



NEYTENDASTOFA

**THE NATIONAL MARKET SURVEILLANCE PROGRAMME FOR
ICELAND 2010**

Reykjavík 15 January 2010

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I. Introduction

Iceland participates fully in the Single market of Europe according to the provisions of the Agreement on the European Economic Area (EEA). It is thus necessary in Iceland to ensure in the same way as in Member States of the EU, that products benefiting from the free movement of goods within the Community fulfil requirements providing a high level of protection of public interests such as health and safety in general, health and safety at the workplace, protection of consumers, protection of the environment and security, while ensuring that the free movement of products is not restricted to any extent greater than that which is allowed under Community harmonisation legislation or any other relevant Community rules.

Regulation (EC) No 765/200 of the EP and of the Council, setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, is EEA relevant and will fully be implemented in

Iceland in 2010. On this basis Iceland has prepared this document which is the annual general National Market Surveillance Programme as required by Article 18(5) of the Regulation.

At Annex to this document is found a copy of sectoral national programmes.

II. General objectives

The EEA Agreement entered into force on 1 January 1995. Subsequently Iceland has implemented all applicable general and sectoral legislation in the field of free movement of goods as well as basic principles of the old and new approach directives. The aforementioned legislation is implemented in Iceland with various sector specific legislations in the field of machinery, road vehicles, medical devices, EMC, and so forth. These EU legal acts are transposed into Icelandic legislation by various legal acts as well as ministerial decrees and regulations.

The General Product Safety Directive (GPSD) 2001/95/EC is also included in the EEA Agreement and transposed into national legislation of Iceland, cf. Act No 134/1995, on safety of products and market surveillance.

The principles of product liability as regulated in Council Directive 85/374/EEC, concerning liability for defective products and this Directive is also implemented in Iceland, cf. Act No 25/1991, on product liability.

According to the Icelandic legislation producers, importers, distributors and retailers are required to produce and market only products that are safe and are in conformity with national as well as European harmonised legislation in the field of various product categories such as LVD, construction products, toys, etc.

In order to ensure conformity and safety of products the national market surveillance authorities (MSA's) are obliged according to the legislation to carry out market surveillance. The basic objectives of their activities is to ensure that unsafe and/or non-compliant products are not circulated in the market and ensure proper enforcement of the legislation in the field of safety and compliance of products to legal requirements.

In addition to inspections in the market the Consumer Agency (Neytendastofa) as well as other authorities engage in preventive activities in order to prevent that unsafe or non-compliant products are placed on the market by providing

information to the public as well as economic operators on product safety issues and EU regulatory framework relating safety of goods being placed on the Single market and conformity assessment procedures. The Consumer Agency is also the authority responsible for enforcement of rules on unfair trade practices. The Agency can take any measures as necessary to prohibit or restrict the products' being made available on the market, such as laying down order to withdraw or recall products from the market, cf. Article 21 of Regulation (EC) 765/2008. In addition to the general restrictive measures regarding products being placed on the market infringements of the Act No 134/1995, as amended, is punishable with fines or imprisonment for up to 2 years if an infringement is not punishable by more severe penalties according to another Act, cf. the provision of Article 41 of the Regulation (EC) 765/2008. The Consumer Agency as well as other MSA in Iceland however always seek voluntary compliance by economic operators if a product is found to be unsafe or not in compliance with the legislation.

Usually priority is given to inspections and reactions to notifications on products that have been notified either by other MSA within the EEA regarding products that may pose serious danger to health and life of consumers. Priority is also given in case of vulnerable consumer groups e.g children by monitoring more closely the safety of toys, childcare articles, etc. In some cases seasonal actions are planned and implemented, e.g. checks on decorative light chains at Christmas, chemicals in face-paintings during annual carnivals, etc. Mostly information on possibly unsafe or non-compliant products are received from EU notification systems (e.g. RAPEX and Article 9 of LVD) but also from consumers and competitors in the market. It would be useful if in the future more information would be obtained by registration at hospitals of accidents caused by use of products and closer links to European Injury Database (IDB) would be of advantage.

