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 765/2008\(^1\) 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 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.

3. 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

<table>
<thead>
<tr>
<th></th>
<th>RE</th>
<th>TTE</th>
<th>RE+TTE</th>
<th>Overall</th>
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<tr>
<td>Checked</td>
<td>7700</td>
<td>303</td>
<td>1680</td>
<td>9683</td>
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<tr>
<td>Non compliant</td>
<td>2260</td>
<td>30</td>
<td>902</td>
<td>3192</td>
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Figure 5 Non-compliances against essential requirements

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<td>Checked</td>
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<td>118</td>
<td>74</td>
<td>1678</td>
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<td>Non compliant</td>
<td>571</td>
<td>22</td>
<td>20</td>
<td>613</td>
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Figure 6 Non-compliance against art. 3.1.a (safety)

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<td>Checked</td>
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<td>465</td>
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<td>Non compliant</td>
<td>185</td>
<td>1</td>
<td>3</td>
<td>189</td>
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**Figure 7** Non-compliance against art. 3.1.b (EMC)

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<tr>
<td>Non compliant</td>
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**Figure 8** Non-compliance against art. 3.2 (Radio)

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<td>Checked</td>
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<td>12</td>
<td>57</td>
<td>1077</td>
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<tr>
<td>Non compliant</td>
<td>294</td>
<td>1</td>
<td>10</td>
<td>305</td>
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**Figure 9** Technical documentation

<table>
<thead>
<tr>
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<th>Test reports</th>
<th>Drawing and explanations</th>
<th>Other elements</th>
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<td>718</td>
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<tr>
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<td>168</td>
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