

# Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

STATE OF PLAY: 10/05/2023

**Disclaimer: The present compilation is based on the notifications received until 10/05/2023**

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**1. Austria**

No	Group of products	EU reference number	Article 41 Penalties against Union harmonisation legislation listed in Annex II [ <i>sic</i> ]	
1	Crystal glass	Directive 69/493/EEC	Federal Act against Unfair Competition ( <i>Bundesgesetz gegen den unlauteren Wettbewerb, UWG</i> ) 1984  Enforcement Code ( <i>Exekutionsordnung, EO</i> )	Section 33(1): up to EUR 2 900 in conjunction with Section 1, 1a or 2  (Breach of law, misleading or aggressive business practices) – In the event of infringement, grounds for a prohibitory injunction and claim for damages. See also Sections 14 to 26 UWG  Enforcement against the person obliged to abstain from doing an act / tolerate an act under Section 355 EO.
2	Sound level and the exhaust system of motor vehicles	Directive 70/157/EEC	Motor Vehicles Act ( <i>Kraftfahrzeuggesetz, KFG</i> )	Section 134(1), (1c) and (1d) KFG: up to EUR 5 000
3	Bottles used as measuring containers	Directive 75/107/EEC	Weights and Measures Act ( <i>Maß- und Eichgesetz, MEG</i> ); Pre-packed Products Ordinance ( <i>Fertigpackungsverordnung, FPVO</i> ), Part 1	Section 63(1) MEG: up to EUR 10 900
4	Aerosol dispensers	Directive 75/324/EEC	Pressure Equipment Act ( <i>Druckgerätegesetz</i> )	Section 68(1) up to EUR 10 000  Section 68(2) up to EUR 25 000

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5	Prepackaged products	Directive 76/211/EEC	Weights and Measures Act ( <i>Maß- und Eichgesetz</i> , MEG); Pre-packed Products Ordinance ( <i>Fertigpackungsverordnung</i> , FPVO), Part 2	Section 63(1) MEG: up to EUR 10 900
6	Efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels	Directive 92/42/EEC	Provincial Construction Products Acts (Directive 92/42/EEC (efficiency requirements), repealed by Regulation (EU) No 813/2013 in the parts concerning efficiency requirements)*	up to EUR 50 000 imprisonment for default of payment, up to six weeks*
7	Labelling of the materials used in the main components of footwear for sale to the consumer	Directive 94/11/EC	Federal Act against Unfair Competition ( <i>Bundesgesetz gegen den unlauteren Wettbewerb</i> , UWG) 1984  Enforcement Code ( <i>Exekutionsordnung</i> , EO)	Section 33(1): up to EUR 2 900  - in conjunction with Section 1, 1a or 2 (Breach of law, misleading or aggressive business practices)  - In the event of infringement, grounds for a prohibitory injunction and claim for damages. See also Sections 14 to 26 UWG  - Enforcement against the person obliged to abstain from doing an act / tolerate an act under Section 355 EO.
8	Packaging and packaging waste	Directive 94/62/EC	Waste Management Act ( <i>Abfallwirtschaftsgesetz</i> , AWG) 2002 in conjunction with the  End-of-life Vehicles Regulation ( <i>Altfahrzeugeverordnung</i> )	§ 79(2)(1) AWG 2002 EUR 450 to EUR 8 400  § 79(3)(1) AWG 2002 up to EUR 3 400

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9	Noise emission by equipment for use outdoors	Directive 2000/14/EC	Trade Regulation ( <i>Gewerbeordnung</i> ) 1994	Section 366(1)(4) and (5): EUR 3 600 Section 368: up to EUR 1 090
10	End-of-life vehicles	Directive 2000/53/EC	Waste Management Act ( <i>Abfallwirtschaftsgesetz</i> , AWG) 2002 in conjunction with the End-of-life Vehicles Regulation ( <i>Altfahrzeugeverordnung</i> )	§ 79(2)(1) AWG 2002 EUR 450 to EUR 8 400, min. EUR 2 100 if the perpetrator simultaneously carries out commercial waste management activity Section 79(3)(1) AWG 2002: up to EUR 3 400
11	Type approval of motor vehicles	Directive 2005/64/EC	Motor Vehicles Act ( <i>Kraftfahrzeuggesetz</i> , KFG)	Section 134(1), (1c) and (1d) KFG: up to EUR 5 000
12	Emissions from air conditioning systems in motor vehicles	Directive 2006/40/EC	Motor Vehicles Act ( <i>Kraftfahrzeuggesetz</i> , KFG):	Section 134(1), (1c) and (1d) KFG: up to EUR 5 000
13	Laying down rules on nominal quantities for prepacked products	Directive 2007/45/EC	Weights and Measures Act (Maß- und Eichgesetz, MEG), Pre-packed Products Ordinance (Fertigpackungsverordnung, FPVO), Part 1 and Part 2	Section 63(1) MEG: up to EUR 10 900
14	Labelling of tyres with respect to fuel efficiency and other essential parameters	Regulation (EC) No 1222/2009	Motor Vehicles Act ( <i>Kraftfahrzeuggesetz</i> , KFG):	Section 134(1), (1c) and (1d) KFG: up to EUR 5 000
15	Transportable pressure equipment	Directive 2010/35/EU	Pressure Equipment Act ( <i>Druckgerätegesetz</i> )	Section 68(1) up to EUR 10 000 Section 68(2) up to EUR 25 000
16	Laying down harmonized conditions for the marketing of construction products	Regulation (EU) 305/2011	Provincial Construction Products Acts:  a. Construction Products (Carinthia) Act ( <i>Kärntner Bauproduktengesetz</i> , K-BPG)  b. Construction Products (Vienna)	a. up to EUR 50 000 imprisonment for default of payment, up to six weeks, other violations up to EUR 14 000,  b. up to EUR 20 000 / up to EUR 50 000