Usually inspections are carried out at the place of the wholesaler and retailers since the vast majority of products are imported and not locally produced in Iceland. Financial and human resources devoted to market surveillance activities are limited within the national agencies which of course limits the monitoring activities and actions that can possibly be taken by the competent authorities within the respective sectoral fields.

The Consumer Agency as well as other MSA give priority to reactions to notifications received from EEA Member States as well as notifications received directly from consumers and other market participants. In general the co-operation of national MSA will be enhanced to the extent possible with regular meetings and also with economic operators and their federations to

ensure knowledge transfer and sharing of information relating to product safety issues to the extent possible and information campaigns is envisaged in light of EU plans for information campaign on CE markings in 2010.

III. Organisation at national level

The Consumer Agency according to Act No 134/1995 is the competent authority for market surveillance in accordance to the general product legislation. The Agency is also responsible to manage the general organization of official market control (market surveillance) in cooperation with other sector specific market surveillance authorities (MSAs) in order to ensure effectiveness and coordination to the extent possible, cf. Article 14 of Act No 134/1995. This work and consultations shall be carried out in co-ordination committee(s) according to the provisions of Act No 134/1995, as amended. Within this general framework for co-operation of national MSAs consultations take place first and foremost regarding new approach directives. Old approach directives and national legislation implementing those directives is in principle also covered by the general organisation of market surveillance at national level and enforcement is entrusted various sectoral MSAs. On the basis of the aforementioned legislation the Consumer Agency has organised coordination meetings with other market surveillance authorities responsible for sector specific legislation in order to increase awareness and give scope for further co-operation as necessary.

The Consumer Agency is the competent authority for several sector specific fields and enforcement of the relevant directives. Several national authorities are responsible for various sectoral legislations. In the table below can be found an overview of the Icelandic market surveillance authorities (MSAs) that are responsible for the respective new approach Directives (cf the list at newapproach.org) indicated in the table. However, as mentioned previously, old approach directives in the field of free movement of goods are also implemented in Iceland and covered by various sector specific market surveillance authorities, such as the Road Traffic Directorate, the Environment Agency of Iceland, Icelandic Medicines Control Agency and also in some cases, such as textiles and crystal glass, the Consumer Agency, but these are not included in the table below.

Council Directive	Subject directive	Responsible Market Surveillance Authority (MSA) in Iceland	Website
88/378/EEC	Toys safety	Consumer Agency	www.neytendastofa.is
87/404/EEC	Simple pressure vessels	Administration of Occupational Safety and Health in Iceland	www.vinnueftirlit.is
89/686/EEC	Personal protective equipment: consumer market	Consumer Agency /	www.neytendastofa.is
	PPE – in the workplace	Administration of Occupational Safety and Health in Iceland	www.vinnueftirlit.is
89/106/EEC	Construction products	Consumer Agency	www.neytendastofa.is
90/384/EEC	Non-automatic weighing instruments	Consumer Agency	www.neytendastofa.is
90/385/EEC	Medical devices: Active implantable	Directorate of Health	www.landlaeknir.is
90/396/EEC	Appliances burning gaseous fuels	Administration of Occupational Safety and Health in Iceland	www.vinnueftirlit.is
92/42/EEC	New hot-water boilers fired with liquid or gaseous fluids (efficiency requirements)	Consumer Agency	www.neytendastofa.is
93/15/EEC	Explosives for civil uses	Administration of Occupational Safety and Health in Iceland	www.vinnueftirlit.is
93/42/EEC	Medical devices: General	Directorate of Health	www.landlaeknir.is
94/9/EC	Equipment and protective systems in potentially	Iceland Fire Authority	www.brunamal.is

