



**the Polish Market Surveillance Authority
and its experience in collaboration with
the Polish Customs Service
in the field of non-food consumer
product safety and compliance**

Warsaw, 12th April 2022

Main points

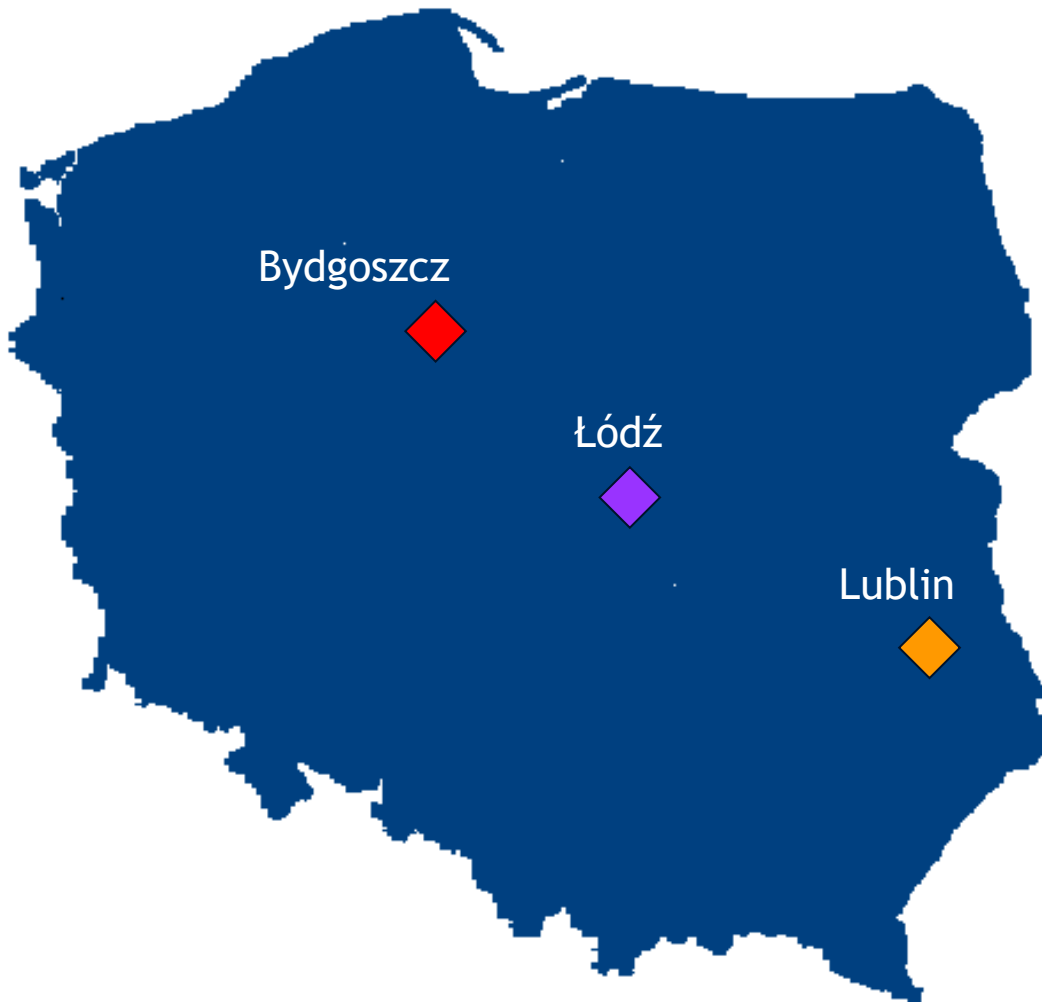
1. Some facts on the Office of Competition and Consumer Protection (the UOKiK) and its role in the Market Surveillance System of non-food products in Poland.
2. Some facts on the National Revenue Administration and its role in the Market Surveillance System of non-food products in Poland.
3. Cooperation with Customs Service - the best practices and statistics.

1. The central governmental authority.
2. The President of UOKiK appointed directly by the Prime Minister.
3. Independent decision making authority. Only courts can review UOKiK's decisions.
4. The President supervises the Trade Inspection and runs laboratories.

Areas of UOKiK's activity

1. Elimination of restricting competition practices.
2. Mergers and acquisitions control.
3. Protection of collective consumers' interests.
4. **Market surveillance and general product safety.**
5. State aid monitoring.
6. Contractual advantage in relations between suppliers and buyers on the agricultural and foodstuff market.
7. Counteracting excessive late payment in commercial transactions.

UOKiK's laboratories



3 labs - non-food products:

- **fuels** (Bydgoszcz),
- **chemical analysis** (Łódź),
- **toys** (Lublin).

All laboratories are
accredited.

