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della Tutela del Territorio e del Mare*
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Alla Presidenza del Consiglio dei ministri
Dipartimento per le politiche europee
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E.p.c. Direzione generale per i rifiuti e
l'inquinamento

Oggetto: Sorveglianza di mercato ai sensi del D.lgs. 262/2002 di attuazione della Direttiva 2000/14/CE – Trasmissione del report sulle attività svolte nell'anno 2014.

Per la successiva trasmissione alla Direzione Generale dell'Ambiente della Commissione europea, si trasmette in allegato (All.1) il rapporto annuale sulle attività di controllo di mercato svolte nell'anno 2014, allo scopo di fornire alle Autorità competenti degli altri Stati membri, per il tramite della Rappresentanza italiana presso l'Unione europea, informazioni sui risultati dell'attività di controllo delle emissioni sonore delle macchine ed attrezzature destinate a funzionare all'aperto, al fine di tutelare la salute ed il benessere delle persone e dell'ambiente.

Ai sensi dell'articolo 4, comma 1 del D.lgs. 4 settembre 2002, n. 262, l'attività di controllo sulle macchine ed attrezzature è svolta da questo Ministero che si avvale dell'Istituto Superiore per la Prevenzione e la Ricerca Ambientale (ISPRA), formalmente incaricato della sorveglianza del mercato.

Il Capo Ufficio Legislativo Vicario
Prof. Marcello CECCHETTI



*Il Ministero dell' Ambiente
e della Tutela del Territorio e del Mare*

**Controllo sul mercato delle macchine ed attrezzature destinate
a funzionare all'aperto ex art. 4 D.Lgs. 262/2002**

REPORT ANNUALE

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Allegato 1 – Verbale delle riunioni del Noise ADCO di Roma del 20-21 Ottobre 2014

Premessa

Il decreto legislativo 4 settembre 2002, n. 262, recante "Attuazione della direttiva 2000/14/CE concernente l'emissione acustica ambientale delle macchine ed attrezzature destinate a funzionare all'aperto" disciplina i valori di emissione acustica, le procedure di valutazione della conformità, la marcatura, la documentazione tecnica e la rilevazione dei dati sull'emissione sonora relativi alla macchine ed alle attrezzature destinate a funzionare all'aperto, al fine di tutelare sia la salute ed il benessere delle persone sia l'ambiente.

Ai sensi dell'art. 4, comma 1, del decreto legislativo 4 settembre 2002, n. 262, l'attività di controllo sulle macchine e sulle attrezzature di cui all'allegato I dello stesso decreto è svolta dal Ministero dell'ambiente e della tutela del territorio e del mare (di seguito MATTM) che, a tal fine, si avvale dell'Istituto Superiore per la Prevenzione e la Ricerca Ambientale (in seguito ISPRA), formalmente incaricato della Sorveglianza del Mercato.

Il presente documento illustra le attività di controllo sul mercato svolte da ISPRA nell'anno 2014 ai sensi e nelle modalità dell'art. 4, comma 1, del D.Lgs. 262/2002.

Le attività hanno riguardato in particolare i seguenti aspetti:

- Richieste formali ad aziende produttrici individuate dall'ISPRA per la verifica della conformità alle disposizioni del Decreto;
- Istruttorie in merito alla documentazione trasmessa dalle aziende produttrici al MATTM;
- Controlli ispettivi svolti nell'ambito di manifestazioni fieristiche;
- Controlli ispettivi svolti presso aziende produttrici;
- Divulgazione degli obblighi normativi e dell'attività di controllo sul mercato;
- Gestione dei quesiti di natura tecnica posti dai produttori;
- Popolamento della banca dati "MARA";
- Utilizzo della piattaforma ICSMS (Information and Communication System for Market Surveillance) per lo scambio di informazioni tra le Autorità di sorveglianza del mercato a livello europeo;
- Partecipazione ai lavori del Noise ADCO.

In ottemperanza dell'art. 4, comma 2, del decreto legislativo 4 settembre 2002, n. 262, il MATTM fornisce, con la presente documentazione, alle autorità competenti degli altri Stati membri, per il tramite della Rappresentanza italiana presso la Comunità europea, informazioni sui risultati dell'attività di controllo sulle macchine ed attrezzature disciplinate dal decreto svolte nel corso dell'anno 2014.

1. Richieste formali alle aziende produttrici

ISPRA anche per il 2014 ha continuato con l'invio delle richieste alle aziende produttrici per l'acquisizione delle copie delle Dichiarazioni CE di conformità ai sensi dell'art. 13 del D.Lgs. 262/2002.

Le aziende che hanno risposto alla richiesta di invio della documentazione sono state **133**:

- per il **93 %** di queste aziende l'istruttoria della documentazione trasmessa è stata conclusa nel corso dello stesso anno;
- per il **7 %** di queste aziende l'iter istruttorio è ancora in corso.

