

Welcome
Bienvenue
Willkommen

ACCREDITATION

CONFIANCE
NUMÉRIQUE

SURVEILLANCE
DU MARCHÉ

MÉTROLOGIE

NORMALISATION

ILNAS

ILNAS – Market Surveillance Authority For Non-food Products

Luxembourg · 06 May 2024



- I** ILNAS
- II** Market surveillance department
- III** Obligations and tasks of the economic operators
- IV** New General Product Safety Regulation
- V** Useful information
- VI** Appendix

- **Creation** : May 2008
- **Legislation** : Loi modifiée du 4 juillet 2014 portant réorganisation de l'ILNAS
- **Legal form** : Public administration under the authority of the Minister of the Economy
- **Total staff** : 62 (May 2024)
- **Website** : www.portail-qualite.lu



– **Main mission :**

Detect non-compliant products on the Luxembourgish market in order to :

- ensure **free movement of products** (non food products) in **Europe** ;
- **avoid an unfair competition** between economic operators ;
- **protect the end-users** and the **environment**.

– **Other missions :**

- National Single Liaison Office
- National contact point « [Safety Gate](#) » (high risk products)
- National [Product Contact Point](#) (for questions from companies)

– **Total staff : 15**

FIELD OF COMPETENCE (NON-EXHAUSTIVE LIST)



MACHINES



PRODUITS DE CONSTRUCTION



JOUETS



ÉQUIPEMENTS RADIOÉLECTRIQUES



ARTICLES PYROTECHNIQUES



ASCENSEURS



VÉHICULES AUTOMOBILES



ÉQUIPEMENTS DE PROTECTION INDIVIDUELLE



SÉCURITÉ GÉNÉRALE DES PRODUITS



BASSE TENSION



ÉTIQUETAGE DE LA CONSOMMATION DES APPAREILS DOM.



DÉNOMINATIONS DES FIBRES TEXTILES

ILNAS is the market surveillance authority for 33 product categories.
Food and pharmaceutical products are not covered.

Trigger of inspections

- Proactive campaigns and inspections (national and European level)
- Reactive inspections (alerts, accidents, complaints)
- Customs (imports)

Types of inspections

- Administrative and visual (markings, documents, etc.)
- Technical and chemical (test laboratories)

At national level, awareness-raising meetings, conferences and bilateral meetings with companies are organised on a regular basis.

At European level, the market surveillance department regularly takes part in meetings and working groups.

ILNAS and the national Customs and Excise Agency are cooperating closely. This cooperation is formalised in a convention signed by the corresponding Ministers.



Toys



Hand-held power tools



Lamps et LEDs



Tyre labelling



Motorbike helmets



Safety gloves



Motor vehicle



E-bikes & speed bikes

Technical and chemical tests are carried out by accredited laboratories.

- **Regulation (UE) 2019/1020** of 20 June 2019 on **market surveillance** and **compliance of products**;
- **Decision 768/2008/CE** of 9 July 2008 on a **common framework** for the marketing of products;
- The several **sectorial European regulations**;
- The various **sectorial national laws** transposing the European directives.



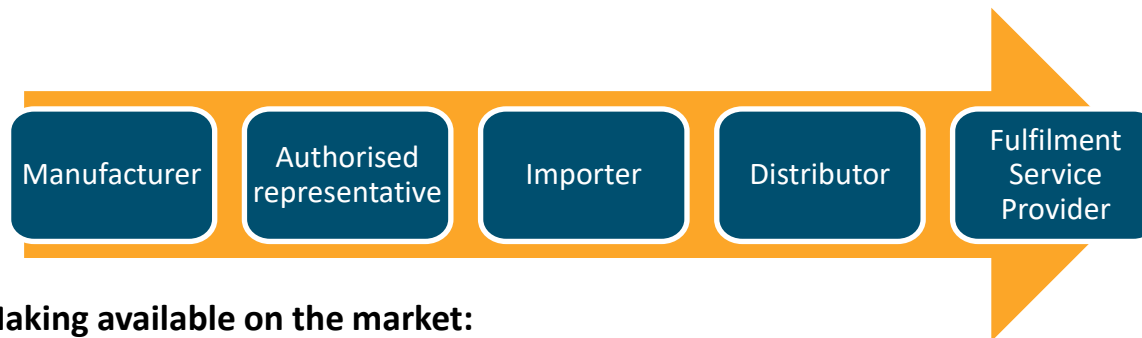
Guidance document:
« [Blue Guide](#) » version 2022

The European Regulation (UE) 2019/1020 on market surveillance and compliance of products is applicable since the 16 of June 2021.

