



General market surveillance operating procedure and its impact on the export of products of Bosnia and Herzegovina

9 – 10 October 2018, Kyiv, Third International Forum on technical regulations
Mico Drljo, head of department,
Market Surveillance Agency of Bosnia and Herzegovina

Legislative and institutional framework

EU Horizontal Market Surveillance Legislative Framework

3

- ❑ **Regulation (EC) No 765/2008** setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93
- ❑ **Decision (EC) No 768/2008** on common framework for marketing of products and repealing Council Decision 93/465 EEC
- ❑ **Directive 2001/95/EC** on general product safety (GPSD)

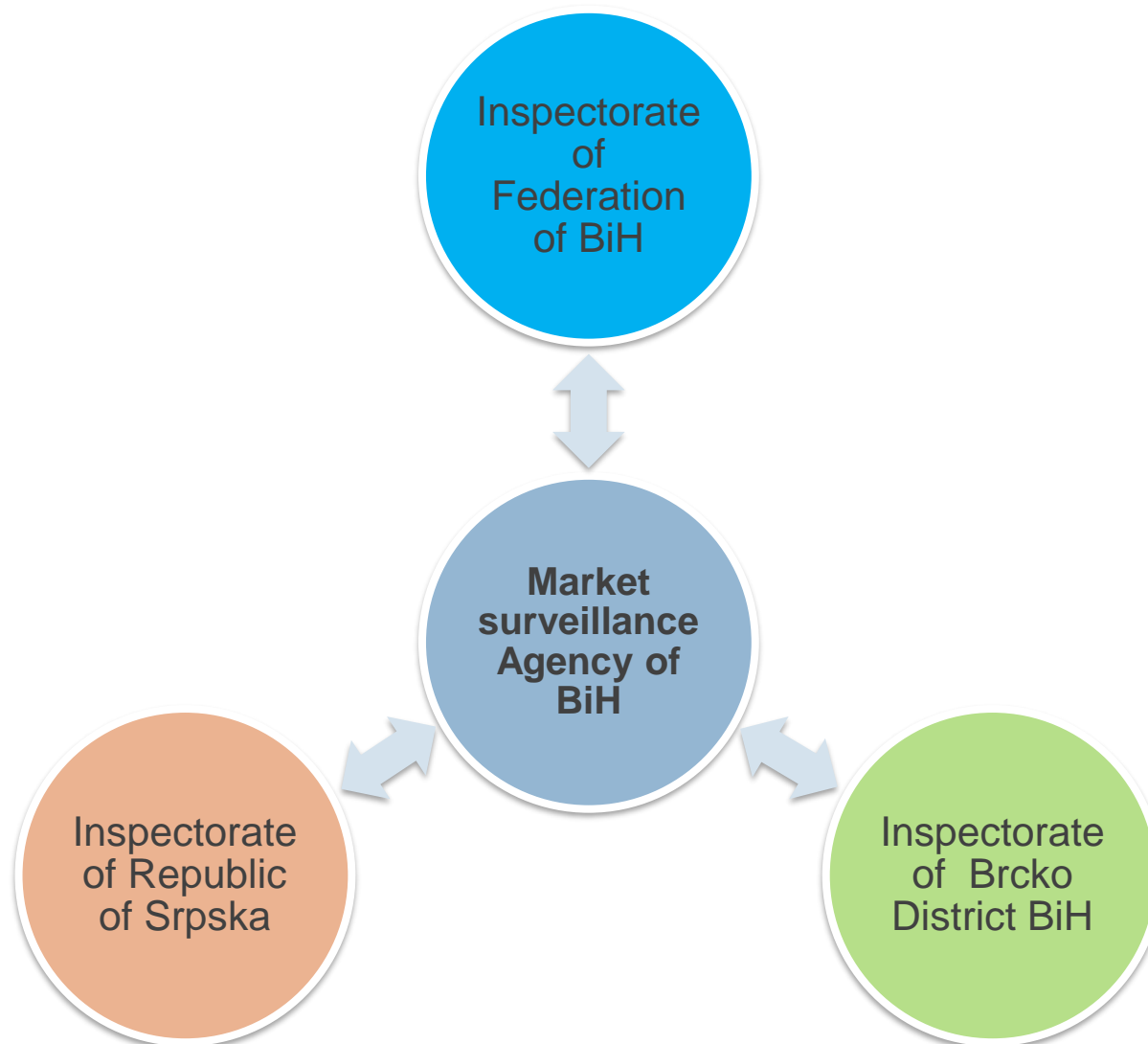
Horizontal Market Surveillance Legislative Framework in Bosnia and Herzegovina