2. Istruttorie in merito alla documentazione trasmessa dalle aziende produttrici al MATTM

Il controllo formale della documentazione trasmessa al MATTM dalle aziende produttrici è mirato a verificare che le copie delle Dichiarazione CE di conformità (DC) contengano tutte le indicazioni di cui all'Allegato II del D.Lgs. 262/2002.

Nei casi in cui detti documenti non contengano le indicazioni suddette, vengono avviati una serie di contatti formali ed informali con le aziende, mirati al superamento delle problematiche individuate. Nel 2014 sono state completate **124** istruttorie.

3. Controlli ispettivi nel corso di manifestazioni fieristiche

Nell'ambito dell'attività di sorveglianza sul mercato di cui all'art. 4 del D.Lgs. 262/2002, nel 2014 ISPRA ha svolto controlli in occasione delle principali manifestazioni fieristiche di carattere nazionale.

Gli Ispettori dell'Istituto hanno svolto accertamenti, raccogliendo informazioni, verificando le marcature CE delle macchine esposte e acquisendo i dati anagrafici delle aziende espositrici, ai fini di una eventuale successiva richiesta formale delle copie delle dichiarazioni CE di conformità.

4. Controlli ispettivi svolti presso aziende produttrici

Ai sensi del DM 4/10/2011 "*Definizione dei criteri per gli accertamenti di carattere tecnico nell'ambito del controllo sul mercato di cui all'art. 4 del D.Lgs. 262/2002*", ISPRA ha svolto nel corso del 2014 visite ispettive presso le seguenti aziende produttrici:

1. Multitel Pagliero S.p.A. con sede a Manta (CN) in Via Stada Statale, 114 – In data 22/09/2014;
2. Pezzolato S.p.A. con sede a Envie (CN) in Via Provinciale Revello, 89 - In data 22/09/2014;
3. Nord Engineering S.r.l. con sede a Caraglio (CN) in Via Divisione Cuneense, 19 B - In data 23/09/2014;

4. Rotair S.p.A. con sede a Caraglio (CN) in Via Bernezzo, 67 - In data 23/09/2014;
5. Merlo S.p.A. con sede a S. Defendente di Cervasca (CN) in Via Nazionale, 9 - In data 24/09/2014;
6. Tre Emme Technology S.r.l. con sede a S. Defendente di Cervasca (CN) in Via Passatore, 2/A - In data 24/09/2014;
7. GEAX s.r.l. con sede a Osimo (AN) in Via Campoceraso, 13 - In data 10/11/2014;
8. TES CAR S.r.l. con sede a Osimo (AN) in Via Flaminia II, 18 - In data 11/11/2014;
9. MAIT S.p.A. con sede a Osimo (AN) in Via Flaminia Seconda, 149/153 - In data 11/11/2014;
10. MESSERSÌ S.p.A. con sede a Casine di Ostra (AN) in Via Arceviese, 44 - In data 11/11/2014.

Nel corso delle ispezioni sono stati verificati i seguenti aspetti:

- la completezza delle Dichiarazioni CE di Conformità delle macchine controllate, sulla base delle informazioni richieste dall'allegato II del D.Lgs. n. 262/2002;
- la corretta marcatura CE, secondo l'allegato IV del D.Lgs. n. 262/2002;
- la corretta indicazione del Livello di potenza sonora garantito (L_{WA}), secondo l'allegato IV del D.Lgs. n. 262/2002.

Al termine delle ispezioni sono stati redatti i previsti Rapporti Ispettivi, controfirmati dai rappresentanti delle Aziende esaminate. Le copie di detti rapporti sono stati successivamente inoltrati al MATTM, insieme con il Parere di Conformità emesso dal Responsabile del Controllo sul Mercato.

5. Divulgazione degli obblighi normativi e dell'attività di controllo sul mercato

La divulgazione di questa attività avviene attraverso l'aggiornamento delle pagine web del Servizio Agenti Fisici ad essa dedicate,

<http://www.agentifisici.isprambiente.it/rumore-37/macchine-e-attrezzature-funzionanti-allaperto.html>,

<http://www.agentifisici.isprambiente.it/MacchineAperto/statistiche.php>

dove sono descritte le attività che l'Istituto conduce ai sensi del D.Lgs. 262/2002 e, inoltre, sono resi disponibili tutti i riferimenti d'interesse normativo.

Un'ulteriore attività divulgativa è quella che riguarda l'organizzazione di incontri annuali con le principali Associazioni di Categoria delle Aziende produttrici e con gli Organismi Notificati che operano in Italia nell'ambito della Direttiva 2000/14/CE.

6. Popolamento della banca dati MARA

A supporto dell'attività di sorveglianza sul mercato viene utilizzata la banca dati MARA, il cui scopo è quello di poter disporre di un sistema di consultazione delle aziende italiane produttrici/mandatarie di macchine comprese tra quelle di cui all'Allegato I del Decreto.

MARA è strutturata in due parti fondamentali:

- la prima contiene i dati anagrafici dell'azienda, le tipologie di macchine prodotte in relazione all'Allegato I del Decreto ed i principali riferimenti (numeri telefonici, sito web, e-mail);
- la seconda parte è dedicata ai dati e alle informazioni contenute nelle dichiarazioni CE di conformità (DC) di ciascun modello di macchina prodotto, con riferimento all'Allegato II del Decreto, insieme ad una copia in formato digitale della stessa DC.

