, out of which 194 had some type of non-conformity, 70% of which were compliant goods.

The main reasons for non-conformity in 2021 were mostly related to non-compliant, incomplete or inaccurate technical documentation and product labelling problems. The appearance of small parts in toys or products intended for babies was an important reason for non-conformities. The marking of incorrect or fraudulent textile or footwear composition also played an important role. The incorrect age classification of toys, mechanical and construction problems that cause entrapment and risks to the user, or a discrepancy between the protection advertised and the real protection in PPE are other reasons for detected non-conformities, among others.

In 2021, 47% of the imported products controlled by SOIVRE I.S. submitted for control came from China, 11% from Bangladesh, 6% from India, 6% from Vietnam, 3% from Morocco, 3% from the UK, 3% from Pakistan, 2% from Indonesia, and the rest from other origins.
7.4.14 Conclusion on safety control, Campaign 2021

After 13 years of safety control of industrial products included in the Annex of Spanish RD 330/2008 by the SOIVRE I.S. at import, many benefits have been noted: Improvement of the awareness of the importers regarding their obligations in relation to product safety, fulfilling the obligation to collect or ensure that the required technical documentation is issued, better marking of goods, improvements in product categorization and design; improvements in the safety and quality of imported products, related to an improvement in the safety of exported products and an increase in the competitiveness of Spanish companies, and, most of all, an increase in product safety and, therefore, also the safety of consumers.

It is important to take advantage of this report to encourage importers to take care in compiling technical documentation, especially with regard to its accuracy, completeness and traceability to the products presented for control, in line with their import responsibilities. In addition, it is also important to monitor product labelling prior to import to avoid non-conformities, and, of course, make sure that the product you place on the market is safe.

7.4.15 MENVIME (National Strategic Market Surveillance Framework)

In the framework of Regulation 2019/1020 on market surveillance, Article 13 sets out the obligation for each Member State to develop a comprehensive national market surveillance strategy. In this regard, the competent market surveillance authorities have approved the Spanish National Market Surveillance Strategic Framework (MENVIME) (2022/2025), coordinated by the Single Liaison Office (SLO).

MENVIME, designed for 4 years (2022 to 2025), has several high-level objectives and several national objectives, and, independently, each Market Surveillance Authority (SOIVRE I.S. is at the border) shall establish their own sectoral Plans, indicating the work program foreseen for that period of time, and mention the extent to which it can collaborate on the high-level objectives designed in MENVIME.

In this regard, SOIVRE I.S. has designed and published the SOIVRE Sector Plan, which complies with the obligations set out in MENVIME, and which is framed within the same, and which includes a series of 21 Sector Programs, which include, in turn, various proposals to be fulfilled by the Service as an objective for the period from 2022 to 2024.

7.4.16 ROHS control

It has been considered of interest to give a brief overview of the new control that will be initiated shortly, Spanish Royal Decree 219/2013 on the use of certain hazardous substances in electrical and electronic equipment, and Spanish Royal Decree 110/201575 on waste electrical and electronic equipment, and Spanish Royal Decree 106/2008 on batteries and accumulators and the environmental management of their waste, the latter two amended by Spanish Royal Decree 27/202176, assign to the SOIVRE Inspection Service, as a new control authority, various controls on imports of electrical and electronic equipment (hereinafter referred to as EEE), as well as batteries, accumulators and battery packs (hereinafter referred to as PPAA), prior to the import of these products.

The new areas of control will therefore be: Control of hazardous substances in EEE, control of compliance with the Integrated Industrial Register for electrical and electronic equipment and with the Integrated Industrial Register for Batteries and Accumulators.

All of these shall be carried out prior to the import of products from third countries, and the certificate of conformity shall be required for customs clearance for free circulation. The tentative start date is expected to be June or July 2022.

For the implementation of this control, a new Spanish Royal Decree is about to be published, adopting control measures for the import of EEE and PPAA from third countries, which explains in detail how the management of these controls shall be carried out.

New IT tools: ESTACICE ROHS System

In order to achieve greater fluidity in commercial traffic and avoid delays in imports due to this new control, the State Secretariat for Trade, taking advantage of new communication and computer development technologies, has implemented modern, innovative and agile corporate tools that evolve the ESTACICE tool, in this case ESTACICE ROHS, and which allow effective, efficient and fluid management of control management.

