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EEPLIANT

Energy Efficiency Compliant Products 2014

Work Package 2: Implementing Best Practices

Best Practice Guidelines for Coordinated and Effective Ecodesign and Energy Labelling Market Surveillance

Version 2, January 2016

Introductory Notes to the Guidelines

These guidelines are a development of *Best practices for ecodesign market surveillance* produced by the participants of the predecessor project, ECOPLIANT.

This, the January 2016, version of the guidelines updates those from ECOPLIANT through the addition of content relevant to energy labelling. It is expected that these guidelines will continue to be developed over the lifetime of the EEPLIANT project.

The main target group for these guidelines are Ecodesign and Energy Labelling Market Surveillance Authorities (MSAs). The guidelines have primarily been formulated based on the experiences and analyses gained within the ECOPLIANT project.

It is intended that these will give a valuable input on how to monitor, verify and enforce ecodesign and energy labelling requirements for energy related products.

However, the recommendations in these guidelines are not meant to infringe national legislation or national prioritisations. In addition, the recommendations are in many cases to be seen as *good practices*, and not always *best practices*, since it is not possible to define best practices that suit all Member States and all MSAs.

This document has been structured into two parts:

Part 1 - This, the first area, provides key elements of the content of each Section of Part 2, which is the main area of the Guidelines. Links are provided from each part of the outline to enable the reader to quickly access the corresponding main area of the Guidelines.

Contents

The authors of this document wish to thank the creators of the ECOPLIANT best practice guidelines for the huge amount of work they undertook to produce them. Those well-researched guidelines have been used almost in their entirety to form the basis of this publication.

Part 1: Outline and Recommendations

1.1 Scope of the EEPLIANT Guidelines

These guidelines have primarily been formulated based the experiences and analyses gained within the ECOPLIANT project[1]. They primarily constitute a balanced and agreed summary of findings and recommendations included in seven different subtask reports[2] from ECOPLIANT. Since ECOPLIANT was focussed on ecodesign, so references in this document to references to energy labelling in this document have needed to be derived from ECOPLIANT material. It is the intention of the authors to update these references based on the experiences now being built in EEPLIANT. See Section 1.1

1.2 Existing literature for MV&E of EU product legislation

This section of the Guidelines identifies other publications that provide guidance for Market Surveillance Authorities. See Section 1.2

1.3 Primary goal of the EEPLIANT Guidelines

The scope of these Guidelines has been limited to preparing reliable material on the specific issues related to ecodesign and energy labelling market surveillance. See Section 1.3

1.4 The legal base

The role of market surveillance is to ensure that products placed on the EU market are compliant with the applicable product-related legislation. This for energy related equipment includes the following:

- EU Regulation 765/2008 on accreditation and market surveillance
- Ecodesign Directive for Energy-Related Products 2009/125/EC
- Energy Labelling Directive for Energy-Related Products 2010/30/EU

Though both the Ecodesign and the Energy Labelling Directives are required to be transposed into national legislation, neither contains any product specific requirements. These, instead, are provided in the implementing regulations. Currently, there are 28 product specific regulations and 16 product specific energy labelling regulations. All member states are required to appoint national MSAs to implement all these regulations. See Section 1.4

[1] The ECOPLIANT project was granted financial support by the IEE-programme in early 2012. The project consortium consists of eleven partners; most of them market surveillance authorities (MSAs) for Ecodesign and some of them agencies and policy makers. The partners come from Denmark, Finland, Germany, Hungary, Ireland, Italy, The Netherlands, Spain, Sweden and the UK. Project coordination was led by UK DECC.
[2] Available at http://www.ECOPLIANT.eu/wp2-reports-establish-best-practice/

Part 2 is the main main area of the Guidelines. Its contents are based on the feedback, experiences and work practices of the MSAs that worked together on the project ECOPLIANT, which was completed in 2014. As such, readers should treat the content and recommendations as good practices, and not always best practices since these may need to vary according to national requirements.

The Outlines of each Section of the main area that follow, below, contain just the recommendations given at the end of each of those Sections. Readers are advised to consult the full content of each Section in order to understand the background and contexts for the recommendations.

2.1 Organisation and strategy in national market surveillance

- Each Member State should consider how to organise its market surveillance in order to make it most appropriate for the specific national conditions.
- MSAs should consider whether in-house personnel should be used for all market surveillance activities or if external expertise should be used.
- MSAs should consider whether proactive and preventative activities should be carried out in order to inform manufacturers, their representatives and importers about the regulations that are in force or will come into force.
- MSAs should consider if the results of market surveillance activities should be published or made publicly available in other forms.
- MSAs should consider how to cooperate with national Customs authorities in market surveillance.
- MSAs should consider being involved in national (and EU or even international) standardisation committees for the development of EN test standards for harmonisation.
- MSAs should consider taking part in the formulation of a national position on proposed new legislation, especially regarding enforceability.
- MSAs should cooperate and provide each other and the Commission with information in order to assist the application of these Directives e.g. through the ADCOs and by electronic means of communication.

2.2 How to establish Inspection Programmes

- National inspection programmes should be designed and developed to effectively detect non-compliant products that have been or are being placed on the market
- When developing a national inspection programme:
    - Ensure that there is a clearly defined desired outcome (what would you like to achieve)
    - Ensure that there is a clearly defined desired content (which product categories and specific products to select)
    - Ensure that there is methodology to develop content (what methods should be used: shop visits, internet searches, visual inspections, document inspections, testing)
    - Ensure that there is a suitable disposal strategy in place.

2.3 How to select products for detailed inspection

- Effective product targeting is especially important since the legislation covers such a large number of product categories.
- Well-thought-out targeting techniques should be applied when selecting product categories as well as brands and models for compliance inspection.
- Specific criteria ('risk factor') to select product categories, brands and specific models for compliance inspection can be applied. Important selection criteria for MSAs are:
    - High energy consumption and new legislation covering a product.
    - High market share and history of non-compliance for brands.
    - Other Member State or international complaints.
    - Ambiguities in the supplied technical documentation.
- Product targeting must be justifiable. In order to avoid criticism or bias, “guidelines” detailing the criteria used for targeting products should be published by the MSAs.
- If resources permit, random and targeted product selection can be successfully combined with a market share approach.
- Product documentation inspection can be used as a product targeting technique prior to laboratory test. See Section 2.6.
- Complaints or reports or other forms of intelligence from external parties about possible non-compliant products can be an important targeting method.
- Screening tests can be a targeting tool for the selection of products with a higher probability of being non-compliant. Screening tests should however not be used to start any formal action against economic operators.
- The specific samples selected for testing need to be randomly chosen and picked-up by MSAs. They should be representative of what is being supplied to the market. If samples are obtained directly from the producer, MSAs must ensure that the samples chosen are not specially prepared “premium” units.

2.4 How to identify EEA-wide product model numbers

- MSAs should request information of equivalent models from the manufacturer or importer.
- MSAs should request information of products whose technical documentation is derived from the same “basic model” from the manufacturer or importer (when relevant).
- In order to identify the equivalent models and models whose technical documentation is derived from the same “basic model”, the following documents can be requested:
    - Identity declaration. To establish the appliances covered by the same technical file (equivalent models) and/or those derived by calculation from the same “basic model”.
    - Test reports. To identify the basic model.
    - Calculations. To justify the changes, if any, in the nominal values of some models with respect to the test report of the basic model

2.5 How to conduct a label inspection

- Label inspection is an important part of market surveillance and should be considered when establishing national inspection programmes.
- Label inspection can be a stand-alone activity: if the content of the label and fiche of a product do not meet the requirements of its corresponding regulation, then there is a non-conformance with the relevant implementing measure under the Energy labelling Directive.

- It can also be used as a method to select products for further compliance verification through document inspection and laboratory testing.

Before starting a label inspection, the required content of the label and fiche need to be clarified according to the relevant implementing regulation(s).

2.6 How to conduct document inspection

- Document inspection is an important part of market surveillance and should be considered when establishing national inspection programmes.
- Document inspection is a stand-alone activity: if the documentation of a product does not meet the requirements of its corresponding regulation, the product does not comply with the relevant implementing measure under the Directive.
- It can also be used as a method to select products for further compliance verification through laboratory testing.
- It is essential to define harmonised rules for inspections, including document inspections, for all the Member States. Otherwise, with different rules and procedures, the same manufacturer/importer could send the same documentation to different national MSAs in the same or different countries and find it was only accepted in some of them.
- Before starting, the minimum content of the documentation and the rated and measured values to be provided according to the relevant implementing regulation(s) need to be established. NOTE: it is hoped that these will eventually be provided in the product specific DRPIs in ICSMS – though this is not currently the case.
- The technical documentation file should include a list of all equivalent models of all products covered by the same technical file (identity declaration) and of the products where the same basic model is used to derive compliance by calculation or interpolation.

It is necessary to check that the manufacturer has not used measurement tolerances prescribed in the legislation to achieve a more favourable score or classification than the test reported in the documentation.

2.7 How to conduct compliance verification laboratory tests

- The technical product compliance should be determined through measurements done in test laboratories following harmonized EN standards or transitional method(s) published by the European Commission
- When selecting laboratories, consider accreditation, competence and reliability of test results.