La banca dati viene continuamente popolata attraverso il caricamento dei dati anagrafici delle aziende censite (attualmente sono presenti 587 aziende) e della relativa documentazione già in possesso dell'Istituto (sono state inserite oltre 3.175 DC).

7. Piattaforma ICSMS

Al fine di consentire un flusso rapido di informazioni tra i diversi Stati membri, la Commissione Europea ha adottato la piattaforma ICSMS (Information and Communication System for Market Surveillance), un sistema che prevede la raccolta centrale dei dati caricati dalle singole autorità di sorveglianza del mercato, in ottemperanza all'art. 23 del Regolamento 765/2008.

Tale piattaforma consente:

- una cooperazione efficace tra le Autorità dei diversi Paesi Membri con un rapido scambio delle informazioni sulle ispezioni di mercato e sulle misure di sorveglianza prese dai diversi organismi ispettivi;
- la condivisione dei dati sui prodotti oggetto di valutazioni di conformità da parte delle autorità;
- una efficace informazione al pubblico riguardante i prodotti non conformi.

ISPRA utilizza costantemente tale sistema implementandolo con le informazioni che scaturiscono dalla propria attività di sorveglianza; in particolare nella piattaforma vengono inseriti gli esiti delle ispezioni svolte e, soprattutto, le situazioni di non conformità riscontrate.

8. Partecipazione al NOISE ADCO

Il Noise ADCO WG (Noise Administrative COoperation group) è il gruppo della Commissione Europea al quale partecipano le autorità nazionali di sorveglianza del mercato degli Stati Membri allo scopo di facilitare lo scambio di informazioni ed esperienze in merito all'applicazione della Direttiva 2000/14/CE.

L'Italia, tramite ISPRA, ha assunto la Presidenza del NOISE ADCO dal 2013 e tale incarico è stato confermato anche per il 2015. Le attività che si svolgono in tale organismo sono le seguenti:

- condivisione di criteri e modalità uniformi per la sorveglianza di mercato anche sulla scorta di quesiti formulati dai produttori;
- una più intensa utilizzazione della piattaforma ICSMS per favorire lo scambio di informazioni con gli altri Paesi;
- formulazione di pareri alla Commissione europea che interessano la Direttiva 2000/14/CE.

Il verbale della riunione del NOISE ADCO WG che si è svolta a Roma il 21 e 22 ottobre 2014 è riportato in allegato al presente documento (Vedi Allegati 1).

Allegato 1 – Minuta del Noise ADCO di Roma del 20-21 ottobre 2014

**MEETING OF THE WG NOISE ADMINISTRATIVE CO-OPERATION (ADCO)
FOR THE OUTDOOR NOISE DIRECTIVE 2000/14/EC**

Rome, 20th - 21st October, 2014

PRESENT:

See list in Annex.

00 Welcome and Introductions

Salvatore Curcuruto (Chair of Noise ADCO WG), representing the Italian Ministry of Environment, welcomed the delegates to Rome and covered the formalities for the meeting.

01 Adoption of Agenda

The Chair requested acceptance of the draft agenda or any amendments or additions. It was adopted as written.

02 Adoption of the Minutes of the last meetings

The Chair requested any issues or questions relating to the minutes of the last meeting. The minutes were adopted as written.

03 Action points from previous meeting

➤ **Outdoor Noise Directive Related Product Information (DRPI) for ICSMS State of implementation of Noise ADCO proposal**

Ms. Lukovnikova didn't take part of the meeting. Mr. Atzori reported the modifications on the ICSMS tool proposed by Noise ADCO with a DRPI are on going to implementation.

➤ **State of implementation of Noise ADCO proposal on electro-compressors**

Mr. Dodds will submit the proposal on electro-compressors at the Noise Expert Group of UE Commission in the next meeting scheduled the next spring of 2015 and will keep in updating about the results and decisions.

➤ **State of implementation of Noise ADCO proposal on off shore hydraulic power packs.**

Ms. Rainey reported that from an inspection at the interested offshore oil rigs it has been realized that in the overall acoustical climate where the equipment operates the noise contribution of the off-shore hydraulic power packs can be considered negligible.

Therefore, as suggested by Mr. Dodds, the Noise ADCO WG decided to withdraw the question considered as not significant.

04a. Debriefing:

➤ Report from the Commission - State of the art on OND (Outdoor Noise Directive) revision

Mr. Dodds retraces the revising process of the OND recalling the recommendation made by the CEPS study from February 2014 to hold separate Directive OND with the Machinery Directive; recommendation was accepted by the Noise Expert Group (NEG) in March 2014. However, the OND needs to be reviewed in terms of: a possible redefinition of the purpose; review of existing limit values (ie for Art.12) and possibly allocation of limits for new entrants to Art.12; new standards and rules for evaluation by third parties; new labeling; review of the data base specified in Article 16; alignment with the New Legislative Framework (NLF).

