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Experience in the introduction and implementation of the inspection regime in the field of energy labelling and ecodesign products in the Republic of Croatia

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Energy Efficiency Workshop – Implementation of Energy Labelling and Ecodesign Requirements

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Agenda

- ▶ Ordinance on labelling of energy efficiency of household appliances
- ▶ Law on the Efficient Use of Energy in Direct Use
- ▶ A different approach
- ▶ Law on Technical Requirements for Products and Conformity Assessment
- ▶ Placing products on the market and inspection / surveillance
- ▶ Collaboration and enforcement procedure
- ▶ Review of the organization of the inspection service
- ▶ Review of activities in energy labelling and ecodesign monitoring

Ordinance on labelling of energy efficiency of household appliances (OG 133/2005)

- ▶ The first time a regulation governed energy labelling of products
- ▶ Based on the Law on Energy (OG 68/2001)
- ▶ Applies to the following groups of household appliances:
 - refrigerators and freezers, washing machines, dryers,
 - combined washing-machine washing machines, dishwashers, electric ovens;
 - air conditioning systems, electric light sources of light fed in directly from the grid.
- ▶ Prescribes the form and content of the label on the energy efficiency of household appliances.

Law on Efficient Use of Energy in Direct Use (OG 152/2008)

- ▶ The first law governing the second "new" area - ecodesign of products
- ▶ Art. 27. Eco-design of energy-related products
 - Energy-using products can only be on the market if they comply with the requirements for ecodesign...
- ▶ Art. 29. Surveillance
 - Inspection supervision over the implementation of the Law to be performed by the State Inspectorate and other competent inspectors.
 - The market inspection authority is responsible for the “movement” of products using energy

A different approach...

- ▶ What if the economic operator does not comply with their obligations ??
- ▶ PENALTY PROVISIONS (Articles 30-34)
 - A fine ... For violation...
 - Provisions relating to Art. 27., Eco-design of products related to energy, are ...
- ▶ There are no sanctions prescribed in the law!
- ▶ There are – but they are in a different law: Art. 3. Subsidiarity
 - Relations that are not regulated by this Act shall be subject to the special regulations to be applied by .. the Law on technical requirements for products and conformity assessment.

Law on Technical Requirements for Products and Conformity Assessment (Official Gazette No. 158/2003)

Art. 3. Definitions

- ▶ **Placing products on the market:**
- ▶ This moment is when the product is first transferred from the production or import phase to the distribution phase, either charged or free of charge, or when the product is first introduced from the production and import phase to the start-up phase, either charged or free of charge, in the phase of use as goods destined for sale and commissioning for the needs of other persons or for their own needs.

Placing products on the market – consequences

- ▶ **Application of the Law on Technical Requirements for Products and Conformity Assessment:**
- ▶ Is it possible that two identical products are found on the same retail shelf, one of which is legally in distribution and the other is not?
- ▶ Yes – it's possible!
- ▶ Each individual product is its own... and it depends on when the regulation was in force and when the product was placed on the market

Law on Technical Requirements for Products and Conformity Assessment – Inspection surveillance

▶ The inspectors may:

- Require ... the issuance of compliance documents and technical documentation
- Carry out ... review and test product for compliance with regulations ...
- Take product samples ...
- To require ... prescribed energy labels ... And to remove invalid labels
- Prohibit or restrict the placing on the market or impose withdrawal of non-conforming products from the market and
- To order the destruction of non-conforming products if this is necessary for the health and safety of people.
- Issue a fine ... In punishment for violating the regulations ...