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			<p>Act (<i>Wiener Bauproduktengesetz</i>) 2013</p> <p>c. Construction Products and Market Surveillance (Lower Austria) Act (<i>NÖ Bauprodukte- und Marktüberwachungsgesetz</i>) 2013</p> <p>d. Construction Products and Market Surveillance (Styria) Act (<i>Steiermärkisches Bauprodukte- und Marktüberwachungsgesetz, StBauMüG</i>) 2013</p> <p>e. Construction Engineering (Upper Austria) Act (<i>Oö. Bautechnikgesetz, Oö. BauTG</i>) 2013</p> <p>f. Act on Construction Products and their Use – (Vorarlberg) Construction Products Act (<i>Gesetz über Bauprodukte und deren Verwendung (Vbg)</i>)</p> <p>g. Construction Products (Tyrol) Act (<i>Tiroler Bauproduktengesetz</i>) 2016</p> <p>h. Construction Products and Market Surveillance (Burgenland) Act (<i>Burgenländisches Bauprodukte- und Marktüberwachungsgesetz,</i></p>	<p>imprisonment for default of payment, up to six weeks</p> <p>c. up to EUR 50 000 imprisonment for default of payment, up to six weeks</p> <p>d. up to EUR 50 000 imprisonment for default of payment, up to six weeks, other violations up to EUR 14 000</p> <p>e. up to EUR 50 000 imprisonment for default of payment, up to six weeks, other violations up to EUR 36 000</p> <p>f. up to EUR 50 000 imprisonment for default of payment, up to six weeks, other violations up to EUR 14 000</p> <p>g. up to EUR 50 000 imprisonment for default of payment, up to six weeks, other violations up to EUR 14 000</p> <p>h. up to EUR 30 000 imprisonment for default of payment, up to three weeks</p> <p>i. up to EUR 50 000 imprisonment for default of payment, up to six weeks</p>
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			Bgld. BPMG) 2016  i. Construction Products (Salzburg) Act ( <i>Salzburger Bauproduktengesetz</i> )	
17	Textile fibre names and related labelling and marking of the fibre composition of textile products	Regulation (EU) 1007/2011	Federal Act against Unfair Competition ( <i>Bundesgesetz gegen den unlauteren Wettbewerb, UWG</i> ) 1984  Enforcement Code ( <i>Exekutionsordnung, EO</i> )	Section 33(1) UWG: up to EUR 2 900.  - in conjunction with Section 1, 1a or 2 (Breach of law, misleading and aggressive business practices)  - In the event of infringement, grounds for a prohibitory injunction and claim for damages. See also Sections 14 to 26 UWG.  - Enforcement against the person obliged to abstain from doing an act / tolerate an act under Section 355 EO.
18	Marine equipment	Directive 2014/90/EU	Maritime Transport Implementation Act ( <i>Seeschifffahrts Erfüllungsgesetz - SSEG</i> )	Section 16: up to EUR 7 267
19	Sound level of motor vehicles and of replacement silencing systems	Regulation (EU) 540/2014	Motor Vehicles Act ( <i>Kraftfahrzeuggesetz, KFG</i> ):	Section 134(1), (1c) and (1d) KFG: up to EUR 5 000



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20	Cableway installations	Regulation (EU) 2016/425 [ <i>sic</i> ]	Cableways Act ( <i>Seilbahngesetz</i> ) 2003	Section 116
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### 2. Belgium

Legislation	Competent MSA	Name of legislative act with sanctions for economic operators used in relation to market surveillance
70/157/EEC - Motor vehicles: sound level	FPS Mobility & Transport - DG Road Transport and Road Safety	Arrêté royal du 08 décembre 2020 relatif à la surveillance du marché des véhicules à moteur et de leurs remorques, des véhicules à deux ou trois roues, des quadricycles, des systèmes, composants, entités techniques distinctes ainsi que des pièces détachées et des équipements destinés à ces véhicules
75/107/EEC - Bottles used as Measuring Containers Directive	FPS Economy - Metrology Regulation Unit	Book XV 'Enforcement' of the code of Economic Law
75/324/EEC - Aerosol Dispensers Directive	FPS Economy - Safety Division FPS Health & Environment - DG Environment	Book XV 'Enforcement' of the code of Economic Law Law on product standards of December 21st, 1998
76/211/EEC - Pre-packed Products Directive	FPS Economy - Metrology Regulation Unit	Book XV 'Enforcement' of the code of Economic Law
92/42/EEC - Hot Water Boilers Directive	FPS Economy - Energy FPS Health & Environment - DG Environment	Book XV 'Enforcement' of the code of Economic Law Law on product standards of December 21st, 1998
94/11/EC - Footwear Directive	FPS Economy - Economic Inspection - label	Book XV 'Enforcement' of the code of Economic Law
94/62/EC - Packaging and Packaging Waste Directive	FPS Health & Environment - DG Environment	Law on product standards of December 21st, 1998
2000/14/EC - Outdoor Noise Emissions Directive (OND)	FPS Health & Environment - DG Environment	Law on product standards of December 21st, 1998
2000/53/EC - End-of Life Vehicles Directive	FPS Health & Environment - DG Environment	Law on product standards of December 21st, 1998

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Legislation	Competent MSA	Name of legislative act with sanctions for economic operators used in relation to market surveillance
2005/64/EC - Motor vehicles: reusability, recyclability and recoverability	FPS Mobility & Transport - DG Road Transport and Road Safety	Arrêté royal du 08 décembre 2020 relatif à la surveillance du marché des véhicules à moteur et de leurs remorques, des véhicules à deux ou trois roues, des quadricycles, des systèmes, composants, entités techniques distinctes ainsi que des pièces détachées et des équipements destinés à ces véhicules
2006/40/EC - Motor vehicles: air conditioning systems	FPS Mobility & Transport - DG Road Transport and Road Safety	Arrêté royal du 08 décembre 2020 relatif à la surveillance du marché des véhicules à moteur et de leurs remorques, des véhicules à deux ou trois roues, des quadricycles, des systèmes, composants, entités techniques distinctes ainsi que des pièces détachées et des équipements destinés à ces véhicules
2007/45/EC - Pre-packed Products Directive	FPS Economy - Metrology Regulation Unit	Book XV 'Enforcement' of the code of Economic Law
Reg. 2020/740 - Tyre Labelling Regulation	FPS Health & Environment - DG Environment	Law on product standards of December 21st, 1998
2010/35/EU - Transportable Pressure Equipment Directive (TPED)	FPS Mobility & Transport - Dangerous goods Unit	Loi du 18 février 1969 relative aux mesures d'exécution des traités et actes internationaux en matière de transport par mer, par route, par chemin de fer ou par voie navigable.
Reg. 305/2011 - Construction Products Regulation (CPR)	FPS Economy - Specifications in the Construction sector Unit  + FPS Health & Environment - DG Environment	Loi du 21 décembre 2013 portant exécution du Règlement N° 305/2011 du Parlement européen et du Conseil du 9 mars 2011 établissant des conditions harmonisées de commercialisation pour les produits de construction et abrogeant la Directive 89/106/CEE du Conseil, et abrogeant diverses dispositions  + Law on product standards of December 21st, 1998
Reg. 1007/2011 - Textiles Regulation	FPS Economy - Economic Inspection - label	Book XV 'Enforcement' of the code of Economic Law
2014/90/EU - Marine Equipment Directive	FPS Mobility & Transport - DG Maritime Transport	Code belge de la Navigation
Reg. 540/2014 - Motor Vehicles: Sound Level	FPS Mobility & Transport - DG Road Transport and Road Safety	Arrêté royal du 08 décembre 2020 relatif à la surveillance du marché des véhicules à moteur et de leurs remorques, des véhicules à deux ou trois roues, des quadricycles, des systèmes, composants, entités techniques distinctes ainsi que des pièces détachées et des équipements destinés à ces véhicules