4

- ❑ Law on General Product Safety (“Official Gazette of BiH “, no. 102/09)
- ❑ Law on Market Surveillance in B&H (“Official Gazette of BiH”, no. 45/04, 44/07, 102/09)
- ❑ Law on Technical Requirements for Products and Conformity Assessment (“Official Gazette of BiH”, no. 45/04)

Organisation of Market Surveillance System in BiH

5



MARKET SURVEILLANCE AGENCY BiH

(directly responsible to the Council of Ministers BiH)

Federal Administration for Inspection Affairs of FBiH
(directly responsible to the Government of FBiH)

Republic Administration for Inspection Activities of RS
(directly responsible to the Government of RS)

Inspectorate of Brčko District BiH
(directly responsible to the Government of BDBiH)

1. Market inspection
2. Health Inspection
3. Food Safety Inspection
4. Labour Inspection
5. Urban Planning, Construction and Environment Inspection
6. Traffic Inspection
7. Agricultural Inspection
8. Forestry Inspection
9. Water management inspection
10. Veterinary inspection
11. Mining, thermal and electro - energy inspections

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2. Health Inspection
3. Food Safety Inspection
4. Forestry Inspection
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6. Agricultural Inspection
7. Water management inspection
8. Technical Inspection
9. Traffic Inspection
10. Urban Planning, Construction and Environment Inspection
11. Labour Inspection
12. Education Inspection
13. Fire Safety Inspection

1. Market inspection
2. Health Inspection
3. Sanitary Inspection
4. Agricultural Inspection
5. Veterinary inspection
6. Ecology Inspection
7. Forestry Inspection
8. Water Inspection
9. Phytosanitary Inspection
10. Education Inspection
11. Labour Inspection
12. Urban Planning and Construction Inspection
13. Road inspection
14. Traffic Inspection
15. Electro-energetic Inspection
16. Thermo-energetic Inspection
17. Fire Safety Inspection
18. Occupational Health and Safety Inspection
19. Communal Inspection

Main responsibilities of the MSA BiH

7

- ❑ to coordinate and harmonize the market surveillance activities in terms of product safety in Bosnia and Herzegovina
- ❑ to ensure uniform enforcement of the product safety legislation on the territory of Bosnia and Herzegovina
- ❑ to participate in the preparation and drafting of all regulations on product safety
- ❑ to ensure uniform procedures for handling the consumer complaints regarding product safety
- ❑ to carry out international cooperation in the field of market surveillance
- ❑ to continuously inform the public and all interested parties of the market surveillance activities.

General market surveillance operating procedure in Bosnia and Herzegovina

The aim of market surveillance

9

- ❑ ensure high level of protection of public interests such as health and safety in general, health and safety in the workplace, protection of consumers, protection of the environment and security
- ❑ ensure free movements of goods
- ❑ ensure fair competition for economic operators

