



Free Movement of Goods:
Implementation and Functioning of the
Quality Infrastructure System



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SAA Implementation Workshop

- **Conformity assessment procedures in Slovenia**
 - *Conformity assessment bodies, role of market inspectors*
 - *Market inspection, pre-market control*

Market surveillance

- **Role**

- to verify whether products have been put on the market according to the corresponding legislation
- to ensure an equivalent level of protection for citizens throughout the Internal Market, and a level playing field for economic operators
- involves two main stages:
 - monitoring whether products placed on the market comply with the provisions of relevant legislation, and
 - taking action to bring non-compliant products into compliance with the legislation

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Market surveillance

- **Role**

- market surveillance is of particular interest in those areas where no pre-marketing authorisation procedure exists (LVD, ...)
 - New Approach legislation - market surveillance is complementary to the requirement for Member States to allow free movement of compliant products
- it is also very important in Old Approach sectors
 - for example the sector of cosmetic products

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Market surveillance

- **Key characteristics**
 - control on the implementation of legislation is a responsibility of the public authorities.
 - this guarantee the impartiality of market surveillance operations
 - national administrations must therefore establish responsible authorities
 - surveillance authorities should be independent and should act in an impartial and non-discriminatory way

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Market surveillance

- **Key characteristics**
 - each national administration can decide upon its market surveillance infrastructure (as long as surveillance is efficient and covers the whole territory)
 - market surveillance authorities should have the necessary resources and powers to carry out surveillance actions in a way which is effective and sufficiently extensive to discover non-compliant products

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Market surveillance

- **Key characteristics**
 - surveillance authorities should have a sufficient number of qualified staff available, with the necessary technical competence to deal with specific product and risk areas
 - surveillance authorities should respect the principle of proportionality; action taken must be in accordance with the degree of risk or non-compliance

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Market surveillance

- **Key characteristics**
 - surveillance authority may subcontract technical tasks to another body, but always retains the responsibility for its decisions
 - it is inappropriate for notified bodies to be responsible for market surveillance
 - if a market surveillance authority and a notified body come under the same superior authority in a national administration, lines of responsibility should be organised to avoid any conflict of interest

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Market surveillance in Slovenia

❖ **Market Surveillance System in the Field of Technical Products (in Slovenia)**

- how we are organized in Slovenia
- market surveillance – key element for effective implementation
- what is important

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Market surveillance in Slovenia

➤ **Organisation and division of duties**

- **MINISTRY OF THE ECONOMY - surveillance**
 - legislator has to “lead” and find a balance - authority may subcontract technical tasks to another body, but always retains the responsibility for its decisions
- **TIRS - market surveillance (enforcement)**

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Market surveillance in Slovenia

➤ **Organisation and division of duties**

- SIST - standardisation, SA - accreditation, MIRS - metrology
- conformity assessment bodies (laboratories, ...)
- industry and trade

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Market surveillance in Slovenia

➤ **Market Surveillance – key element for effective implementation**

- **New Approach - new thinking also in the market surveillance:**
 - inspector is an expert on his field
 - reacts proportionally
 - cooperates with different inspectorates on national and EU level (information system on dangerous products)

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Market surveillance in Slovenia

➤ What is important

- good coordination between legislator inspectorates and others (through the WG)
- coordinated actions on the market
- constant education and information exchange

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Market surveillance in BiH

➤ Main objective and goals

- To developed the market surveillance system in the field of safety and conformity assessment of technical products according to the best EU practise
- To strengthen an efficient and sustainable capacity of the market surveillance institution (inspectorates) to carry out the market surveillance activities
 - in cooperation with other national market surveillance authorities

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