The main improvements that ESTACICE ROHS incorporates are:

1. Inclusion of ESTACICE in a true Customs Single Window (VUE).
2. Integration of ESTACICE with the DOCUCICE repository, to advance documentary controls.
3. Automatic consultation of ESTACICE with the Integrated Industrial Registers (RII of EEE and PPAA) and integration in risk analysis.
4. The inclusion of intelligent automatic risk analysis. They take into account information from DOCUCICE, and from the RII, as well as from operators’ histories and other information that is added by administrators.

ESTACICE flow is designed to issue certificates immediately for those references that have documentation in DOCUCICE and this is correct, if no physical control is to be performed, and the RII is complied with.

Secondly, green certificates are issued for lower-risk applications that are not going to be checked at the time.

In conclusion, SOIVRE I.S., aware of the great importance of an agile management of controls and achieving a minimum influence on commercial traffic, while at the same time fulfilling the control competences assigned to it, has tackled this new control with new and powerful, highly sophisticated IT tools. The concept of border control has been changed, bringing forward documentary controls, automating checks on registers, using automatic and intelligent data mining to feed risk analysis.

76 https://www.boe.es/boe/dias/2021/01/20/pdfs/BOE-A-2021-796.pdf
7.5 Subdirectorat-General for Customs Management. Spanish Tax Agency (AEAT). 2021 campaign


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 carried out when they are presented to customs or when the goods are linked to a customs procedure by the electronic presentation of a customs declaration. Customs procedures may be those for release for free circulation, special procedures (transit, warehouse, end-use or processing) or export procedures.

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

Customs authorities carry out customs controls in accordance with Article 46 of the Union Customs Code on a random basis or through risk profiles to ensure compliance with specific legislation on the entry and exit of goods from the 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 shall be under customs supervision and may be subject to controls by the Customs Authorities.

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

- **Green circuit:** Automatic checking or release.
- **Orange circuit:** Documentary checking of the customs declaration and the certificates, documents or licences accompanying.
- **Red circuit:** Documentary checking of the customs declaration and the certificates, documents or licences accompanying, it, together with a physical check of the goods.
- **Yellow circuit:** Checking the existence and validity of a certain border inspection certificate or authorisation necessary for clearance and which, until the moment of admission, has not been sent to Customs by the corresponding issuing agency. This circuit does not identify the type of control that these Inspection Services will perform.

Once the controls have been carried out and after payment or guarantee of the relevant customs and/or tax debt to which the declared merchandise is subject, its release shall be secured, thus being allowed to be introduced into the territory.

Regulation (EC) 755/2008 together with Article 25 of Regulation (EU) 2019/1020 states 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 in order to clear certain goods authorisations such as health or veterinarian certificates or trade licences etc. These filters direct the documents towards the orange and yellow circuits (examination of the documents).
- **SUBJECTIVE FILTERS:** These are set based on information obtained from investigations carried out, community alerts or complaints. Subjective filters mean the documents are normally routed to the red circuit.
- **RANDOM FILTERS:** Randomness criteria are established, allowing declarations unaffected by objective or subjective filters, since they do not fall within the risk parameters, to be directed to the red or orange circuits.

During the period 2021 for goods impacted by Regulation (EU) 2019/1020, within the category of protective filters, filters for mercury, dialyzers, toys, melanin, costume jewellery, face masks, COVID tests, waste and ozone depleting substances were established.

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

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

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

In addition to the usual mechanics, the General Sub-directionate of Operations of the Deputy Directorate of Customs Surveillance, undertakes different specific operations with the aim of combating the illicit traffic of goods. In particular, as regards the goods covered by Regulation (EU) 2019/1020 of the European Parliament and of the Council, of 20 June 2019, on market surveillance and compliance of products, the following operations have been carried out during the period 2021:

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77 https://www.boe.es/doue/2015/343/L00001-00557.pdf
78 https://www.boe.es/doue/2013/269/L00001-00101.pdf
80 https://www.boe.es/doue/2013/269/L00001-00101.pdf
81 Regulation 1020/2019 indicates the moment of inclusion within the procedure for releasing for free circulation relevant to carry out customs controls.
Operation DEMETER VII