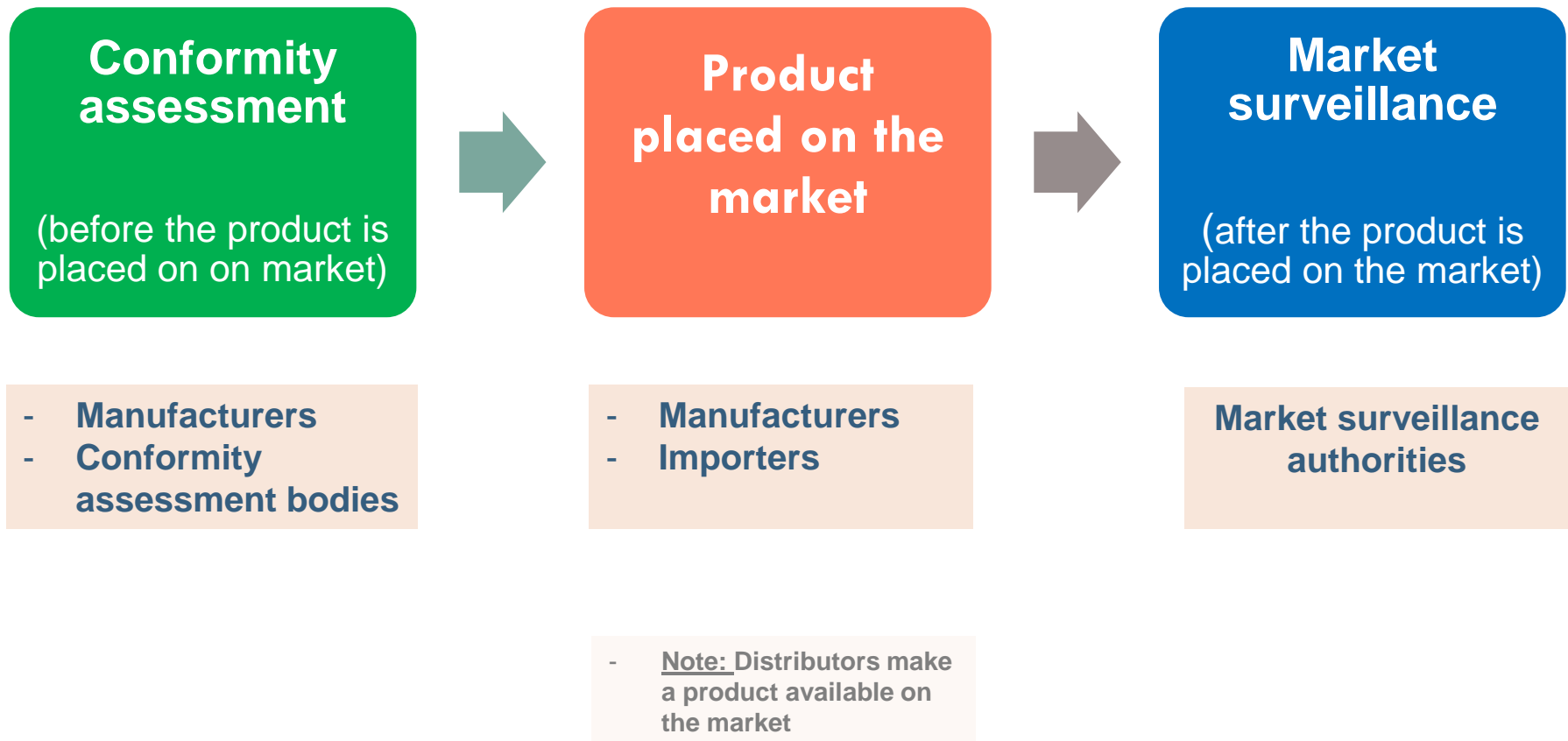
Main obligations for the efficient operation of market surveillance

10

- ❑ entrust market surveillance authorities with the powers, resources and knowledge necessary for proper performance of their tasks
- ❑ establish appropriate communication and coordination mechanisms between market surveillance authorities
- ❑ verify that corrective action has been taken
- ❑ follow up of complaints and monitor accidents
- ❑ follow up scientific and technical knowledge about safety issues
- ❑ apply principal of proportionality
- ❑ draw up general market surveillance programme or sector specific programmes and do periodically review of their programmes