Placing on the Market - Local (in Croatia)

- ▶ **Updated:** The Law on Technical Requirements for Products and Conformity Assessment (OG 20/**2010**).
- ▶ **Definition:** Making the product available on the market
 - Any delivery of products for distribution, consumption or use on the market **of the Republic of Croatia** within the scope of trade with payment or without payment,
- ▶ **Definition:** Placing on the market
 - Is the first time making products available on the market of the Republic of Croatia

Placing on the Market – EU Accession

- ▶ **Updated:** The Law on Technical Requirements for Products and Conformity Assessment (OG 80/**2013**).
- ▶ Entered into force on the day of accession of the Republic of Croatia to the European Union.
- ▶ Art. 2. **Terms**
- ▶ Terms in this Law have the same meaning as the terms defined in **Regulation (EC) 765/2008** on the establishment of applications for accreditation and market surveillance in relation to placing on the market ...
- ▶ Harmonized definitions if they were not otherwise harmonized

Placing on the Market – Global (EU)

- ▶ Regulation (EC) 765/2008

Art. 2. Definitions

- ▶ **Making available on the market:** means any supply of a product for distribution, consumption or use on the **Community market** within the scope of trade with a payment or without payment;

- ▶ **Placing on the market:** means the first making available of products on the **Community market**;

Regulation (EC) 765/2008: Is the inspectorate from the Republic of Croatia authorized to deal with the whole EU?

Art. 19. Market surveillance measures

- ▶ Para. 1: Market surveillance authorities **may ask economic operators to** provide them with documentation and information they deem necessary ...
- ▶ Para. 2: Market surveillance authorities **shall take appropriate measures to alert consumers in their territory** promptly to the **hazards they have identified** for a product so as to reduce the risk of injury or other damage.

Inspectors have the obligation to exchange their knowledge and measures with relevant inspections of other EU member states.

- ▶ AdCo - Administrative Cooperation Groups
- ▶ ICSMS - Information and Communication System on Market Surveillance (Pan-European)
- ▶ RAPEX - Rapid Alert System for hazardous non-food products



The Law on Technical Requirements for Products and Conformity Assessment (OG 20/2010) - Cooperation?

In Article 27, paragraph 3 (EC Regulation 765/2008, Article 18, paragraph 3):

- ▶ The competent **inspection body and economic operators shall cooperate** in order to prevent or reduce the risks posed by the products which those undertakings have placed on the market and / or disposal.
- ▶ **Member States** oversee the markets of the Member States to provide the necessary authorizations, resources and **knowledge** for the proper performance of their tasks.
- ▶ Idea to cooperate with economic entities and support them in enforcing regulations, acting without sanctioning them
- ▶ The CARDS 2004 and PHARE 2005 programmes, which the Croatian inspectors attended, were a huge contribution to successfully overcoming the initial obstacles.
- ▶ Same idea being introduced in Montenegro



The Law on Technical Requirements for Products and Conformity Assessment (OG 20/2010) – Approach to penalties?