In addition, Mr. Dodds noted that this phase represents an opportunity to improve 'ad hoc' issues not addressed in the study CEPS such as the issue of hybrid engines, namely the case of machines with the simultaneous presence of more than a source of energy (see also the work of the NEG's hybrid's sub group NOISE / 14/01/3).

Mr. Dodds goes on informing the study on the limit values continues during 2015-2016 together with other work streams that could be followed by specific groups. The NEG is going to evaluate whether overseeing the group in early 2015. The package of legislation will require a review of the impact assessment and administrative steps inside the EU. The entire review process will lead negotiations sectoral rules of market surveillance, and a new Blue Guide.

➤ Developments on the New Legislative Framework

Mr. Dodds, regarding the process of OND revision, talks about the need of Alignment with New Legislative Framework; in particular, this part of the contents will derive mainly from other texts (i.e Regulation 765/2008/EC & Decision 768/2008/EC, many examples already of 'NLF proofed' instruments, new ATEX Directive (2014/34/EU)).

➤ Progress to date of hybrids sub-group

The Chairman invited Mr. Billy to update the presents about the activities of the Sub-Group Hybrid Propulsion Equipment.

As background, Mr. Billy underlined the Notified Bodies Coordination Group presented the issue of hybrid propulsion equipment submitted to verify the conformity to the requirements of the Directive. In particular the main topics are: whether the OND is applicable, how to perform the tests, how to define the installed net power. A specific sub-group defined to investigate the issue.

The preliminary outcomes of the analysis performed by the sub-group are:

- Equipment falls under the scope of the Directive irrespective of having a hybrid system on board or not;
- Hybrid equipment can be tested according to the test methods defined by the Directive under certain conditions.

Regarding the future developments, Mr. Billy displayed that:

- the sub-group could be given a further mandate both to continue its practical research and/or to look at the above possible solution, or at other ones that might be put forward to the theoretical problem;
- this could be in terms of reaching a suitable accommodation with the existing law as well as offering pointers in the event of any future regulatory reform;
- Alternatively further discussion of hybrids could resume purely within the full Experts Group.

04b. Debriefing - ADCO chairs meeting, October 16th, 2014

Mr. Mazzocchi communicated he took part at the last ADCOs Chairpersons meeting held in Bruxelles on 16th October, 2014 as representative of Noise ADCO WG Chairmanship.

In the following points are reported a synthesis of the items included in the ADCOs meeting agenda and the main Commission conclusions as well the outcomes of the discussion during the today's Noise ADCO meeting.

➤ Task force for horizontal procedures for dealing with non-compliance

During the first ADCOs meeting held in March 2014, Chairpersons welcomed the idea of a horizontal guide 'dealing' with compliance assessment, developed by volunteer ADCOs representatives.

Currently, the task force includes the representatives of some ADCOs.

The Member of ADCO Machinery, leader of this task force, reported that:

- the time needed is assessed in 400 hours and about 4-5 meetings to coordinates the work (kick-off meeting included);
- During the kick-off meeting (it will probably take place in January 2015) will be defined the draft summary and contents of the guidelines;
- The horizontal guidance should include the model for cross-border cooperation.

The Commission informed who have not already communicated the representative volunteer of their relevant ADCO group will do it as soon as possible.

So, the Noise ADCO welcomed to give support to the task force and, after discussion, decided to nominate, as well communicate to the EU Commission, Mr. Enrico Mazzocchi as Noise ADCO WG representative to follow the works.

> Website for ADCOs

The Commission informed about the willingness to host a website for ADCOs on its web pages with the aims to increase awareness and visibility of the ADCOs activities.

It would give piece of information regarding the actions carried out (market surveillance campaigns, results, guidelines, official ADCOs list of contact points, etc.) as well an official contact point for each ADCO group.

Each ADCO group should appoint a responsible person for sending documents to the Commission, who – after checking – would upload them to the website.

The Commission will present a proposed structure for the website, based on the outcome of the discussions and on future contributions to be received.

Any comments and suggestions have to be sent by 15th December 2014.

Noise ADCO welcomed the creation of an ADCOs website and, after discussion, it has been decided the chairmanship will carry out a draft proposal for the structure to be sent as soon as possible to all Noise ADCO Members for comments and suggestions. After a merge phase of all received contributions, the official Noise ADCO's website proposal will be sent to the Commission by the above mentioned deadline.

> EU general risk assessment methodology for products

At the ADCOs Chairmen meeting of 27 March 2014 the Commission informed the Chairs about the work on the general risk assessment methodology.

At the IMP-MSG meeting of 20 May 2014 the Commission presented the methodology and a draft table of hazards for products falling under some directives as Machinery, Protective Equipment, etc. The Commission proposed a pilot project for risk assessment.

Noise ADCO already treated this matter during the last meeting in Rome (October 21st-22nd, 2013). The position is:

- 1) Such an approach should be applicable only for a legislation that does not already contain specific criterions for risk of interest;
- 2) OND does contain specific criterions and therefore a complete risk assessment seems to impose an unnecessary burden to the market surveillance.