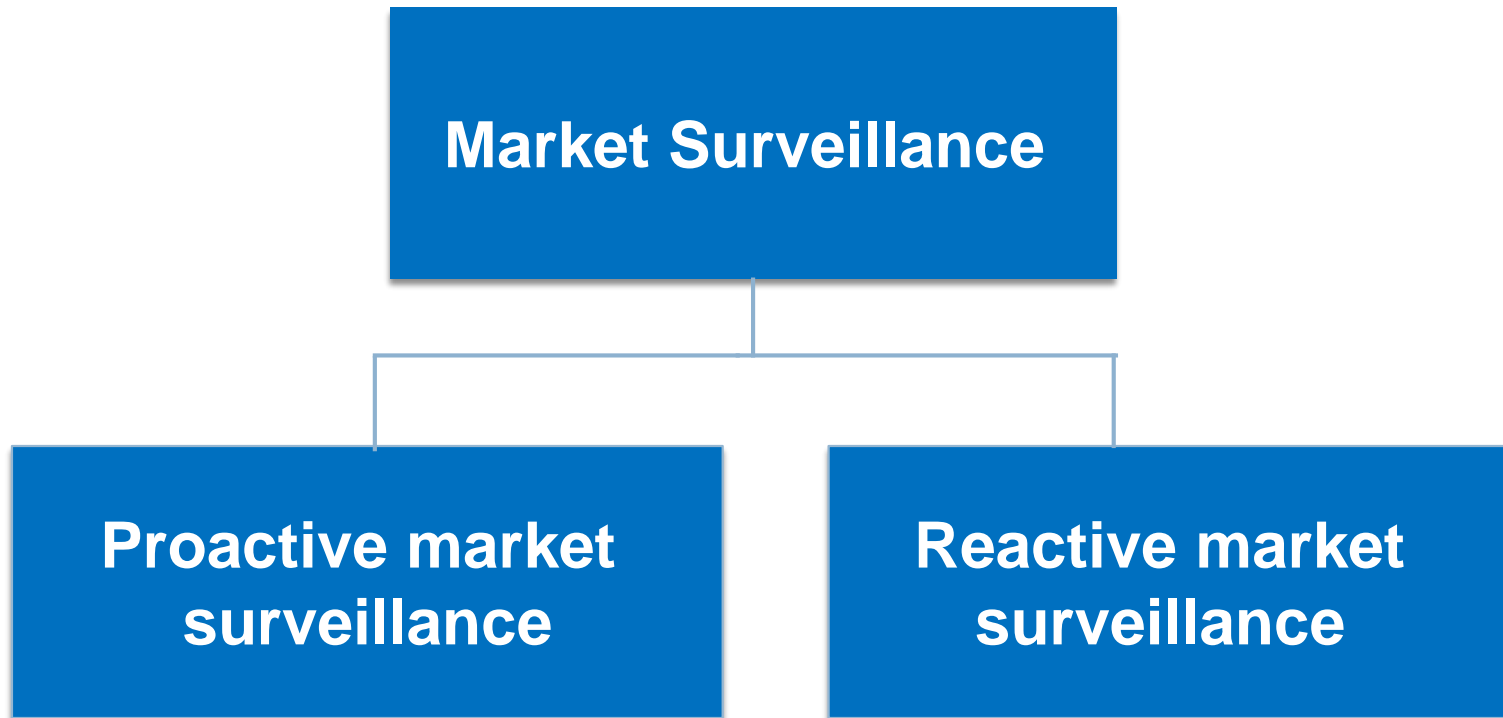
Conformity assessment and market surveillance stages

11



Standard market surveillance approach in Bosnia and Herzegovina

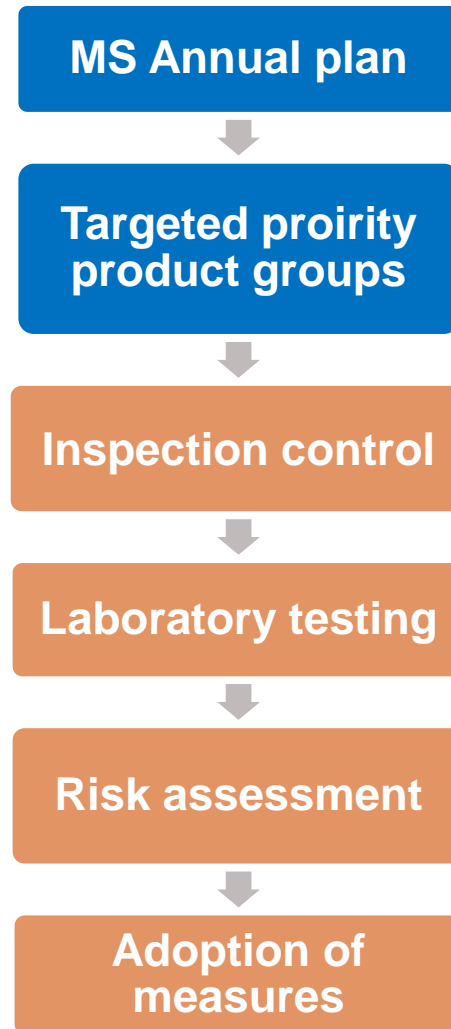
12



'Market surveillance' shall mean the activities carried out and measures taken by public authorities to ensure that products comply with the requirements set out in the relevant Community harmonisation legislation and do not endanger health, safety or any other aspect of public interest protection (Regulation No (EC) 765/2008)