- When selecting laboratories, the following practical considerations should also be made:
  - Clear objectives, including the applicable verification procedure/harmonised standard to be used
  - Legal considerations, e.g. handling of evidence in line with national processes
  - Financial planning
  - Contingency planning, e.g. in the event of unforeseen circumstances
  - Commercial incentives, e.g. when some laboratories require guarantees of work to ensure that acquiring accreditation is commercially viable
  - Mutual recognition of the test results by other MSAs in other Member States
  - Labs should not have contracts with manufacturers, importers or dealers of the products to be inspected

2.8 Sharing of inspection results amongst MSAs

- Fulfil legislative obligations (European and national) relating to the exchange of information when carrying out market surveillance
- Make use of existing common and accessible formats or platforms:
  - ICSMS could be used for sharing case data, especially regarding non-compliant products.
- Consider security and confidentiality issues which may restrict the sharing of information. Note that ICSMS and the ECOPLIANT/EEPLIANT are intended as secure databases that are only accessible to MSAs.
- A register of MSA contacts should be created and maintained if successful communication is to be achieved.

2.9 How to enforce the provisions of the ecodesign and energy labelling regulations

- National legislation and national practices will determine the enforcement system of each country, but it is useful for MSAs to study enforcement systems of other EU-countries in order to compare how suspected non-compliance cases are handled.

- A guiding principle, set in the EU legislation, is that enforcement actions should always be appropriate, proportionate and dissuasive.
- Consider if public publishing of market surveillance results is in line with your national legislation and strategies.
- Handling of non-compliant cases where the manufacturer or importer is situated in another EU-country may differ depending on national legislations. If no specific procedure is stipulated in the national legislation, the MSA could
  1. try to address the manufacturer or importer in the country where they are situated (even if no legal jurisdiction in this foreign country)
  2. transfer the case to the MSA in the country where the manufacturer or importer is situated
  3. prohibit the product from being placed on the national market

- Scale up the level of enforcement activities by using the EU-wide available inspection resources in the most efficient manner, e.g. by optimal use of information and available data, including external data.
- Assess the quality of external data and make a risk-assessment to evaluate if the results can be acted upon. Use it wherever you can.
- Share your own data with other MSAs in EEA countries.
- If possible, make sure your inspection data can be made available in a commonly shared language (such as English) for easier transfer to other EEA countries.
- Arrange good support and communication between MSA supplying and receiving data.
- Communicate good results and possible problems and barriers to the data supplier.
- Record inspection results in EU-wide databases e.g. ICSMS, in order to spread available data.
- Consider participation in exchange of EU experience and data (e.g. ADCO), and participation in EU projects, in order to strengthen the enforcement level.
- For improved cross-border cooperation in market surveillance, the MSAs can ask in which countries the product and its equivalent models are sold.
- For improved cross-border cooperation in market surveillance, the MSAs can ask in which country the manufacturer or importer is situated.

Part 2: Best Practice Guidelines

1.1 Scope of the EEPLIANT Guidelines

These guidelines have primarily been formulated based the experiences and analyses gained within the ECOPLIANT project[3]. This project collected and analysed existing practices used by major international and national MSAs for ecodesign market surveillance. At that time, project partners shared their own experiences and the project used an extensive survey to collect additional input from other EU/EEA MSAs. The project carried out a pilot action for coordinated market surveillance, including joint laboratory testing and document inspection actions, to practically assess the feasibility of the selected best practices. In addition, the findings were discussed during a series of training seminars held in 2014 for MSA personnel, in which both consortium members, Member States representatives and other EEA countries participated.
Based on those experiences, the original *Best Practice Guidelines for Coordinated and Effective Ecodesign Market Surveillance* were developed in ECOPLIANT.

The guidelines contained in this document primarily constitute a balanced and agreed summary of findings and recommendations included in seven different subtask reports[4] from ECOPLIANT. For a detailed description including the specific best practice recommendations, it is recommended to read the subtask reports that can be accessed from the URL addresses included in the appropriate sections of this document.

It is possible that material from the subtask reports will be directly included in a future issue of these guidelines. At that time, any specific requirements required for energy labelling will also be included.

References to energy labelling in this document have not been derived from ECOPLIANT nor based on the collective experience of the MSAs participating in EEPLIANT[5], so users are invited to provide feedback and advice for how these sections can be further developed.

The recommendations in these guidelines are not meant to infringe national legislation or national prioritisations. In addition, the recommendations are in many cases to be seen as *good practices*, and not always *best practices*, since it is not possible to define best practices that suit all Member States and all MSAs.

1.2 Existing literature for MV&E of EU product legislation

Monitoring, verification and enforcement (MV&E) activities for market surveillance is a complex and multi-faceted matter. To describe *all* aspects of market surveillance, and develop an overall guidance for best practice for MSAs, is not within the remits of this project. This project focuses only on the most relevant aspects of ecodesign and energy labelling market surveillance.

[3] The ECOPLIANT project was granted financial support by the IEE-programme in early 2012. The project consortium consists of eleven partners; most of them market surveillance authorities (MSAs) for Ecodesign and some of them agencies and policy makers. The partners come from Denmark, Finland, Germany, Hungary, Ireland, Italy, The Netherlands, Spain, Sweden and the UK. Project coordination was led by UK DECC.
[4] Available at http://www.ECOPLIANT.eu/wp2-reports-establish-best-practice/
[5] EEPLIANT partners come from: Austria, Belgium, Bulgaria, Denmark, Germany, Lithuania, Malta, The Netherlands, Poland, Slovenia, Sweden, UK. Project coordination was led by PROSAFE.

Much work in the area of MV&E has already been done for other EU product-related Directives, for example in the consumer product safety area. Market surveillance procedures for product safety and for product performance are not fully comparable or interchangeable, but there are many similarities.

PROSAFE[6] has published a book on Best Practice Techniques in Market Surveillance[7], known amongst PROSAFE members and market surveillance officers as "the Book". Although related to consumer products/product safety market surveillance, some of the best practices described in the PROSAFE book are relevant for ecodesign and energy labelling market surveillance, especially in terms of the general overview on procedures.

Another publication that deals with international best practices for market surveillance is *Compliance Counts: A Practitioner's Guidebook on Best Practice Monitoring, Verification, and Enforcement for Appliance Standards & Labelling*[8].

A third publication that provides more of an overview is the ISO (CASCO) guide *Principles and practices in product regulation and market surveillance.*[9]

1.3 Primary goal of the EEPLIANT Guidelines

The EEPLIANT project has limited its scope to develop and describe the best practice procedures that are specific for ecodesign and energy labelling market surveillance. By adopting this approach, EEPLIANT has tried to avoid duplication of existing and already documented experiences that have been developed by other projects/studies and give its valuable contribution by preparing reliable material on the specific issues related to ecodesign and energy labelling market surveillance.

The main focus of the EEPLIANT guidelines for coordinated and effective ecodesign and energy labelling market surveillance is:

- Organisation and strategy in national market surveillance
- How to establish inspection programmes
- How to select products for inspection
- How to identify EEA-wide product model numbers
- How to conduct label and document inspections
- How to conduct compliance verification laboratory tests
- Sharing of results amongst MSAs
- How to enforce the provisions of the ecodesign and energy labelling regulations

The EEPLIANT team believes that these guidelines will give valuable input to the MSAs on how to carry out national, but also EU-coordinated, effective ecodesign and energy labelling market surveillance activities.

[6] PROSAFE is a non-profit professional organisation for market surveillance authorities and officers from throughout the EEA.
[7] See: http://www.prosafe.org/read_write/file/EMARS_Best_Practice_Book.pdf
[8] Available at http://www.clasponline.org/~/media/Files/SLDocuments/2006-2011/2010-09_MVEGuidebookSingle.pdf
[9] http://www.iso.org/iso/casco_guide.pdf

1.4 The legal base

The general objective of market surveillance is to ensure that products placed on the Single market, put into service or made available, comply with applicable product-related legislation and that the products do not endanger health, safety or any other aspect of protection of public interests, e.g. energy efficiency. Market surveillance is carried out in a number of different areas, by different authorities and with backgrounds in different legislation.

Market surveillance is essential for the functioning of the Single Market in order to protect European consumers against risks presented by non-compliant products. In addition, market surveillance helps to protect responsible businesses from unfair competition by unscrupulous economic operators who ignore the rules.

There are a number of Directives and Regulations that form the legal base for market surveillance relevant to the guidelines in this document:

1.4.1 Regulation (EC) No 765/2008

General requirements for market surveillance on products available on the EU market are stated in the EU Regulation 765/2008 on accreditation and market surveillance[10].

1.4.2 The Ecodesign Directive for Energy-Related Products 2009/125/EC, the implementing measures and the national legislations transposing the Directive

The legal base for ecodesign market surveillance is found in the sectorial legislation, the ecodesign framework Directive[11] 2009/125/EC, and in the national legislation of Member States transposing the Directive. In addition, specific criteria that are essential for market surveillance can also be found in the implementing measures (regulations)[12].

Market surveillance according to the Ecodesign Directive is the responsibility of all Member States. Member States are requested to appoint national market surveillance authorities, as stated in Article 3(2):

> 2. Member States shall designate the authorities responsible for market surveillance. They shall arrange for such authorities to have and use the necessary powers to take the appropriate measures incumbent upon them under this Directive. Member States shall define the tasks, powers and organisational arrangements of the competent authorities which shall be entitled to:
>
> (a) organise appropriate checks on product compliance, on an adequate scale, and oblige the manufacturer or its authorised representative to recall non-compliant products from the market in accordance with Article 7;
>
> (b) require the parties concerned to provide all necessary information, as specified in the implementing measures;

[10] Regulation (EC) 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
[11] Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products
[12] http://ec.europa.eu/growth/industry/sustainability/ecodesign/index_en.htm

(c) take samples of products and subject them to compliance checks.

3. Member States shall keep the Commission informed about the results of the market surveillance, and where appropriate, the Commission shall pass on such information to the other Member States.

4. Member States shall ensure that consumers and other interested parties are given an opportunity to submit observations on product compliance to the competent authorities.

1.4.3 The Energy Labelling Directive for Energy-Related Products 2010/30/EU, the implementing measures and the national legislations transposing the Directive

The legal base for energy labelling market surveillance is to be found the sectorial legislation, the energy labelling framework Directive 2010/30/EU[13] and in the national legislation of Member States transposing the Directive. In addition, specific criteria that are essential for market surveillance can also be found in the implementing measures (regulations)[14] .

As stated in Article 3, the Member States are required to "regularly monitor compliance with this Directive" and the responsibilities of market surveillance authorities of the Member States include "Where there is sufficient evidence that a product may be non-compliant, the Member State concerned shall take the necessary preventive measures and measures aimed at ensuring compliance within a precise time-frame, taking into account the damage caused…Where non-compliance continues, the Member State concerned shall take a decision restricting or prohibiting the placing on the market and/or putting into service of the product in question or ensuring that it is withdrawn from the market. In cases of withdrawal of the product from the market or prohibition on placing the product on the market, the Commission and the other Member States shall be immediately informed."

1.4.4 The Ecodesign and Energy Labelling ADCOs

Ecodesign Market Surveillance Administrative Cooperation (Ecodesign ADCO) and its equivalent body for energy labelling are EU forums for cooperation between those national MSAs responsible for the market surveillance of products covered by Directive 2009/125/EC and its implementing measures, and Directive 2010/30/EU and its implementing measures. The two ADCOs meet separately (but normally on the same day in the same location as they have so many members common to both) twice a year to discuss experiences in market surveillance practices and review those issues for products covered by ecodesign and energy labelling regulations. All those responsible national market surveillance authorities of the EEA countries are asked to participate in the ADCO Groups and to share the outcomes of the meetings.

[13] Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products

[14] http://ec.europa.eu/growth/industry/sustainability/ecodesign/index_en.htm

2 Best Practice Guidelines

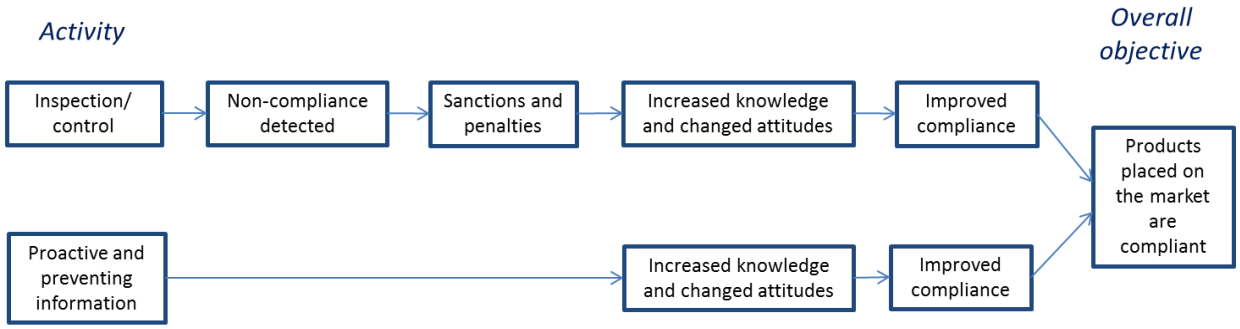
2.1 Organisation and strategy in national market surveillance

Member States are responsible for surveillance activities on their own territory. It is up to each MS to determine how to organise its market surveillance within the framework of the legislation. In this respect the adopted solutions vary among Member States:

- Some MS have delegated market surveillance responsibilities for a number of product related Directives and Regulations to one or more national market surveillance authorities. In such cases, it is possible that one authority is responsible for ecodesign, whist another is responsible for energy labelling.
- In some MS, the same Authority is in charge of both ecodesign and energy labelling market surveillance and energy (product) policy development.
- Others have organised the ecodesign and energy labelling market surveillance at regional level within one country – sometimes with a common national coordinator.
- And in others, the responsibility for ecodesign market surveillance is divided between two different MSAs, typically one for consumer products and one for industrial products.

MSAs can use in-house personnel for all market surveillance activities. Some MSAs do however also use the expertise of other public bodies, such as energy agencies and/or private sector subcontractors, for example when it comes to communication, technical expertise, document inspections and, of course, external laboratories for the testing of products.

In addition to inspection and control activities, many MSAs, as illustrated below, proactively inform manufacturers and their representatives or importers about the regulatory requirements that are in force or coming into force. This can be an effective way to improve compliance, especially when it comes to newly adopted regulations.



The role of proactive and preventative information activities in market surveillance

Examples of proactive information activities:

- Most commonly, MSAs hold information meetings, send out newsletters and publish guidelines on how to comply with the specific legislative provisions.
- Some MSAs issue brochures, guides and leaflets.

- Some MSAs work in cooperation with other public bodies such as Chambers of Commerce and national Agencies to disseminate information about the regulatory requirements for products.
- MSAs can make public announcements beforehand to inform manufacturers and their representatives or importers about planned market surveillance action(s), by e.g. publishing their yearly market surveillance programme on their website.

Example of current practice:

Spanish MSA cooperates with industry in order to achieve higher level of compliance

The Spanish Ministry of Industry, in collaboration with the Foundation for the Promotion of Industrial Innovation (FFII), develops and updates a public access information point about industrial legislation:

http://www.f2i2.net/legislacionseguridadindustrial/default.aspx

Additionally, the FFII teaches courses about the application of EU and national legislation to manufacturers and other stakeholders. These courses are co-financed by the Spanish Ministry of Industry. The courses include the information and figures of the most recent market surveillance activities in the Directive concerned and the general inspection plans of the year. This information includes only generic reference to the products inspected but not any specific data about the products inspected (brands, model numbers, importers, etc.).

Some manufacturer associations collaborate with the Spanish Ministry by the signature of an agreement where the association pays for the samples, tests in an independent and accredited laboratory and then transfers the test results as a complaint to the Ministry that follows the administrative procedure regarding complaints.

Some MSAs publish the results of market surveillance activities on their website or in other public forums. This can be a way of discouraging possible improper behaviour by economic operators and be seen as an extra sanction in case of non-compliance. Publication can be in the form of case-by-case-publications, sectorial reports or annual reports, all depending on national legislation and strategies.

Example of current practice:

Publishing results of market surveillance activities in the UK

The National Measurement and Regulation Office (NMRO) takes a considered view when deciding whether or not to publish results from market surveillance projects. When used correctly, the publication of results from market surveillance projects can be a meaningful sanction and so the decision to publish or not, must be based on a case by case basis and be proportionate to the offence, or level of non-compliance.

Results can be published via many formats e.g. news stories, press releases, reports etc. Where appropriate, press releases are developed with the economic operator in question. Regardless of the format, the NMRO has found that the most effective platform to use when publishing is the NMRO website. This allows greater control of content and of distribution.
Content can be passive (published online with no announcement) or it can be active (an e-alert sent to those which subscribe to the NMRO's Ecodesign pages). There are currently ≈3300 subscribers which comprise of consumer organisations, trade associations, manufacturers and media organisations. When used actively, subscribers can use content as they wish on their own 'third party' media platforms, which in turn enhance the impact of publishing results from market surveillance projects.

Since manufacturing is in many cases based outside of Europe, cooperation with Customs authorities can be an effective way to prevent non-compliant products from entering the EU-market. However, Customs often have other priorities and activities, which prevents them from questioning the compliance of imported products under the ecodesign and energy labelling legislation. It might however be useful to actively provide national

Customs authorities with simple guidance material about the regulations and relevant product requirements in force.

Harmonised EN test standards play a very important role in market surveillance[15]. Some MSAs take part in the national/EU or even international standardisation committees where these test standards are developed. The presence of MSAs can be useful to ensure that the testing conditions and measurement methods set out in the agreed standards can be cost effectively applied by MSAs.

Some MSAs take part in the national processes when new Ecodesign and Energy labelling regulations are implemented and national positions are established. Representatives of other MSAs participate in the meetings where ecodesign requirements are discussed and agreed among EU co-legislators. MSAs can provide important input to the regulatory process e.g. to ensure new regulations are clear, consistent and enforceable. MSAs can also provide guidance regarding mandates for standardisation.

2.1.1 Recommendations for MSAs

- *Each Member State should consider how to organise its market surveillance in order to make it most appropriate for the specific national conditions.*
- *MSAs should consider whether in-house personnel should be used for all market surveillance activities or if external expertise should be used.*
- *MSAs should consider whether proactive and preventative activities should be carried out in order to inform manufacturers, their representatives and importers about the regulations that are in force or will come into force.*
- *MSAs should consider if the results of market surveillance activities should be published or made publicly available in other forms.*
- *MSAs should consider how to cooperate with national Customs authorities in market surveillance.*
- *MSAs should consider being involved in national (and EU or even international) standardisation committees for the development of EN test standards for harmonisation.*
- *MSAs should consider taking part in the formulation of a national position on proposed new legislation, especially regarding enforceability.*
- *MSAs should cooperate and provide each other and the Commission with information in order to assist the application of these Directives e.g. through the ADCOs and by electronic means of communication.*

[15] The European Commission provides a broad range of guidance relevant to the use of test standards by authorities. http://ec.europa.eu/growth/single-market/european-standards/vademecum/index_en.htm

2.2 How to establish Inspection Programmes

Within these Guidelines, the expression "national inspection programme" is used to indicate a number of actions that go beyond product testing. An Inspection Programme can in fact be done at different levels including quick technical inspection, document(s) inspection, visual product checks, visual label checks, product laboratory testing, and also other surveillance activities.

There are a number of different aspects for MSAs to consider when establishing national inspection programmes e.g. resources available, consumer behaviour, national priorities, but also aspects like coordination of inspection programmes within and outside their own country, use of test laboratories, sharing of inspection results and the possibilities for third party funding.

More detail on the recommendations can be found in http://www.ECOPLIANT.eu/wp-content/uploads/2013/10/D1.4-Testing-Programmes-and-Full-Compliance-Testing-Activities.pdf

2.2.1 Development of national inspection programmes

When developing a national inspection programme, detecting non-compliant products is the main objective. However, each individual MSA might also see additional desired outputs of such programmes.

Article 3 (2) of the Ecodesign Directive states that:

> Member States shall designate the authorities responsible for market surveillance. They shall arrange for such authorities to have and use the necessary powers to take the appropriate measures incumbent upon them under this Directive. Member States shall define the tasks, powers and organisational arrangements of the competent authorities which shall be entitled to:
>
> (a) Organise appropriate checks on product compliance, on an adequate scale, and oblige the manufacturer or its authorised representative to recall non-compliant products from the market in accordance with Article 7;
>
> (c) Take samples of products and subject them to compliance checks.

Therefore, national inspection programmes should be designed and developed to detect non-compliant products that are in the market. Factors such as national legislation, priorities and available resources then lead to the specific approach and procedures defined in each country by the national MSA(s).

Although the Energy Labelling Directive does not describe exactly the same requirements as the Ecodesign Directive, it is implicit within its content (particularly Article 3) that market surveillance must take place, since the Energy Labelling Directive requires that every Member State "shall submit a report to the Commission including details about their enforcement activities and the level of compliance in their territory" – every 4 years.

When developing national inspection programmes, MSAs should focus attention both on the desired *outcome* (result) of the programme and *content* of the programme.

There are several outcomes that can be considered and expected from a national inspection programme:

1. To detect non-compliant products
2. To ensure that detected non-compliance is dealt with by appropriate enforcement actions
3. To establish levels of compliance in order to get an overview of the market or for any other kind of data collection
4. To use non-compliance (suspected or confirmed) as a means to start a dialogue in order to engage industry or business.

There are different compliance verification methodologies that can be applied to achieve the expected outcome. Those that should be considered for the national inspection programme are:

- Checks on declarations made on energy labels affixed to products on display or described in catalogues or internet pages (this requirement is only applicable to Energy labelling)
- Visual product checks (in situ/in laboratory)
- Checks of other requirements e.g. document inspection or information requirements, or the application of screen testing[16]
- Compliance testing according to the relevant EU legislation procedure

Once the intended outcome and associated methodology have been established, there are several factors that may help to determine the content of the inspection programme i.e. what should actually be inspected, when, by whom and on what grounds. For example, product category(s) with a history of non-compliance can be targeted, or products covered by new legislation, or products with high energy consumption. Additional information on this issue can be found in Chapter 2.3.

Any inspection programme should include a strategy for disposal of products taken from the market after their verification checks/testing has been conducted. Considerations should not only be based on national legislation and/or policy but also where disposal to waste is necessary, in keeping with the intent of the WEEE Directive.

2.2.1.1 Recommendations for MSAs

- *National inspection programmes should be designed and developed to effectively detect non-compliant products that have been or are being placed on the market*
- *When developing a national inspection programme:*
  - *Ensure that there is a clearly defined desired outcome (what would you like to achieve)*
  - *Ensure that there is a clearly defined desired content (which product categories and specific products to select)*
  - *Ensure that there is methodology to develop content (what methods should be used: shop visits, internet searches, visual inspections, document inspections, testing)*
  - *Ensure that there is a suitable disposal strategy in place.*

[16] The definition of screen testing is given in Chapter2.3.

2.2.2 Coordination of inspection programmes

Coordination of inspection programmes between MSAs can use the available resources much more efficiently. This can be done between national MSAs, e.g. MSAs responsible for different product directives e.g. energy labelling, RoHS and/or LVD-directives etc. and/or among regional MSA, or EU-wide, e.g. between Ecodesign/Energy labelling MSAs (such as in ECOPLIANT and EEPLIANT). Sharing details of planned inspection programmes is not a legislative provision of the Directives, although sharing results on non-compliant products is mandatory. Many MSAs however currently share additional information in order to meet mutual objectives. Coordination opportunities might for example occur via the ADCOs or on a regional level through the types of programme coordinated by PROSAFE.

Sharing information, programme coordination and further collaboration amongst MSAs provide numerous benefits, e.g. increased capacity and skills building, cost savings and better access to laboratory facilities. There are some practical opportunities and tools for sharing of information between MSAs. A number of support systems are in place for MSAs at EU level, such as the Ecodesign and Energy labelling ADCOs, Circabc and ICSMS. More information regarding platforms where ecodesign and energy labelling data can be shared is given in Chapter 2.8.

There can be barriers to an effective coordination of inspection programmes. These can be typically explained by the following factors, which should be addressed if coordination of inspection programmes is to be achieved:

- Defined objectives: the purpose of sharing information about planned inspection programmes should be set and agreed among participants. The task is to arrive at coordination (or at a coordinated planning) of the inspection programmes.
- Detail: the level of detail (e.g. product category or model specific) to be shared, as this may impact on resources requested from each participant of a coordinated inspection programme.
- Confidentiality: ownership and access to data should be established and agreed in advance.
- Communication: contact points should be appointed to ensure proper communication and data flow and that any changes to inspection programmes are rapidly shared.
- Time constraint: careful time consideration and appropriate process planning is needed for establishing national inspection programmes.
- Flexibility: the capability of each partner to positively manage changes in the initial process planning should be considered, since it varies between countries.

Example of current practice:

Sharing inspection programmes and data among the Nordic countries

The Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) have had a close cooperation in Ecodesign and Energy labelling market surveillance since 2011. As the Nordic markets for products often have the same manufacturers, importers and products, the conditions for market surveillance cooperation are good. All market surveillance officers in all five countries have some involvement in the cooperation. As a part of this, the countries exchange their yearly market surveillance plans. So far, the plans have been shared by e-mails, but recently a web service has been set up for sharing information.

By sharing market surveillance programmes, common inspection areas are identified at an early stage. If two or

more countries have decided to test the same product category, reconciliations are made to avoid selecting the same product models. The results of inspections are also shared. Because the Nordic market is fairly homogenous, there have been cases where non-compliant products have been withdrawn in several Nordic countries based on test results from just one country.

Example of current practice:

National-wide UK coordination

The National Measurement and Regulatory Office (NMRO) is an Executive Agency for the Depart of Business Innovation and Skills that enforces six EU Directives within the UK that are the responsibility of four different Government Departments. Responsibility for some Directives within the UK is also further 'split' between different authorities. For example, the Energy Labelling Directive is split between three UK authorities. Coordination (whether formal or informal) is therefore vital.

A key component of this is via the UK Market Surveillance Co-ordination Committee (MSCC). Membership of the MSCC is open to relevant government departments and agencies, public authorities, co-ordinating and professional bodies engaged in or with a policy interest in the market surveillance of products or border controls in the UK. Through the MSCC, best practice is shared and developed through the participation of joint actions and projects. The aim of this group is to take a co-ordinated and strategic approach to Market Surveillance policies and practices for products that are marketed in the UK and subject to Community harmonisation legislation or the General Product Safety Directive. The group therefore fulfils the function of a communication and co-ordination mechanism as envisaged by Article 18(1) of Regulation (EC) No 765/2008 (setting out the requirements for accreditation and market surveillance relating to the marketing of products - RAMS).

2.2.2.1 Recommendations for MSAs

- *When coordinating inspection programmes, ensure that existing opportunities – EU-wide and regional - are identified and taken advantage of.*
- *When inspection programmes are written in national languages, ensure that there is a comprehensive summary in a widely shared language, for example English.*
- *Ensure also that barriers are identified and properly managed before coordinated inspection programmes are planned and developed.*

More detail on the recommendations can be found in http://www.ECOPLIANT.eu/wp-content/uploads/2013/10/D1.2-Document-Inspection.pdf

2.3 How to select products for detailed inspection

Ecodesign and energy labelling MSAs have to deal with a wide range of product categories and brands and models. Therefore, it is necessary for the MSAs to carefully select products to be inspected. There are different techniques to use when selecting products. These have different benefits and effectiveness, depending on the specific objective of the inspections.

Product selection criteria can be divided into two main groups. Both give a different outcome:

1. "random or statistical based approach"
2. "targeted approach" (mostly risk-based sampling)

The product selection should be justifiable on a number of grounds. To avoid criticism or bias, "guidelines" detailing the criteria used for targeting products should be developed and published by the MSAs.

Risk-based sampling is a selection approach for products, brands and/or models based on a set of factors related to a perceived increased risk of failing the compliance requirements. In general, it is more common to select products according to a set of criteria rather than choose a random sample for testing – especially where resources e.g. budgets for testing, are constrained. However, examples do exist of the combination of the random and the targeted approach for products selection.

Random selection is typically made when there is no data available or the MSA has no previous experience of that product sector or regulation. Sometimes it includes previously "good" manufacturers, who have not had any products tested for some time.

The following selection criteria have been found to be frequently used by Ecodesign MSAs (and are expected to be equally applicable to energy labelling):

- New legislation has come into force
- Product sectors with high energy consumption
- Product category with a history of relative high levels of non-compliance
- Product category involved in international complaints.
- Product category with new technology being used

For brand selection, MSAs can use the following criteria:

- Brand with a history of non-compliance
- Brand involved in international complaints
- Brand with a high market share
- Brand in low price segment of the market.

When it comes to model selection, MSAs have considered the following criteria to be of most importance:

- Model highlighted by other Member State complaints

- Model highlighted by intelligence or complaints from consumer groups and/or individuals
- Model for which the technical documentation indicates possible risks for technical non-compliance
- Model highlighted from findings of other organisations i.e. environmental NGOs, EU projects, etc.
- Model with high market share, new technology, smaller size, unusual design features

In addition, some MSAs also have sampling strategies for the selection of the individual samples of the models that are to be inspected. Preferably, these should be randomly chosen and picked-up by the MSAs to make sure that they are not "special" or "premium" units.

Screening techniques are one of a number of tools to aid the selection of products with a higher probability of being non-compliant. A working definition for screening tests based on that used previously in the ECOPLIANT project is: *"preliminary low cost test, used to assess the likelihood that a model will fail full compliance testing, before deciding whether to proceed with the full compliance testing in appropriately skilled/accredited laboratories. Screening tests can be carried out in the field or by MSA personnel, rather than in a sub-contracted laboratory where all relevant parameters could be controlled".*

Examples of screening techniques that have been applied by some MSAs are:

- In situ/in shop measurements of "standby" power consumption of specific electrical household and office equipment in order to select products for further compliance verification.
- Using simple test equipment for the measurement of the power consumption of electric power supplies, standby regulation products, simple set-top boxes and TVs.
- Use of simplified versions of the harmonised EN standards.

It should be emphasised that a screening test is not the same as Step 1 of the EU verification procedure[17]. Assuming no non-compliances have been detected in the technical documentation provided by the supplier following a request from a MSA, then formal MSA actions against economic operators can only begin following the results of the two Step procedure described in the EU ecodesign and energy labelling legislation. The results of screening tests can, however, be used to initiate an informal dialogue with the manufacturer. Screening test results can initiate a closer inspection of the individual model's official documents. Likewise, the documental inspection can lead to a screening

[17] The EU ecodesign and energy labelling implementing measures (often a "Commission regulation") establish the procedure to be followed by MSA when verifying (i.e. measuring the energy efficiency performance) the compliance of products placed on the market or put into service. For the vast majority of products, a two Step procedure is foreseen: in Step 1, one unit of the model under investigation is purchased from the market and is tested in a laboratory according to the relevant (harmonised) standard. If the value(s) of the measured parameters are within the permitted tolerance with the declared value(s), the model passes the test and is consider compliant with the pertinent legislation. Otherwise, 3 additional units are again selected from the market and tested and the average of the measured parameters is again considered against the permitted tolerance. An exception is light sources, where a one-step only approach is defined.

test that in turn may highlight a higher risk of non-compliance and suggest a compliance verification procedure be taken forward.

2.3.1 Recommendations for MSAs

- *Effective product targeting is especially important when legislation covers such a large number of product categories.*
- *Well-thought-out targeting techniques should be applied when selecting product categories as well as brands and models for compliance inspection.*
- *Specific criteria ('risk factor') to select product categories, brands and specific models for compliance inspection can be applied. Important selection criteria for MSAs are:*
    - *High energy consumption and new legislation covering a product.*
    - *High market share and history of non-compliance for brands.*
    - *Other Member State or international complaints.*
    - *Ambiguities in the supplied technical documentation.*
- *Product targeting must be justifiable. In order to avoid criticism or bias, "guidelines" detailing the criteria used for targeting products should be published by the MSAs.*
- *If resources permit, random and targeted product selection can be successfully combined with a market share approach.*
- *Product documentation inspection can be used as a product targeting technique prior to laboratory test. See Section 2.6.*
- *Complaints or reports or other forms of intelligence from external parties about possible non-compliant products can be an important targeting method.*
- *Screening tests can be a targeting tool for the selection of products with a higher probability of being non-compliant. Screening tests should however not be used to start any formal action against economic operators.*
- *The specific samples selected for testing need to be randomly chosen and picked-up by MSAs. They should be representative of what is being supplied to the market. If samples are obtained directly from the producer, MSAs must ensure that the samples chosen are not specially prepared "premium" units.*

More detail on the recommendations can be found in http://www.ECOPLIANT.eu/wp-content/uploads/2013/10/D1.3-Product-Targeting-Techniques.pdf

2.4 How to identify EEA-wide product model numbers

Under current EU market conditions a specific product model (appliance) is sometimes sold under different model numbers and different trademarks, even if they are technically the same product.

Products can be stated as "equivalent" by the manufacturer/importer if they have only aesthetic differences, different trademarks or different model references or commercial code numbers, but are equal regarding the technical characteristics (volume, size, load, energy & water consumption, efficiency, functional performance, etc.) and the applicable requirements of the relevant implementing Regulation. In this case, this equivalence has to be stated in the technical documentation issued by the manufacturer/importer.

The documentation supplied by the manufacturer can also refer to a "basic model" of the product. The "basic model" in this respect means the model that has actually been tested and from which test reports, calculations and information of other models derive.

Manufacturers' use of different trademarks and different model identification for equivalent products is a substantial barrier for increased coordination of market surveillance activities across the EU.

Annex VI of Ecodesign Directive 2009/125/EC requires the following product information to be available to the MSAs:

- the name and address of the manufacturer or of its authorised representative;
- a description of the model sufficient for its unambiguous identification

Some implementing measures (Ecodesign Regulations) include additional guidance on how the manufacturer should address the issue of equivalent models.

Article 5 (b) (iv) of the Energy Labelling Directive 2010/30/EU explicitly defines this requirement of the supplier provided documentation "where values are used for similar models, the references allowing identification of those models."

MSAs can request the relevant information of equivalent models and basic models. This information needs to be provided by the manufacturer or importer to comply with the requirement of an unambiguous identification. The information should be included in the technical file as an "identity declaration". This declaration should be made available "electronic…within 10 working days…of a request.." (Article 5(c) Energy labelling Directive - 2010/30/EU) and identify:

1. all equivalent models under the same or different trademarks placed on the Community market that are covered by the same technical file.
2. different models that are derived from the same "basic model" (when applicable): the way the specific information for a model is derived (e.g. via engineering calculations) from the test report of another model of the same product (the basic model) shall be described by the manufacturer/importer and be included in the documentation.

The identity declaration can be a part of the technical file or a separate document.

2.4.1 Recommendations for MSAs

- *MSAs should request information of equivalent models from the manufacturer or importer.*
- *MSAs should request information of products whose technical documentation is derived from the same "basic model" from the manufacturer or importer (when relevant).*
- *In order to identify the equivalent models and models whose technical documentation is derived from the same "basic model", the following documents can be requested:*
    - *Identity declaration. To establish the appliances covered by the same technical file (equivalent models) and/or those derived by calculation from the same "basic model".*
    - *Test reports. To identify the basic model.*
    - *Calculations. To justify the changes, if any, in the nominal values of some models with respect to the test report of the basic model.*

More detail on the recommendations can be found in http://www.ECOPLIANT.eu/wp-content/uploads/2013/10/D1.1-Identifying-EU-wide-Product-Model-Numbers.pdf

2.5 How to conduct a label inspection

Products regulated under the Energy labelling Directive 2010/30/EU need to have a label and a fiche in accordance with the Directive. Additionally, those products need to have a technical documentation file, consisting of documents relating to the conformity assessment that has been carried out by the manufacturer, making it possible for an assessment of the conformity of the product with the requirements of the Directive and the relevant product specific regulation. See Section 2.6 for more details on technical documentation.

Regulated products shall have information relating to the consumption of electric energy, other forms of energy and, where relevant, other essential resources during use. This and supplementary information is, in accordance with the relevant delegated acts under this Directive, brought to the attention of end-users by means of a fiche and a label related to products offered for sale, hire, hire-purchase or displayed to end-users directly or indirectly by any means of distance selling, including the Internet.

The label and fiche need to fulfil the applicable requirements; otherwise the product does not meet the requirements of its corresponding regulation. Most of these requirements can be checked by a visual examination of the information displayed on products at the point of sale or in catalogues, internet web pages and advertising materials. MSA staff will need to travel in order to inspect products at the point of sale. However, as there can often be a range of products available for inspection at a single location, then this form of market surveillance can be a cost effective activity.

Two parties share responsibility for ensuring that the label and fiche are available for examination by the end user - the supplier for making the necessary information available and the sales organisation (if different) for ensuring the information is correctly displayed. Experience has shown that the failure to display the correct information is more often traced to the actions (or lack of actions) by the sales organisation. This is a factor to consider when planning a label inspection programme where extra attention may be given to sales organisations with:

- A history of non-compliance.
- Selling product categories with a history of relative high levels of non-compliance.
- Selling products where new legislation has come into force.

2.5.1 Recommendations for MSAs

- *Label inspection is an important part of market surveillance and should be considered when establishing national inspection programmes.*
- *Label inspection can be a stand-alone activity: if the content of the label and fiche of a product do not meet the requirements of its corresponding regulation, then there is a non-conformance with the relevant implementing measure under the Energy labelling Directive.*
- *It can also aid the selection of models for further compliance verification through document inspection and laboratory testing.*

- *Before starting a label inspection, the required content of the label and fiche need to be clarified according to the relevant implementing regulation(s).*

2.6 How to conduct document inspection

Products regulated under the Ecodesign Directive 2009/125/EC and the Energy labelling Directive 2010/30/EU need to have a technical file, consisting of documents relating to the conformity assessment that has been carried out by the manufacturer, making it possible for an assessment of the conformity of the product with the requirements of the directive and the relevant product specific regulation.

The technical documentation file consists of a number of documents, depending on the type of product. Requirements on the content of the technical documentation can be found in both Directives and in the product specific implementing regulations. Typically, the technical documentation should include: test reports, technical information, calculations, a list of equivalent models (asked for by some implementing regulations and the Energy labelling Directive 2010/30/EU) and of the appliances covered by the same technical file (identity declaration). Additionally, for products covered by the Ecodesign Directive 2009/125/EC, the product should have an EU-declaration of conformity issued where the manufacturer or its authorised representative declares that the product complies with all relevant provisions of the applicable regulation(s).

The technical documentation file needs to fulfil the applicable requirements; otherwise the product does not meet the requirements of its corresponding regulation. Therefore, document inspection is an important methodology for market surveillance, often relatively inexpensive to perform, and should be considered when establishing national inspection programmes (see Section 2.2

How to establish Inspection Programmes). Note that compliant documentation does not necessarily mean a technically compliant product.

Example of current practice:

Checking of CE marking and Declaration of Conformity (DoC) in Finland

Tukes: Finnish Safety and Chemicals Agency (Tukes) has very limited funds for market surveillance, thus they often prefer document control instead of expensive tests, especially when dealing with bigger products. The easiest form of document inspection is to check the markings of the product (if there is access to the physical product) and to ask for the EU Declaration of Conformity (DoC). We think that if the product does not have CE marking and/or DoC, the economic operator is clearly not aware of the requirements of EU regulations, and the products need to be banned without any other proof of non-conformity. However, if there is some kind of effort put on the matter, but things are not exactly right (e.g. the C and E are too close together, DoC doesn't have all the required information) then we just notify the economic operator about the flaws and ask them to fix them.

One important part of our job is to educate the Finnish manufacturers, importers and retailers. As part of this we have made different type of guides and even examples of DoCs. These can be found from our web page: http://www.tukes.fi/en/Branches/Electricity-and-lifts/Electrical-equipment/EC---Declaration-of-Conformity/

Example of current practice:

Denmark uses document inspection as means to select models for lab testing

Laboratory testing of products according to ecodesign-regulations can be an economic burden for MSAs. Thus, it can be a good idea to target the laboratory tests in order to reserve laboratory tests just for those models with a well-founded suspicion of non-compliance. The Danish Market Authority usually begins inspection of a product series by conducting document inspections of several models. In cases where the documentation is clearly non-compliant, the product does not comply with the applicable regulation and actions can be taken directly. However, in many cases, the formal non-compliance cannot be established, but the MSA has a well-founded suspicion upon which to base the further enforcement activities.

On the basis of the information obtained from the document inspection, a subset of the inspected models is chosen for lab tests. When selecting models for lab tests on this basis, the following factors are inter alia taken into account:

- Models, which according to the results from the document inspections are clearly non-compliant, are excluded from laboratory tests.
- The brand’s performance in previous inspections
- Overall impression of the presented documents (credibility, transparency, issuer of documents)

Example of current practice:

Document inspections in Spain

The procedure for conducting document inspection by one of the regional authorities in Spain is the following:

An inspector visits some shops and he selects some appliances. In the shop, he takes some pictures of the appliance, the energy label and requests to the seller the available documentation for the consumer.

Alternatively, when there is a specific complaint against a product that is sent to the Authority, the inspectors look for this product in the market and proceed as above. In some cases when the complaints come from other manufacturer, the inspector selects a similar product from the manufacturer that issued the complaint to be checked in the same way.

Later, the authority sends a written communication to the manufacturer that specifies the minimum content of the documentation requested (test report, declaration of conformity, etc.) and the measured technical parameters values that must be found in that documentation.

The documentation sent by the manufacturer is analyzed by the MSA and particularly it is checked that the rated values are suitably justified by the measured values of the test reports. In parallel, the manufacturer is officially asked about all the models covered by the same documentation in the Spanish market in order to ask for solutions for all of them when necessary.

2.6.1 Recommendations for MSAs

- *Document inspection is an important part of market surveillance and should be considered when establishing national inspection programmes.*
- *Document inspection is a stand-alone activity: if the documentation of a product does not meet the requirements of its corresponding regulation, the product does not comply with the relevant implementing measure under the Directive.*
- *It can also be used as a method to select products for further compliance verification through laboratory testing.*
- *It is essential to define harmonised rules for inspections, including document inspections, for all the Member States. Otherwise, with different rules and procedures, the same manufacturer/importer could send the same documentation to different national MSAs in the same or different countries and find it was only accepted in some of them.*
- *Before starting, the minimum content of the documentation and the rated and measured values to be provided according to the relevant implementing regulation(s) need to be established.* NOTE: it is hoped that these will eventually be provided in the product specific DRPIs in ICSMS – though this is not currently the case.
- *The technical documentation file should include a list of all equivalent models of all products covered by the same technical file (identity declaration) and of the products where the same basic model is used to derive compliance by calculation or interpolation.*

It is necessary to check that the manufacturer has not used measurement tolerances prescribed in the legislation to achieve a more favourable score or classification than the test reported in the documentation.

More detail on the recommendations can be found in http://www.ECOPLIANT.eu/wp-content/uploads/2013/10/D1.2-Document-Inspection.pdf

2.7 How to conduct compliance verification laboratory tests

The technical product compliance is determined through measurements done in test laboratories following harmonized EN standards or transitional method(s) published by the European Commission.

There are a number of different issues for MSAs to consider when conducting compliance tests e.g. the use of qualified test laboratories, sharing of test results and possibilities for third party funding.

2.7.1 Compliance verification through laboratory testing activities

The purpose of this section is to describe how laboratories in the EEA should be used by MSAs for testing according to the verification procedure defined in the EU Ecodesign and Energy labelling legislation.

The importance of accurate measurements in relation to these Directives is stressed throughout the product specific implementing measures, which state that:

> *"Measurements of the relevant product parameters should be performed using reliable, accurate and reproducible measurement methods, which take into account the recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies..."*

The verification of product compliance through laboratory testing and the function that laboratories play in delivering reliable and accurate results is therefore central to the effective enforcement and success of these Directives. When selecting laboratories for testing, many MSAs base their choice on criteria such as established expertise, reliability of results, accreditation, available budget and services offered.

Accreditation to EN 17025 for the specific test programme signifies that the laboratory has some level of experience for making the necessary tests. Although this is no guarantee of expertise, it is viewed by many MSAs as an essential requirement for laboratory selection.

When conducting verification testing, the usability of results should always be a consideration. Mutual recognition, which means the increased use and acceptance of results from qualified (and accredited) laboratories, including results from laboratories in other countries, is one way of achieving this.

If there are no suitably skilled test laboratories in their MS, some MSAs manage the testing to take place in another country through one their own national laboratories. That can enable expert supervision of the non-national laboratory and can ensure that the test reports are translated into the correct language for the MSA.

2.7.1.1 Recommendations for MSAs

- *The technical product compliance should be determined through measurements done in test laboratories following harmonized EN standards or transitional method(s) published by the European Commission*

- *When selecting laboratories, consider accreditation, competence and reliability of test results.*
- *When selecting laboratories, the following practical considerations should also be made:*
  - *Clear objectives, including the applicable verification procedure/harmonised standard to be used*
  - *Legal considerations, e.g. handling of evidence in line with national processes*
  - *Financial planning*
  - *Contingency planning, e.g. in the event of unforeseen circumstances*
  - *Commercial incentives, e.g. when some laboratories require guarantees of work to ensure that acquiring accreditation is commercially viable*
  - *Mutual recognition of the test results by other MSAs in other Member States*
  - *Labs should not have contracts with manufacturers, importers or dealers of the products to be inspected*

2.7.2 Third Party Funding

The monitoring, verification and enforcement of these Directives requires resources (human, financial, time). In some cases, MSAs may not have all such resources making market surveillance almost impossible and as consequence putting at risk the Directives' intended economic and environmental benefits. Some MSAs consider funding by third parties as a way to enlarge the available economic resources for laboratory testing.

A third party can be described as any private or public subject not directly involved in market surveillance e.g. trade associations, industry or grants, and other funding initiatives including European Commission's co-funded projects, such as ECOPLIANT and EEPLIANT. There are several opportunities for third party funding which include but are not limited to the following:

- Regulatory: Some MSAs have powers that allow for the recovery of testing and other costs from suppliers of noncompliant products.
- Industry Cooperation: Some MSAs strive to build successful and proactive relationships with industry in order to develop and progress market surveillance projects that are mutually beneficial to both parties. Cooperation can come in many guises: direct funding (subsidies), indirect funding (access to human or laboratory resources) and shared work.
- EU Programmes: Third party funding can also come via programme initiatives such as the Horizon2020 programme that is funding the EEPLIANT project.

2.7.2.1 Recommendations for MSAs

- *Different third party funding models can exist and can be used by MSAs as part of a balanced approach to raise financial resources in the context of national market surveillance actions.*
- *However, regardless of the model or models used, it is essential that a MSA retain the following characteristics as these factors help to support the operational effectiveness and efficiency of market surveillance:*

- *Independence*
- *Transparency*
- *Impartiality*
- *Objectivity.*

The recommendations laid out in this section are described in detail in http://www.ECOPLIANT.eu/wp-content/uploads/2013/10/D1.4-Testing-Programmes-and-Full-Compliance-Testing-Activities.pdf

2.8 Sharing of inspection results amongst MSAs

Market surveillance, both at national and cross border level, can only be truly successful when public authorities cooperate and share information. Ideally, results from national inspections should be shared between MSAs whenever possible. This relates to label and document inspections and compliance verification laboratory test results. Although preliminary screening test results can also be shared, the intrinsic unknown reproducibility and lower reliability of such results makes them less usable for some MSAs. The results of product targeting can also be shared, in order to coordinate the efforts of different MSAs towards more risky products.

The concept of exchanging information is one of the guiding principles of Regulation (EC) 765/2008 which sets out the mandatory requirements for accreditation and market surveillance relating to the marketing of products. It is also a requirement under Article 12 of the Ecodesign Directive and of Article 3 of the Energy labelling Directive. Both Directives states that Member States are required to keep the Commission and, where appropriate, other Member States informed of their market surveillance results and specifically that "in cases of withdrawal of the product from the market or prohibition on placing the product on the market, the Commission and the other Member States shall be immediately informed".

The desired outcome of the coordination and sharing of information regarding product inspection results is to create a collaborative approach to market surveillance. A collaborative approach ensures most effective use of resources amongst MSAs, avoids duplication of work and demonstrates to economic operators that compliance is a pan-European requirement, although addressed at national level.

Among MSAs that are sharing test results, the information is normally shared as soon as the process has ended or the non-compliance has been confirmed.

There are some practical opportunities and tools for sharing of test results. A number of support systems are in place for MSAs at EU level:

- ADCO: Member States are obliged to appoint MSAs in directive specific Administrative Cooperation (ADCO) Working Groups. The Ecodesign ADCO is currently (2015) chaired by the UK and meets twice a year as a forum for MSAs to exchange information and best practices. The Energy Labelling ADCO meets in a similar manner. Subject to agreement, the two ADCO are set to merge.
- Circabc: The Communication and Information Resource Centre (Circa) is an electronic workspace developed by the Commission to enable secure sharing of documents for the various ADCO and other working or interest groups.
- ICSMS: Information and Communication System for Market Surveillance –a database maintained by the European Commission. All MSAs are obliged to use it to record information on products that present a risk as specified in Regulation 765/2008. ICSMS has so far generally been used more for recording market surveillance associated with product safety but the Commission has recently stated that ICSMS should also be used for recording of data regarding Ecodesign and Energy labelling.

A further use of ICSMS is to use it to notify the intention of passing the responsibility for dealing with a non-compliance to another MSA. This feature "passing the baton" can apply where another MSA is better placed to deal with the non-compliance, perhaps because they have specialist experience or perhaps because the headquarters of the supplier or manufacturing plant of the product is based in their territory.

- The ECOPLIANT database for ecodesign data: This online information repository allows all Ecodesign MSAs to upload and communicate detailed results with each other. Approximately, 150 products from a number of different product categories have been uploaded by the partner MSAs. The ECOPLIANT database was originally built as a standalone Ecodesign-specific system and was not intended as a replacement for ICSMS.
- RAPEX: The EU Rapid Alert System (RAPEX) is a system used to facilitate the rapid exchange of information and actions by MSAs to prevent or restrict products which present a serious risk to the health and safety of consumers. It is normally not relevant for Ecodesign and Energy labelling aspects.

NOTE 1: It had been intended to enable the ECOPLIANT database to also be used for energy labelling purposes. There is a budget dedicated to supporting this in the EEPLIANT project and the upgraded database will be made available to all EEPLIANT participants if the necessary developments become incorporated into the database (but see NOTE 2)..

NOTE 2: Since the use of both the ECOPLIANT and ICSMS databases can cause resourcing issues for MSAs, a review is being undertaken of the interface options and capabilities between ICSMS and the ECOPLIANT database. It is possible that the two systems could merge or automatically communicate with each other to minimise input workload for MSAs though it is more likely that ICSMS will be further developed to include the additional features of the ECOPLIANT database. If so, ICSMS is expected to be used in place of the ECOPLIANT database.

2.8.1 Recommendations for MSAs

- *Fulfil legislative obligations (European and national) relating to the exchange of information when carrying out market surveillance*
- *Make use of existing common and accessible formats or platforms:*
  - *ICSMS could be used for sharing case data, especially regarding non-compliant products.*
- *Consider security and confidentiality issues which may restrict the sharing of information. Note that ICSMS and the ECOPLIANT/EEPLIANT are intended as secure databases that are only accessible to MSAs.*
- *A register of MSA contacts should be created and maintained if successful communication is to be achieved.*

The recommendations laid out in this section are described in detail in http://www.ECOPLIANT.eu/wp-content/uploads/2013/10/D1.6-Sharing-Data-Between-Member-States.pdf

2.9 How to enforce the provisions of the ecodesign and energy labelling regulations

Enforcement is the action taken by the market surveillance authorities against manufacturers and importers of non-compliant products. Enforcement relies on transparent and rigorous product inspection. Investment in this effort is necessary in order to protect market and consumers against non-compliant products.

The legal enforcement systems for ecodesign vary between EU Member States. In the Ecodesign Directive, some general requirements are set out in Articles 3 and 7. The requirements, which are less specific in the Energy labelling Directive, are primarily set out in Article 3.

Ecodesign Directive…Member States should ensure that the necessary means are available for effective market surveillance. Member States shall take all appropriate measures to ensure that only products come on the market that comply. They shall designate the authorities responsible for market surveillance. They shall arrange for such authorities to have and use the necessary powers to take the appropriate measures incumbent upon them under the Ecodesign Directive. Member States shall define the tasks, powers, and organizational arrangements of the competent authorities which shall be entitled to e.g.

- organize appropriate checks
- requires the parties concerned to provide all necessary information
- take samples of products and subject them to compliance checks.

Where a Member State ascertains that a product is not compliant the manufacturer shall be obliged to make the product comply with the provisions of the applicable implementing measure. Where there is sufficient evidence that a product might be non-compliant, the Member State shall take the necessary measures which, depending on the gravity of the non-compliance, can go as far as the prohibition of the placing on the market of the product until compliance is established.

In case of prohibition or withdrawal from the market, the Commission and the other Member State shall be immediately informed. Any decision by a Member State pursuant to the Ecodesign Directive which restricts or prohibits the placing on the market and/or the putting into service of a product shall state the grounds on which it is based. Such decision shall be notified forthwith to the party concerned, who shall at the same time be informed of the legal remedies available under the laws in force in the Member State concerned and of the time limits to which such remedies are subject.

Member States should determine the penalties to be applied in cases of non-compliance; these penalties should be effective, proportionate and dissuasive, taking in account the extent of the non-compliance and the number of units of non-complying products placed on the Community market.

Member States shall ensure that appropriate measurements are taken to encourage the authorities responsible for the implementation of the Directive to cooperate with each other and provide each other and the Commission with information in order to assist the operation of the Ecodesign Directive.

Further legal requirements are also included in Regulation 765/2008:

In practice, when finding a suspected non-compliant product, many MSAs follow an approach that starts with confronting the manufacturer/importer with the results of the inspection. The response of the manufacturer can influence how the MSA will proceed. If the manufacturer proposes corrective actions, and these are acceptable and completed in a satisfactory manner, the MSA might close the case. In other scenarios, the MSA might decide to initiate a physical test of the product, or, if the product has failed Step 1 of the verification procedure, to test additional three unit of the product (Step 2 of the verification procedure). Depending on the circumstances, fines and sales bans could be imposed.

Example of current practice:

Denmark: Enforcement is more than legal prosecution

When non-compliance has been established by the market inspection, the manufacturer is informed and given the opportunity to comment on the result of the inspection. The manufacturer is offered – on a voluntary basis – to correct or to withdraw the non-compliant product from the market; thus short-cutting the legal procedure, which can be both costly and cumbersome for the manufacturer.

In each case of non-compliance, the Danish MSA considers to provide information and guidance instead of legal action, especially if:

- The regulation is new, or a new tier in the regulation has recently entered into force
- The violation is minor
- Similar infringements seem to be common in the market
- The manufacturer is not a recurrent deviator

Information and guidance activities are often faster and easier to carry out than legal action. Guides published on the MSA's website and/or distributed in a newsletter may lead to a higher compliance rate than legal prosecution against a limited number of proven non-compliant models.

Results of both compliant and non-compliant products are published on the DEA website. The publication always includes a notice stating complaint products are not to be taken as an endorsement by DEA since not all testing parameters may have been validated.

Example of current practice:

Enforcement in the UK

Within the UK, Statutory Instrument 2010 No. 2617 (The Ecodesign for Energy-Related Products Regulations 2010)18, provides the National Measurement and Regulatory Office (NMRO) with powers to enforce the ecodesign regulations. A key component of this is via the use of civil sanctions and cost recovery. Civil sanctions allow for discretionary, proportionate and cost effective courses of enforcement action to be taken.

NMRO: Where an offence has been committed and after considering all of the evidence available and all of the actions of the economic operator concerned, NMRO will consider issuing some form of sanction as well as any other preventative or remedial action as deemed appropriate. They may require manufacturers to pay for the costs of testing if it is proven that their product does not comply with the Regulations.

The NMRO's sanctioning regime is based on six principles, which are included in the Regulators Compliance Code19:

1. Aim to change the behaviour of the offender
2. Aim to eliminate any financial gain or benefit from non-compliance
3. Be responsive and consider what is appropriate for the particular offender and the regulatory issue
4. Be proportionate to the nature of the offence and the harm caused
5. Aim to restore the harm caused by the regulatory non-compliance, where appropriate
6. Aim to deter future non-compliance.

The sanctions available under the Ecodesign for Energy-Related Products Regulations 2010 are:
-Compliance Notice - A compliance notice is a written notice which requires an economic operator to take actions to bring products into compliance with the law and/or return to compliance within a specified period.

-Variable Monetary Penalty - A variable monetary penalty is a monetary penalty designed to eliminate financial gain or benefit which we may impose for moderate to serious offences. A variable monetary penalty can be issued in conjunction with a compliance notice or a stop notice.

-Stop Notice - A stop notice is a written notice which requires the economic operator to take immediate action in relation to an offence prohibiting an economic operator from carrying on an activity.