Furthermore, Noise ADCO WG deems that such a risk assessment should be reduced to a compliance assessment, as already provided by OND.

So, during the last ADCOs Chairs meeting, has been claimed that Noise ADCO considers the methodology as non-applicable.

> Safety and compliance controls for high tech and innovative products;

The Commission introduced the discussion on possible high tech and innovative products which may be difficult, for MS market surveillance authorities, checking the conformity lacking common standards as well high costs of product testing.

A paper has been presented containing a list of such kind of products such as earth-moving equipment (wheeled loaders, excavators, crawler excavators, rollers and compactors, tower cranes, crawler cranes, hydraulic breakers), 3D printing, drones, mobile phones.

Difficulties due to the cost of product testing should be overcome by making available additional resources and conducting joint testing. As to the difficulties with standards, possible solutions are to be found on a case by-case basis.

As contribution to discussion, the ADCOs were informed that an Expert WG on Hybrid equipments is working in order how to consider such machines inside OND.

So, Noise ADCO offered its availability to give support to overcome all the problems (testing costs, standards for compliance assessment) collecting experiences by the MSs.

➤ **Compliance schemes operated by market surveillance authorities;**

Action 15 of the Multi-Annual Action Plan for the Surveillance of Products in the EU foresees that the Commission have to develop a compliance schemes operated by market surveillance authorities. The Commission introduced the Authorised Economic Operator scheme and identified possible ways forward.

The Commission would like to gather information on how national authorities assess, during their market surveillance activities, the risk profile of economic operators, and on how this information is used in planning and targeting controls.

The ADCOs Chairpersons agreed that it is important to look at companies but also at products themselves; thus, market surveillance authorities should focus on risk assessments at product level but also at the level of the economic operator.

➤ **Model for cross-border cooperation;**

In the recent IMP-ICSMS meeting, emerged the need to clarify under which conditions market surveillance authorities can use the 'baton passing' functionality.

The purpose of cross-border cooperation, is to make sure that EU product legislation can be effectively enforced in the single market despite the fact that enforcement powers of individual authorities are limited by national boundaries.

The EU Commission proposed a procedure .

ADCO Chairpersons welcomed in general the approach proposed and the principle that help between market surveillance authorities is needed to ensure efficient action. They noted that this proposal could be included in the horizontal guide.

The position of Noise ADCO is if the baton is passed to the Member State where the product is made, then it is obligation of this last Member State carry out the necessary checks and to close the process.

➤ **E-compliance system;**

As products become more complex while the product cycles become shorter the Commission has formulated various provisional options regarding a future e-Compliance system, as follow:

- Option 0: Maintain status quo
- Option 1: Centralized e-Compliance system. The system is an electronic depository of information developed and maintained by EU, where manufacturer and Notified Body can upload documents.
Its use would be voluntary, unless the legislation applying to product provided otherwise.
- Option 2: similar to Option 1 but the use of system would be obligatory in this case.
- Option 3: Decentralized e-Compliance system. The system is situated on the website of the economic operators (manufacturer, authorized representative, Notified Bodies). Its use is voluntary.
- Option 4: Standalone e-labelling. System would be based on "electronic labelling" to identify products for compliances purposes affixed by manufacturer. Its use would be voluntary.

ICSMS can be the basis for e-Compliance system.

ISPRA, as Italian Market Surveillance Authority for OND, regarding Option 0, reports that currently a data-base MARA already exists, so Italy already apply an e-Compliance approach to market surveillance. Moreover, ISPRA agree with Option 2 and disagree with the Option 1 and Option 4 because volunteer, as well Option 3.

After discussion, Noise ADCO is in agreement with ISPRA.

➤ **ICSMS**

The Commission gave some statistical data about use of ICSMS at european level:

- Number of products encoded so far in 2014: >7.000
- Total number of products encoded: >63.000

Commission spotted some MSs make little use of ICSMS, at least in the domain of encoding new "Products" in it and sent a note to the National Contact Points under concern.

Moreover, users guides for Inspectors and Administrators translated in all EU languages should be released in ICSMS by the end of October 2014.

On 18th of September 2014, the DRPI WG reached a consensus on features of next DRPI form (procedure for 'pass the baton', security aspects, etc).

The delivery of the prototype is by the end of Q1 2015 for test, and finally DRPI by the summer 2015.

➤ **Sectoral national market surveillance programs**

At aims to maximise the usefulness of the information as well improve the preparation of the national market surveillance programmes, during the IMP-MSG meeting of 19 May 2014 the Commission presented a document (2014-IMP_MSG-04) splitted as follows:

- Exchange of information among national market surveillance authorities (see Excell sheet called "2014-IMP-MSG_16 Sector activities for ADCOs" on CIRCABC). For the generic year n the excell file programme have to be sent to ADCOs for discussion and finalization by summer of year n-1):
- Information to stakeholders and the general public [see Annex 1 to doc 2014-IMP-MSG_16 uploaded in CIRCABC (improvement n. 1)].