Market Surveillance Authority - consumer goods

Trade Inspection - investigations

16 regional inspectorates and 34
local offices



**Office of Competition and Consumer Protection -
legal measures**

Market Surveillance Department

Product sectors covered by the Trade Inspection and UOKiK

Product sectors
1. Toys
2. Personal protective equipment
3. Aerosol dispensers
4. Simple pressure vessels and Pressure equipment
5. Machinery
6. Pyrotechnics
7. Appliances burning gaseous fuels
8. Electrical appliances and equipment under LVD
9. Electrical and electronic equipment under RoHS and WEEE and batteries
10. Chemical substances under REACH and Classification and Labelling Regulations

Product sectors covered by the Trade Inspection and UOKiK

Product sectors
11. Other chemicals (Detergents, Paints, Persistent Organic Pollutants, Fluorinated greenhouse gases, Ozone Depleting Substances, etc.)
12. Eco-design and Energy Labelling; Efficiency requirements for hot-boilers fired with liquid or gaseous fuels
13. Tyre labelling
14. Other consumer products under General Product Safety Directive
15. Textile and Footwear labelling
16. Crystal glass

National Revenue Administration



27 major border crossing points

**1 155 km
- land border**

National Revenue Administration - organization chart

Minister of Finance

Chief of National
Revenue
Administration

Directors of Revenue
Administration Regional
Offices -16

Director of National
Revenue Information
Centre

Heads of Customs and
Tax Control Offices -
16

Heads of Tax
Offices 400

Director of National
Revenue School

Representations of
Customs and Tax
Control Offices
43

Customs Branches 135

Non-fiscal tasks

Customs authorities perform tasks under non-customs policies and legislation on i.a.:



protection of human & animal health
(incl. compliance & product safety)



protection of cultural heritage



protection of environment

- 1. Regulation (EC) 2019/1020** of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ EU L 169 of 25.06.2019, p. 1) - *chapter VII Products entering the Union Market*
- 2. Act of 13th April 2016 on conformity assessment system and market surveillance** - i.a. rules for carrying out market surveillance actions at the boarder (OJL 2022, item 5) - *harmonized products*
- 3. Act of 12th December 2003 on general product safety** (OJL 2021, item 222) - *non-harmonized consumer products*

Market Surveillance Authorities in Poland

Labour
Inspection

Trade
Inspection

Inspection for
Environmental
Protection

Construction
Control
Authority

Office of
Electronic
Communications

State
Inspection of
Plant Health
and Seed

Office of
Competition
and
Consumer
Protection

State
Sanitary
Inspection

Office for
Registration of
Medicinal
Products, Medical
Devices and
Biocidal Products

State
Mining
Authority

Rail
Transport
Office

Martime
Offices

Road
Transport
Inspection

Objectives of cooperation

- **to protect consumers and professional users by stopping dangerous or non-compliant products entering the EU Market from third countries;**
- **to support market surveillance actions (e.g. sampling, access to testing facilities);**
- **to learn on market trends.**

- **network of contact points in both administrations** - experts who can be consulted;
- **checklists** - elaborated or adapted existing ones on the EU or the national level;
- **mutual exchange of data on importers or suspicious product groups** (if needed);
- **joint projects** - planned on the international (Visegrad Countries Group, Baltic Sea Countries Group) or national level (timing, scope, subject, risks);

- **joint training courses/workshops** - organise on the regional or central level (at least once a year - e.g. how to recognise dangerous products or on new regulations/requirements);
- **customs authorities access the Safety Gate - RAPEX system** (review);
- **the Market Surveillance Steering Committee meetings** (the central government level).

When the Customs Service acts?

The Customs Service has power to stop importation of dangerous/non-compliant goods when:

- product is not accompanied by documentation required by the relevant European Union harmonisation legislation or is not marked in accordance with that legislation;
- the CE marking has been affixed to the product in a false or misleading manner;
- product poses serious risk to health, safety or environment (*risk analysis*).

Procedure (Reg. (EU) 2019/1020)

suspend release of a product for free circulation - customs authority (chapter VII of the Reg. (EU) 2019/1020)

risk analysis

documentary/visual check

request to the market surveillance
authority (MSA)



CUSTOMS SERVICE

MSA's opinion



customs officer's decision

Product not in conformity
or dangerous – release for
free circulation not
authorised – Regulation
(EC) 2019/1020
prohibition from
free circulation

