

DECISION no. 306 of 23 March 2011 on certain measures for market surveillance relating to the products regulated by the European Union legislation harmonising their marketing conditions

On grounds of Article 108 of Romanian Constitution, republished, of Article 13 of the Government Ordinance no. [20/2010](#) on establishing certain measures for the unitary implementation of the European Union legislation harmonising the marketing conditions of products, and having regard to the provisions of Article 16 paragraph (1) and of Article 41 of Regulation (EC) no. [765/2008](#) of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/93, published in the Official Journal of the European Union, series L, no. 218 of 13 August 2008, The **Government of Romania** adopts this decision.

CHAPTER I: General provisions

Art. 1

(1) This decision establishes measures for market surveillance relating to the products regulated by the European Union legislation harmonising their marketing conditions.

(2) The market surveillance activities shall be performed by nominated market surveillance authorities, in compliance with the provisions of Article 9 paragraph (3) and Article 10 of the Government Ordinance no. [20/2010](#) on establishing certain measures for the unitary implementation of the European Union legislation harmonising the marketing conditions of products.

(3) Market surveillance shall cover the entire territory of Romania.

Art. 2

(1) For the purpose of this decision, the terms "manufacturer", "importer", "distributor", "recall", "withdrawal" and the wordings "making available on the market", "placing on the market", "authorised representative", "economic operators", "conformity assessment", "harmonised standard", "conformity assessment body", "market surveillance", "market surveillance authority", "release for free circulation", "CE marking" shall have the meanings provided in Regulation (EC) no. [765/2008](#) of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. [339/93](#), published in the Official Journal of the European Union, series L, no. 218 of 13 August 2008.

(2) The terms and wordings under paragraph (1) shall be completed with:

a) the term "consumer", established in the Government Ordinance no. [21/1992](#) on consumer protection, republished, with the subsequent amendments and completions;

b) the wordings "competent authority", "Community harmonisation legislation" and "technical specification", as well as the term "standard", established in the Government Ordinance no. [20/2010](#).

(3) For the purpose of this decision, the wording "surveillance in usage" is defined as the ensemble of measures which ensure and certificate the safety of use and the performances, in line with the intended purpose, during the entire period the product is handled, as well as the detection of usage incidents.

Art. 3

(1) The market surveillance activity is aimed at checking whether:

a) the products regulated by the European Union legislation harmonising their marketing conditions, hereinafter referred to as products, as defined in Article 15 paragraph (4) of Regulation (EC) no. [765/2008](#), are compliant with the requirements of the applicable European Union legislation or of the normative acts implementing the European Union legislation harmonising the marketing of products, as the case may be;

b) the economic operators act, in line with their obligations, so as to bring to conformity the non-compliant products with the requirements of the applicable European Union legislation or of the normative acts implementing the European Union legislation harmonising the marketing of products, as the case may be, and enforce the measures set by the market surveillance authorities, when applicable.

(2) In situations where, according to the provisions of the normative acts implementing the European Union legislation harmonising the marketing of products, the market surveillance authorities need to impose appropriate sanctions and/or measures, these shall be established in compliance with the provisions of this decision.

(3) The market surveillance authority shall fulfil the tasks of market surveillance in accordance with the principle of proportionality. According to this principle, the measures established by the market surveillance authority shall be correlated with the level of risk or non-compliance of the product, and the impact on the free circulation of products shall not be greater than necessary in order to achieve the objectives of market surveillance.

Art. 4

(1) The market surveillance authorities may be structures of the central administration or public institutions, state specialised bodies in certain fields.

(2) The market surveillance authorities may not be the entities provided in paragraph (1) within which notified bodies are in place.

Art. 5

(1) The market surveillance authority may sub-contract technical activities, such as, for instance, trials and inspections, provided that it assumes liability for taking the decision with regard to the result of the surveillance and only if there is no conflict of interests between its market surveillance tasks and the conformity assessment activities of the sub-contracting entity.