The programmes will be sent to the Commission by 31th December.

After discussion among ADCOs Chairs the Commission concluded that for 2016, ADCOs will start to exchange and discuss preliminary information in the first semester of 2015.

The MS attending the Noise ADCO meeting asked to have a look of the documents for suggestions and opinions about the matter. The Noise ADCO chairmanship will send to all Members the documentation presented by EU Commission in the last ADCOs chairmen meeting about this point.

➤ **Market surveillance for products sold online**

On 24 September 2014, the Working group on Market Surveillance for Products sold online met for the second time. The meeting was dedicated to:

- the study on best practices of contractors/authorities regarding online market surveillance (Finnish Safety and Chemical Agency (Tukes), German General Office of Consumer Protection and Safety, The Hampshire County Council Trading Standards (UK));
- hearing the stakeholders (eBay, UPS): they expressed their views on how market surveillance in this area should be enhanced.

All documentation collected is available on CIRCABC (IMP_MSG).

Participants agreed that such guidelines should be prepared based on the best practices identified and the conclusions of the hearings to help authorities improve the efficiency of their activities in this area. ADCOs are invited to give any suggestions/contributions regarding the guidelines to be developed.

The indicative timeline for the Commission to present a first draft of the guidelines is spring 2015.

The Noise ADCO Chairmanship reported equipments trading online fall into the Directive 2000/14/EC and thus it claimed the availability to give support for drawing the guidelines.

Ms. Diamanti, representative of the Ministry of Economic Development, giving its contribution to the discussion remember the seriousness of the matter of products sold online and the control of the supply chain. Regarding this problem she will keep us in update regarding the meetings already scheduled.

Ms. Rainey considers that currently there are many aspects to clarify such as responsibility by manufacturers or dealers and about the sanctioning powers in case of non-compliance by the control authorities in order to avoid inner market unbalances.

Noise ADCO will send to all Member States the documentation delivered by the Commission. Member States are kindly requested to send comments and suggestions by the end of November 2014.

➤ **Joint enforcement actions 2014**

Ms. Rosalba Silvaggio reported about this matter remembering the objective of the call is to implement Action 9 of the Communication of the Commission on 20 actions for safer and compliant products for Europe: a multi-annual action plan for the surveillance of products in the EU [COM(2013)76].

This action concerns joint enforcement activities to which the Commission will provide financial support, *“allowing market surveillance authorities and customs to pool resources and expertise and to apply SME-friendly methods. The main objective of this initiative is to enhance the efficiency and effectiveness of the surveillance system in Europe, as well as to improve the coordination of the practical enforcement work carried out in relation to product categories or other priorities”*.

Therefore, the Commission wants to support and encourage more and better market surveillance across borders within the EU, by financing joint market surveillance actions and other projects that contribute to a more efficient and effective market surveillance for products within the internal market.

Participation is open to national market surveillance authorities but also to no-profit organizations facilitating market surveillance activities

As Noise ADCO chairmanship we wish to discuss and share a proposal that will be submitted and we propose the following objectives:

- definition of best practices on technical and administrative methods for carrying out the inspections activities, in order to ensure efficiency and effectiveness of MSA procedures;
- improving the use of existing EU exchange of information tools, e.g. ICSMS and RAPEX;
- improving the capacity building of personnel involved in inspection activity.

MSA will be invited to take part of the project, consulting also the most relevant EU stakeholders.

So Noise ADCO Chairmanship, remembering the importance of this opportunity, invites MSs to express opinions and give support for participating to the call by 27th of October, 2014. If won't be reached the minimum number of participants we will postpone the discussion to the next Noise ADCO meeting in order to establish the right conditions which allow the participation to the proposals of the next years.

➤ **Environmental benefits assessment due to OND: Outcomes of Noise Con conference, September 5th, 2014**

Mr. Salvatore Curcuruto informed that he presented the preliminary study on environmental benefits assessment due to OND in the last NOISE-CON 2014 conference held in Florida (USA) this summer. He reported the study had a great success and Americans as well Australian representatives asked for the noise emission data-base of the equipments used in the study. We have already provided to send it.

In the last Noise ADCO in 2013 was decided to give more visibility to the study at EU level; so, Mr. Dodds reported the study is included in the agenda of the next European Noise Expert Group meeting. The preliminary study is published on CIRCABC.

05. Market Surveillance Activities: exchange of information

➤ **Market Surveillance in Italy**

Mr Atzori updates about the market surveillance activity carried out in Italy by ISPRA up to September 2014. In 2014 ISPRA sent 123 requests to Italian manufacturers to get the copies of the EC Declarations of conformity of the equipment they manufactured or placed on the market. The results of the assessments carried out on such documentation can be thus summarized: 92% replied by sending compliant declarations; 8% replied by sending non-compliant declarations due to various technical reasons, hence the assessment procedure is still under way. Up to date, 113 assessment procedures have positively been completed. Inspections were also carried out at the locations of the main national trade fairs to get information on participating manufacturers, to verify the markings of exhibited machinery and to finally ask for the copies of the EC conformity declarations of manufactured machinery. N°6 inspections at the premises of manufacturers were carried out to verify: completeness of EC DoC of machinery, technical documentation of the machinery under examination, CE markings, indication of the guaranteed sound power level. Another 4 inspection have been already scheduled for next November.

