GOVERNMENT OF MONTENEGRO
ADMINISTRATION FOR INSPECTION AFFAIRS

MARKET SURVEILLANCE

Rada Marković
Deputy Director
Market surveillance

- Legal framework
- Institutional framework
- Market surveillance
- Challenges and plans
Legal framework / 1

- The Law on General Product Safety (2008) 


- Instructions for the forms of information on products that pose a risk (2010)

- The Rulebook on establishing the List of Montenegrin Standards in the Field of General Product Safety (2010)

- The Rulebook on the Notification Contents of Dangerous Product (2010)
The Law on Technical Requirements for Products and Conformity Assessment (2011) /Decision 768/2008/EC – elements essential for takeover of EU directives for certain product groups/

Rulebooks transposing directives on certain product groups
Legal framework / 3

**Sectoral laws:**

- The Law on Medicines (2011)
- The Law on Chemicals (2012)
- The Law on Road Traffic Safety (2012)
- The Law on Construction Products (2014)
• laws on quality infrastructure

• regulations containing rules on implementation of the inspection surveillance procedure
Strategy

• The Strategy of Market Surveillance

Institutional framework / 1

- Administration for Inspection Affairs (12 inspectorates)
- Ministry of Transport and Maritime Affairs (three inspectorates)
- Ministry of the Interior (one inspectorate)
Institutional framework / 2

• Customs administration

• Ministry of Economy
  (Department for Market and Quality Infrastructure)

• Quality infrastructure institutions
  (Institute for Standardization, Bureau of Metrology, Accreditation Body)

• Conformity Assessment Bodies
• Coordination Body for Market Surveillance
  - Decision on Establishment of Coordination Body for Market Surveillance ("Official Gazette of Montenegro" No. 66/10)

• Composition
Administrative capacities / 1

AIA – 12 inspectorates:

Market Inspection, Health and Sanitary Inspection, Phytosanitary Inspection, Environmental Inspection, Thermoenergetic Inspection, Electroenergetic Inspection, Mining Inspection, Labour Inspection, the Inspection of Electronic Communication and Postal Activity, Metrological Inspection, Construction Inspection and Housing Inspection
Administrative capacities / 2

• **Market Inspection** / 50 inspectors

  Market surveillance of products:

  /General safety of products, Low Voltage Directive (LVD), machines, pressure equipment, construction products, personal protective equipment, gas appliances, EMC (LVD, toys,…), textile, shoes, glass, energy efficiency, electric and electronic waste, noise emission by equipment used outdoors/
• **Health and Sanitary Inspection** / 41 inspectors
  /medicines, medical devices, substances used in the manufacture of narcotic drugs, general product safety, toys, cosmetics, detergents, chemicals, biocides/

• **Phytosanitary Inspection** / 17 inspectors
  /plant protection products, plant nutrition products/

• **Environmental Inspection** / 7 inspectors
  /chemicals, biocides, detergents, fuel, electrical and electronic waste, sources of ionizing and radioactive substances/
Administrative capacities / 4

• Termoenergetic Inspection / 1 inspector
  /pressure equipment gas appliances- in use/

• Electroenergetic Inspection / 2 inspectors

• Mining Inspection / 1 inspector
  /electric equipment for use in potentially explosive atmosphere/
Administrative capacities / 5

• Labour Inspection (Inspectors for Safety at Work) / 9 inspectors
  /personal protective equipment in use, elevators in office buildings/

• Inspection for Electronic Communication and Postal Activity / 1 inspector
  /radio equipment, telecommunication terminal equipment, EMC/

• Metrological Inspection / 1 inspector
  /measuring instruments, pre-packed products/
Administrative capacities / 6

- **Construction Inspection** / 3 inspectors
  /construction products - in use/

- **Housing Inspection** / 2 inspectors
  /elevators in residential buildings/
Administrative capacities / 7

• **The Ministry of Transport and Maritime Affairs** (10 inspectors)
  /motor vehicles, recreational vessels, chairlifts/

• **The Ministry of the Interior** (8 inspectors)
  /explosives for civilian use, pyrotechnic devices/
Coordination and cooperation / 1