(2) The market surveillance authority shall ensure that there is no conflict of the nature of those provided for in paragraph (1).

Art. 6

(1) The market surveillance authority shall ensure the compliance with the confidentiality requirements, mainly:

- a) if a competent authority or another market surveillance authority which sends the information outlines the confidential character of the information;
- b) if the information refers to the content of the technical documentation;
- c) during the whole assessment period of a case for which the European safeguard procedure under this decision was initiated;
- d) to protect the personal data.

(2) By way of exception from the provisions of paragraph (1), the decisions and/or measures taken based on the information obtained by the market surveillance authority may be made public, if so imposed by the circumstances, for the purpose of protecting the health and safety of users.

CHAPTER II: Market surveillance measures

Art. 7

In its activity, the market surveillance authority shall mainly:

- a) monitor the products placed on the market and/or put into service;
- b) establish the measures which the economic operator needs to take, as the case may be, for observing the conformity of products;
- c) monitor the implementation of the established measures.

Art. 8

(1) In order to monitor the products placed on the market and/or put into service, the market surveillance authority shall mainly:

- a) regularly visit the commercial, industrial and storage premises;
- b) regularly visit the work places where the products are put into service;
- c) organise random and spot checks;
- d) take samples of products and subject them to examination and testing.

(2) If major non-compliances have been discovered, in order to establish whether the errors are constant or not, the market surveillance authority shall check the products in accordance with the conformity assessment procedures correctly chosen in order to assess the conformity of products with the requirements of the applicable European Union legislation or normative acts implementing the European Union harmonisation legislation, as the case may be.

(3) The market surveillance authority may monitor the products showed at trade fairs, exhibitions, demonstrations and other such events and shall verify whether the products which are non-compliant with the requirements of the European Union legislation or of the normative acts implementing the European Union harmonisation legislation hold visible signs clearly

indicating that the products cannot be marketed and/or put into service in Romania or in the European Union until they have been made to comply with the requirements of the applicable European Union legislation or normative acts implementing the European Union harmonisation legislation.

Art. 9

The market surveillance authority may make:

- a) formal checks;
- b) profound checks.

Art. 10

Formal checks may be made, as applicable, with regard to the CE marking and its affixing and/or to other specific markings under the specific legislation, the availability of the declaration of conformity, the technical documentation, the information accompanying the product and/or the manufacturer's correct choice of conformity assessment procedures.

Art. 11

(1) Where the European Union legislation or the normative acts implementing the European Union harmonisation legislation provide the obligation of presenting the declaration of conformity and/or the technical documentation, these must be made available for the market surveillance authority immediately upon request or, as the case may be, within a period of time, set out by the market surveillance authority, commensurate with its importance and the risk in question based on the principle of proportionality and on ensuring the protection of the economic operators from unnecessary burdens.

(2) The failure to present the declaration of conformity, respectively the technical documentation under the conditions described in paragraph (1) constitutes sufficient grounds for doubting the conformity of the product with the requirements of the applicable European Union legislation or of the normative act implementing the European Union harmonisation legislation, as the case may be.

(3) The technical documentation may be kept in any format, including as a hard copy or CD-ROM, provided that it is available for the period of time and under the requirements of the European Union legislation or of the normative acts implementing the European Union harmonisation legislation, applicable to the product.

Art. 12

(1) The declaration of conformity and the technical documentation must be made available by the economic operator for the market surveillance authority, in line with the obligations incumbent according to the provisions of the European Union legislation or of the normative acts implementing the European Union harmonisation legislation, applicable, as the case may be, to the product.

(2) The market surveillance authority may request a translation of the technical documentation into Romanian. If the market surveillance authority considers a translation necessary, it must clearly define the part of the documentation to be translated and allow reasonable time for this to take place, in consideration of the proportionality of the demand. It is not necessary that an accredited translator performs the translation.