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### 3. Bulgaria

*Note:* The penalties described in the table are provided for in 6 main pieces of national legislation, and namely:

1. The Law on consumer protection, Chapter eleven - (acts highlighted)
2. The Law on public road traffic, Chapter seven (acts highlighted)
3. The Law on measurements, Chapter nine - (acts highlighted)
4. The Law on technical requirements for products, Chapter six - (acts highlighted)
5. The Law on waste management, Chapter six - (acts highlighted)
6. The Merchant shipping code, Chapter eighteen - (acts highlighted)

These laws implement the provisions of the 19 legal acts under Annex II of Regulation 2019/1020. The acts are given in 6 highlighted groups organised according to the corresponding national legal act above.

Corresponding national legal act implementing the provisions of the acts listed in Annex II of Regulation 2019/1020	Types of infringements which are subject to a penalty (Short description)	References to the national legal text on the penalty scheme applied, including concrete penalty levels and hierarchy of penalties Specific provisions concerning penalties applicable to infringements by the economic operators (both in English – non-official translation and Bulgarian)	
<b>Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 36)</b>			
Law on consumer protection (published in State Gazette, issue 99 of 9.12.2005 in force as of 10.06.2006, as last amended and supplemented issue 23 of 19 March 2021)	General requirements for presentation of information	Chapter eleven of the Law on consumer protection  <b>Art. 197.</b> (amend. and suppl. - SG 61/14, in force from 25.07.2014) For violation of the provisions of Art. 4, 5, 6 and 8 the guilty persons shall be imposed fine, and the sole traders and the legal persons– a property sanction, in extent from BGN 500 to BGN 3 000 for every individual case.	Глава единадесета от Закона за защита на потребителите  <b>Чл. 197.</b> За нарушение на разпоредбите на чл. 4, 5, 6 и 8 на виновните лица се налага глоба в размер от 300 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 500 до 3000 лв. за всеки отделен случай.

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<b>General requirements for labelling</b>	<b>Art. 198.</b> For violation of the requirements for labelling the commodities under Art. 9, 10 and 11 and the ordinances under Art. 12 the guilty persons shall be imposed a fine, and the sole traders and the legal persons– a property sanction, in extent from 300 to 1500 BGN.	<b>Чл. 198.</b> За нарушение на изискванията за етикетиране на стоките по чл. 9, 10 и 11 и на наредбите по чл. 12 на виновните лица се налага глоба в размер от 200 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 300 до 1500 лв.
<b>Other infringements</b>	<b>Art. 229.</b> For violation of the ordinances and the other normative acts for implementation of this Act, for which are not provided sanctions under this chapter, the guilty persons shall be imposed a fine, and the sole traders and the legal persons– a property sanction, in extent from 50 to 500 BGN.	<b>Чл. 229.</b> За нарушение на наредбите и другите нормативни актове по прилагането на този закон, за които не са предвидени санкции по тази глава, на виновните лица се налага глоба в размер от 50 до 500 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 50 до 500 лв.
<b>Denial of access for the market surveillance authorities</b>	<b>Art. 217.</b> (1) Who refuses an access to the production or commercial rooms or storehouses, or obstructs, no matter how, a controlling body to fulfill his official obligations under Art. 94, shall be punished with a fine in extent of 1 000 BGN. (2) In case of repeated violation the guilty person shall be imposed a fine in extent from 3 000 to 5 000 BGN.	<b>Чл. 217.</b> (1) Който откаже достъп до производствени или търговски помещения или складове или по какъвто и да е начин възпрепятства контролен орган да изпълнява служебните си задължения по чл. 94, се наказва с глоба в размер 1000 лв.  (2) При повторно нарушение на виновното лице се налага глоба в размер от 3000 до 5000 лв.
<b>Non-fulfilment or violation of the mandatory prescriptions of consumer protection control authority</b>	<b>Art. 230.</b> For non-fulfilment of mandatory instructions of a consumer protection control body for removing non-compliances and violations of the Law, other than the cases referred to in Art. 215, the guilty persons shall be imposed a fine in extent from 200 to 1 000 BGN, and the sole traders and legals	<b>Чл. 230.</b> За неизпълнение на задължително предписание на контролен орган за защита на потребителите за отстраняване на несъответствия и нарушения на закона, извън случаите по чл. 215, на виновните лица се налага глоба в размер от 200 до

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persons in the extent from 200 to 1 000 BGN.

### **Hampering of officials to exercise their powers**

1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 200 до 1000 лв.

**Чл. 230д.** За възпрепятстване на длъжностни лица при осъществяване на правомощията им по чл. 192 и 192а и за неизпълнение на разпореждане по чл. 192а, ал. 1, т. 2 и ал. 2 на лицата се налага глоба, съответно имуществена санкция, в размер от 1000 до 3000 лв.

### **Repeated infringements**

**Art. 231.** In case of repeated violation under this chapter the guilty persons shall be punished with a fine, and the sole traders and the legal persons – with a property sanction, in double amount.

**Чл. 231.** При повторно нарушение по тази глава виновните лица се наказват с глоба, а едноличните търговци и юридическите лица - с имуществена санкция, в двоен размер.