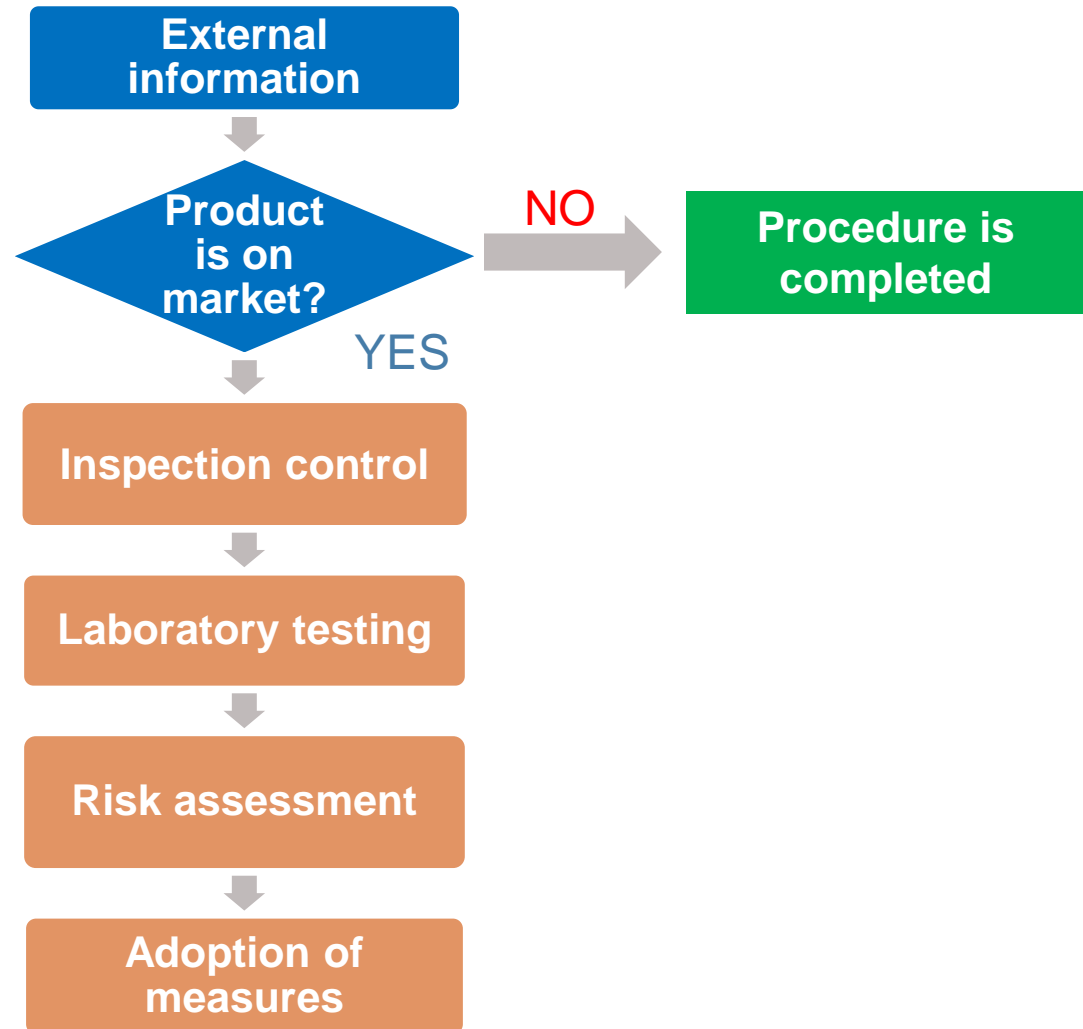
Standard procedure for proactive market surveillance