(3) The request for a translation into Romanian may also apply to the declaration of conformity, if the translation into Romanian of this document is not provided for by the European Union legislation or by the normative act implementing the European Union harmonisation legislation, applicable, as the case may be, to the product.

(4) The market surveillance authority may demand from the notified bodies involved in the product conformity assessment information which is relevant for market surveillance.

Art. 13

The profound checks concern the verification of the product conformity with the essential requirements provided for in the European Union legislation or in the normative acts implementing the European Union harmonisation legislation. These checks may be focused only on certain aspects of the requirements provided for in the European Union legislation or in the normative acts implementing the European Union harmonisation legislation, applicable to the product.

Art. 14

Where the market surveillance authority decides that a product is non-compliant with the provisions of the applicable European Union legislation or normative acts implementing the European Union harmonisation legislation, it must take the appropriate measures and ensure that the product is brought to conformity. The corrective actions depend on the level of non-

compliance, which has to be established on a case by case basis and in accordance with the principle of proportionality, and they are the following:

- a) the market surveillance authority shall require the economic operator to make the product comply, in accordance with the incumbent obligations;
- b) where other measures have failed or they are not considered as sufficient, the market surveillance authority shall take all appropriate measures to restrict or prohibit the placing on the market and/or putting into service of the product in question and/or to ensure that it is withdrawn from the market and/or recalled. The non-compliant products shall be withdrawn from the market and/or recalled by the manufacturer, the authorised representative or the importer.

Art. 15

(1) Within the market surveillance activities, the market surveillance authorities must analyse and decide on a case by case basis whether the non-compliances are substantial or non-substantial.

(2) In relation to the found non-compliances, before taking any decision with respect to the measures described in Article 14 letter b), the market surveillance authority shall announce the economic operator, giving the latter the opportunity to be consulted. If the matter to be resolved is urgent, due to the serious and imminent danger, the market surveillance authority shall take the necessary measures without consulting the economic operator.

(3) The lack of reaction from the economic operator in the timeline set by the market surveillance authority, but no less than 10 days, entitles the market surveillance authority to take the decision it considers necessary to be taken.

(4) Any decision taken to restrict or prohibit the placing on the market and/or putting into service, to withdraw from the market certain products and/or recall them must state the exact grounds on which it is based, and the economic operator must be notified thereon in writing. This communication shall also include information on the right of the party concerned to challenge the decision, as well as on the timeline provided for challenging such decision, in compliance with the provisions of the legislation in force.

Art. 16

Non-substantial non-compliances can be, as the case may be, deeds such as:

- a) the incorrect use and affixing of the CE marking as regards, for instance, the design, size, visibility, legibility, the CE conformity marking characteristic of not being able to be erased, as well as the incorrect use and affixing of other specific markings provided by the applicable legislation;
- b) the failure to present the conformity declaration or failure to affix this document to the product, where the applicable legislation so provides;
- c) the product is not accompanied or is incompletely accompanied by other information provided for in the applicable European Union legislation or normative acts implementing the European Union harmonisation legislation;
- d) the identification number of the notified body has not been affixed to the CE marking, where the normative acts implementing the European Union harmonisation legislation so provide.

Art. 17

Substantial non-compliances are considered the non-conformities of products to the requirements which offer a high level of protection of the public interests, such as health and safety in general, health and safety at the workplace, consumer protection, environment protection and security, established by the European Union legislation or by the normative acts implementing the European Union harmonisation legislation, applicable to the product.

Art. 18

Upon the request of the market surveillance authority, the economic operators must be able to provide, as the case may be, the identification data of the economic operators to whom the product was provided or of the economic operator who provided them the product.

Art. 19

(1) The market surveillance authority must ensure that the economic operators comply with and fulfil the actions imposed on the basis of Article 14.

(2) The economic operators must ensure that all corrective actions are taken.