Operation DEMETER VII is a global operation to monitor and control transboundary movements of hazardous wastes and their disposal, regulated by the Basel Convention, and illegal trade in ozone depleting substances (ODS) and other gases contributing to global warming, controlled by the Montreal Protocol, whose operational phase was conducted from 1 to 31 October 2021. That operation focused on intensifying controls on cargo, mainly maritime (containers) of hazardous waste and ODS, especially shipments from countries of origin to countries/regions of Asia-Pacific and Africa; however, illegal movements made by air and land were also targeted.

No seizures were reported during this campaign, but two export alerts were sent, one to Mauritania and the other to Nigeria so that, if the authorities at the destination considered it as appropriate, they could carry out checks on the veracity of the declared destination.

Operation PANGEA IV

The objective of the member countries of Operation Pangea and Interpol with the participation of customs and police services, health regulatory bodies and private companies from various countries, was to promote activities aimed at combating and preventing the smuggling and illicit trafficking of pharmaceutical products and medical devices marketed over the Internet. This operation consisted of a week of international action against the above-mentioned trade from 18 to 25 May 2021.

The main objectives of Operation Pangea were to disrupt and dismantle criminal activity related to the trafficking of illicit pharmaceuticals and medical devices, where the crime is facilitated by the use of the Internet. The expression “trafficking in illicit pharmaceuticals” covers practices such as counterfeiting, smuggling of legitimate products and tax evasion, products that have been tampered, diverted, counterfeited, improperly stored or have expired.

A total of 3,656 packages were inspected, of which 47 were seized. The seizures mainly concerned products for erectile dysfunction, analgesics, anabolic agents or products for hypertension, from various origins such as India, China, the Dominican Republic, Colombia or the United Kingdom.

Operation SCARE FACE

Customs operation conducted by all Member States, to investigate illicit trafficking of COVID-19-related medical equipment with the main target being the importation of lower level and/or counterfeit protective masks, which took place between 15 January and 28 February 2021.

There were 63 seizures among all Member States involving about 44,899,575 masks.

Operation SHIELD II

The overall objective was to tackle trafficking in counterfeit/illegal/misused medicines, medical devices and doping products/substances in order to ensure public health by developing a common strategy against the production, trafficking, smuggling, trade, counterfeiting, diversion and use of biologically/pharmacologically active substances and medicines, focusing on hormonal substances, food supplements and erectile dysfunction medicines.

The operational phase ran from 14 to 28 April and focused on shipments from the United States, Singapore, China and India, in airmail or personal luggage, with 169 seizures of COVID-19 tests, masks, hormones or erectile dysfunction products.

Operation STOP II

The Operation specifically targeted counterfeit, illicit and sub-standard medicines, medical supplies and vaccines related to the fight against the COVID-19 pandemic that could pose a threat to the health and safety of consumers.

It covered all modes of transport and types of border crossing points (ports, airports, free zones, transit points and land borders), with a special focus on small items, express mail and e-commerce, with the operational phase running from 25 June to 30 September, during which COVID-19 tests and masks were seized.

Operation JIW F-GASES

A joint police and customs operation aimed at combating illicit trafficking of fluorinated gases was conducted from 20 to 24 September 2021.

Operation LUDUS II

Operation LUDUS II is a project designed and coordinated by Europol, with the co-leadership of Spain and Romania, whose main objectives are to trace the impact that the illicit trafficking of toys, fundamentally counterfeit and unapproved, and therefore dangerous, produces on the economy and child safety, the most common risks being exposure to chemical substances, injuries, strangulation, suffocation, electric shocks, hearing damage and fire hazards.

The timeframe of the operation was from 15 October to 30 November 2021, during which time the controls to be carried out at all Spanish customs premises were intensified with the collaboration of the Foreign Trade Inspection, Certification and Technical Assistance Service (SOIVRE) belonging to the Ministry of Industry, Trade and Tourism.

The greatest risks of non-compliance detected were in the absence of CE marking, CE marking (China Export) leading to confusion with the real CE marking, as well as false certificates.