➤ **State of implementation of MARA database**

Mr. Atzori displayed how MARA database has been implemented to support market surveillance activities in compliance with Directive 2000/14/EC.

MARA database also includes the reports of the inspection visits carried out at manufacturers' premises and contains 587 manufacturers as well includes 3.175 EC declarations of conformity (DoC).

A new development of MARA allow to display on the map all the manufacturers located in the territory of Italy.

So far ICSMS platform has been applied to include all non-compliant equipment and the related inspection results at the premises of manufacturers. Up to date, the outcome of 31 inspections have been implemented in ICSMS.

Members of Noise ADCO have shown a lot of interest in MARA database because it represents a useful tool for manage products comply with the OND.

ISPRA is also available to give access to MARA database to all interested Members.

➤ **Issues arisen in MS activity: Proposal of WG for guidelines on OND technical documentation drawing**

Mr. Stortini displayed a WG Proposal for guidelines on technical reports of noise measurements carried out in accordance with OND provisions. So, basing on experience in inspection campaign, has been showed a checklist to verify the completeness of the test measurements report of equipment under OND.

Mr. Billi reported WG7 has already drawn a guideline about this matter that can be taken as reference for checking the technical testing report.

So the Chairman of Noise ADCO advise that the proposed checklist have to match with the contents of the WG7 guideline. So, after this phase the draft checklist will be shared by all Noise ADCO Members.

06. New action points:

➤ **Survey on Market Surveillance national rules**

Mr. Salvatore Curcuruto remember Noise ADCO sent a note asking all the MSs to fill in a brief questionnaire, concerning the Market Surveillance Authority's references as well as further information on surveillance activities and, i.e. sanctions provided by national regulations. Four MSs have sent a fulfilled questionnaire: Austria, Italy, Romania, Sweden.

So, Mr. Curcuruto invited all MSs to provide such kind of information.

Ms. Rainey advised all MSs to prepare a presentation about each own MSs regulation for the next Noise ADCO meeting.

Mr. Curcuruto has welcomed the idea, emphasizing the importance of having information on framework of the regulations on Market Surveillance for OND in Europe.

➤ **MS procedures for products sold on shopping centres**

Mr. Curcuruto introduce the discussion about market surveillance of product sold on shopping centre, in particular ask to all the MSs representatives if some procedure exist and they are currently applied.

The most of the MSs representatives present at the meeting reported they don't have such kind of procedure.

Ms. Rainey informed that UK have procedure for product sold on the Mall and reported there are difficulties with some supermarket and little shops (being missing technical documentation). Regarding the Mall, inspection regards the headquarters and not the shops. Differently, inspection in little shops are spot.

Mr. Curcuruto, in order to define a shared procedure among all Noise ADCO members, considers interesting the UK procedure and asked Ms. Rainey to detail it so that it could be a draft proposal for further discussion in the next Noise ADCO meeting.

07. Update of the Attendance List of Noise ADCO Members

Mr. Curcuruto informed the List of Noise ADCO Members is on updating.

Mr. Joncheray, reported this was the last time participate to Noise ADCO meetings. He will communicate to the Chairmanship the new contact point will replace him.

08. Any other business

No other business was discussed.