(3) The action to prohibit or restrict the placing on the market or putting into service of a product, provided for in Article 14 letter b), may first be temporary, for limited duration, to

allow the surveillance authority to obtain sufficient evidence about the danger or other substantial non-compliance of the product.

(4) Where the surveillance authority intends to take a measure in accordance with Article 14 and considers that the reasons which prompted the measure or the effects of the measure go beyond its territory, it shall notify to the European Commission and to the other Member States the outcomes of the conformity assessment and the actions which it required the economic operator to undertake. The communication shall be performed in line with the procedure provided for in Article 23 of Regulation (EC) no. [765/2008](#).

(5) Where the products present a serious danger requiring rapid intervention, the market surveillance authority shall communicate to the European Commission any measure it adopted or any measure the economic operator voluntarily adopted, in accordance with the procedure described in Article 22 of Regulation (EC) no. [765/2008](#).

(6) Where a Member State objects to the measure adopted by the market surveillance authority or where the European Commission considers that the measures adopted does not observe the European Union harmonisation legislation, the Commission shall consult the Member States and the relevant economic operators.

(7) In the cases provided for in paragraph (5), the Community safeguard clause procedure is restricted to products considered to be non-compliant with the applicable requirements which are subject to the free movement of products, including the CE marking-related requirements, even if the products are correctly constructed, installed or maintained, and used according to their intended purpose.

(8) The national measure to restrict or prohibit the placing into market or the putting into service of a product, or to withdraw the product from the market and/or to recall it must be based on evidence that constitutes sufficient proof of errors in the product design or the manufacture to indicate a foreseeable potential or actual danger or other substantial non-compliance, even when the products are correctly constructed, installed or maintained, and used according to their intended purpose or in a reasonable foreseeable way.

(9) Where the reasons for invoking the safeguard clause procedure were removed or where the motives proved to be unjustified, the market surveillance authorities shall withdraw the communication specified under paragraph (4) and shall take the necessary steps to re-establish the free movement of products.

(10) The market surveillance authorities shall inform the competent authorities on the invocation of the safeguard clause procedure and, as the case may be, shall withdraw the communications under the terms of paragraph (8) and shall receive information in relation to the communications made by the other Member States, by means of the competent authorities which ensure the relation between the European Commission and the other Member States.

Art. 20

The communication under Article 19 paragraph (4) must mainly include:

- a) a reference to the European Union legislation or to the normative acts implementing the European Union harmonisation legislation, and in particular to the requirements against which the non-compliance and/or hazard have been established;
- b) name and address of the economic operator that placed the product on the market;
- c) a copy of the declaration of conformity;
- d) the name and identification number of the notified body that intervened in the conformity assessment procedure, if applicable;
- e) information on the procedure which was used by the market surveillance authority to verify the compliance of the product.

Art. 21

The market surveillance authority is bound to enforce any decision of the European Commission taken at the European level concerning the restriction of free movement of products.

Art. 22

Where the manufacturer is not established on the territory of Romania or of another Member State, the measures which need to be taken by the customs authority and the market surveillance authorities in relation to the products that must comply with the requirements applicable to them in accordance with the European Union legislation and the normative acts implementing the European Union harmonisation legislation shall be taken in compliance with the provisions of Articles 27 to 29 of Regulation (EC) no. [765/2008](#). Therefore, the customs authority and the market surveillance authorities shall conclude collaboration agreements in

order to ensure the exchange of information with a view to improve the measures of identification of the non-compliant products and take the necessary steps in view of their removal, before their placing on the market, in order to ensure the protection of health and safety and the proper functioning of the single market.

Art. 23

In addition to the activities that make the object of the stages described in Article 7, the market surveillance authority, when applicable, must:

- a) collaborate with the economic operators in order to prevent the placing on the market and/or putting into service of non-compliant products and to inform the users on health and safety matters;
- b) prevent and/or inform or request the economic operators to prevent and/or inform the persons who might be exposed to danger as a result of the placing on the market and/or putting into service of non-compliant products.