-Enforcement Undertaking - An enforcement undertaking is a voluntary agreement driven by an economic operator to undertake specific actions that would make amends for non-compliance and its effects within a specified timeframe.

The UK Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers and the environment when tackling non-compliance by economic operators. These sanctions should be flexible enough to reflect the regulatory needs of legitimate economic operators, as well as being able to ensure that where economic operators have saved costs through non-compliance, they do not gain an unfair advantage over those that have complied with their regulatory obligations.

Example of current practice:

Suspected non-compliance often handled with voluntary remedy actions in Sweden

When finding suspected non-compliance, whether it is from a document inspection or from Step 1 in the verification procedure (testing one single unit, if applicable), the Swedish MSA always starts with approaching the manufacturer (or importer). The manufacturer will receive a letter explaining the case, including possible test report and other documentation that is showing suspected non-compliance. In this letter, if applicable in the specific case, the Swedish MSA also informs the manufacturer that if necessary, three additional units of the product might be tested, and in case of proven non-compliance, the manufacturer will be charged for the whole testing cost. Sweden is a relatively small market and lots of goods come from other EU-countries. The company is therefore asked to fill in a form where he can state if he is only a retailer and therefore not the responsible manufacturer or EU-importer. In that case, he has to state from whom he has bought the products and he is asked to provide an invoice. By receiving the information in this form, the Swedish MSA knows in which country the responsible manufacturer or importer is situated, and the MSA can plan its future actions based on this.

[18] http://www.legislation.gov.uk/uksi/2010/2617/pdfs/uksi_20102617_en.pdf
[19] https://www.gov.uk/government/publications/regulators-code

In most cases (~90 %), the manufacturer submits some kind of information or proposal that can solve the case already at this stage. Often the manufacturer proposes a voluntary remedy action that will stop the suspected non-compliance, e.g. changes of the technical characteristics of the products, changes in the technical information, or voluntary withdrawal from the market. If voluntary remedy actions are considered appropriate, the MSA will close the case. Follow-ups will be made, if necessary. Unfortunately it is also quite common that the manufacturer provides some information that shows that the product is out of scope of the applicable regulation, e.g. by providing information on when the product was placed on the market, or by claiming "special purpose" product, which is possible according to some regulations. Often, the MSA will close these cases.

If there is no acceptable response from the manufacturer, the Swedish MSA can go ahead and test three additional units of the product. If confirmed non-compliance, the Swedish MSA has the possibility to issue sanctions and fines and also to ban products.

The Swedish MSA has recently had a number of cases where the responsible manufacturer or importer has been situated in Germany. The complete case with suspected non-compliance has in these cases been sent to BAM, who is coordinating the Ecodesign market surveillance in Germany.

When finding suspected non-compliance that is deemed as "minor", the Swedish MSA sometimes only sends out an administrative "warning" or "observation", informing the manufacturer that minor non-compliance has been detected and that it should be corrected. "Minor" non-compliance can for example be small mistakes or problems in the technical documentation.

Example of current practice:

Short picture of enforcement approach for Ecodesign in The Netherlands

The Inspectorate Human Environment and Transport is responsible for Ecodesign market surveillance in the Netherlands:

Until now there has not been much experience with enforcement based on results of testing products by (accredited) labs. Now in the context of ECOPLIANT, they are starting with full compliance testing on lamps and external power supplies.

At the moment, the focus is on the regulations 1275/2008 and 278/2009 (stand by and external power supplies). In inspections focused on manufacturers and importers, they currently judge the documents and, when possible, do an indicative (screening) test on energy use with a Watt meter.

In most situations, there is compliance for the energy use requirements but non-compliance for the documents; which are often very incomplete. So they have a lot of situations where the conclusion is that products are non-compliant.

Their procedure is to give a warning and give the importer/manufacturer a period (in case of non-compliant based on incomplete documents) - for example - 2 months to eliminate the offence. If the non-compliance situation still continues after 2 month, the next step is to impose a penalty. This means that the manufacturer gets again a period to create a compliant situation; if there is still a situation of non-compliance after this period, a penalty will be imposed. The amount of the penalty and the periods given to create a compliant situation depend on the situation. The period must be reasonable regarding to the type of deficiency. The amount of the penalty will be determined by, for example, the number of products marketed or the benefits conferred.

Until now, they had a lot of situations in which they have given warnings and a few with an announced penalty. So far manufacturers /importers take action during the period of the warning or before the end of the period for imposing a penalty.

Example of current practice:

The role of remedial actions and technical documentation in Spanish enforcement system

Once the document inspection or the tests performed in the first sample detect that a product is in non-compliance with the relevant regulation, the manufacturer is warned about the non-compliance and required to solve or clarify the problem. In parallel, the retailer is informed about the problems found and invited to collaborate in the solution of the problem.

There is a specific period for the manufacturer to react. If no answer or the answer cannot be accepted by the Authority, an immediate solution is requested. The Authority also informs the Regional Governments that are responsible for imposing penalties.

If the manufacturer accepts to modify the information of the product voluntarily, the Authority asks for an official list of products and shops in which the problem could be present. A detailed plan about the modifications to be done by the manufacturer is requested. The plan needs to be approved by the Authority; otherwise the procedure followed is as stated in the above paragraph.

If the non-compliance is related to the tests done for market surveillance with one unit (step 1 of the regulation procedure), the manufacturer is also asked to provide the relevant technical information. If this information is missing, or if the technical information cannot provide evidence for compliance with the values required by the regulation, then the appliance is considered not to meet the requirement of the Directive. In this situation, it is possible to force the removable of the product from the market, including the equivalent models, without proceeding with the testing of three new samples.

For that purpose, the Regional Authorities are informed of the non-compliance in order to inform them of the need to check for the existence of the product in the market and to ask for removal in their corresponding areas in Spain. Normally, the manufacturer or the retailer voluntarily removes products in this situation.

If the technical information provided after the test of step 1 seems to be correct, then the three samples are acquired again in the market and proceed to be tested. If non-compliance is confirmed after step 2, the procedure followed is the same as above.

Taking enforcement action against a manufacturer or importer that is situated in another EU country can be challenging for MSAs. When these problems arise, some MSAs try to address the economic operator within their own country. Other MSAs forward the suspected non-compliance cases to the MSA in the country where the manufacturer or importer is situated. Until this issue is clarified further through revisions to the existing Directives or a new regulation on market surveillance, each country must follow its own national rules when handling these types of cases.

The possibility of MSAs using externally sourced data as a basis for their enforcement actions is important for optimising use of existing resources. External data in this context is defined as data that has not been gathered under the supervision of the MSA in question itself, but comes from another source e.g. data gathered by a MSA in another EU country. It is also possible that foreign data can come from a project like ATLETE[20] or from an industry organisation. In principle, all these kinds of foreign data could, under certain conditions, be used for enforcement actions. How much this is possible depends on the legal system in each country but also on other factors like accreditation of the laboratory responsible for the measurements, sampling procedure, handling of tested products and so on. The starting point for MSAs should be to assess the foreign data and to try to make the best possible use of it. See also Section 2.8.

[20] Read more: www.atlete.eu for the ATLETE project on refrigerating appliances and ATLETE II project on washing machines.

Sharing of inspection results.

2.9.1 Recommendations for MSAs:

- *National legislation and national practices will determine the enforcement system of each country, but it is useful for MSAs to study enforcement systems of other EU-countries in order to compare how suspected non-compliance cases are handled.*
- *A guiding principle, set in the EU legislation, is that enforcement actions should always be appropriate, proportionate and dissuasive.*
- *Consider if public publishing of market surveillance results is in line with your national legislation and strategies.*
- *Handling of non-compliant cases where the manufacturer or importer is situated in another EU-country may differ depending on national legislations. If no specific procedure is stipulated in the national legislation, the MSA could*
    4. *try to address the manufacturer or importer in the country where they are situated (even if no legal jurisdiction in this foreign country)*
    5. *transfer the case to the MSA in the country where the manufacturer or importer is situated*
    6. *prohibit the product from being placed on the national market*
- *Scale up the level of enforcement activities by using the EU-wide available inspection resources in the most efficient manner, e.g. by optimal use of information and available data, including external data.*
- *Assess the quality of external data and make a risk-assessment to evaluate if the results can be acted upon. Use it wherever you can.*
- *Share your own data with other MSAs in EEA countries.*
- *If possible, make sure your inspection data can be made available in a commonly shared language (such as English) for easier transfer to other EEA countries.*
- *Arrange good support and communication between MSA supplying and receiving data.*
- *Communicate good results and possible problems and barriers to the data supplier.*
- *Record inspection results in EU-wide databases e.g. ICSMS, in order to spread available data.*
- *Consider participation in exchange of EU experience and data (e.g. ADCO), and participation in EU projects, in order to strengthen the enforcement level.*
- *For improved cross-border cooperation in market surveillance, the MSAs can ask in which countries the product and its equivalent models are sold.*
- *For improved cross-border cooperation in market surveillance, the MSAs can ask in which country the manufacturer or importer is situated.*

The recommendations laid out in this section are described in detail in http://www.ECOPLIANT.eu/wp-content/uploads/2013/10/D1.5-Enforcement-Activity-Follow-Up.pdf

3 Summing up

The purpose of these guidelines is to describe *best practices for ecodesign and energy labelling market surveillance*. The guidelines have primarily been formulated based on collected information and experiences and analyses gained within the ECOPLIANT project.

This is not the final version of these guidelines. As experiences and practices amongst ecodesign and energy labelling MSAs continue to evolve over time, these best practice guidelines will be developed further to reflect those changes.