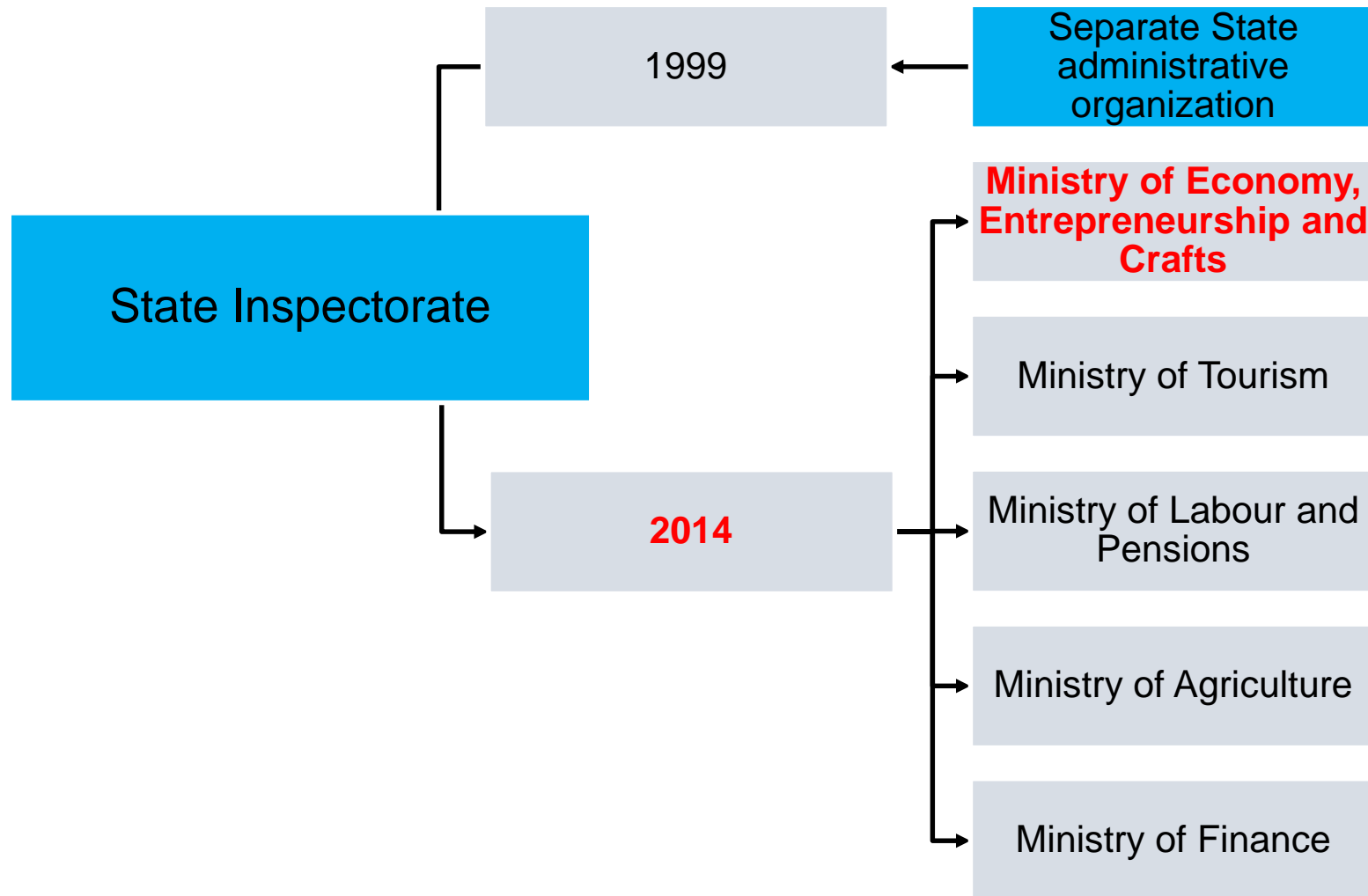
- ▶ The competent inspector **will not file** an indictment or make a decision on penalties for a product with the following shortcomings:
 - without prescribed labels or improperly marked,
 - without a certificate of conformity and a declaration of conformity or a declaration of conformity incomplete,
 - without or incomplete technical documentation or if the technical documentation is not available,
 - without the prescribed instructions or if the prescribed instructions do not accompany the product,
 - without notice of the product in Croatian language and Latin script,
- ▶ if during surveillance or at the latest within ten days the established irregularities are removed and if the economic operator has committed this offense for the first time.

How are fines assessed by inspectors in your country?