- Coordination Body for Market Surveillance
  - Authorizations
  - Annual Report on the Work of the CB / Government of Montenegro
Coordination and cooperation / 2

- Cooperation between the authorities
  - mutual cooperation between inspectorates
  - cooperation with the Customs Administration
  - cooperation with the MoE and other ministries in drafting of regulations
  - cooperation with the institutions of quality infrastructure and compliance assessment bodies
- Memorandum of Understanding between the Market Inspection and the Customs Administration (2012)
  (Working group - realization of joint activities, pilot exercises, prepared catalogue of measures)

- Upcoming signing of MoU between the Administration for Inspection Affairs and the Customs Administration
Exchange of information / 1

Legal basis: Regulation on the Way of Exchanging Information on Products that Pose a Risk

- National System for Rapid Exchange of Information on Dangerous Products - contact point: Market Inspection
- Participants
- Instructions on functioning of the system and the contact point
- Annual Report on functioning of the system
Regional network for exchange of information

- established in mid 2013 (ORF FT project for SEE - financed by the German Federal Ministry for Economic Cooperation and Development);
- members: Montenegro, Serbia, Bosnia and Herzegovina, Macedonia, Albania, Kosovo;
- exchange of data on dangerous products and check list for product surveillance
Market surveillance

• Proactive - Annual programme of market surveillance
• Reactive – sources of information:
  - RAPEX reports and other data bases (countries from the region),
  - Notifications by producers and distributors,
  - Notifications by Customs Authority
  - Consumer complaints
  - Information from the media and other
<table>
<thead>
<tr>
<th></th>
<th>Dangerous products found in the market</th>
<th>2013</th>
<th>2014 (IQ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Number - total (type/pieces)</td>
<td>140/15.818</td>
<td>?/4.697 + 25kg</td>
</tr>
<tr>
<td></td>
<td><strong>Proactive surveillance</strong></td>
<td>136/11.863</td>
<td>?/4.573 + 25kg</td>
</tr>
<tr>
<td>2</td>
<td><strong>Reactive surveillance</strong></td>
<td>4/3.955</td>
<td>?/124</td>
</tr>
<tr>
<td>1.1</td>
<td><strong>Proactive surveillance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Equipment for children:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- baby carriers</td>
<td>64/513</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>- baby stroller</td>
<td>4/17</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>- baby high chair</td>
<td>46/341</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>- children bicycle</td>
<td>1/2</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>- children bicycle</td>
<td>13/153</td>
<td>-</td>
</tr>
<tr>
<td>1.2</td>
<td><strong>Toys</strong></td>
<td>1/10</td>
<td>?/1.440</td>
</tr>
</tbody>
</table>
| 1.3. | **Protective equipment:**  
- flotation aids for teaching swimming  
- sunglasses and sunglare filters for general use and filters for direct observation of the sun | 36/6.470 | 11/5.109 | -  
<p>| 1.4. | <strong>Furniture</strong> for seating and tables for camping, household use and public use | 28/1.425 | - |<br />
| 1.5. | <strong>Luminous chains</strong> | 4/505 | - |<br />
| 1.6. | <strong>Ladder</strong> | 2/64 | - |<br />
| 1.7. | <strong>Deceptive products</strong> | 1/2.876 | - |<br />
| 1.8. | <strong>Cosmetics</strong> | - | - | ?/856 |</p>
<table>
<thead>
<tr>
<th>1.9.</th>
<th>Clothes, textile and fashion accessories</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>-children jacket</td>
</tr>
<tr>
<td></td>
<td>-</td>
</tr>
<tr>
<td>1.10.</td>
<td>Electrical irons</td>
</tr>
<tr>
<td></td>
<td>-</td>
</tr>
<tr>
<td>1.11.</td>
<td>Children portable lamps</td>
</tr>
<tr>
<td></td>
<td>-</td>
</tr>
<tr>
<td>1.12.</td>
<td>Plant nutrition products</td>
</tr>
<tr>
<td></td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><strong>Reactive surveillance</strong></td>
</tr>
<tr>
<td>---</td>
<td>---------------------------</td>
</tr>
<tr>
<td>2.1</td>
<td><strong>Cosmetics:</strong></td>
</tr>
<tr>
<td></td>
<td>- Antibacterial wet tissues</td>
</tr>
<tr>
<td>2.2</td>
<td><strong>Toys:</strong></td>
</tr>
<tr>
<td></td>
<td>- Battery operated dog toy (inf. from the Regional network)</td>
</tr>
<tr>
<td></td>
<td>- helicopter (notification by producer/distributer)</td>
</tr>
<tr>
<td>2.3</td>
<td><strong>Portable work lamp</strong></td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4/3.955</td>
<td></td>
</tr>
<tr>
<td></td>
<td>?/124</td>
<td></td>
</tr>
</tbody>
</table>
Dangerous products posing serious risk