Operation POSTBOX III

The operation, which ran from 4 to 29 October, focused on illicit trafficking in products distributed by post/ courier, specifically smuggling, infringements of intellectual property rights (counterfeiting) and, secondarily, infringements of product safety standards. The goods to be checked included in particular: medicines and medical devices, so-called novelty banknotes, cosmetic products and fashion accessories.

During the course of this operation, 186 seizures were made, corresponding to various products such as cosmetics, medicines, textiles, jewellery and tobacco, with origins such as China, Hong Kong, USA, Turkey, Russia, Thailand, Egypt and UK.
7.6 Digital Telecommunications and Infrastructures Authorities (SETELECO) and their contribution to market surveillance. Campaign 2021

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 34 of the Regulation approved by Spanish Royal Decree 188/201681, of 6 May. The European Union’s Law has established requirements that seek to protect, among other things, the health of consumers and the radio electronic public domain. This has been established without prejudice to the application of other industry or horizontal legislation whose powers are not exercised by this State Secretariat.

7.6.1 Typologies of inspection and control of telecommunications equipment

There were two types of inspections in 2021:

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

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

7.6.2 Market Surveillance Campaigns in 2021

During 2021, inspection campaigns focusing on the types of equipment that are of special interest given certain criteria established by the market surveillance authority were carried out. The criteria for determining the nature of the equipment to be inspected were, 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 assets.

- The volume of consumers that the equipment can foreseeably reach.

- The equipment included within the scope of application of updated legislation.

- Evidence of complaints or cases of alleged non-compliance of equipment.

- The type of user and their degree of knowledge of telecommunications, as well as ease of acquisition, by face-to-face, telephone or telematic means.

For the year 2021, the following market surveillance campaigns were carried out:

- Campaign on Local Area Radio Networks equipment (RLAN).

- Campaign on UAS (Unmanned Aircraft Systems), commonly known as drones.

- Campaign for the measurement of radiation from mobile equipment on people (SAR measurements, Specific Absorption Rate).

- Campaign on DTT amplifiers.

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

7.6.3 Permanent campaign against frequency inhibitors

Frequency inhibiting equipment does not comply with the provisions of Spanish Royal Decree 186/201682, of 6 May, which regulates the electromagnetic compatibility of electrical and electronic equipment, so there is a ban on trading and using this type of equipment in Spanish territory.

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

During 2021, different inspection actions have been carried out against the marketing of frequency inhibitor equipment.

7.6.4 Results of 2021 inspection campaigns

The following Table shows the summary of results on technical and administrative non-compliances, as well as the number of formal requirements made to economic operators so they adopt corrective measures on telecommunications equipment subject to inspection during 2021:

<table>
<thead>
<tr>
<th>Campaign</th>
<th>Total Cases</th>
<th>Administrative Non-compliances</th>
<th>Technical Non-compliances</th>
<th>Corrective measures imposed on economic operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>RLAN / WLAN</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>DRONES / UAS</td>
<td>46</td>
<td>15</td>
<td>11</td>
<td>15</td>
</tr>
<tr>
<td>Mobile Phones (SAR)</td>
<td>6</td>
<td>6</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>DTT equipment</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Frequency inhibitors</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>60</strong></td>
<td><strong>26</strong></td>
<td><strong>19</strong></td>
<td><strong>24</strong></td>
</tr>
</tbody>
</table>


Annual report 2022

8.1 Communication and dissemination activities

With the aim of promoting and raising awareness about the work of the Market Surveillance Observatory, different communication activities, planned throughout the year 2022, have been carried out.

Various communication channels have been used to disseminate the different contents: launch of press releases, video communication campaign, news on the website www.une.org; publications in UNE’s social media, articles in the UNE Magazine, mailings, etc.

Two of the main axes in the communication strategy have been the publication of the first annual report and the video campaign on OVM. In seven videos, Alfredo Berges, President of the Observatory, has interviewed experts and public authorities in the field, who have given their impressions on the importance of market surveillance and regulatory compliance. The videos are hosted on a microsite on the UNE website: https://www.une.org/la-asociacion/eventos/observatorioVigilanciaMercado

These videos have been widely disseminated, both in UNE’s own channels (web, social media [YouTube, LinkedIn and Twitter]), magazine and intranet, as well as in members’ media, which have been asked to support the dissemination.