Art. 24

(1) Where the manufacturer is not established in Romania, in view of obtaining information on the declaration of conformity or details related to the technical documentation, or of receiving information about the product distribution chain, to take justified measures against all those responsible for placing on the market and/or putting into service a product non-compliant with the applicable requirements under the European Union legislation or in the normative acts implementing the European Union harmonisation legislation, the market surveillance authority shall contact the market surveillance authority from the Member State where that manufacturer, authorised representative or person responsible for placing on the market and/or putting into service the products is registered/established. If a notified body was involved, the market surveillance authority shall also contact the market surveillance authority from the Member State which notified the conformity assessment body.

(2) As for the non-compliant products manufactured by the providers mentioned in Article 22, as well as for the products considered by the surveillance authority as potentially dangerous for the health and safety of persons or for the environment protection, in view of taking all measures necessary to remove the non-compliances, the market surveillance authority and the customs authority shall collaborate and ensure the required exchange of information, in compliance with the provisions of Article 29 paragraph (5) of Regulation (EC) no. [765/2008](#).

(3) Regarding the found non-compliances and the measures taken to make a product compliant, in accordance with the provisions of Article 6, the market surveillance authority shall ensure, at a national level, the exchange of information with the other market surveillance authorities in charge of supervising the market for the same product. To the extent it deems necessary, the market surveillance authority shall also ensure the exchange of information with the market surveillance authorities from the other Member States.

Art. 25

(1) The market surveillance authority shall receive information from the entities in charge of supervising the products in service regarding the non-compliances assessed during their exercise of duties, if these non-compliances concern the design and manufacture of products or if the analysis of the factors which caused an incident shows that the product was not compliant with the applicable requirements provided in the European Union legislation or in the normative acts implementing the European Union harmonisation legislation, at the time the product was placed on the market or put into service.

(2) The market surveillance authority is bound to receive and analyse the complaints submitted by the consumers or users of the product or by the economic operators and to take the required measures. In all cases, the market surveillance authority shall communicate to those who submitted complaints information on the results directly achieved from the investigation of the subject matter of the complaint, in compliance with Article 6.

CHAPTER III: Contraventions and sanctions

Art. 26

The following deeds are considered contraventions and shall be sanctioned as follows:

- a) the non-compliance by the economic operators with the provisions of Article 19 paragraph (1), second sub-paragraph of Regulation (EC) no. [765/2008](#), by preventing, under any form, the market surveillance authorities from exercising their duties, by refusing their entry into the premises, when this is necessary and justified, and their taking of product samples, with fine from RON 5,000 to RON 10,000;

b) the non-compliance by the manufacturer or the authorised representative with the obligation stated in Article 30 paragraph (2) of Regulation (EC) no. [765/2008](#) regarding the abusive affixing of the conformity marking to the products to which such affixing is not provided for by specific European Union harmonisation legislation, with fine from RON 2,500 to RON 5,000 and withdrawal from the market and/or prohibition to place on the market the incorrectly marked products.

Art. 27

The contraventions shall be found and the sanctions under Article 26 shall be enforced by the entitled representatives of the market surveillance authorities nominated in the normative acts implementing the European Union harmonisation legislation.

Art. 28

The provisions of Article 26 on contraventions shall be completed by the provisions of the Government Ordinance no. [2/2001](#) on the legal regime of contraventions, approved with amendments and completions by Law no. [180/2002](#), with the subsequent amendments and completions.

CHAPTER IV: Final provisions

Art. 29

(1) The cost for the products and samples taken in order to verify the conformity of products with the applicable requirements, as well as the expenses incurred by the examination and testing of the products shall be borne by the market surveillance authority.