	explosive atmospheres		
94/25/EC	Recreational craft	Icelandic Maritime Administration	www.sigling.is
94/62/EC	Packaging and packaging waste	The Environment Agency of Iceland	www.ust.is
95/16/EC	Lifts	Administration of Occupational Safety and Health in Iceland	www.vinnueftirlit.is
97/23/EC	Pressure equipment	Administration of Occupational Safety and Health in Iceland	www.vinnueftirlit.is
98/37/EC	Machinery safety	Administration of Occupational Safety and Health in Iceland	www.vinnueftirlit.is
98/79/EC	Medical devices: In vitro diagnostic	Directorate of Health	www.landlaeknir.is
1999/5/EC	Radio and telecommunications terminal equipment	The Post and Telecom administration in Iceland	www.pfs.is
2000/9/EC	Cableway installations designed to carry persons	Administration of Occupational Safety and Health in Iceland	www.vinnueftirlit.is
2004/22/EC	Measuring instruments	Consumer Agency	www.neytendastofa.is
2004/108/EC	EMC - Electromagnetic compatibility in consumer market	Consumer Agency	www.neytendastofa.is
	EMC - Equipment other than specifically intended for consumers	Iceland Fire Authority	www.brunamal.is
2006/95/EC	LVD:Low voltage equipments in consumer market	Consumer Agency	www.neytendastofa.is
	LVD - Equipment other than specifically intended for	Iceland Fire Authority	www.brunamal.is

	consumers		
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More detailed information on the sectoral and national plans, as well as distribution of responsibilities between national market surveillance authorities in Iceland can be found in the Annexes to this document. Further information may also be found on MSA national activities at the MSAs websites respectively.

IV. Border controls

Regulation No 339/93/EEC is implemented in Iceland with Ministerial regulation No 237/1996, on the surveillance of conformity of import of products from countries outside the European Economic Area (third countries). In the Icelandic Customs Act No 88/2005 provision is found in Article 60 of the Act that enables the customs authorities to stop import of goods and consult relevant and competent authorities if the import of these goods is in breach of national legislation and/or administrative provisions on goods. The customs authorities have all documents related to imports from third countries as well as EEA Member States and this information can be of use in order to target products that are likely to present risk to consumers or may not be in conformity with the legislation. The customs authority however does not have any special knowledge of the product fields covered by Icelandic sectoral MSAs but can play an important role for detection of unsafe or non-compliant that are imported to Iceland.

The Icelandic customs authorities therefore do contact national competent authorities in various sectoral fields when necessary and if there is reason to believe that goods that are in customs clearance do not fulfill national legislation concerning the safety of the products or the product(s) in question is not in conformity. It is expected that cooperation with customs in Iceland will be enhanced further in 2010 in light of provisions of Regulation (EC) 765/2008.

The Consumer Agency has also obtained information in year 2009 from Iceland Statistics on imports of various goods. In 2010 it will be further considered how such information can help target products for inspection in the field of product safety and assist with risk assessments.

V. Checks and risk assessment

National competent authorities are responsible for checks and risk assessments in their respective fields of competencies. The Consumer Agency is the contact point for RAPEX notifications. The Agency has based its risk assessments on the general basis for risk assessments found in the RAPEX guidelines. The „Book“ that PROSAFE has recently published also gives national authorities a good overview of main issues that need to be taken into consideration regarding risk assessments, checks and other market surveillance activities. Risk assessment by MSAs in Iceland is therefore carried out in accordance with best practices. It must however be underlined that financial and human resources are limited in all competent authorities in Iceland. Inspection and product checks are planned and organised mostly as regular activity of the competent authorities, respectively. In some cases however, the on-site checks are carried out by accredited inspection bodies based on a request from the market surveillance authority responsible in that particular field of product safety. The accredited body after inspection and visits makes a report concerning their inspections and results to the relevant competent authority (MSA). On the basis of reports and findings made either by officials of the MSA and/or accredited inspection body, the responsible market surveillance authority takes decisions on necessary enforcement measures, e.g recalls, sales bans, etc based on the relevant provisions of the sectoral legislation in question. In Iceland facilities for testing safety of products are however limited and this can cause problems in some cases. It would be necessary in 2010 to take some steps in order to develop further more cooperation with other MSAs within the EEA that could have more ready access to testing laboratories.