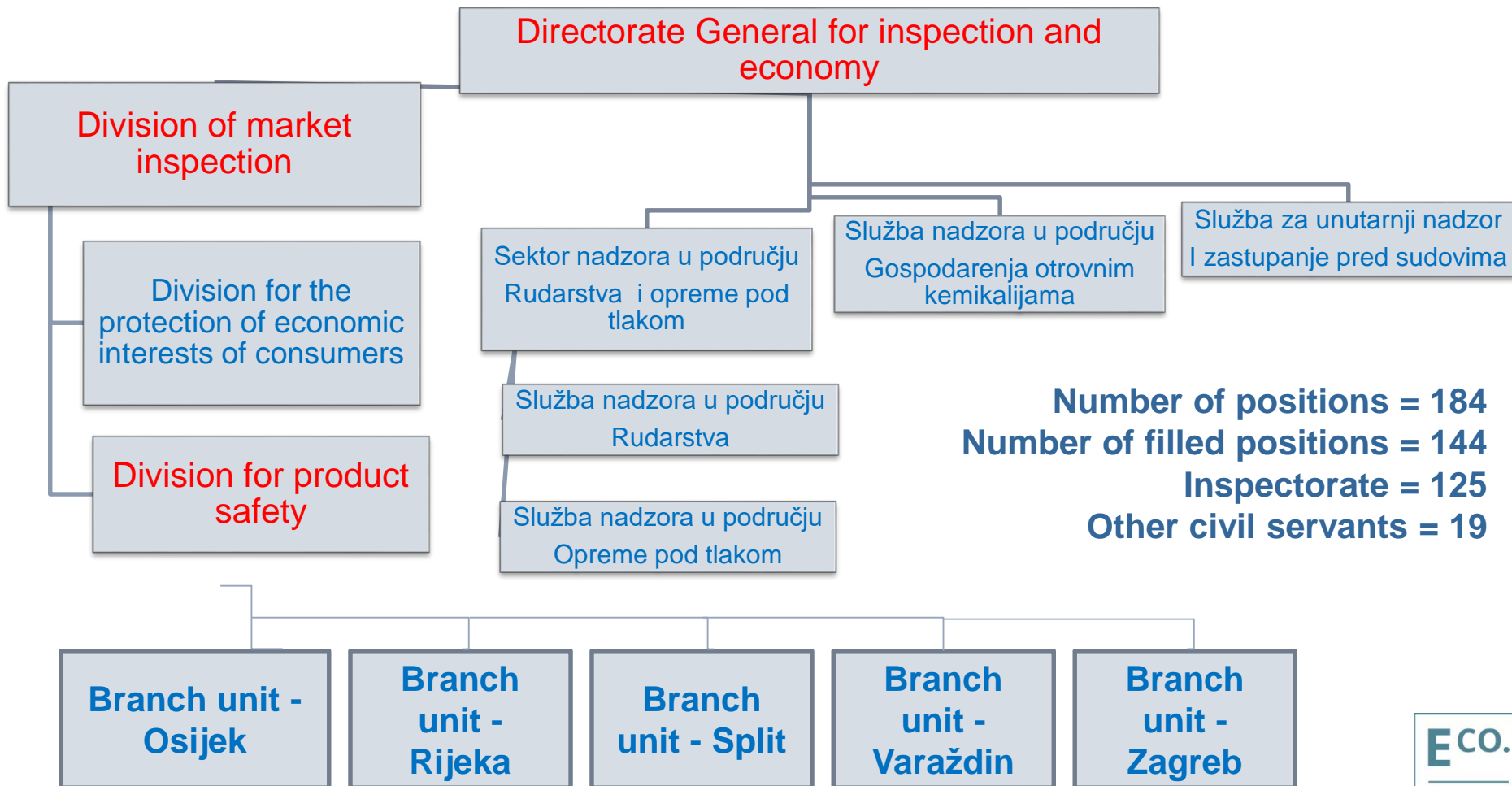
Ordinance on determining the requirements for ecodesign of energy-related products

- ▶ Provides how consumers and other interested entities can submit their observations on product conformity to the competent inspection body
- ▶ In order to avoid impact on a particular economic operator, there was no interference in the relationship between the individual issues of "opposing sides" – This is within the jurisdiction of the courts.
- ▶ However, this provision introduces the “ensuring fair competition” within the scope of the inspection work.
- ▶ A compulsory reaction to this type of submission was also a new aspect in the approach of inspectors.