(2) Where, after testing the product, the market surveillance authority finds that the manufacturer, the authorised representative or the importer placed on the market or put into service a non-compliant product with the requirements of the European Union legislation or of the normative acts implementing the European Union harmonisation legislation, as applicable, the market surveillance authority shall recover the expenses from the entity that placed on the market or put into service the non-compliant product.

Art. 30

(1) Any natural or legal person who deliberately prevents, opposes against, menaces or provides false information, or who does not grant assistance or support or does not enforce the decisions of the market surveillance authority which is exercising its duties incumbent from the provisions of this decision and from other normative acts implementing the European Union harmonisation legislation shall be submitted to the competent legal authorities for the obstruction of the work of the surveillance authority, according to the legal provisions.

(2) The action of making available against payment or free of charge the products proved to be non-compliant according to the provisions of Article 14 shall entitle the market surveillance authority to request the competent state authorities to enforce complementary sanctions and confiscate these products or hold them in specific premises, on the manufacturer's, authorised representative's or importer's expense.

Art. 31

In exercising its market surveillance duties, the staff of the market surveillance authorities has the right to seal the products which are non-compliant with the requirements of the European Union legislation or of the normative acts implementing the European Union harmonisation legislation, as applicable.

Art. 32

In order to fulfil its duties, the market surveillance authority may require support from the law enforcement bodies, under the law.

Art. 33

In order to fulfil its tasks, the market surveillance authority must:

a) establish, in collaboration with all parties involved, and update periodically sectoral market surveillance programmes, as part of the national market surveillance programme, for the categories of products under its control responsibility, in keeping with the risks these have on the protection of health, user safety, property and environment protection, and shall communicate them to the Ministry of Economy, Trade and Business Environment while also making them publicly available;

b) aim at, and act toward, updating the scientific and technical knowledge on product safety of the employed and collaborator staff;

c) prepare half-yearly reports or whenever necessary, in line with the European Union legislation or with the normative acts implementing the European Union harmonisation

legislation, with regard to the results of the market surveillance activities, and present them to the competent authorities responsible for the regulation of the sector where the surveillance authority is active;

d) revise whenever necessary its procedures, organisation and operation rules, within the purpose of carrying out an efficient control activity;

e) ensure the exchange of information and the compliance with the related conditions, according to the provisions of this decision;

f) be able to intervene, through the representative designed therefor, at the notification of the customs authority on the suspension of the putting into circulation of a product and communicate the decision on the actions to be taken, in the timeframe provided at Article 28 paragraph (1) of Regulation (EC) no. [765/2008](#);

g) issue public statements to specify the products which are or may be unsafe, the economic operators which placed on the market and/or put into service or made available on the market such products and/or those economic operators whose practices or activities related to certain products may negatively affect the health and safety of persons, the environment protection, the protection of domestic animals and of property or other interests covered by the European Union legislation or by the normative acts implementing the European Union harmonisation legislation, and/or any other problems which may negatively affect the health and safety of persons, the environment protection, the protection of domestic animals and of property or other interests covered by the European Union legislation or by the normative acts implementing the European Union harmonisation legislation.

Art. 34

Within 30 days from the entry into force of this decision, the market surveillance authorities shall take the necessary measures to align their own market surveillance procedures to the provisions of this decision.

Art. 35

(1) The Ministry of Economy, Trade and Business Environment shall coordinate the market surveillance authorities in accordance with the applicable requirements provided for in Regulation (EC) no. [765/2008](#).

(2) For this purpose, the Coordination committee for the surveillance of the market of products regulated by the European Union harmonisation legislation is set up attached to the Ministry of Economy, Trade and Business Environment. The composition, duties, as well as the organisation of the Coordination committee for the surveillance of the market of products regulated by the European Union harmonisation legislation are presented in the annex which is part of this decision.