DEFINITIONS

- **Economic operator:**

The **manufacturer**, the **authorised representative**, the **importer**, the **distributor**, the **fulfilment service provider** or any other natural or legal person who is subject to obligations in relation to the manufacture of products, **making them available on the market** or **putting them into service** in accordance with the relevant Union harmonisation legislation.



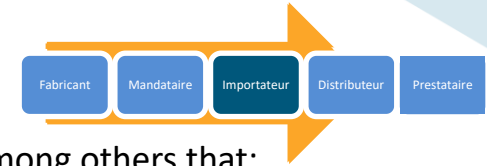
- **Making available on the market:**

Any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge.

- **Placing on the market:**

The first making available of a product on the Union market.

Under the regulation (EU) 2019/1020, the fulfilment service provider has also become an economic operator.



Before placing a product on the market, the importer must ensure among others that:

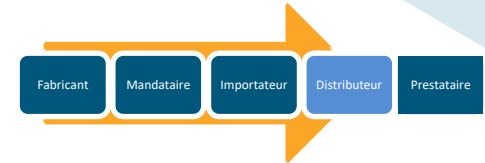
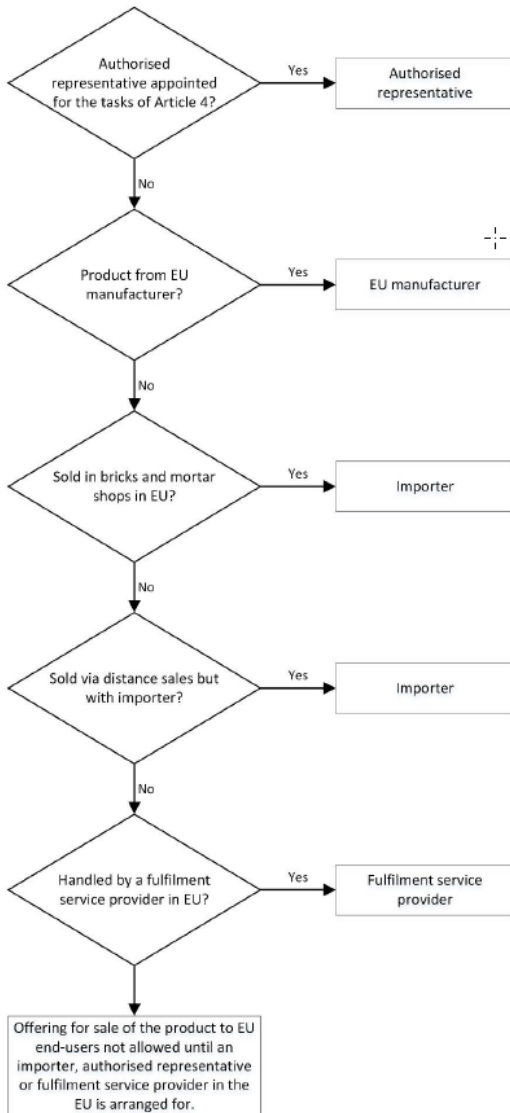
- The appropriate **conformity assessment procedure** has been applied;
- the product bears the required **conformity markings**;
- the product is provided with **the required documentation**;
- the product is provided with **instructions** and **safety information** in an easily **understandable language** (Luxembourgish or German or French);
- the **manufacturer has complied with the requirements** (name, company name, registered trademark, instructions, safety information, etc.);
- he indicates his **name, company name** or **registered trademark** and the **address** at which he can be contacted (on the product, packaging, documents);
- **storage or transport conditions** do not compromise product conformity;
- he keeps a **copy of the DoC¹** at the disposal of market surveillance authorities;
- the **TD²** can be provided to **market surveillance authorities on request**.

The importer must ensure that the manufacturer has properly fulfilled his obligations.

1 - DoC: Déclaration «CE» of conformity

2 - TD: Technical documentation

FULFILMENT SERVICE PROVIDER

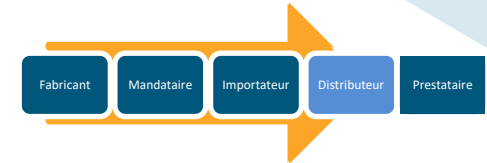


Obligations of economic operators concerning products falling under Article 4 of Regulation (EU) No. 2019/1020.

Products concerned (non-exhaustive list):

- Toys
- Electrical equipment
- Radioequipment
- Electromagnetic compatibility
- Pyrotechnics
- Eco-design
- Gas appliances
- Machines
- Construction products
- Transportable pressure equipment
- Personal protective equipment
- ...

A product (as defined in article 4) can only be made available on the European market if an economic operator in Europe is designated as responsible for the product.



The **economic operator who is responsible of the product** (according to **article 4 of Regulation (EU) No. 2019/1020**) shall perform the following tasks:

- **Verifying and keeping the documentation** (for example: the DoC¹ and the TD²) at the disposal of market surveillance authority;
- **providing the market surveillance authority** with all **information** and **documentation** necessary to demonstrate the conformity of the product in an understandable language;
- when having reason to believe that a product in question presents a **risk**, **informing the market surveillance authorities**;
- **cooperate** with the market surveillance authorities and taking the corresponding measures;
- indicating the **name**, registered **trademark** and **contact details**, including the **postal address** on the **product** or on its **packaging**, the parcel or an accompanying document.

1 - DoC: Déclaration «CE» of conformity

2 - TD: Technical documentation

- **Objectives of the GPSR:**
 - ensuring the safety of all products, including those linked to new technologies
 - addressing challenges posed by the growth of online sales (e-commerce);
 - ensuring a better enforcement of the rules and more efficient market surveillance;
 - improving the effectiveness of recalls of dangerous products already sold.

- **What's new:**
 - Precautionary principle shall be widely applied by all stakeholders for product safety;
 - Specific product safety obligations for economic operators and e-commerce;
 - Reinforced product traceability requirements;
 - List of aspects to be taken into account when assessing the safety of products;
 - Accident reporting to authorities by businesses;
 - Specific rules on how to handle product safety recalls, including a mandatory recall notice template, and right to remedy for consumers.

The GPSR is a new key instrument in the EU product safety legal framework, replacing from 13 December 2024 the current GPSD and the Food Imitating Product Directive.

ILNAS has created factsheets for each area for which ILNAS is the competent authority:

- Minimum product information to be provided by the manufacturer;
- Applicable legislation;
- Contact details.

ILNAS - Département de la Surveillance du marché
Fiche d'informations

2009/48/CE – Sécurité des jouets

1. **Produits concernés**

La présente directive s'applique aux produits conçus ou destinés, exclusivement ou non, à être utilisés à des fins de jeu par des enfants de moins de 14 ans.
La représentation des produits montrés ci-dessus n'est pas exhaustive. Le détail peut être consulté dans l'article 2 de la législation applicable.

2. **Informations minimales à fournir par le fabricant avec le produit**

CE

- Le marquage «CE» est apposé de manière visible, soignée et indélébile sur le jouet, sur une étiquette attachée à celui-ci ou sur son emballage. Dans le cas de jouets de petites dimensions et de jouets composés de petites pièces, le marquage «CE» peut être apposé sur une étiquette ou sur un feuillet accompagnant le jouet. Si cela n'est pas techniquement possible dans le cas de jouets vendus en présentoir de commerce, et à condition que le présentoir ait été utilisé comme emballage du jouet, le marquage «CE» est apposé sur le présentoir de commerce.
- Si le marquage «CE» n'est pas visible de l'extérieur de l'emballage, il est au moins apposé sur l'emballage.

Identification du fabricant	<ul style="list-style-type: none"> Le nom du fabricant. La raison sociale. La marque déposée. L'adresse à laquelle le fabricant peut être contacté.
Identification de l'importateur (si applicable)	<ul style="list-style-type: none"> Le nom de l'importateur. La raison sociale. La marque déposée. L'adresse à laquelle l'importateur peut être contacté.
Instructions et informations	<ul style="list-style-type: none"> Les instructions et informations de sécurité doivent être rédigées dans au moins une des trois langues administratives du Luxembourg. Des avertissements spécifiques et indications des précautions d'emploi pour certaines catégories de jouets. Les avertissements sont précédés du mot «attention».
Avertissements	<ul style="list-style-type: none"> Des avertissements spécifiques et indications des précautions d'emploi pour certaines catégories de jouets. Les avertissements sont précédés du mot «attention».

Pour plus d'informations, veuillez consulter la législation applicable.

Fiche d'informations : 2009/48/CE - Sécurité des jouets

3. **Législation de l'Union européenne**

n°-ID	Nature	Entrée en vigueur	Date limite de transposition	Date obligatoire d'application
2009/48/CE	Directive	20.07.2009	20.01.2011	20.07.2011

Le lien ci-dessus renvoie vers la page de la directive respective du portail de la Commission européenne. Vous y trouverez toutes les informations sur une éventuelle évolution de cette législation.

4. **Transposition nationale**

Législation nationale	Mémoriel	Date de publication
Loi du 15 décembre 2010 relative à la sécurité des jouets, telle que modifiée	A - 2010 - n° 223	17.12.2010

Le lien ci-dessus renvoie sur le portail juridique du Gouvernement du Grand-Duché de Luxembourg (Légilux). Vous y trouverez toutes les informations sur une éventuelle évolution de cette législation.

5. **Compétences nationales**

Rôle	Autorité compétente
Transposition en droit national	ILNAS (Ministère de l'Economie)
Surveillance du marché	ILNAS - Département de la Surveillance du Marché
Désignation des organismes notifiés	ILNAS - OLAS

6. **Pour en savoir plus**

Acteur public	Informations
	<ul style="list-style-type: none"> DG GROWTH : Website : http://ec.europa.eu/growth/sectors/toys/index_en.htm
	<ul style="list-style-type: none"> NANDO - Organismes notifiés : Website : Liste des organismes notifiés en Europe
	<ul style="list-style-type: none"> Département de la Surveillance du marché : Téléphone : (+352) 247 743 20 Fax : (+352) 247 943 20 E-mail : surveillance@ilnas.etat.lu Website : http://www.portail-qualite.lu

Tous les renseignements sont donnés sous réserve d'erreur ou d'omission.
Dernière mise à jour : Mars 2015.

The factsheets can be viewed and downloaded from the ILNAS webpage [Portail-Qualité*](https://portail-qualite.public.lu/fr/libre-circulation-surveillance-du-marche/surveillance-marche/fiches-produits.html#).

*: Site web: <https://portail-qualite.public.lu/fr/libre-circulation-surveillance-du-marche/surveillance-marche/fiches-produits.html#>

LIST OF COMPETENT MARKET SURVEILLANCE AUTHORITIES IN LUXEMBOURG

Autorités compétentes de surveillance du marché et organismes notifiés au Grand-Duché de Luxembourg

Version 5.3
Mars 2021

Code de l'acte législatif européen	Description	Modifications	Actes législatifs nationaux	Autorités nationales	
				Transposition/ Mise en œuvre	Surveillance du marché
(UE) n° 528/2012 (*)	Produits biocides	(**)	Loi modifiée du 04/09/2015	Ministère du Développement durable et des Infrastructures	Administration de l'Environnement
(UE) n° 649/2012	Export et import de produits chimiques dangereux (PIC)	/	Loi du 05/06/2014	Ministère du Développement durable et des Infrastructures	Administration de l'Environnement
2013/29/UE	Articles pyrotechniques	/	Loi du 27/05/2016 Loi du 27/05/2016 (traçabilité)	Ministère de l'Economie	ILNAS Surveillance du Marché
2013/53/UE	Bateaux de plaisance et véhicules nautiques à moteur	/	Loi du 23/12/2016	Ministère de l'Economie	ILNAS Surveillance du Marché
(UE) n° 167/2013	Véhicules agricoles et forestiers	/	Application directe du règlement européen	Ministère de l'Economie et Ministère du développement durable et des Infrastructures	ILNAS Surveillance du Marché
(UE) n° 168/2013	Véhicules à deux ou trois roues et des quadricycles	/	Application directe du règlement européen	Ministère de l'Economie et Ministère du développement durable et des Infrastructures	ILNAS Surveillance du Marché
2014/28/UE	Explosifs à usage civil	/	Loi du 23/12/2016	Ministère de l'Economie	ILNAS Surveillance du Marché
2014/29/UE	Récipients à pression simples	/	Loi du 27/06/2016	Ministère de l'Economie	ILNAS Surveillance du Marché
2014/30/UE	Compatibilité électromagnétique	/	Loi du 27/06/2016	Ministère de l'Economie	ILNAS Surveillance du Marché
2014/31/UE	Instruments de pesage à fonctionnement non automatique	/	RGD du 26/01/2016	Ministère de l'Economie	ILNAS Surveillance du Marché

The liste of the [competent market surveillance authorities](#) and notified bodies in Luxembourg is available on our « [Portail-Qualité](#) ».

*: Site web: <https://portail-qualite.public.lu/fr/libre-circulation-surveillance-du-marche/surveillance-marche.html>

European legislation:

- European regulations
- Directives
- Decisions

**National legislation:**

- Laws
- Règlements grand-ducaux



European and national legislation in the sectoral fields
are available on our « [Portail-Qualité*](https://portail-qualite.public.lu/fr/legislation/securite-sante.html) ».

*: Site web: <https://portail-qualite.public.lu/fr/legislation/securite-sante.html>

ILNAS e-shop

- Sale of **national, European and international** standards
- Over **200,000 standards documents** available at competitive prices
- Format: **electronic**
- Language: **French, German and English**
- **Public inquiry:** free documents



Free consultation

- EACH EN (CEN, CENELEC and ETSI), ISO, IEC and ILNAS standards can be consulted free of charge at ILNAS reading stations.
- **Network of 9 reading stations***



*: ILNAS, LIST at Belvaux, Luxembourg Learning Center at Esch, House of Cybersecurity, Uni-LU Kirchberg, Chambre de Métiers, Lycée des Arts et Métiers, Atert Lycée Redange, Commune d'Echternach

For companies :

Obtain information about CE marking, the passport to get access to the European market.

For end-users:

Obtain information on news and alerts concerning products in free circulation on the Luxembourg market.



To stay informed and up to date, sign up now for the Market Surveillance [Newsletter](#)*!

*: Site web: <https://portail-qualite.public.lu/fr/support/newsletter/index.php>

Point de Contact Produits

Le Point de Contact Produits (PCP)

Dans chaque Etat membre de l'Union européenne, un Point de Contact Produits (« PCP ») a été établi en application du [règlement européen \(UE\) n° 2019/515](#) afin d'aider à la mise en oeuvre pratique du principe de « reconnaissance mutuelle ». Au Luxembourg, le PCP est attribué à l'ILNAS.

La reconnaissance mutuelle garantit l'accès au marché pour les produits qui ne font pas l'objet d'une harmonisation européenne. Le règlement garantit que tout produit légalement vendu dans un pays de l'UE peut être vendu dans un autre, sauf s'il met en péril des exigences impératives d'intérêt public telles que la santé et la sécurité des personnes. Pour le marché intérieur des biens, il importe d'assurer l'accessibilité de l'information relative aux règles techniques nationales. La procédure d'évaluation des biens est décrite à l'article 5 du règlement précité.

Le PCP est chargé de fournir gratuitement sous quinze jours ouvrés, à la demande d'un opérateur économique ou d'une autorité d'un autre Etat membre, des informations nationales relatives :

- aux règles techniques nationales applicables à un type de produit spécifique ;
- au principe de reconnaissance mutuelle et à l'application du [règlement 2019/515](#) ;
- aux coordonnées des [autorités compétentes luxembourgeoises](#) ;
- aux moyens de recours et les procédures disponibles au Luxembourg en cas de différend entre l'autorité compétente et un opérateur économique, tels que la procédure de résolution des problèmes administratifs liés au marché intérieur SOLVIT selon l'article 8 du règlement précité.