Each national authority may use several additional methods in order to evaluate whether notification on dangerous products is relevant for the Icelandic market or not. For instance within the Consumer Agency the RAPEX notifications are sorted i.a. on the basis of brand names, countries of distribution and other criteria in order to establish further whether the products are likely to be found on the Icelandic markets. Resources to carry out daily monitoring of market surveillance are limited and therefore it is necessary to give establish some priority and attention to products that are quite likely to be found in the market rather than products that for various reasons are most likely not distributed in the Icelandic market. However, all notifications are received and considered by staff members.

VI. European cooperation and activities

Icelandic competent authorities are responsible according to the legislation to follow European administrative cooperation as laid down in European Directives, e.g ADCOs. Iceland is not a member of the EU and therefore participation costs in meetings at EU level are most often not covered by EU funds but only national funds. Due to economic crisis it can be expected that active participation will be more problematic in the future, however possibly somewhat variable depending on the MSA in concern and the priority given to such participation by the State budget.

In some cases the EU refunds travel of experts to such meetings that is very valuable and more likely to ensure effective participation in administrative work at EU and EEA level. The Consumer Agency takes part in PROSAFE and various joint actions planned by that organisation. Participation in such common activities with other MSA gives good basis for exchange of information and access to the valuable network of knowledge found within MSA in Europe. Usually these projects also give valuable experience in respect to the product groups involved but the knowledge and experience gained there is usually also transferable to other product areas. Further information on project is found at Annex.

Iceland has signed an MOU with the State Administration of Industry and Commerce (SAIC) in China which gives basis for information exchange between the Consumer Agency and SAIC in respect to product safety.

ANNEX – Sectoral programmes

Annex

SECTORAL NATIONAL MARKET SURVEILLANCE PROGRAMME (s) (ectoral NMSP).

Member State: Iceland

Planning for: 2010

Surveillance Authority: Neytendastofa / The Consumer Agency

Person responsible for the Sectoral NMSP: Hjördís Björk Hjaltadóttir

e-mail address: hjordis@neytendastofa.is

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcome or further initiatives	Project manager generalities
2001/95/EC	General Products	General products	Reactive	Complaints, notifications	Documents inspection	High	All year	Improve cooperation with customs	Joint Action Task Force A – Best Practices	Sesselja Th. Ólafsdóttir, e-mail: sesselja@neytendastofa.is
		Lighters	Proactive	Re-inspection/re-sampling	Documents inspection, visual inspection	Medium	1st Quarter	Prosafé Follow-up Joint Action on lighters		
88/378/EEC	Toys	Toys	Reactive	Complaints, notifications	Documents inspection	High	All year			Sesselja Th. Ólafsdóttir, e-mail: sesselja@neytendastofa.is
87/357/EEC	Food imitating products	Food imitating products								
89/686/EEC	Personal protective equipment	Personal protective equipment marketed to consumers	Reactive	Complaints	Documents inspection	High	All year			Sesselja Th. Ólafsdóttir, e-mail: sesselja@neytendastofa.is