Standard clause making reference to the basic national act on penalties – the **Law on Administrative Violations and Sanctions** (published in the State Gazette, No. 92/28.11.1969, last amended and supplemented SG, No. 21 of 12 March 2021)

**Article 233(3)** The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.

**Чл. 233(3).** Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

**Ordinance on the labelling of products of crystal glass (published in State Gazette, issue 44 of 30.05.2006, as last amended and supplemented 93 of 24.11.2009)**

### **Section III**

#### **Administrative and penal provisions**

**Art. 11.** For violation of the provisions of the Ordinance the guilty persons shall be imposed a fine, and the sole traders and legal persons – a property sanction in accordance with Article 198 of the Law on consumer

### **Раздел III**

#### **Административнонаказателни разпоредби**

**Чл. 11.** За нарушаване разпоредбите на наредбата на виновните лица се налага глоба, а на едноличните търговци и на юридическите лица - имуществена

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protection.

**Art. 12.** In case where the control authorities establish infringement of the provisions of the Ordinance, the costs related to the analysis made and expert statements shall be borne by the persons who placed the products on the market.

санкция, съгласно чл. 198 от Закона за защита на потребителите (ЗЗП).

**Чл. 12.** Когато контролните органи констатират нарушение на изискванията на наредбата, разходите по направените анализи и експертизи са за сметка на лицата, пуснали продуктите на пазара.

### Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers

(OJ L 147, 9.6.1975, p. 40)

**Law on consumer protection (published in State Gazette, issue 99 of 9.12.2005 in force as of 10.06.2006, as last amended and supplemented issue 23 of 19 March 2021, in force as of 1 January 2022)**

**General requirements for presentation of information**

**Art. 197.** (amend. and suppl. - SG 61/14, in force from 25.07.2014) For violation of the provisions of Art. 4, 5, 6 and 8 the guilty persons shall be imposed fine, and the sole traders and the legal persons – a property sanction, in extent from BGN 500 to BGN 3 000 for every individual case.

**Чл. 197.** За нарушение на разпоредбите на чл. 4, 5, 6 и 8 на виновните лица се налага глоба в размер от 300 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 500 до 3000 лв. за всеки отделен случай.

**General requirements for labelling**

**Art. 198.** For violation of the requirements for labelling the commodities under Art. 9, 10 and 11 and the ordinances under Art. 12 the guilty persons shall be imposed a fine, and the sole traders and the legal persons – a property sanction, in extent from 300 to 1500 BGN.

**Чл. 198.** За нарушение на изискванията за етикетиране на стоките по чл. 9, 10 и 11 и на наредбите по чл. 12 на виновните лица се налага глоба в размер от 200 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 300 до 1500 лв.

**Requirements for availability of instructions for use drawn up by the manufacturer that accompany the product**

**Art. 199.** For violation of Art. 13 and 14 the guilty persons shall be imposed a fine, and the sole traders and the legal persons – a property sanction, in extent from 500 to 2000 BGN.

**Чл. 199.** За нарушение на чл. 13 и 14 на виновните лица се налага глоба в размер от 300 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 500 до 2000 лв.

**Other infringements**

**Art. 229.** For violation of the ordinances and

**Чл. 229.** За нарушение на наредбите и

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	<p>the other normative acts for implementation of this Act, for which are not provided sanctions under this chapter, the guilty persons shall be imposed a fine, and the sole traders and the legal persons – a property sanction, in extent from 50 to 500 BGN.</p>	<p>другите нормативни актове по прилагането на този закон, за които не са предвидени санкции по тази глава, на виновните лица се налага глоба в размер от 50 до 500 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 50 до 500 лв.</p>
<p><b>Denial of access for the market surveillance authorities</b></p>	<p><b>Art. 217.</b> (1) Who refuses an access to the production or commercial rooms or storehouses, or obstructs, no matter how, a controlling body to fulfill his official obligations under Art. 94, shall be punished with a fine in extent of 1 000 BGN. (2) In case of repeated violation the guilty person shall be imposed a fine in extent from 3 000 to 5 000 BGN.</p>	<p><b>Чл. 217.</b> (1) Който откаже достъп до производствени или търговски помещения или складове или по какъвто и да е начин възпрепятства контролен орган да изпълнява служебните си задължения по чл. 94, се наказва с глоба в размер 1000 лв.</p> <p>(2) При повторно нарушение на виновното лице се налага глоба в размер от 3000 до 5000 лв.</p>
<p><b>Non-fulfilment or violation of the mandatory instructions of consumer protection control authority</b></p>	<p><b>Art. 230.</b> For non-fulfilment of mandatory instructions of a consumer protection control body for removing non-compliances and violations of the Law, other than the cases referred to in Art. 215, the guilty persons shall be imposed a fine in extent from 200 to 1 000 BGN, and the sole traders and legal persons – with a property sanction in the extent of 200 to 1 000 BGN.</p>	<p><b>Чл. 230.</b> За неизпълнение на задължително предписание на контролен орган за защита на потребителите за отстраняване на несъответствия и нарушения на закона, извън случаите по чл. 215, на виновните лица се налага глоба в размер от 200 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 200 до 1000 лв.</p>
<p><b>Hampering of officials to exercise their powers</b></p>	<p><b>Art. 230e.</b> For hampering officials to exercise their powers according to Art. 192 amd Art. 192a, paragraph 1, point 2 and paragraph 2, the persons shall be imposed a</p>	<p><b>Чл. 230д.</b> За възпрепятстване на длъжностни лица при осъществяване на правомощията им по чл. 192 и 192а и за неизпълнение на разпореждане по чл. 192а, ал. 1, т. 2 и ал. 2 на лицата се налага</p>

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### Repeated violations

Standard clause making reference to the basic national act on penalties – the **Law on Administrative Violations and Sanctions** (published in the State Gazette, No. 92/28.11.1969, last amended and supplemented SG, No. 21 of 12 March 2021)

**Ordinance on the labelling of aerosol dispensers and the related requirements (published in the State Gazette, issue 43 of 26.05.2006, as last amended and supplemented State Gazette, issue 35 of 2.05.2017)**

fine, or a property sanction correspondingly in the extent of 1 000 to 3 000 BGN.

**Art. 231.** In case of repeated violation under this chapter the guilty persons shall be punished with a fine, and the sole traders and the legal persons – with a property sanction, in double amount.

**Article 233(3)** The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.

### Section V

#### Administrative and penal provisions

**Art. 18.** For violation of the provisions of the Ordinance the guilty persons shall be imposed a fine and the sole traders and legal persons – a property sanction in accordance with Art. 198 of the Law on consumer protection.

**Art. 19.** In cases where the control bodies establish infringement of the provisions of the Ordinance, the costs related to the analysis made and expert statements shall be borne by the persons who placed the products on the market.

