



**GOVERNMENT OF MONTENEGRO  
ADMINISTRATION FOR INSPECTION AFFAIRS**

**MARKET SURVEILLANCE**

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# Market surveillance

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

# Legal framework / 1

- **The Law on General Product Safety (2008)**  
/Directive 2001/95/EC, Directive 87/357/EEC, Regulation 339/93/EEC/
  - Regulation on the Way of Exchanging Information on the Products that Pose a Risk (2010) /Decision 2004/418 – Guidelines for RAPEX system management EU/
  - 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)

# Legal framework / 2

- **The Law on Technical Requirements for Products and Conformity Assessment (2011)**  
/Decision768/2008/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 Plant Nutrition Products (2007)
- The Law on Plant Protection Products (2008)
- The Law on Explosive Materials (2008)
- The Law on Medical Devices (2004/2009/2011)
- The Law on Medicines (2011)
- The Law on Chemicals (2012)
- The Law on Road Traffic Safety (2012)
- The Law on Construction Products (2014)

# Legal framework / 4

- laws on quality infrastructure
- regulations containing rules on implementation of the inspection surveillance procedure



# Strategy

- **The Strategy of Market Surveillance**
- **The Annual Market Surveillance Programme (2012, 2013, 2014)**

# 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**

# Institutional framework / 3

- **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/

# Administrative capacities / 3

- **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/
- **Phyosanitary 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 Inspector / 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

# Coordination and cooperation / 3

- **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

# Exchange of information / 2

- **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

	<b>Dangerous products found in the market</b>	2013	2014 (IQ)
	Number - total (type/pieces)	140/15.818	?/4.697 + 25kg
1	<b>Proactive surveillance</b>	<b>136/11.863</b>	?/4.573 + 25kg
2	<b>Reactive surveillance</b>	4/3.955	?/124
1.1	<b><i>Proactive surveillance</i></b> <b>Equipment for children:</b> - baby carriers - baby stroller - baby high chair - children bicycle	<b>64/513</b> 4/17 46/341 1/2 13/153	- - - - -
1.2	<b>Toys</b>	1/10	?/1.440

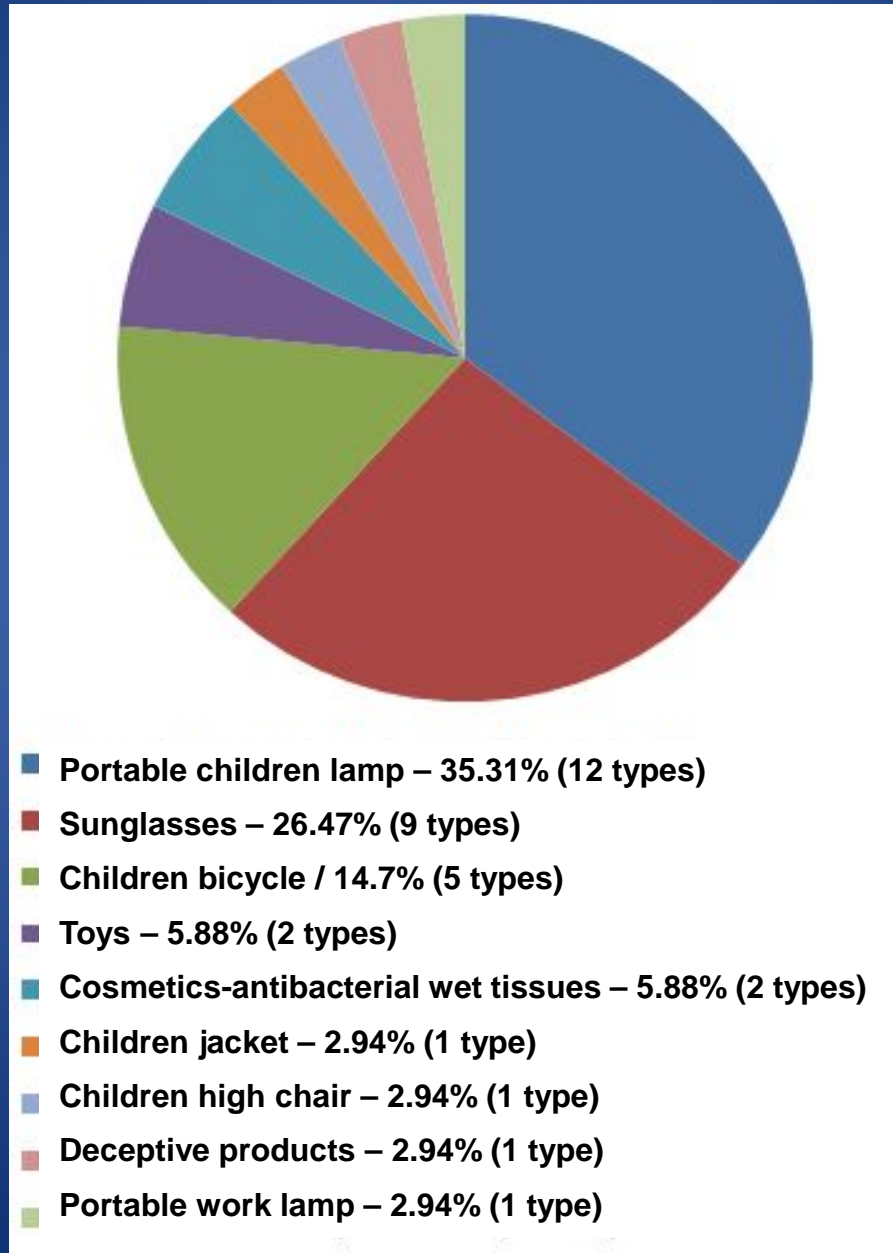
1.3.	<b>Protective equipment:</b> <ul style="list-style-type: none"> <li>- flotation aids for teaching swimming</li> <li>- sunglasses and sunglare filters for general use and filters for direct observation of the sun</li> </ul>	<b>36/6.470</b>  11/5.109  25/1.361	-  -
1.4.	<b>Furniture</b> for seating and tables for camping, household use and public use	28/1.425	-
1.5.	<b>Luminous chains</b>	4/505	-
1.6.	<b>Ladder</b>	2/64	-
1.7.	<b>Deceptive products</b>	1/2.876	-
1.8.	<b>Cosmetics</b>	-	?/856

1.9.	Clothes, textile and fashion accessories -children jacket	-	1/19
1.10.	Electrical irons	-	4/1.152
1.11.	Children portable lamps	-	12/1.106
1.12.	Plant nutrition products	-	?/25 kg



2.	<b>Reactive surveillance</b>	Sources of information	4/3.955	?/124
2.1	<b>Cosmetics:</b> -Antibacterial wet tissues	according to RAPEX report	2/3.785	-
2.2	<b>Toys:</b> - Battery operated dog toy (inf. from the Regional network)  - helicopter (notification by producer/distributor)	-from the Region. network  -notification by producer/distributor	<b>2/170</b>  1/162  1/8	-
2.3	<b>Portable work lamp</b>		-	?/124

# Dangerous products posing serious risk



	<b>Measures taken</b>	2013	2014 (IQ)
	- <b>Temporary withdrawal from the market –number of products</b>	15.128	578
	- <b>Permanently prohibited trade – number of products</b>	9.384 (5.429+3.955)	3.995
	- <b>Recall (number of cases)</b>	<b>12</b>	<b>6</b>
	- toys	2	
	- sunglasses	7	
	- children bicycle	3	
	- portable children lamp		6

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 General Product Safety  
/Directive 2001/95/EC (except for the provisions on market surveillance), Directive 87/357/EEC/
- 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**

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