Point de contact
produits

ILNAS

ILNAS

1 avenue du Swing
L-4367 Belvaux

Tél.: (+352) 247 743 20

E-mail:

pcpluxembourg@ilnas.etat.lu

Please contact the « [Product Contact Point](#) » at ILNAS if you have any questions.

*: Site web: <https://portail-qualite.public.lu/fr/libre-circulation-surveillance-du-marche/point-contact-produits.html>



*Thank you
Merci
Danke*

ILNAS

Southlane Tower I · 1, avenue du Swing · L-4367 Belvaux

Tel. : (+352) 24 77 43 - 20 · Fax : (+352) 24 79 43 - 20

E-mail : surveillance@ilnas.etat.lu

www.portail-qualite.lu

DEFINITIONS

Manufacturer:

Any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark.

Authorised representative:

Any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer's obligations under the relevant Union harmonisation legislation or under the requirements of this Regulation.



A manufacturer, whether or not established in the EU, may have an authorised representative within the Union.

DEFINITIONS

Importer:

Any natural or legal person established within the Union who places a product from a third country on the Union market.

Distributor:

Any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market.



DEFINITIONS

Fulfilment Service Provider

Any natural or legal person offering, in the course of commercial activity, at **least two of the following services: warehousing, packaging, addressing and dispatching**, without having ownership of the products involved, excluding postal services as defined in point 1 of Article 2 of Directive 97/67/EC of the European Parliament and of the Council (31), parcel delivery services as defined in point 2 of Article 2 of Regulation (EU) 2018/644 of the European Parliament and of the Council (32), and any other postal services or freight transport services.

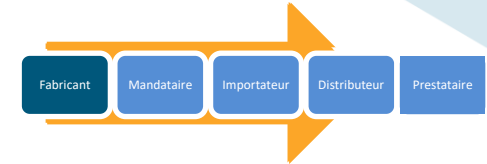
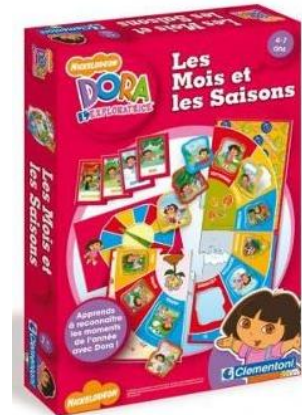


Fulfilment Service Providers may be considered as an authorized representative if they are established within the European Union and have a formal written mandate from the manufacturer, authorising them to act on his behalf for the purposes of fulfilling the order.

MANUFACTURER

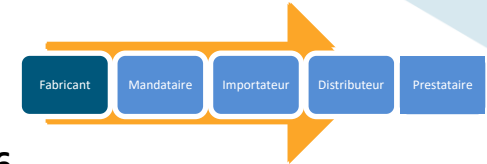
Manufacturer

- places **only compliant products** on the market;
- affixes the **CE mark** to the product;
- ensures that **series production remains compliant**;
- indicates its **name, company name or registered trademark** and the **address** at which it can be contacted (on the product, packaging or separate document).

**CE**

The CE mark must be affixed before a product is placed on the market and put into service.

THE 6 STEPS OF THE MANUFACTURER

**Step 1**

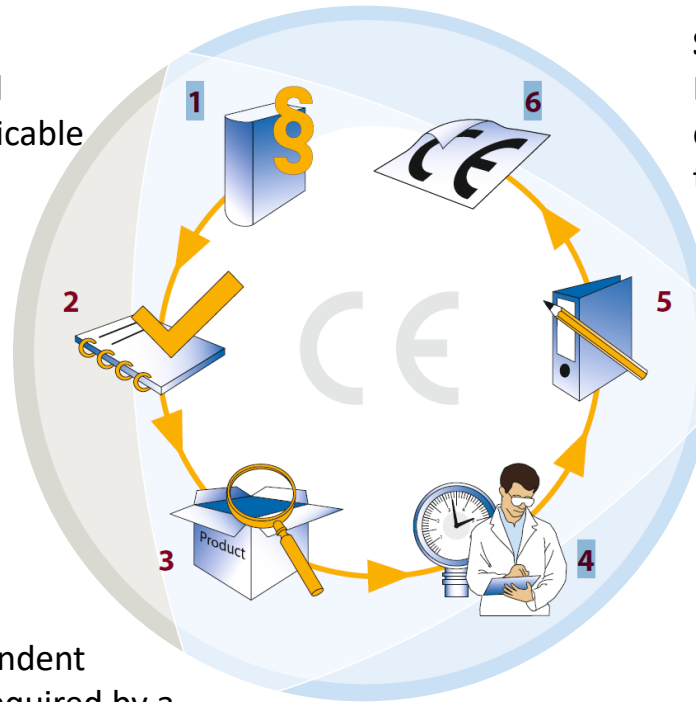
Identify the directive(s) and harmonized standards applicable to the product.