- Portable children lamp – 35.31% (12 types)
- Sunglasses – 26.47% (9 types)
- Children bicycle / 14.7% (5 types)
- Toys – 5.88% (2 types)
- Cosmetics-antibacterial wet tissues – 5.88% (2 types)
- Children jacket – 2.94% (1 type)
- Children high chair – 2.94% (1 type)
- Deceptive products – 2.94% (1 type)
- Portable work lamp – 2.94% (1 type)
<table>
<thead>
<tr>
<th>Measures taken</th>
<th>2013</th>
<th>2014 (IQ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Temporary withdrawal from the market – number of products</td>
<td>15.128</td>
<td>578</td>
</tr>
<tr>
<td>- Permanently prohibited trade – number of products</td>
<td>9.384</td>
<td>3.995</td>
</tr>
<tr>
<td>(5.429 + 3.955)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Recall (number of cases)</td>
<td>12</td>
<td>6</td>
</tr>
<tr>
<td>- toys</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>- sunglasses</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>- children bicycle</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>- portable children lamp</td>
<td></td>
<td>6</td>
</tr>
</tbody>
</table>
1. Product name: sunglasses
   Risk level: serious risk
   Recall performed: yes
   Year when the product was found: 2013

2. Product name: sunglasses
   Risk level: serious risk
   Recall performed: yes
   Year when the product was found: 2013

3. Product name: toy
   Risk level: serious risk
   Recall performed: yes
   Year when the product was found: 2013

4. Product name: toy - helicopter
   Risk level: serious risk
   Recall performed: yes
   Year when the product was found: 2013
5. Product name: children bicycle  
   Risk level: serious risk  
   Recall performed: yes  
   Year when the product was found: 2013

6. Product name: children bicycle  
   Risk level: serious risk  
   Recall performed: yes  
   Year when the product was found: 2013

7. Product name: children portable lamp  
   Risk level: serious risk  
   Recall performed: yes  
   Year when the product was found: 2014

8. Product name: children portable lamp  
   Risk level: serious risk  
   Recall performed: yes  
   Year when the product was found: 2014
Challenges

- Further harmonization of legislation with the EU acquis

- New strategic framework

- Education and specialization of inspectors /for implementation of the national legislation and European legislation to be applied directly when Montenegro becomes a member state/
Development of legal framework

The Government has adopted:


• Draft Law on Market Surveillance /Regulation 765/2008/EC (Art. 15 to 29), Regulation 764/2008/EC (Art. 9 and 10 – “product contact point”), Directive 2001/95/EC (provisions on market surveillance)/

• Continuous adjustment of technical legislation (pursuant to the review of EU directives)
Reporting

• Annual report on market surveillance (proactive and reactive surveillance)

• Annual report on the work of the System for Rapid Exchange of Information on dangerous products

• Annual report on the work of the Coordination Body
Informing of the public / 1

- Website through which information relevant for consumers are published: [www.potrosac.me](http://www.potrosac.me) is a part of the IT system, which also includes:
  - Register of dangerous products with the system for exchange of information (notifications) on dangerous products compatible with EU RAPEX
  - System for management of complaints and inquiries from the consumers
Informing of the public / 2

- Market inspection website: [www.ti.gov.me](http://www.ti.gov.me)

- Administration for Inspection Affairs website: [www.uip.gov.me](http://www.uip.gov.me)

- Recall of products that pose a serious risk (mandatory publishing in one daily printed medium)
THANK YOU FOR YOUR ATTENTION

rada.markovic@uiip.gov.me