The most relevant dissemination activities are highlighted below:

Executive summary
Breakdown of activities by month

February 2022

Communication of the first annual report of the Market Surveillance Observatory

- Press release: Half of the infractions of products are due to non-compliance with Standards and sales terms and conditions.
- Mailing from Mr. Javier García, General Director of UNE, to members requesting support in dissemination.
- Interview with Mr. Alfredo Berges, President of OVM, on Canal 24 Horas RTVE.
- UNE’s web carousel news: UNE’s Market Surveillance Observatory publishes its first annual report.
- Cover story of the February issue of UNE Magazine (no. 44). Article by Isabel Linares, with tribute and video by Alfredo Berges, President of OVM.
- 2 posts on LinkedIn (first report + acknowledgment to members).
- 2 Twitter posts (first report + acknowledgment to members).
- Intranet news.
- Intranet news about the interview with Mr. Alfredo Berges on RTVE.
- Post on LinkedIn of the interview with Mr. Alfredo Berges on RTVE.
- Publication on Twitter of the interview with Mr. Alfredo Berges on RTVE.

March 2022

- 2 publications on LinkedIn about the article by Ms. Isabel Linares in UNE Magazine.
- 2 Twitter posts on the article by Ms. Isabel Linares in UNE Magazine.
- Publication of the video of Mr. Alfredo Berges in the magazine.

April 2022

- Tribute of Mr. Alfredo Berges in Expansión Jurídico.
- Post on LinkedIn about Mr. Alfredo Berges’ article in Expansión Jurídico.
- Publication on Twitter of Mr. Alfredo Berges’ article in Expansión Jurídico.

May 2022

- Article by Ms. Isabel Linares in Forum Calidad Magazine.
- Posts about this article on LinkedIn and Twitter.
- Extensive mention in the press release on the 2021 activity on the occasion of the General Assembly.
June 2022

**Market Surveillance Observatory’s communication campaign videos**

1. **Launch and video 1. Interview by Mr. Alfredo Berges with Ms. Isabel Linares (UNE)**
   - Video in [Microsite](https://www.une.org/la-asociacion/eventos/observatorioVigilanciaMercado) with video 1.
   - UNE’s web carousel news with the launch.
   - Memo to UNE Members, requesting support in dissemination.
   - Dissemination on social media (YouTube, LinkedIn and Twitter).
   - News in the June issue of UNE Magazine (no. 48).

2. **Video 2. Interview with Mr. Nelson Castro (Ministry of Consumer Affairs)**
   - Video in [Microsite](https://www.une.org/la-asociacion/eventos/observatorioVigilanciaMercado).
   - UNE’s web carousel news update (with video 2).
   - Memo to UNE Members, requesting support in dissemination.
   - Dissemination on social media (YouTube, LinkedIn and Twitter).
   - News on no. 49 |Jul/Aug| 2022 UNE Magazine.
   - Intranet news.

3. **Video 3 - Interview with Mr. José Antonio Delgado Echagüe (MINCOTUR)**
   - Video in [Microsite](https://www.une.org/la-asociacion/eventos/observatorioVigilanciaMercado).
   - UNE’s web carousel news update (with video 3).
   - Memo to UNE Members, requesting support in dissemination.
   - Dissemination on social media (YouTube, LinkedIn and Twitter).
   - News on no. 49 |Jul/Aug| 2022 UNE Magazine.
   - Intranet news.

4. **UNE-SOIVRE Webinar: ROHS and WEEE controls in EEE and BA (given by Ms. Belén Alonso):**
   - Web news [UNE events with materials](https://www.une.org/la-asociacion/eventos/observatorioVigilanciaMercado).
   - 4 mailing to guests and registrants.

July 2022

4. **Video 4 OVM Campaign - Interview with Mr. Jorge Íñesta (Madrid Autonomous Region)**
   - Video in [Microsite](https://www.une.org/la-asociacion/eventos/observatorioVigilanciaMercado).
   - UNE’s web carousel news update (with video 4).
   - Dissemination on social media (YouTube, LinkedIn and Twitter).
   - News on no. 49 |Jul/Aug| 2022 UNE Magazine.
   - Intranet news.