Organisation of the Inspection Service - Yesterday



Today

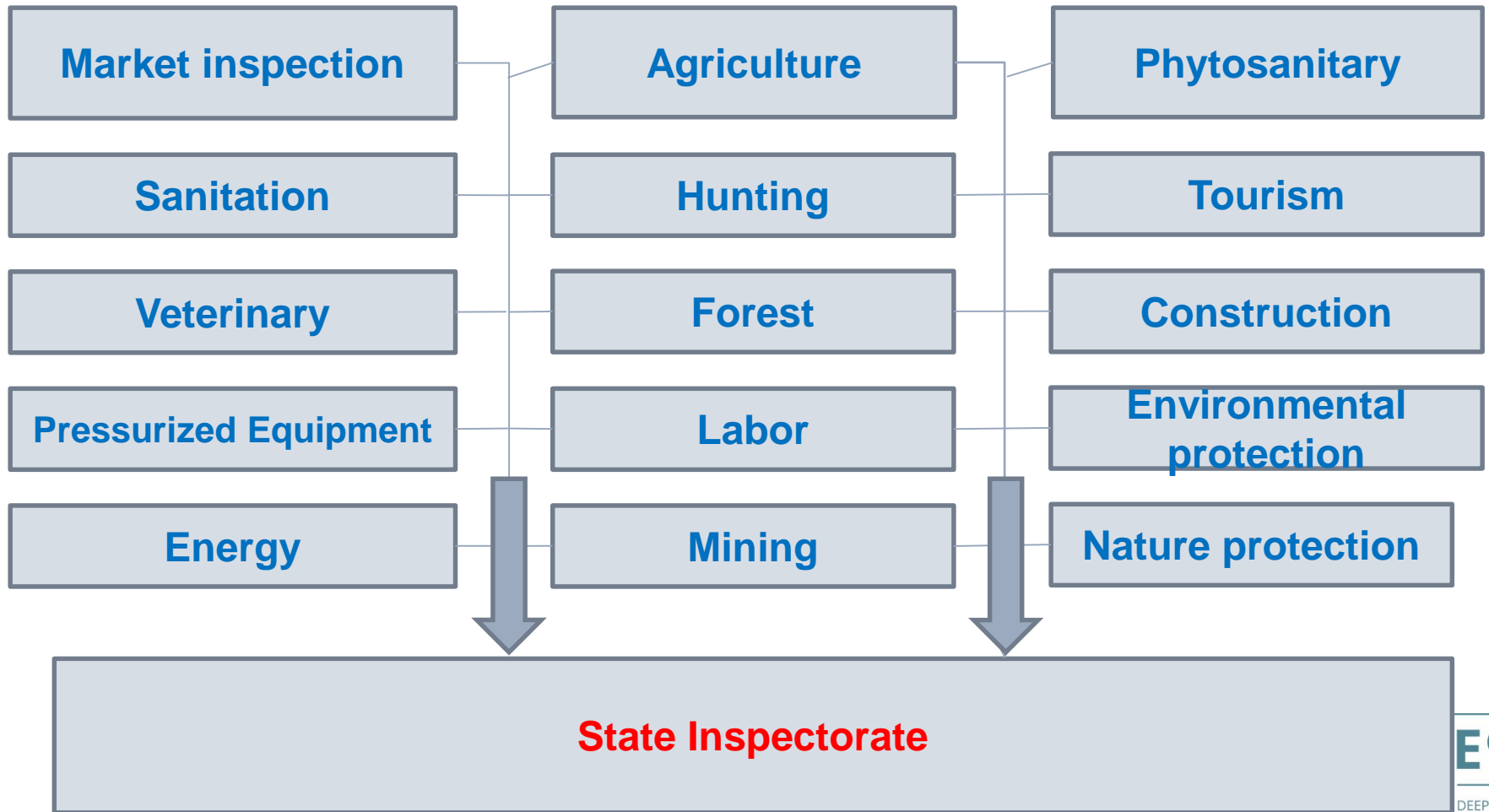


Division for product safety

Carries out inspections and other tasks related to the application of laws and other regulations relating to the conformity and safety of the product:

- ▶ Verification of technical and safety requirements for products,
- ▶ Obligations of economic operators placing products on the market,
- ▶ Conducts procedures of testing and assessment of compliance with prescribed requirements,
- ▶ Checks the documents accompanying the products on the market and / or available (technical documentation, conformity certificates, operating instructions, assembly instructions, maintenance, warnings, etc.) which products must have before being placed on the market,
- ▶ Checks the conformity of products related to energy efficiency / ecodesign requirements and requirements for labelling,
- ▶ Checks that packaging, marking, labelling of products are in conformity with prescribed regulations
- ▶ Informs on the dangers that products may pose,
- ▶ Withdraws products from the market,
- ▶ Carries out the rapid exchange of official notifications (RAPEX) on measures and actions with respect to products that pose a serious risk to consumer safety.