release for free
circulation

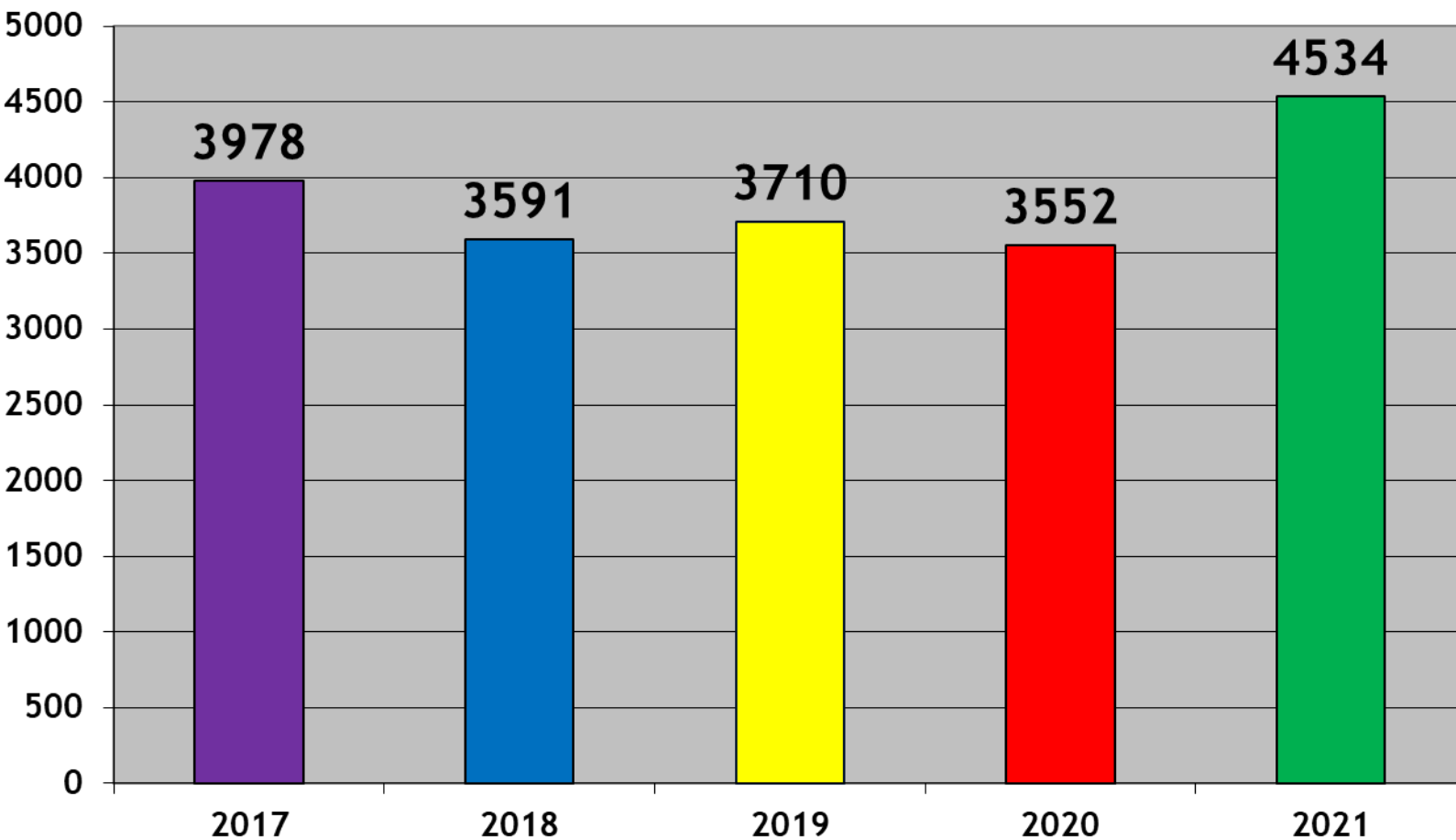


Planned joint projects - 2021

- on dangerous substances (phthalates) in plastic toys
(in English - https://uokik.gov.pl/news.php?news_id=18316)
 - 316,000 pieces inspected, more than 114,000 pieces (approx. 36 %) did not meet the requirements (incl. tested toys);
- on consumer chargers and power supplies
(in English - https://uokik.gov.pl/news.php?news_id=17530)
 - 61 models of imported chargers and power supplies inspected (nearly 72,000 pieces), out of which 13 models (10,600 pieces) tested, 5 out of 13 models (3,000 pieces - approx. 38.5 %) - did not meet the requirements and posed a risk to users.

Statistics

No. of MSAs' answers to Customs
Service's requests



Statistics - 2020

	Market Surveillance Authority	No. negative opinions	No. positive opinions
1.	Office of Electronic Communications	1 429	182
2.	Trade Inspection	1 308	124
3.	Labour Inspection	295	90
4.	Construction Control Authority	52	17
<i>Total:</i>		3 084	413

Negative opinions ~88 % (i.e. products stopped at the border)

Statistics - 2021

	Market Surveillance Authority	No. negative opinions	No. positive opinions
1.	Trade Inspection	1 922	234
2.	Office of Electronic Communications	1 680	241
3.	Labour Inspection	251	119
4.	Construction Control Authority	58	21
<i>Total:</i>		<i>3 911</i>	<i>615</i>

Negative opinions ~86 % (i.e. products stopped at the border)

Questions?



Thank you

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