		Helmets	Proactive	Joint Action				Prosafef Joint Action on Helmets		
2006/95/EC	Electrical equipment	Electrical equipment marketed to consumers	Reactive/Proactive	Complaints, notifications	Documents inspection, spot check, visual inspection, product testing	High	All year			Hjördís Björk Hjaltadóttir, e-mail: hjordis@neytendastofa.is
		Lighting chains	Proactive	Annual project	Spot check, visual inspection, documents inspection	Medium	Nov-Dec			
2004/108/EC	Electrical equipment	Electrical equipment marketed to consumers	Reactive/Proactive	Complaints, notifications	Documents inspection, spot check, visual inspection, product testing	High	All year			Hjördís Björk Hjaltadóttir, e-mail: hjordis@neytendastofa.is
89/106/EEC	Construction Products	Construction Products	Reactive	Complaints	Documents inspection	High	All year			Hjördís Björk Hjaltadóttir, e-mail: hjordis@neytendastofa.is
2004/22/EC	Measuring instruments	Automatic weighing instruments and Measuring systems for liquids other than water	Reactive/Proactive	Complaints, inspections at the same time as reverifications	Visual inspection	High	All year	Surveillance of taximeters		Gísli H. Fridgeirsson, e-mail: gislif@neytendastofa.is

90/384/EEC	Non-automatic weighing instruments	Non-automatic weighing instruments	Reactive/ Proactive	Complaints, inspections at the same time as reverifications	Visual inspection	High	All year			Gísli H. Fríðgeirsson, e-mail: gislif@neytendastofa.is
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Surveillance Authority: Icelandic Maritime Administration

Person responsible for the Sectoral NMSP: Árni Fridriksson

e-mail address: arni@sigling.is

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcome or further initiatives	Project manager generalities
94/25/EC	Leisure	Recreational crafts	Border control	Signing off import doc and registration	Documents inspection and spot check	High	Pending all year round	Control of PWC to be increased		Árni Fridriksson, e-mail: arni@sigling.is
96/98/EC	Marine	Ships equipment	Inspection at retail	Demand of directive	Spot check and enquiry	Medium	Pending all year round	To improve methodology		Árni Fridriksson, e-mail: arni@sigling.is

Surveillance Authority: Vinnueftirlitid / Administration of Occupational Safety and Health

Person responsible for the Sectoral NMSP: Björn Þ. Rögnvaldsson

e-mail address: bjornr@ver.is

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcome or further initiatives	Project manager generalities
Directive 95/16/EC	Machinery	Lifts	Proactive/reactive	Systematic, during installations and by complaints	Documents inspection	High	All year			Magnús Guðmundsson (mg@ver.is)
Directive 2000/9/EC	Machinery	Cableway installations designed to carry persons	Proactive/reactive	Systematic, during installations and by complaints	Documents inspection	High	All year			Magnús Guðmundsson (mg@ver.is)
Directive 98/37/EC	Machinery	Heavy machinery/construction equipments	Proactive/reactive	Systematic, border control and by complaints	Documents inspection	High	All year			Magnús Guðmundsson (mg@ver.is)
Directive 2006/42/EC	Machinery	Other machinery for use at workplaces	Reactive/proactive	Complaints and during labour inspections	Documents inspection	Medium	All year			Helgi Haraldsson (helgi@ver.is)
Directive 1999/36/EC	Machinery	Transportable pressure equipment for use at workplaces	Reactive/proactive	Complaints, during installations and during	Documents inspection	Medium	All year			Ágúst Ágústsson (agust@ver.is)

				labour inspections						
Directive 97/23/EC	Machinery	Pressure equipment for use at workplaces	Reactive/proactive	Complaints, during installations and during labour inspections	Documents inspection	Medium	All year			Ágúst Ágústsson (agust@ver.is)
Directive 77/767/EEC	Machinery	Pressure vessels for use at workplaces	Reactive/proactive	Complaints, during installations and during labour inspections	Documents inspection	Medium	All year			Ágúst Ágústsson (agust@ver.is)
Directive 87/404/EEC	Machinery	Simple pressure vessels for use at workplaces	Reactive/proactive	Complaints, during installations and during labour inspections	Documents inspection	Medium	All year			Ágúst Ágústsson (agust@ver.is)
Directive 90/396/EEC	Machinery	Appliances burning gaseous fuels	Reactive/proactive	Complaints and during border control	Documents inspection	Medium	All year			Ágúst Ágústsson (agust@ver.is)
Directive 89/686/EEC	Equipments	Personal protective equipment for use at workplaces	Reactive/proactive	Complaints and during labour inspections	Documents inspection	Medium	All year			Ólafur Hauksson (olafur@ver.is)
Directive	Chemicals	Explosives for civil	Reactive/	Complaints	Documents	Medium	All year			Víðir

