

Market surveillance under the EMC Act and the RTTE Act

++ Findings in 2005 ++

(ドイツ REGTP の WebSite より)

In transposing the European Directives 89/336/EEC (EMC Directive) and 1999/5/EC (RTTE Directive), the Federal Network Agency carries out tests on electrical equipment in the market. The two Directives were transposed into national law by the Electromagnetic Compatibility Act (EMVG) of 18.09.1998 and the Radio and Telecommunications Terminal Equipment Act (FTEG) of 31.01.2001. The following requirements are checked in samples of products which have been placed on the market:

- compliance with the CE marking requirements,
- plausibility of the EC declarations of conformity,
- adherence to the EMC protection specifications,
- information on intended use and any operating restrictions applicable to radio and telecommunications terminal equipment (TKEE),
- conformity with the essential requirements (equipment safety, EMC and efficient frequency use) of the RTTE Directive.

With its market observation the Federal Network Agency aims to prevent competitive advantages gained by non-conforming products and to ensure consumer protection. For this reason the Agency does not carry out a "full-scale scan" of all products offered on the market. Consequently, the market surveillance findings do not reflect the quality of the entire product portfolio available on the German market.

Market surveillance by the Agency under the EMVG and FTEG involved a total of 11,864 separate activities in 2005. 501 different parties who had placed products on the market and 1,769 different suppliers of electrical/electronic were visited. Hence in 2005, 8.43% of known parties placing on the market and 1.84% of known suppliers were checked at random. The market surveillance activities measured or visually inspected a total of 8,340 series/one-off products.

Activities by Directive and product group

EMC Directive (6,779 products)			
Domestic appliances	26.38 %	1,788	products
Power tools	18.75 %	171	products
Lighting equipment	14.56 %	987	products
IT/office equipment	12.21 %	828	products
Consumer electronics	16.20 %	1,098	products
Medical devices, scientific and industrial equipment	5.10 %	346	products
Other	6.80 %	461	products

RTTE Directive (1,561 products)			
TKEE	14.67 %	229	products
Radio equipment	75.27 %	1,175	products
Combined devices acc. to FTEG	10.05 %	157	products

Marking verification:

In 2005, 8,340 devices were examined as to their marking and the correctness of their conformity declaration. In 176 cases (2.59% of checked products) faults under the EMC Directive and in 640 cases (41% of the checked RTTE products) faults under the RTTE Directive were ascertained.

All in all, this translated into an average irregularity rate of 9.78% in all marking and conformity declaration checks. Put into figures, this means that the number of irregularities decreased by just under 4% compared with the previous year (2004 = 13.41%).

Measurements:

In 2005, 1,411 series and 92 one-off products (unique products, very small series and expensive products) were measured. Faults were discovered in 538 series and 21 one-off products, i.e. 38% of the measured series and 23% of the measures individual products did not comply with the EMC protection requirements or the essential requirements in the FTEG. A detailed list according to Directive and product groups is shown below.

EMC measurements					
Product group	No. series. *)	No. indiv. prod **)	No. faulty series	No. faulty indiv. prod	Quota series ***)
Domestic appliances	192	51	54	8	28 %
Power tools	219	3	68	0	31 %
Lighting equipment	261	0	120	0	46 %
IT/office equipment	209	26	79	9	38 %
Consumer electronics	187	3	110	2	59 %
Industrial equipment	24	5	13	1	54 %
Scientific equipment	4	3	1	1	25 %
Installation materials	52	0	16	0	31 %
Other	4	0	1	0	25 %

RTTE measurements					
Product group	No. series. (*)	No. indiv. prod (**)	No. faulty series	No. faulty indiv. prod	Quota series (***)
TKEE	54	0	19	0	35%
Radio equipment	152	0	53	0	35%
Comb. eq. acc. to FTEG	53	1	8	0	8%

*) As a rule, five pieces of equipment of a particular type (series) are tested.

***) Unique products, very small series and expensive products

****) The high percentage of non-compliant equipment stems from the fact that the Federal Network Agency takes its samples specifically from equipment which it fears is not up to scratch.

This means that the rate of irregularity determined by measurement increased by about 4% compared with the previous year (2004 = 34%).

In 2005, 103 products were also investigated with regard to their adherence to the essential requirements in § 3(1) of the FTEG (equipment and product safety aspects). Mainly checked were the essential requirements in relation to electrical functionality, temperature stability, correct and complete information on transformer information plates and their wipe resistance.

Formal faults and exceeded limits were found in 23 cases. This translates into an irregularity rate of 22%.

Follow up actions:

A scaled procedure was again used in 2005 to assess compliance with the protection requirements of § 3 of the EMVG and § 3(1) para 2 of the FTEG. Breaches of the Directive or Act can thus be addressed in a more nuanced way. After discovery of an infringement, the party responsible for the placing on the market is heard. Only after the hearing has taken place and the documentation has been scrutinised is a decision on further action taken.

Over the year, 566 sales bans were imposed under the EMVG and 608 under the FTEG on the grounds of non-compliance with the protection/essential requirements or on grounds of faulty marking. This means that the number of sales bans increased by just under 15% compared with the year 2004.

In 819 cases the Cost Ordinance was applied in connection with breaches of the EMVG or the FTEG and a total of about 1,800,000.EURO -taken.