13



Standard procedure for reactive market surveillance

14



Planning and implementation of market surveillance activities

15

- ❑ **Annual Market Surveillance Plan** (adopted annual plan includes projects for targeted non-food product groups)
- ❑ Implementation of market surveillance activities:
 - ❑ **inspection control of products**
 - ❑ **laboratory testing**
 - ❑ **risk assessment**
 - ❑ **adoption of measure** (risk management)
- ❑ Notify (alert) consumers and users on unsafe products

Market Surveillance Annual Plan

16

	Nadzor nad tržištem	2018.												Broj kontrola FBiH / RS / BDBiH	Uzorko- vanje	Voditelji nadzora
		Jan	Feb	Mar	Apr	Maj	Jun	Jul	Avg	Sep	Okt	Nov	Dec			
1.	Dječije hodalice					01/05				30/09				3 / 3 / 1	✓	Mičo Drlijo
2.	Dječije ogradice					01/05				30/09				3 / 3 / 1	✓	
3.	Trotineti za djecu					01/05				30/09				4 / 4 / 1	✓	
4.	Stolice za vanjsku upotrebu					01/05				30/09				6 / 6 / 2	✓	
5.	Koturaljke (role)					01/05				30/09				4 / 4 / 1	✓	
6.	Igračke sa laserskim lampama									01/09		30/11		3 / 3 / 1	✓	Mladen Batković
7.	Laserski pokazivači									01/09		30/11		4 / 4 / 1	✓	
8.	Igračke (sadržaj ftalata)			01/03			30/06							10 / 10 / 5	✓	Lidija Lovrić
9.	Bočice za hranjenje beba			01/03			30/06							4 / 4 / 1	✓	
10.	Usisivači za prašinu		01/02		30/04									4 / 4 / 1	✓	Slaven Džindo
11.	Kuhala za vodu		01/02		30/04									4 / 4 / 1	✓	
12.	Produžni kablovi		01/02		30/04									4 / 4 / 1	✓	
13.	Električni fenovi		01/02		30/04									4 / 4 / 1	✓	Danijela Dragović
14.	Aparati za kafu		01/02		30/04									3 / 3 / 1	✓	
15.	Ventilatori				01/04		30/06							4 / 4 / 1	✓	
16.	Ručne električne kružne pile				01/04		30/06							3 / 3 / 1	✓	Mane Vrhovac
17.	Ručne električne ubodne pile				01/04		30/06							3 / 3 / 1	✓	
18.	Električne kosilice za travu				01/04		30/06							3 / 3 / 1	✓	
19.	Kacige za bicikliste i za korisnike skejtborda i koturaljki						01/06			30/09				4 / 4 / 1	✓	Samir Bekto
20.	Plutajuća pomagala						01/06			30/09				4 / 4 / 1	✓	
21.	Zaštitna / sigurnosna obuća						01/06			30/09				4 / 4 / 1	✓	
22.	Ploče na bazi drveta za upotrebu u građevinarstvu									01/09		30/11		3 / 3 / 0		Edin Ćerimagić
23.	Veziva od gipsa i gipsane mase za izravnavanje									01/09		30/11		4 / 4 / 0		
UKUPAN BROJ INSPEKCIJSKIH KONTROLA													Σ 210			Σ 92 / 92 / 26

Inspection control of products

17

- ❑ **Inspection control of products include:**
 - ❑ administrative (documentary) checks
 - ❑ physical and visual checks
 - ❑ sampling of products for the purpose of laboratory testing
- ❑ Inspection control is conducted at the premises of economic operators

Checklists and instructions for inspection control of products

18

- ❑ Inspection control is carried out in accordance with the checklists and the instructions prepared by the MSA BiH
- ❑ Checklists and instructions for inspection control are specifically tailored for each product groups to be checked on the market
- ❑ Checklists encompass safety requirements prescribed in the:
 - ❑ national regulations (transposing European Union regulations i.e. New Approach Directives and General Product Safety Directive)
 - ❑ BAS standards (transposing relevant EN and ISO/IEC standards)