Tomorrow (inspection)



How are inspectorates organised in your country?

Review of actions of the Inspectorate

- ▶ Ecodesign - difficulty in checking requirements
 - Laboratory testing of energy-related products is expensive - Testing is becoming more complex and demanding - prices are rising for testing
 - Inspection has:
 - Limited resources for surveillance
 - An increasing number of products covered by the measures
 - Result = only a small part of the products are examined on the market.
- ▶ Cost effective way of monitoring = review of technical documentation.
 - In certain cases it can be verified that the product is not compliant with
 - energy efficiency requirements and / or
 - the information requirements set out in the relevant regulations.

Market surveillance: The application of eco-design provisions

- ▶ EC No. 244/2009: requirements for ecodesign of non-directional lamps for households
 - 2016: Special Purpose Lamps (vibration):
 - Examined 8 brands, 40 models
 - Compliant: 5 brands, 30 models
 - Non-conforming: 3 brands, 10 models
 - 2017: Special Purpose Lamps (vibration): 3 brands, 8 models = non-conforming
 - 2018:
 - Special Purpose Lamps (vibration): 3 brands, 7 models = non-conforming
 - Road Signal Lamps: 1 brand, 4 models = non-conforming

Market surveillance: Energy labelling

- ▶ What is examined?
 - Does the product at the point of sale carry a clearly visible energy efficiency label?
 - Is the information sheet available?
 - Does the advertisement have an energy efficiency class tag if the energy consumption or price information is published in it?
 - Does the technical documentation of this particular model have the energy efficiency class included?
- ▶ What has been confirmed? – example of refrigerators in October 2018
 - 117 models examined, 46 non-conforming
 - Label unmarked = 22 pcs - removed during inspection
 - Label inaccurate = 6 pcs
 - Unavailable Information Sheet = 14 pcs
 - Incomplete Information Sheet = 4 pcs

How many products have labels / conform with ecodesign standards in your country?

Conclusion

The free movement of goods necessitates co-operation of the Member States' bodies for market surveillance

- ▶ Excellent source of education - inclusion of inspection (also obligation) in ECO & EL AdCos - administrative cooperation group
- ▶ Cooperation and exchange of information on market surveillance relating to the marking of products between national bodies of Member States
- ▶ The exchange of information is also carried out when the test results show that the product is in conformity

Joint Actions

PROSAFE (Product Safety Forum of Europe)

- ▶ Assists market surveillance bodies throughout the EU
- ▶ The goal is to improve the safety of products and services in the EU,
- ▶ Joint Actions are funded by the Commission.

Market Inspection participated in

- ▶ JA2014
 - LED and CFL lamps
 - Products for infants and young children - Safety fences
- ▶ JA2016
 - Household electrical appliances
 - Products for infants and young children – Infant carriers

Final note: An informed and trained inspector is a guarantor of a well-regulated market

After many years of application of these regulations, the conclusions are:

- ▶ Apply sanctions with great caution – it is a new area, and even inspectors from "older" EU members are very cautious about this issue.
- ▶ All measures that can be demanded by a party can be voluntarily implemented by the economic operator.
- ▶ Collaboration with economic operators has a better effect on the market.
- ▶ In order for the inspector to "attract" the economic operator to voluntary action, he must be able to provide good reasons why he/she requests it.
- ▶ A well-informed / well-trained inspector achieves much better results.
- ▶ Success should not be viewed from the vantage-point of amount of fines imposed.

How much interaction is there between inspectorates and ministries in these areas?



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Thank you for your attention! We wish you all
great success in your future work!

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