Step 2

Check product requirements

Step 3

Identify whether an independent conformity assessment is required by a notified body

**Step 6**

Draw up a CE declaration of conformity and affix the CE mark to the product

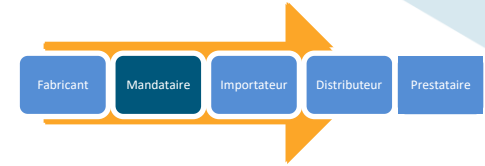
Step 5

Draw up and make available the necessary technical documentation

Step 4

Test the product and check its conformity

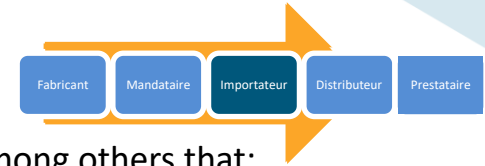
AUTHORISED REPRESENTATIVE



The **authorised representative** carries out the tasks specified in the **mandate**. It provides a copy of the mandate to the market surveillance authorities at their request.

The authorised representative must keep the **Declaration of Conformity** and the **technical documentation** the disposal of the national surveillance authorities.

Any manufacturer may appoint an authorised representative in the EU to act on its behalf to carry out certain tasks.



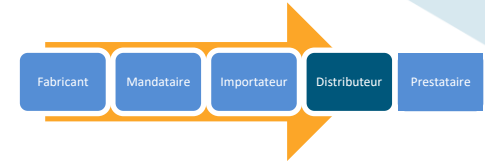
Before placing a product on the market, the importer must ensure among others that:

- The appropriate **conformity assessment procedure** has been applied;
- the product bears the required **conformity markings**;
- the product is provided with **the required documentation**;
- the product is provided with **instructions** and **safety information** in an easily **understandable language** (Luxembourgish or German or French);
- the **manufacturer has complied with the requirements** (name, company name, registered trademark, instructions, safety information, etc.);
- he indicates his **name, company name** or **registered trademark** and the **address** at which he can be contacted (on the product, packaging, documents);
- **storage or transport conditions** do not compromise product conformity;
- he keeps a **copy of the DoC¹** at the disposal of market surveillance authorities;
- the **TD²** can be provided to **market surveillance authorities on request**.

The importer must ensure that the manufacturer has properly fulfilled his obligations.

1 - DoC: Déclaration «CE» of conformity

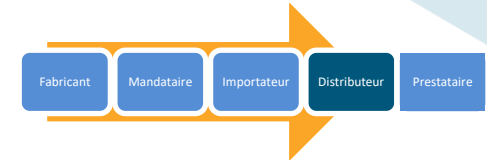
2 - TD: Technical documentation



Before making a product available on the market, the distributor must ensure that:

- the **product bears** the required **conformity marking(s)**;
- the product is accompanied by the **required documents, instructions** and **safety information** in a language easily understood by consumers (**LU, FR or DE** in Luxembourg);
- the **manufacturer** and **importer have complied with the requirements** (name, registered trademark, instructions, safety information, etc.);
- **storage or transport conditions** do not compromise product conformity.

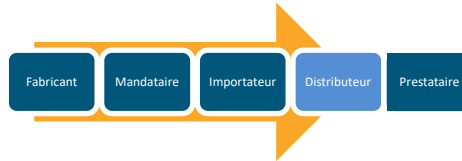
Distributors must exercise due diligence with regard to applicable requirements.