Example of the checklist for the inspection control of the product

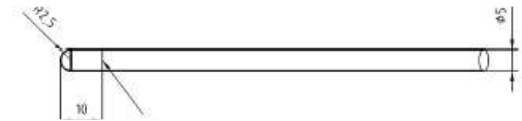
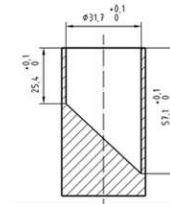
19

Checklist for inspection control of children's cots in accordance with the Law on general product safety and standard BAS EN 716-1/2		
Inspectorate:	Competent inspection:	Inspector:
Details of the economic operator inspected:		Date of inspection:
1. Identification of the product and the economic operators		
Product:		
Description of product:		
Brand/type/number of model/serial number:		
Bar/EAN kod:		
Name and address of producer:		
Name and address of importer:		
Country of origin:		
2. Administrative checks		
2.1 Packaging	YES	NO
2.2 Instruction for use	YES	NO
Instructions are provided in one of the languages in official use in Bosnia and Herzegovina		
2.3 Marking	YES	NO
Name, registered trade name or registered trade mark of manufacturer, distributor or retailer		
Reference to standard EN 716-1		
If the mattress is not an integral part of the cot, maximum thickness of mattress to be used.		
3. Physical (visual) checks	YES	NO
Distance between bars of the cot sides shall be between 45 mm and 65 mm		
Distance between cot base and the cot sides shall be less than 25 mm		
Distance between slats of cot base shall be less than 60 mm		
Distance between top of lowest cot base and upper edge of the cot side shall be ≥ 600 mm		
Distance between top of highest cot base and upper edge of the cot side shall be ≥ 300 mm		
4. Sampling of product	YES	NO
5. Measures adopted		
Voluntary measures	Compulsory measures	No measures

The basic inspection toolbox for the checks of products

20

- ❑ Small parts test cylinder to test small parts
- ❑ Finger test probe for accessible live parts
- ❑ Test probes $\varnothing 5$, $\varnothing 7$ and $\varnothing 12$ mm
- ❑ Calliper
- ❑ Measuring type
- ❑ Digital camera



Risk assessment procedure

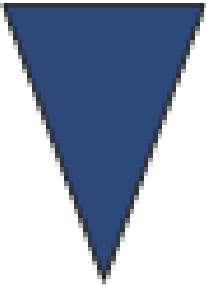
21


- ❑ The risk assessment is carried out in accordance with Instruction for risk assessment (“Official Gazette of BiH “, no. 22/16), transposing part of Commission Decision 2010/15/EU
- ❑ The MSA BiH developed risk assessment application being used for risk assessment of non-compliant products
- ❑ The MSA BiH application operates in line with the RAPEX Risk assessment guidelines (RAG)



Determination of risk level of a product

Combine severity of the injury and the probability to determine the risk level

Probability of injury during the foreseeable lifetime of the product		Severity of injury				
		1	2	3	4	
	High	> 50 %	High risk	Serious Risk	Serious Risk	Serious Risk
		> 1/10	Medium risk	Serious Risk	Serious Risk	Serious Risk
		> 1/100	Medium risk	Serious Risk	Serious Risk	Serious Risk
		> 1/1.000	High risk	High risk	Serious Risk	Serious Risk
		> 1/10.000	Low risk	Medium risk	High risk	Serious Risk
		> 1/100.000	Low risk	Low risk	Medium risk	High risk
		> 1/1.000.000	Low risk	Low risk	Low risk	Medium risk
	Low	< 1/1.000.000	Low risk	Low risk	Low risk	Low risk



Procedure for adoption of measures (Risk management model)

23

Level of risk	No risk	Low risk	Medium risk	High risk	Serious risk
Measures adopted	No measures taken	Corrective measures to bring a product into compliance	Corrective measures to bring a product into compliance, sales ban	Withdrawal a product from the market	Recall a product from consumers, withdrawal a product from the market, destruction of products (optional)

Risk management is a process in which decisions are made on the proportionate measures based on the results of the risk assessment to eliminate risks posed by products