Septiembre 2022

5. **Video 5 OVM Campaign - Interview with Ms. Pilar Espina (ADELMA)**
   - Video in [Microsite](https://www.une.org/la-asociacion/eventos/observatorioVigilanciaMercado).
   - UNE’s web carousel news update (with video 5).
   - Dissemination on social media (YouTube, LinkedIn and Twitter).
   - News on no. 51 |October| 2022 UNE Magazine.
   - Intranet news.

6. **Video 6 OVM Campaign - Interview with Mr. Alberto Zapatero (APPLIA SPAIN)**
   - Video in [Microsite](https://www.une.org/la-asociacion/eventos/observatorioVigilanciaMercado).
   - UNE’s web carousel news update (with video 6).
   - Dissemination on social media (YouTube, LinkedIn and Twitter).
   - News on no. 51 |October| 2022 UNE Magazine.
   - Intranet news.

October 2022

7. **Video 7 VMO Campaign - Interview with Mr. Manuel Carrillo (AIDIMME)**
   - Video in [Microsite](https://www.une.org/la-asociacion/eventos/observatorioVigilanciaMercado).
   - UNE’s web carousel news update (with video 7).
   - Dissemination on social media (YouTube, LinkedIn and Twitter).
   - News on no. 52 |November| 2022 UNE Magazine.
   - Intranet news.

November 2022

- Video-conclusions.
8.2 Meetings and events held during financial year 2022

During 2022 financial year, the activity of UNE’s Market Surveillance Observatory has led to several meetings being held, as well as meetings between the competent authorities in the field of market surveillance and UNE’s member associations. Among other objectives, the Observatory has been consolidated as an effective tool mainly aimed at enhancing public-private collaboration in market surveillance. The Center shall ensure that it acts in accordance with the principles of objectivity, independence and impartiality.

The details of the meetings and events held in 2022 are listed below:

January 2022

February 2022
- Letters from the President of OVM, Mr. Alfredo Berges, sent to the President of the Health and Consumer Affairs Commission of the Congress and to the President of the Health and Consumer Affairs Commission of the Senate, in order to inform them about the activity of the UNE Market Surveillance Observatory and the publication of the Observatory’s Annual Report 2021.
- Article and cover story in the February UNE Magazine along with three tribunes: Mr. Alfredo Berges, Mr. José Manuel Prieto, Mr. Manuel Carbó and Mr. José Ignacio Vitón.

April 2022
- Meeting with the Spanish Metrology Center (CEM) to share our experience with the Market Surveillance Observatory (21 April). The aim is to set up the State’s Observatory for Metrological Control.
- Meeting with the MITERD-FEIQUE Public-Private Group to share our experience with the Market Surveillance Observatory (26 April). Possible ways for collaboration.
- OVM Plenary Meeting 1/2022 (27 April). The Single Liaison Office is presented by Mr. Iñaki Vitón of the Ministry of Consumer Affairs. OVM’s action and communication plan for 2022 financial year are approved in plenary. Follow-up of activities.

May 2022
- The mention of the “Market Surveillance Observatory” in the NATIONAL OVERALL STRATEGIC FRAMEWORK for MARKET SURVEILLANCE of NON-FOOD PRODUCTS (MENVIME, 2022-2026), in the chapter on “Participation of economic operators and consumer organizations” (under Article 9 of Regulation (EU) 2019/1020) is approved.

June 2022
- Webinar on the new ROHS and WEEE control on EEE and BA (electrical and electronic equipment and batteries and accumulators), organized by UNE and conducted by Ms. Belén Alonso, National Coordinator for Standardization, Certification and Conformity Assessment, SOIVRE - Ministry of Industry, Trade and Tourism (1 June).
- Presentation of the OVM Report at the International Logistics Exhibition (SIL 2022) (1 June).

July 2022
- Meeting with the Costa Rican Technical Standards Institute (INTECO) to share our experience with the Market Surveillance Observatory (28 July).

September 2022

October 2022

November 2022
- Preparation of the Observatory’s Annual Report 2022.
Composition of the Market Surveillance Observatory
UNE is the Spanish standardization body in: