

Group of Administrative Co-operation
Under the R&TTE Directive



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Subject: ADCO R&TTE report to TCAM on market surveillance statistics for 2012

1. Introduction

In the New Legal Framework (NLF), article 24 of the Regulation 765/2008¹ gives a clear mandate to Member States to cooperate in the field of market surveillance: “*Member States shall ensure efficient cooperation and exchange of information between their market surveillance authorities ...*”

ADCO R&TTE recognised this need before the adoption of the NLF and started initiatives to actively promote this way of cooperation. One initiative was the setting up of common market surveillance campaigns in the field of R&TTE Directive. Until today, ADCO R&TTE has organised four common cross-border market surveillance campaigns. Results of these campaigns were presented to TCAM and discussed with European Commission, manufacturers, industry and importers. More than giving a good indication on the level of compliance of some defined sectors, such campaigns helped to elaborate common views in the way market surveillance authorities judge the compliance of products.

Besides the organisation of common cross-border market surveillance campaigns, ADCO R&TTE recognised also that the improvement of the level of compliance in the field of R&TTE can also be reached by collecting statistics information from the national market surveillance authorities and that this information should be published on their websites and commission website, compared and also has to brought to attention to the manufacturers and persons responsible for bringing R&TTE on the EU-market.

The setting up of common statistics may have following goals:

- to inform all involved parties, such as stakeholders, European Commission, manufactures etc. on market surveillance activities and on the level of compliance;
- to exchange national market surveillance statistics in order to improve the efficiency of market surveillance activities in the member states;
- to define targets for future common cross-border campaigns;
- to have better insight of the shortcoming R&TTE requirements and/or the shortcomings of the harmonised standards;
- to concentrate of market surveillance authorities activities on really difficulties;
- to inform the stakeholders about the results of (national) market surveillance activities;
- to improve the efficiency of EU market surveillance;
- to identify and solve practical problems in the market surveillance.

ADCO R&TTE took the decision to create a common basis for common statistics on market surveillance activities in the field of R&TTE. A common template has been agreed by ADCO R&TTE and used for the results of 2007.

ADCO concluded that the national market surveillance authorities do not collect the same information. ADCO/R&TTE members agreed that they would make an effort to fill in

¹ Regulation No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation No 339/93

completely the agreed form in 2009 for the results of 2008. These results were presented at the restricted session of TCAM 28. ADCO R&TTE members have decided to establish these statistics regularly and to present them in the open session of TCAM. The results of 2009 were presented in the plenary meeting of TCAM 30. Those from 2010 were presented at TCAM 33 and those from 2011 to TCAM 35.

2. Results for 2012

Totally, **9562** R&TTE equipment has been inspected by **24** market surveillance authorities in **2012**: Austria, Bulgaria, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom.

About **9918 equipment** were been found non-compliant to the provisions of the R&TTE Directive. However, due to the fact that not all provisions were checked by all involved market surveillance authorities, the effective amount of non compliant equipment may be higher.

Summary of the results:

- Overall : **6155** non compliant equipment (**9918** inspected equipment)
- Declaration of conformity : **3960** non compliant DoC (**9693** inspected equipment)
- CE marking : **3192** non complaint CE marking (**9683** inspected equipment)
- Geographical area for use : **2036** not compliances (**8281** inspected equipment)
- Essential requirements : **613** technical non compliances (of **1678** measured equipment)
 - Safety (art.3.1.a): **189** technical non compliances (of **465** measured equipment)
 - EMC (art3.1.b.): **47** technical non compliances (of **647** measured equipment)
 - Radio (art.3.2.) : **305** technical non compliances (of **1077** measured equipment)
- Technical documentation: **327** non compliances (of **868** inspected equipment)
 - Test reports: **234** non compliances (of **816** inspected equipment)
 - Drawings and explanations: **168** non compliances (of **340** inspected equipment)
 - Other elements: **212** non compliances (of **718** inspected equipment)

More detailed results may be found in chapter 5 of this report.

3. Remarks

It should be noticed that **statistics showed in this report, don't reflect the overall compliance rate of R&TTE products on the market** as most of the market surveillance authorities are focussing their activities in sectors known as "sectors with high non-compliance rate". Some market surveillance authorities are screening the market randomly.