If a distributor considers that a product it has made available on the market is not compliant, the distributor must :

- ensure that the **necessary corrective measures** to bring the product into compliance, withdraw it or recall it are taken;
- in presence of **risk, inform the manufacturer or importer** to this effect, as well as the market surveillance authorities.

FULFILMENT SERVICE PROVIDER

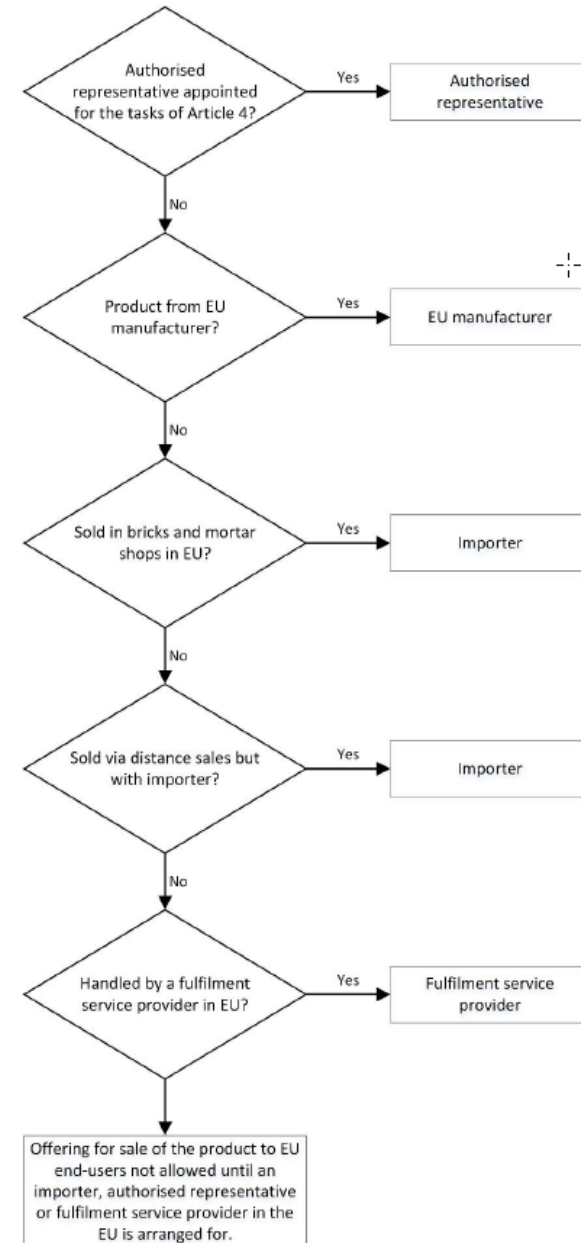


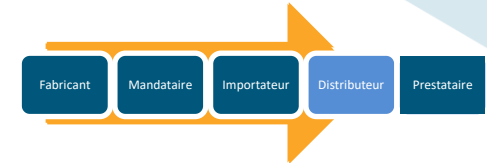
Obligations of economic operators concerning products falling under Article 4 of Regulation (EU) No. 2019/1020.

Products concerned (non-exhaustive list):

- Toys
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- Eco-design
- Gas appliances
- Machines
- Construction products
- Transportable pressure equipment
- Personal protective equipment
- ...

A product (as defined in article 4) can only be made available on the European market if an economic operator in Europe is designated as responsible for the product.





The **economic operator who is responsible of the product** (according to **article 4 of Regulation (EU) No. 2019/1020**) shall perform the following tasks:

- **Verifying and keeping the documentation** (for example: the DoC¹ or the DoP² and the TD³) at the disposal of market surveillance authority;
- **providing the market surveillance authority** with all **information** and **documentation** necessary to demonstrate the conformity of the product in an understandable language;
- when having reason to believe that a product in question presents a **risk**, **informing the market surveillance authorities**;
- **cooperate** with the market surveillance authorities and taking the corresponding measures;
- indicating the **name**, registered **trademark** and **contact details**, including the **postal address** on the **product** or on its **packaging**, the parcel or an accompanying document.

1 - DoC: Déclaration «CE» of conformity

2 - DoP: Déclaration of Performance

3 - TD: Technical documentation