Type of measures

24

- ❑ Type of measures:
 - ❑ compulsory measures (ordered by market surveillance authorities)
 - ❑ voluntary measures (taken by economic operators)
- ❑ Products presenting serious risks should be:
 - ❑ withdrawn from the market
 - ❑ recalled
 - ❑ their availability on the market prohibited or restricted
 - ❑ destructed (when it is deemed necessary)
- ❑ Consumers and users must be notified about the products presenting serious risks

Notifying consumers on unsafe products found on the market

25

BOSNA I HERCEGOVINA PRILAGODAVANJE

Agencija za nadzor nad tržištem Bosne i Hercegovine

Agencija Nadzor nad tržištem Nesigurni proizvodi Za potrošače Za poslovne subjekte

Početna / Nesigurni proizvodi / Obavjesti u BiH

OBAVJESTI U BIH

OBAVJESTI U EU - RAPEX

NE SIGURNI PROIZVODI PRONAĐENI NA TRŽIŠTU BIH

Produžni kabel Hangzhou Chifar tip 05239

19.7.2018



Proizvod predstavlja rizik od požara i strujnog udara.



Naziv proizvoda	Produžni kabel
Podaci o proizvodu (marka, model, tip, serija)	05239
Proizvođač	Hangzhou Chifar CO. LTD. NR Kina
Zemlja podrijetla	Kina
Uvoznik	Silk Trade, Tešanj, BiH
Zašto je proizvod nesiguran (opasnost/rizik)	<p>Proizvod predstavlja rizik od požara i strujnog udara jer:</p> <ul style="list-style-type: none">- površina poprečnog presjeka provodnika u savitljivom kابلu je manja od minimalno dozvoljene. <p>Proizvod nije usklađen s Naredbom o električnoj opremi namijenjenoj za uporabu unutar određenih naponskih granica i s normom BAS EN 60884-2-7:2011 + A1:2014.</p>
Poduzete mjere	Mjerodavna inspekcija je naložila mjeru povlačenja s tržišta i uništenja opasnih proizvoda, te obavješćivanja potrošača o rizicima i načinu povrata opasnih proizvoda.

Link to MSA internet page: http://annt.gov.ba/nesigurni_proizvodi/default.aspx?langTag=en-US

Examples of unsafe products found on the market of Bosnia and Herzegovina

Baby walker

27



Risk and non-compliance:

The baby walker presents serious risk of injury because:

- the seat height at the lowest position is less than the minimum prescribed height of 180 mm
- Instruction for use are not written in one on the official languages in Bosnia and Herzegovina

The baby walker does not comply with the Law on General Product Safety and standard
BAS EN 1273

Helmet for pedal cyclists

28



Risk and non-compliance:

The helmet presents serious risk of injury because:

- ❑ Insufficient absorption of impact causing damage of the product construction
- ❑ Incomplete labelling of products
- ❑ There is a missing product and packaging warning

The helmet does not comply with the Ordinance on personal protective equipment and standard BAS EN 1078+A1

The electric angle grinder

29



Risk and non-compliance:

The electric angle grinder present serious risk of injury because:

- the cutting or grinding wheel, together with the clamping device, could come loose when the angle grinder is in operation, leading to injury of the user

The angle grinder does not comply with the Ordinance on safety of machinery and standard BAS EN 60745

Electric hair dryer

30



Risk and non-compliance :

The electric hair dryer presents serious risk of fire and electrical shock because:

- ❑ The instruction for use does not contain all the necessary elements,
- ❑ the measured power is considerably smaller than is declared,
- ❑ the cross-sectional area of the conductor is less than the minimum permissible.

The electric hair dryer does not comply with the Ordinance on low voltage equipment and standard BAS EN 60335-2-23:2007 + A1:2010 + A11:2012 + A2:2016

Electric fan

31



Risk and non-compliance:

Electric fan presents serious risk of injuries and electrical shock because:

- ❑ the measured power is much greater than the indicated power,
- ❑ the cross-sectional area of the conductor is less than the minimum permissible.
- ❑ the appliance is not properly marked,
- ❑ no instructions for use are provided with the appliance

The electric fan does not comply with the Ordinance on low voltage equipment and standard BAS EN 60335-2-80:2007 + A1:2007 + A2:2011.

Questions?



Thank you
for your attention!

Contacts

34

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