Some market surveillance authorities consider radio and terminal equipment from radio equipment. It means that a certain number of presented numbers related to radio equipment are in reality numbers for radio and terminal equipment.

It should be also noted that it is not possible to determine the level of compliance from the information gathered. This is due to the fact that market surveillance authorities do not always assess the compliance of products with all requirements: assessments limited to administrative check, measurements only against article 3.2 (effective use of spectrum) of the R&TTE Directive, no assessment of the technical documentation in most of the cases, stop of the assessment as soon as a non compliance is detected. Therefore the presented results are only related to non-compliance levels *of the products which were checked..*

4. Next steps

1. ADCO R&TTE agreed to gather yearly a statistic overview, based on the same template until the common database for exchange of information (set up by article 23 of the Regulation 765/2008) has been set-up.
2. The database set up by article 23 of the Regulation 765/2008 should be filled in by each market surveillance authority, with information, related to all national market surveillance

activities and should also contain information on compliant and non-compliant products. This database will also include tools permitting the setting up of overall statistical information on market surveillance activities in the field of R&TTE.

- ADCO R&TTE has already defined the R&TTE Directive specific content of this database and is ready to cooperate with the people which will be responsible to run the database.

5. Detailed results

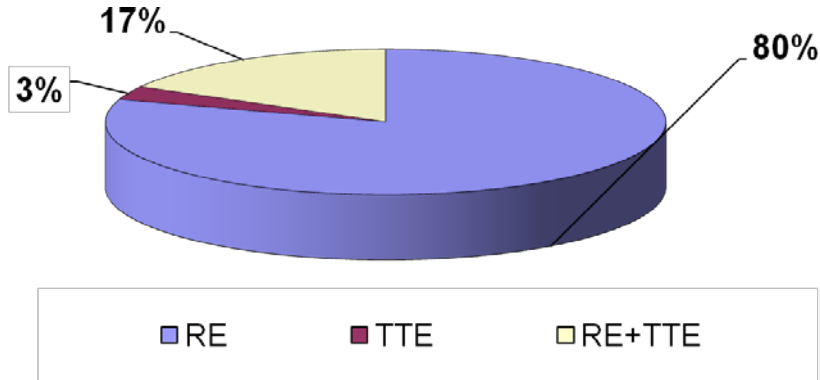


Figure 1 type of equipment inspected

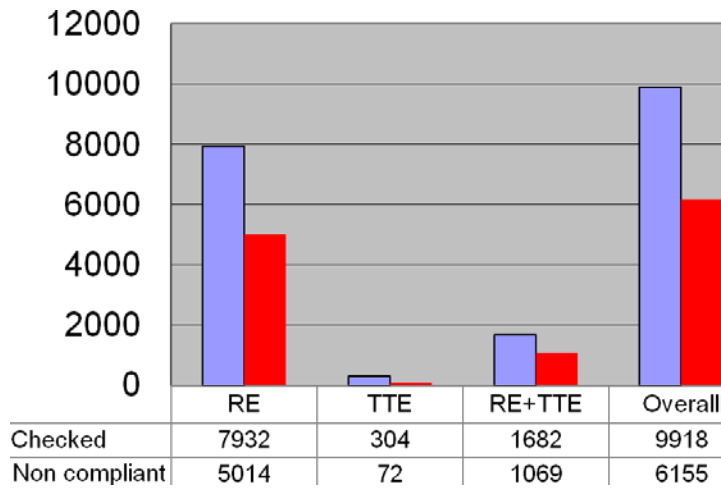


Figure 2 Overall non-compliances found

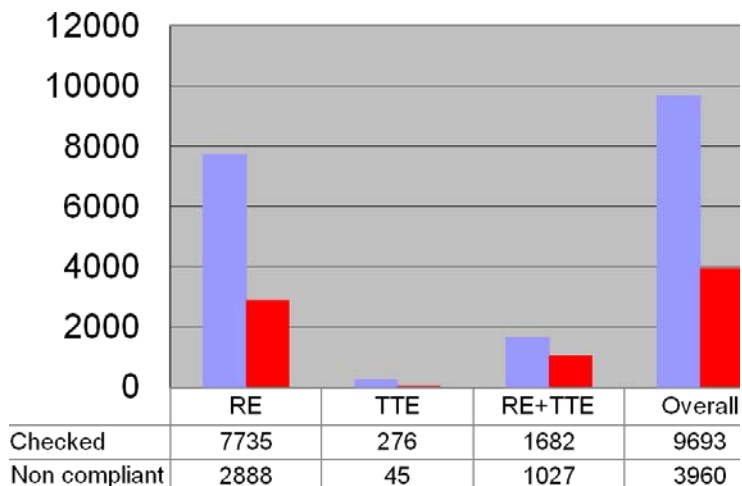


Figure 3 DoC non-compliance

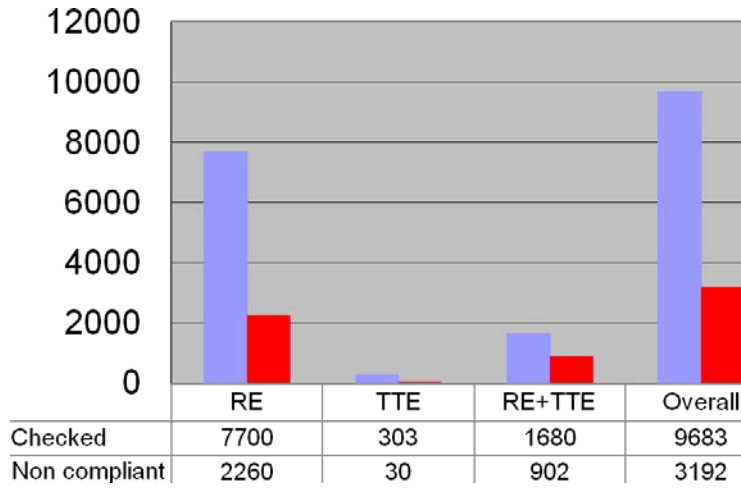


Figure 4 CE marking non-compliance

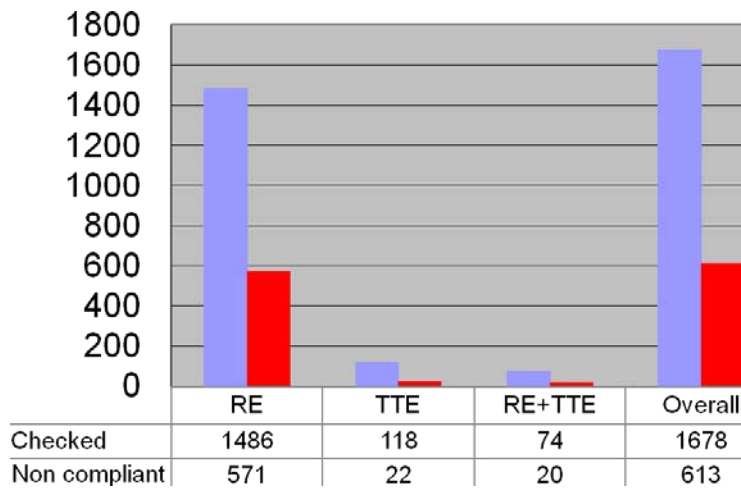


Figure 5 Non-compliances against essential requirements

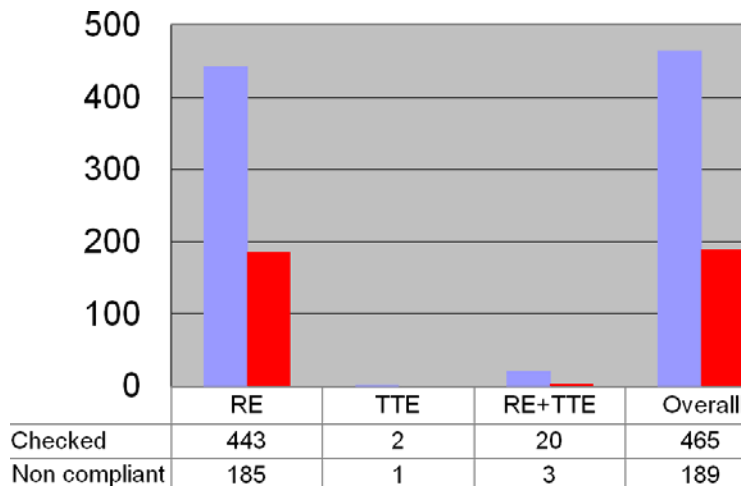


Figure 6 Non-compliance against art. 3.1.a (safety)