глоба, съответно имуществена санкция, в размер от 1000 до 3000 лв.

**Чл. 231.** При повторно нарушение по тази глава виновните лица се наказват с глоба, а едноличните търговци и юридическите лица - с имуществена санкция, в двоен размер.

**Чл. 233(3).** Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

### Раздел V

#### Административнонаказателни разпоредби

**Чл. 18.** За нарушаване разпоредбите на наредбата на виновните лица се налага глоба, а на едноличните търговци и на юридическите лица - имуществена санкция съгласно чл. 198 от Закона за защита на потребителите (ЗЗП).

**Чл. 19.** В случаите, когато контролните органи констатират нарушение на разпоредбите на наредбата, разходите по направените анализи и експертизи са за сметка на лицата, пуснали продуктите на пазара.



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**Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer**

**(OJ L 100, 19.4.1994, p. 37)**

**Law on consumer protection (published in State Gazette, issue 99 of 9.12.2005 in force as of 10.06.2006, as last amended and supplemented issue**

**23 of 19 March 2021)**

**General requirements for presentation of information**

**Art. 197.** For violation of the provisions of Art. 4, 5, 6 and 8 the guilty persons shall be imposed fine, and the sole traders and the legal persons– a property sanction, in extent from BGN 500 to BGN 3 000 for every individual case.

**Чл. 197.** За нарушение на разпоредбите на чл. 4, 5, 6 и 8 на виновните лица се налага глоба в размер от 300 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 500 до 3000 лв. за всеки отделен случай.

**General requirements for labelling**

**Art. 198.** For violation of the requirements for labelling the commodities under Art. 9, 10 and 11 and the ordinances under Art. 12 the guilty persons shall be imposed a fine, and the sole traders and the legal persons– with a property sanction, in extent from 300 to 1500 BGN.

**Чл. 198.** За нарушение на изискванията за етикетиране на стоките по чл. 9, 10 и 11 и на наредбите по чл. 12 на виновните лица се налага глоба в размер от 200 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 300 до 1500 лв.

**Other infringements**

**Art. 229.** For violation of the ordinances and the other normative acts for implementation of this Act, for which are not provided sanctions under this chapter, the guilty persons shall be imposed a fine, and the sole traders and the legal persons– with a property sanction, in extent from 50 to 500 BGN.

**Чл. 229.** За нарушение на наредбите и другите нормативни актове по прилагането на този закон, за които не са предвидени санкции по тази глава, на виновните лица се налага глоба в размер от 50 до 500 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 50 до 500 лв.

**Denial of access for the market surveillance authorities**

**Art. 217.** (1) Who refuses an access to the production or commercial rooms or storehouses, or obstructs, no matter how, a controlling body to fulfill his official obligations under Art. 94, shall be punished with a fine in extent of 1 000 BGN. (2) In

**Чл. 217.** (1) Който откаже достъп до производствени или търговски помещения или складове или по какъвто и да е начин възпрепятства контролен орган да изпълнява служебните си задължения по чл. 94, се наказва с глоба

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		case of repeated violation the guilty person shall be imposed a fine in extent from 3 000 to 5 000 BGN.	в размер 1000 лв.
<b>Non-fulfilment or violation of the mandatory instructions of consumer protection control authority</b>		<b>Art. 230.</b> For non-fulfilment of mandatory instructions of a consumer protection control body for removing non-compliances and violations of the Law, other than the cases referred to in Art. 215, the guilty persons shall be imposed a fine in extent from 200 to 1 000 BGN, and the sole traders and legal persons – with a property sanction in the extent of 200 to 1 000 BGN.	(2) При повторно нарушение на виновното лице се налага глоба в размер от 3000 до 5000 лв. <b>Чл. 230.</b> За неизпълнение на задължително предписание на контролен орган за защита на потребителите за отстраняване на несъответствия и нарушения на закона, извън случаите по чл. 215, на виновните лица се налага глоба в размер от 200 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 200 до 1000 лв.
<b>Hampering of officials to exercise their powers</b>		<b>Art. 230e.</b> For hampering officials to exercise their powers according to Art. 192 amd Art. 192a, paragraph 1, point 2 and paragraph 2, the persons shall be imposed a fine, or a property sanction correspondingly in the extent of 1 000 to 3 000 BGN.	<b>Чл. 230д.</b> За възпрепятстване на длъжностни лица при осъществяване на правомощията им по чл. 192 и 192а и за неизпълнение на разпореждане по чл. 192а, ал. 1, т. 2 и ал. 2 на лицата се налага глоба, съответно имуществена санкция, в размер от 1000 до 3000 лв.
	<b>Repeated violation</b>	<b>Art. 231.</b> In case of repeated violation under this chapter the guilty persons shall be punished with a fine, and the sole traders and the legal persons– with a property sanction, in double amount.	<b>Чл. 231.</b> При повторно нарушение по тази глава виновните лица се наказват с глоба, а едноличните търговци и юридическите лица - с имуществена санкция, в двоен размер.
<b>Law on consumer protection (published in State Gazette, issue 99 of 9.12.2005 in force as of 10.06.2006, as last amended and supplemented issue 23 of 19 March 2021)</b>	Standard clause making reference to the basic national act on penalties – the <b>Law on Administrative Violations and Sanctions</b> (published in the State Gazette, No. 92/28.11.1969, last amended	<b>Art. 233(3)</b> The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.	<b>Чл. 233(3).</b> Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

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and supplemented SG, No. 21 of  
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### Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46)

**Law on consumer protection (published in State Gazette, issue 99 of 9.12.2005 in force as of 10.06.2006, as last amended and supplemented issue 23 of 19 March 2021)**

**General requirements for presentation of information**

**Art. 197.** (amend. and suppl. - SG 61/14, in force from 25.07.2014) For violation of the provisions of Art. 4, 5, 6 and 8 the guilty persons shall be imposed fine, and the sole traders and the legal persons– a property sanction, in extent from BGN 500 to BGN 3 000 for every individual case.

**Чл. 197.** За нарушение на разпоредбите на чл. 4, 5, 6 и 8 на виновните лица се налага глоба в размер от 300 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 500 до 3000 лв. за всеки отделен случай.

**General requirements for labelling**

**Art. 198.** For violation of the requirements for labelling the commodities under Art. 9, 10 and 11 and the ordinances under Art. 12 the guilty persons shall be imposed a fine, and the sole traders and the legal persons– a property sanction, in extent from 300 to 1500 BGN.

**Чл. 198.** За нарушение на изискванията за етикетиране на стоките по чл. 9, 10 и 11 и на наредбите по чл. 12 на виновните лица се налага глоба в размер от 200 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 300 до 1500 лв.

**Other infringements**

**Art. 229.** For violation of the ordinances and the other normative acts for implementation of this Act, for which are not provided sanctions under this chapter, the guilty persons shall be imposed a fine, and the sole traders and the legal persons– a property sanction, in extent from 50 to 500 BGN.

**Чл. 229.** За нарушение на наредбите и другите нормативни актове по прилагането на този закон, за които не са предвидени санкции по тази глава, на виновните лица се налага глоба в размер от 50 до 500 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 50 до 500 лв.

**Denial of access for the market surveillance authorities**

**Art. 217.** (1) Who refuses an access to the production or commercial rooms or storehouses, or obstructs, no matter how, a controlling body to fulfill his official obligations under Art. 94, shall be punished

**Чл. 217.** (1) Който откаже достъп до производствени или търговски помещения или складове или по какъвто и да е начин възпрепятства контролен орган да изпълнява служебните си

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		with a fine in extent of 1 000 BGN. (2) In case of repeated violation the guilty person shall be imposed a fine in extent from 3 000 to 5 000 BGN.	задължения по чл. 94, се наказва с глоба в размер 1000 лв.
<b>Non-fulfilment or violation of the mandatory instructions of consumer protection control authority</b>		<b>Art. 230.</b> For non-fulfilment of mandatory instructions of a consumer protection control body for removing non-compliances and violations of the Law, other than the cases referred to in Art. 215, the guilty persons shall be imposed a fine in extent from 200 to 1 000 BGN, and the sole traders and legal persons – with a property sanction in the extent of 200 to 1 000 BGN.	(2) При повторно нарушение на виновното лице се налага глоба в размер от 3000 до 5000 лв. <b>Чл. 230.</b> За неизпълнение на задължително предписание на контролен орган за защита на потребителите за отстраняване на несъответствия и нарушения на закона, извън случаите по чл. 215, на виновните лица се налага глоба в размер от 200 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 200 до 1000 лв.
<b>Hampering of officials to exercise their powers</b>		<b>Art. 230e.</b> For hampering officials to exercise their powers according to Art. 192 amd Art. 192a, paragraph 1, point 2 and paragraph 2, the persons shall be imposed a fine, or a property sanction correspondingly in the extent of 1 000 to 3 000 BGN.	<b>Чл. 230д.</b> За възпрепятстване на длъжностни лица при осъществяване на правомощията им по чл. 192 и 192а и за неизпълнение на разпореждане по чл. 192а, ал. 1, т. 2 и ал. 2 на лицата се налага глоба, съответно имуществена санкция, в размер от 1000 до 3000 лв.
<b>Law on consumer protection (published in State Gazette, issue 99 of 9.12.2005 in force as of 10.06.2006, as last amended and supplemented issue 23 of 19 March 2021)</b>	Standard clause making reference to the basic national act on penalties – the <b>Law on Administrative Violations and Sanctions</b> (published in the State Gazette, No. 92/28.11.1969, last amended and supplemented SG, No. 21 of 12 March 2021)	<b>Article 233(3)</b> The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.	<b>Чл. 233(3).</b> Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

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**Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1)**

**Law on consumer protection (published in State Gazette, issue 99 of 9.12.2005 in force as of 10.06.2006, as last amended and supplemented issue 23 of 19 March 2021)**

**General requirements for presentation of information**

**Art. 197.** (amend. and suppl. - SG 61/14, in force from 25.07.2014) For violation of the provisions of Art. 4, 5, 6 and 8 the guilty persons shall be imposed fine, and the sole traders and the legal persons– a property sanction, in extent from BGN 500 to BGN 3 000 for every individual case.

**Чл. 197.** За нарушение на разпоредбите на чл. 4, 5, 6 и 8 на виновните лица се налага глоба в размер от 300 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 500 до 3000 лв. за всеки отделен случай.

**General requirements for labelling**

**Art. 198.** For violation of the requirements for labelling the commodities under Art. 9, 10 and 11 and the ordinances under Art. 12 the guilty persons shall be imposed a fine, and the sole traders and the legal persons– a property sanction, in extent from 300 to 1500 BGN.

**Чл. 198.** За нарушение на изискванията за етикетиране на стоките по чл. 9, 10 и 11 и на наредбите по чл. 12 на виновните лица се налага глоба в размер от 200 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 300 до 1500 лв.

**Infringements of Article 15 of Regulation (EU) No 1007/2011**

**Art. 225b.** (new - SG 61/14, in force from 25.07.2014) Any economic operator within the meaning given by Regulation (EU) No 1007/2011, who fails to fulfil the obligations thereof under Art. 15 of the Regulation, shall be imposed a fine of BGN 500 to BGN 1 500 or a pecuniary penalty of BGN 1 000 to BGN 3 000.

**Чл. 225б.** На икономически оператор по смисъла на Регламент (ЕС) № 1007/2011, който не изпълни задълженията си по чл. 15 от регламента, се налага глоба в размер от 500 до 1500 лв. или имуществена санкция в размер от 1000 до 3000 лв.

**Other infringements**

**Art. 229.** For violation of the ordinances and the other normative acts for implementation of this Act, for which are not provided sanctions under this chapter, the guilty persons shall be imposed a fine, and the sole

**Чл. 229.** За нарушение на наредбите и другите нормативни актове по прилагането на този закон, за които не са предвидени санкции по тази глава, на виновните лица се налага глоба в размер от 50 до 500 лв., а на едноличните