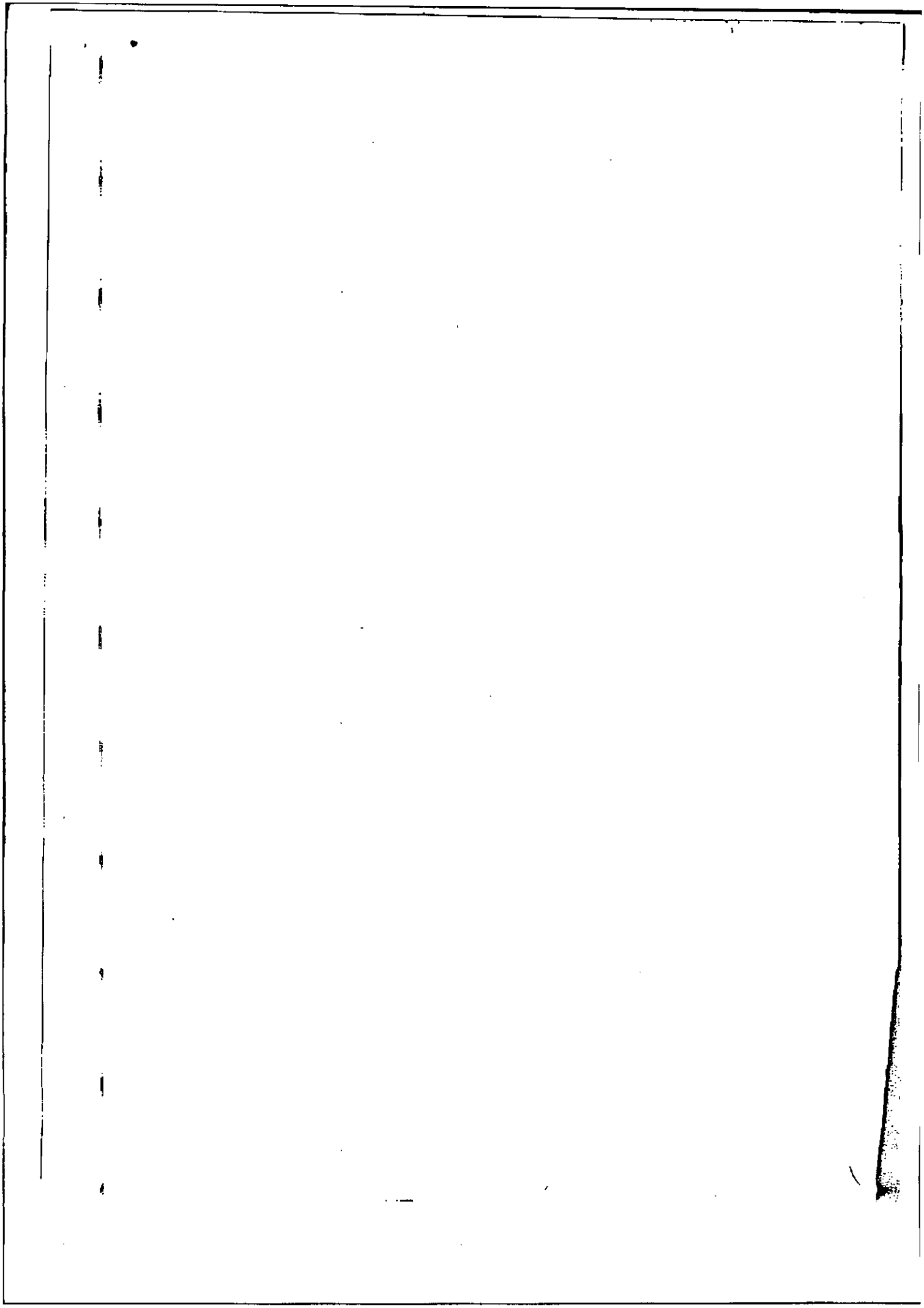
09. New Noise ADCO Chairmanship

The Noise ADCO Members decided to renew the Chairmanship for the next year 2015 again to Mr. Salvatore Curcuruto of ISPRA, representative of the Italian Market Surveillance Authority.

10. Next Meeting

In 2015 are scheduled in total n°2 meetings: the first is probably scheduled at the end of March 2015 possibly closing to the NEG meeting; the second one is indicatively planned for October 2015.

The next meeting will be held in Brussels in a day adjacent to the next expert group meeting that is going to be held in March/April. Mr Dodds will communicate the correct date.



Testa Mara

Da: DGRin@pec.minambiente.it

Inviato: martedì 4 agosto 2015 12.36

A: ufficiolegislativo@pec.minambiente.it; segreteria.capogab@pec.minambiente.it

Oggetto: Protocollo nr: 9406 - del 04/08/2015 - RIN - Direzione Generale per i Rifiuti e l'Inquinamento sorveglianza di mercato ai sensi del d.lgs 262/2002 di attuazione della direttiva 2000/14/ce trasmissione del report sulle attività svolte nell' anno 2014

Allegati: RIN.REGISTRO UFFICIALE.2015.0009406.pdf; Segnatura.xml

Invio di documento protocollato

Oggetto: sorveglianza di mercato ai sensi del d.lgs 262/2002 di attuazione della direttiva 2000/14/ce trasmissione del report sulle attività svolte nell' anno 2014

Data protocollo: 04/08/2015

Protocollato da: RIN - Direzione Generale per i Rifiuti e l'Inquinamento

Allegati: 2

Dell'Olio Roberto

Da: Vaiardi Andrea
Inviato: lunedì 24 agosto 2015 12:13
A: A: RIN-UDG
Oggetto: Sorveglianza di mercato ai sensi del D.lgs. 262/2002 di attuazione della Direttiva 2000/14/CE – Trasmissione del report sulle attività svolte nell'anno 2014.
Allegati: Nota trasmissione al Dip.to del 21.08.2015.pdf

Si estende copia della mail inoltrata venerdì al Dipartimento per le politiche europee relativa all'oggetto.



MINISTERO DELL'AMBIENTE
E DELLA TUTELA DEL TERRITORIO E DEL MARE

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Da: Vaiardi Andrea
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Oggetto: Sorveglianza di mercato ai sensi del D.lgs. 262/2002 di attuazione della Direttiva 2000/14/CE – Trasmissione del report sulle attività svolte nell'anno 2014.

Per la successiva trasmissione alla Direzione Generale dell'Ambiente della Commissione europea, si trasmette in allegato la nota di trasmissione del report annuale sulle attività di controllo di mercato svolte nell'anno 2014.

Ufficio Legislativo



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