93/15/EEC		uses	proactive	and during labour inspections	inspection					Kristjánsson (vidir@ver.is)
Directive 75/324/EEC	Equipments/chemicals	Aerosol dispensers	Reactive/proactive	Complaints and during labour inspections	Documents inspection	Low	All year			Ágúst Ágústsson (agust@ver.is)

Surveillance Authority: The Environment Agency of Iceland and The Public Health Authority

Person responsible for the Sectoral NMSP: Bergthora H. Skuladottir

e-mail address: bergthoras@umhverfisstofnun.is

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcome or further initiatives	Project manager generalities
1907/2006/EEC	Chemical products	Chemical substances and preparation	Annual project	Complaints, international cooperation	Documents inspection, spot check,	High / Medium	All year			Bergthora H. Skuladottir, e-mail: bergthoras@umhverfisstofnun.is
648/2004/EEC	Detergents	Various cleaning products and detergents sold in supermarkets and factories	Proactive	Regular inspections Re-inspection/re-sampling	Spot check, visual inspection, documents inspection	High / Medium	All year			Bergthora H. Skuladottir, e-mail: bergthoras@umhverfisstofnun.is
76/768/EEC	Cosmetics	Various cosmetic products sold in beauty salons, pharmacies and supermarkets	Proactive	Regular inspections Re-inspection/re-sampling	Spot check, visual inspection, documents inspection	High / Medium	All year			Bergthora H. Skuladottir, e-mail: bergthoras@umhverfisstofnun.is
2004/42/EC	Product that contain volatile organic compounds	Paint, varnishes and other such products	Proactive	Regular inspections Re-inspection/re-	Spot check, visual inspection, documents	High / Medium	All year			Bergthora H. Skuladottir, e-mail: bergthoras@umhverfisstofnun.is

		sold at gasoline stations and hardware stores		sampling	inspection					is
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Surveillance Authority: Brunamálastofnun / Iceland Fire Authority

Person responsible for the Sectoral NMSP: Birgir Ágústsson

e-mail address: birgir@brunamal.is

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcome or further initiatives	Project manager geeralities
2006/95/EC	Electrical Equipment	Lighting, installation and industrial/commercial equipment.	Proactive and reactive.	Complaints, specific projects, notifications and knowledge of the market.	Inspections of equipment and documents.	High	All year	Possibly LVD - ADC O initiatives.	Improved safety and increased knowledge.	Birgir Ágústsson birgir@brunamal.is
2004/108/EC	Electrical Equipment	EMC-active equipment.	Reactive.	Complaints and notifications.	Inspections of documents.	Low	All year	Possibly EMC - ADC O initiatives.	Improved EMC and increased knowledge.	Birgir Ágústsson birgir@brunamal.is
94/9/EC	ATEX	Equipment and systems for explosive atmospheres.	Reactive.	Complaints and notifications.	Inspections of documents.	Low	All year		Improved safety and increased knowledge.	Birgir Ágústsson birgir@brunamal.is

Surveillance Authority: Post and Telecom administration in Iceland

Person responsible for the Sectoral NMSP: Bjarni Sigurðsson .

e-mail address: bjarni@pfs.is

No of EU legislation applicable	Sector	Description of the product or category	Type of monitoring	Monitoring motivation	Monitoring activity	Priority	Starting period or date	Development	Outcome or further initiatives	Project manager generalities
1999/5/EC	Telecommunication terminal equipment	Industrial/commercial equipment.	Proactive and reactive.	Complaints, specific projects, notifications and knowledge of the market.	Inspections of equipment and documents.	High	All year		Improved safety and increased knowledge .	Bjarni Sigurdsson bjarni@pfs.is