Art. 36

On the date this decision becomes effective, Government Decision no. [1.305/2007](#) on the designation of the national authorities responsible for market surveillance in accordance with Council Regulation (EEC) no. [339/93](#) of 8 February 1993 on checks for conformity with the rules on product safety in the case of products imported from third countries for the products described in Commission Decision no. [93/583/EEC](#) of 28 July 1993, published in the Romanian Official Journal, Part I, no. 738 of 31 October 2007, shall be repealed.

Art. 37

This decision shall come into force 30 days after its publication date in the Romanian Official Journal, Part I.

PRIME-MINISTER
EMIL BOC

Countersigns:

Minister of economy, trade and business environment,
Ion Ariton

ANNEX: Composition, duties and organisation of the Coordination Committee for the surveillance of the market of products regulated by the European Union harmonisation legislation

Art. 1

(1) The Coordination committee for the surveillance of the market of products regulated by the European Union harmonisation legislation, hereinafter referred to as the Coordination Committee, is an entity without legal personality functioning attached to the Ministry of Economy, Trade and Business Environment.

(2) Members of the Coordination Committee are the designated representatives of the competent authorities, of the nominated market surveillance authorities, according to the provisions of Article 1 paragraph (2) herein, of the customs authority, as well as of the national standardization body.

Art. 2

The Coordination Committee shall ensure the proper framework for communication and exchange of information between the competent authorities and the market surveillance authorities, between the market surveillance authorities and the authority responsible for external border controls, as well as between the market surveillance authorities, in view of safeguarding that the products regulated by the European Union harmonisation legislation comply with the requirements which offer a high level of protection of the public interest, as well as the health and safety in general, the health and safety at the workplace, consumer protection, environment protection and security.

Art. 3

(1) The Coordination Committee has the following duties:

a) analyses and proposes mechanisms for the coordination of the activities performed by the market surveillance authorities active in the fields regulated by the European Union harmonisation legislation;

b) assesses periodically the stage of the market surveillance activities performed by the coordinated market surveillance authorities;

c) establishes the framework for the elaboration and updating, as the case may be, of the national market surveillance programme;

d) establishes the procedural framework provided for in Article 18 of Regulation (EC) no. [765/2008](#) of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. [339/93](#);

e) establishes the proper framework for the professional training of the personnel specialised to check the products on the market;

f) establishes the means of information and communication deriving from the enforcement of the provisions of Article 17 paragraph (1) and, respectively, of Article 18 paragraph (5) of Regulation (EC) no. [765/2008](#);

g) participates to consultations on the legislative and institutional framework in the field.

(2) In exercising the duties provided for in paragraph (1), the Coordination Committee shall prepare reports on the development and improvement of the activities of surveillance of the market of products regulated by the European Union harmonisation legislation. Reports shall be drawn up at least once in four years, in compliance with the information requirements set in Article 18 paragraph (6) of Regulation (EC) no. [765/2008](#).

(3) The decisions of the Coordination Committee are fulfilled by the authorities composing it, in line with the duties deriving from the legal provisions in force.

Art. 4

(1) The Coordination Committee shall be headed by a chair – representative of the Ministry of Economy, Trade and Business Environment, mandated by Order of the Minister of Economy, Trade and Business Environment, and 2 vice-chairs elected by open vote at the first meeting.

(2) In the absence of the chair, the management of the Coordination Committee is ensured by one of the vice-chairs.

Art. 5

The Secretariat of the Coordination Committee shall be ensured by the Ministry of Economy, Trade and Business Environment.

Art. 6

The Coordination Committee shall meet every semester and, whenever necessary, at the call of the chair or, in his/her absence, of one of the vice-chairs.

Art. 7

Within 10 days from the date of entry into force of this decision, the authorities and the entities mentioned in Article 1 paragraph (2) shall designate their representatives in the Coordination Committee.

Art. 8

Within 30 days from the date of entry into force of this decision, the draft organisation and operation rules shall be prepared, and shall be analysed and adopted in the first meeting.

Published in the Official Journal under no.376 of 30 May 2011