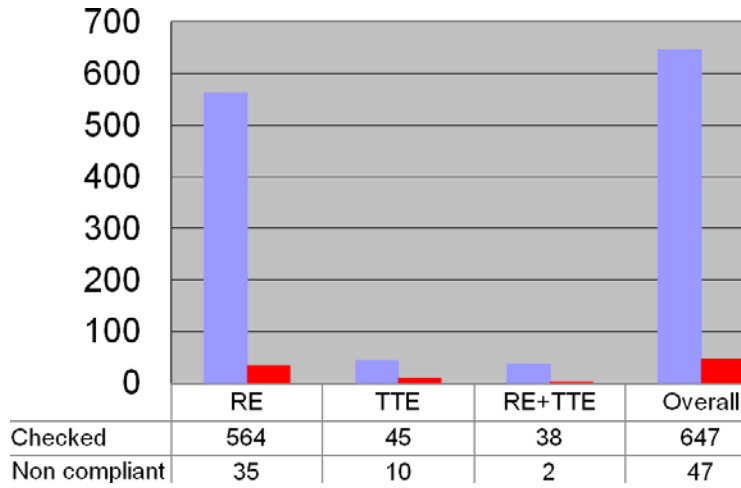


Figure 7 Non-compliance against art. 3.1.b (EMC)

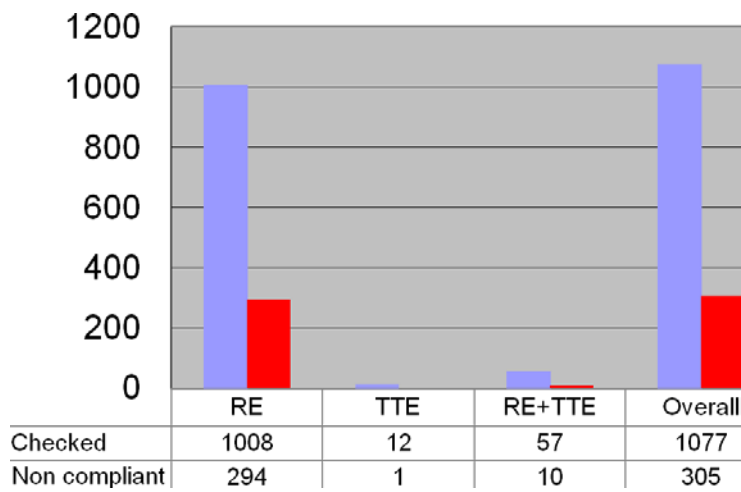


Figure 8 Non-compliance against art. 3.2 (Radio)

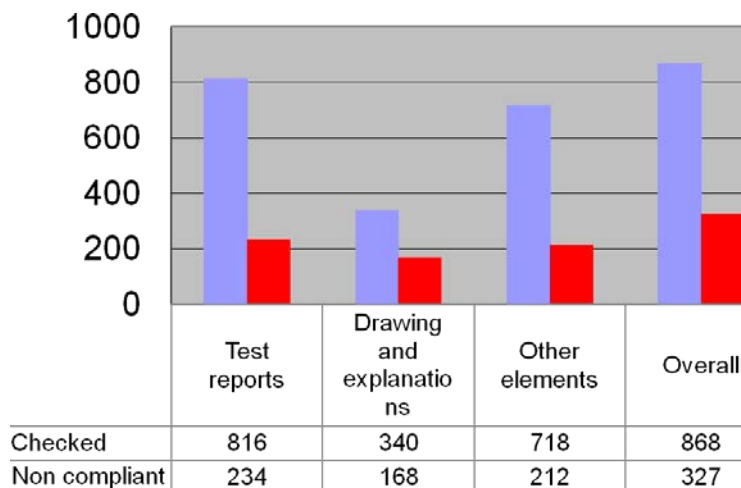


Figure 9 Technical documentation