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<b>Denial of access for the market surveillance authorities</b>	<p>traders and the legal persons– a property sanction, in extent from 50 to 500 BGN.</p> <p><b>Art. 217.</b> (1) Who refuses an access to the production or commercial rooms or storehouses, or obstructs, no matter how, a controlling body to fulfill his official obligations under Art. 94, shall be punished with a fine in extent of 1 000 BGN. (2) In case of repeated violation the guilty person shall be imposed a fine in extent from 3 000 to 5 000 BGN.</p>	<p>търговци и юридическите лица - имуществена санкция, в размер от 50 до 500 лв.</p> <p><b>Чл. 217.</b> (1) Който откаже достъп до производствени или търговски помещения или складове или по какъвто и да е начин възпрепятства контролен орган да изпълнява служебните си задължения по чл. 94, се наказва с глоба в размер 1000 лв.</p>
<b>Non-fulfilment or violation of the mandatory instructions of consumer protection control authority</b>	<p><b>Art. 230.</b> For non-fulfilment of mandatory instructions of a consumer protection control body for removing non-compliances and violations of the Law, other than the cases referred to in Art. 215, the guilty persons shall be imposed a fine in extent from 200 to 1 000 BGN, and the sole traders and legal persons – with a property sanction in the extent of 200 to 1 000 BGN.</p>	<p>(2) При повторно нарушение на виновното лице се налага глоба в размер от 3000 до 5000 лв.</p> <p><b>Чл. 230.</b> За неизпълнение на задължително предписание на контролен орган за защита на потребителите за отстраняване на несъответствия и нарушения на закона, извън случаите по чл. 215, на виновните лица се налага глоба в размер от 200 до 1000 лв., а на едноличните търговци и юридическите лица - имуществена санкция, в размер от 200 до 1000 лв.</p>
<b>Hampering of officials to exercise their powers</b>	<p><b>Art. 230e.</b> For hampering officials to exercise their powers according to Art. 192 amd Art. 192a, paragraph 1, point 2 and paragraph 2, the persons shall be imposed a fine, or a property sanction correspondingly in the extent of 1 000 to 3 000 BGN.</p>	<p><b>Чл. 230д.</b> (Нов - ДВ, бр. 105 от 2006 г., изм., бр. 18 от 2011 г., предишен чл. 230а, бр. 13 от 2020 г., в сила от 14.02.2020 г.) За възпрепятстване на длъжностни лица при осъществяване на правомощията им по чл. 192 и 192а и за неизпълнение на разпореждане по чл. 192а, ал. 1, т. 2 и ал. 2 на лицата се налага глоба, съответно имуществена санкция,</p>

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в размер от 1000 до 3000 лв.

**Repeated infringements**

**Art. 231.** In case of repeated violation under this chapter the guilty persons shall be punished with a fine, and the sole traders and the legal persons– with a property sanction, in double amount.

**Чл. 231.** При повторно нарушение по тази глава виновните лица се наказват с глоба, а едноличните търговци и юридическите лица - с имуществена санкция, в двоен размер.

**Law on consumer protection (published in State Gazette, issue 99 of 9.12.2005 in force as of 10.06.2006, as last amended and supplemented issue**

Standard clause making reference to the basic national act on penalties – the **Law on Administrative Violations and Sanctions** (published in the State Gazette, No. 92/28.11.1969, last amended and supplemented SG, No. 21 of 12 March 2021)

**Art. 233(3)** The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.

**Чл. 233(3).** Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

**23 of 19 March 2021)**

**Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, p. 16)**

**Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC (OJ L 310, 25.11.2005, p. 10)**

**Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12)**

**Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131)**

**Law on public road traffic (Published in State Gazette, issue 20 of 5 March 1999, as last amended and supplemented, State Gazette, issue 80 of 24 September 2021, Decision of the Constitution Court of the Republic of**

**Infringement in relation to type-approval requirements**

**Chapter seven. ADMINISTRATIVE PUNITIVE RESPONSIBILITY**

Art. 178d. (new - SG 54/10) (1) (amend. - SG 9/17, in force from 26.01.2017) Whoever places on the market a vehicle without the required type-approved certificate of conformity, or whoever places on the market

**Глава седма. АДМИНИСТРАТИВНО НАКАЗАТЕЛНА ОТГОВОРНОСТ**

Чл. 178г. (Нов - ДВ, бр. 54 от 2010 г.) (1) (Изм. – ДВ, бр. 9 от 2017 г., в сила от 26.01.2017 г.) Който пуска на пазара превозно средство, за което се изисква сертификат за съответствие с одобрен

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a vehicle in breach of an applicable regulatory act, shall be fined BGN 2 500.

(2) A proprietary sanction amounting to BGN 5 000 shall be imposed on a legal entity or a sole trader who commits the violation under para. 1.

(3) (amend. and suppl. - SG 9/17, in force from 26.01.2017) Whoever places on the market components or separate technical units subject to type approval, where they fail to meet the requirements of an applicable regulatory act or their compliance with the requirements is not certified properly, shall be fined BGN 2 000.

(4) A proprietary sanction amounting to BGN 4 000 shall be imposed on a legal entity or a sole trader who commits the violation under para. 3.

(5) A fine of BGN 3 000 or a proprietary sanction amounting to BGN 6 000 shall be imposed on whoever orders, allows or issues a document with false information regarding:

1. the conformity of vehicles or systems, components and separate technical units with the technical requirements for type approval applicable to them, where the act does not qualify as a crime;

2. the conformity of vehicles and the technical requirements applicable to them for individual approval or modification in the structure, where the act does not qualify as a crime.

тип, без да е издаден такъв, или пуска превозното средство на пазара в нарушение на приложим регулаторен акт, се наказва с глоба 2500 лв.

(2) На юридическо лице или едноличен търговец, който извърши нарушението по ал. 1, се налага имуществена санкция в размер 5000 лв.

(3) (Изм. и доп. – ДВ, бр. 9 от 2017 г., в сила от 26.01.2017 г.) Който пуска на пазара компоненти или отделни технически възли, подлежащи на одобряване на типа, когато не отговарят на изискванията на приложим регулаторен акт или съответствието им с изискванията не е удостоверено по надлежния ред, се наказва с глоба 2000 лв.

(4) На юридическо лице или едноличен търговец, който извърши нарушението по ал. 3, се налага имуществена санкция в размер 4000 лв.

(5) Наказва се с глоба 3000 лв. или с имуществена санкция в размер 6000 лв., който разпореди, допусне или издаде документ с неверни данни относно: 1. съответствието на превозните средства или системите, компонентите и отделните технически възли с приложимите към тях технически изисквания за одобряване на типа, ако деянието не съставлява престъпление; 2. съответствието на превозните средства



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(6) Whoever during testing or compliance check of new vehicles, systems, components and individual technical units with the technical type approval requirements applicable thereto, as well as for individual approval of vehicles uses equipment, apparatus, devices or measuring units, which are unfit, or uses them in inappropriate manner, manipulates or changes their indications, shall be fined BGN 3 000 or imposed a property sanction amounting to BGN 6 000, where the act does not qualify as a crime.

и приложимите към тях технически изисквания за индивидуално одобряване или изменение в конструкцията, ако деянието не съставлява престъпление.

(6) Който при изпитване или проверка за съответствието на нови превозни средства, системи, компоненти и отделни технически възли с приложимите към тях технически изисквания за одобряване на типа, както и за индивидуално одобряване на превозни средства използва оборудване, уреди или средства за измерване, които са неизправни или използва неправилно, манипулира или изменя показанията им, се наказва с глоба 3000 лв. или с имуществена санкция в размер 6000 лв., ако деянието не съставлява престъпление.

### Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to bottles used as measuring containers (OJ L 42, 15.2.1975, p. 14)

**Law on measurements  
(published in State Gazette,  
issue 46 of 7 May 2002, as last  
amended and supplemented  
State Gazette, issue 72 of 13  
September 2019**

**Infringement by the  
manufacturer or importer by  
placing on the market and/or  
putting into service measuring  
instruments that are not in  
compliance with the  
requirements of Chapter IV  
of the Law.  
  
Repeated infringement.**

#### Chapter nine

##### Administrative and penal provisions

**Article 84.** (1) Manufacturer or importer, who in the cases of Article 5 places on the market and/or puts into service measuring instruments, which do not meet the requirements of Chapter Four, shall be imposed a fine from 1 000 to 5 000 BGN if violation has been performed by a person or a property sanction from 2 000 to 10 000

#### Глава девета

##### Административнонаказателни разпоредби

Чл. 84. (1) Производител или вносител, който в случаите по чл. 5 пуска на пазара и/или в действие средства за измерване, които не отговарят на изискванията по глава четвърта, се наказва с глоба от 1000 до 5000 лв., когато нарушението е извършено от физическо лице, или с имуществена санкция от 2000 до 10 000

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<p><b>Infringement by the manufacturer or importer placing pre-packaged products or bottles used as measuring containers that are not in compliance with the requirements of Chapter VI and with the provisions of the ordinances referred to in Art. 72 and 73 of the Law.</b></p>	<p>BGN if violation has been performed by a legal entity.</p> <p>(2) In case of repeated violation referred to on paragraph (1) the fine and respectively the property sanction shall be doubled.</p> <p><b>Article 88.</b> (1) Manufacturer or importer, who places on the market prepackages or bottles not conforming with the requirements of Chapter Six and of the Ordinances referred to in Articles 72 and 73, shall be imposed a fine from 500 to 5 000 BGN if violation has been performed by a person or a property sanction from 1 000 to 7 000 BGN if violation has been performed by a legal entity.</p> <p>(2) In case of repeated violation referred to on paragraph (1) the fine and respectively the property sanction shall be doubled.</p> <p><b>Article 89.</b> (1) Person offering for sale prepackages that do not meet the requirements referred to in Article 70 shall be imposed a fine from 200 to 600 BGN.</p> <p>(2) If the same violation has been performed by a legal entity, a property sanction from 400 to 1000 BGN shall be imposed.</p> <p>(3) The fine or property sanction respectively referred to in paragraphs (1) and (2) shall be imposed on a person offering for sale prepackages that have been packaged on sites of storage or sale not meeting the</p>	<p>лв., когато нарушението е извършено от юридическо лице или едноличен търговец.</p> <p>(2) При повторно нарушение по ал. 1 глобата, съответно имуществената санкция, е в двоен размер.</p> <p>Чл. 88. (1) Производител или вносител, който пусне на пазара предварително опаковани продукти или бутилки, които не съответстват на изискванията по глава шеста и на наредбите по чл. 72 и 73, се наказва с глоба от 500 до 5000 лв., когато нарушението е извършено от физическо лице, или с имуществена санкция от 1000 до 7000 лв., когато нарушението е извършено от едноличен търговец или юридическо лице.</p> <p>(2) При повторно нарушение по ал. 1 глобата, съответно имуществената санкция, е в двоен размер.</p> <p>Чл. 89. (1) (Доп. - ДВ, бр. 95 от 2005 г., в сила от 01.03.2006 г.) Физическо лице, което предлага за продажба предварително опаковани продукти, които не отговарят на изискванията по чл. 70 или които са с нетни количества, различни от тези, осигурени от производителя или вносителя, се наказва с глоба от 200 до 600 лв.</p> <p>(2) За същото нарушение, когато е извършено от едноличен търговец или юридическо лице, се налага</p>
<p><b>Repeated infringement.</b></p>		
<p><b>Infringement by a natural person/legal person that offers for sale pre-packaged products not meeting the requirements of Article 70 or with net quantities different from the ones ensured by the manufacturer or the importer.</b></p>		

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	requirements of Chapter Six and of the Ordinances referred to in Article 72.	имуществена санкция от 400 до 1000 лв. (3) Глобата, съответно имуществената санкция по ал. 1 и 2, се налага на лице, което предлага за продажба предварително опаковани продукти, пакетирани от него на местата за съхраняване или продажба, които не отговарят на изискванията по глава шеста и на наредбите по чл. 72.
<b>Infringements concerning the markings required under Articles 35, 39, 43 and 67.</b>	<b>Article 91.</b> For destroying, forging, or using of forged marks referred to in Article 35, Article 39 (1), Article 43 (1) and Article 67 (4) the fine shall be from 150 to 400 BGN if the deed does not constitute a crime.	Чл. 91. (Изм. - ДВ, бр. 95 от 2005 г., в сила от 01.03.2006 г.) Който унищожи, подправи или използва подправени знаци по чл. 35, чл. 39, ал. 1, чл. 43, ал. 1 и чл. 67, се наказва с глоба от 150 до 400 лв., ако деянието не съставлява престъпление.
<b>Infringements concerning non-compliance with mandatory prescriptions of officials as referred to in Article 75, para 1.</b>	<b>Article 92.</b> (1) For non-feasance or violation of obligatory instructions of the supervising personnel referred to in Article 75 (1) liable persons shall be imposed a fine from 300 to 2000 BGN.  (2) If the same violation has been performed by a legal entity, a property sanction from 500 to 3000 BGN shall be imposed.	Чл. 92. (1) За неизпълнение или нарушение на задължителни предписания на длъжностните лица по чл. 75, ал. 1 виновните физически лица се наказват с глоба от 300 до 2000 лв.  (2) Когато нарушенията по ал. 1 са извършени от еднолични търговци или юридически лица, се налага имуществена санкция от 500 до 3000 лв.
<b>Imposing fine for obstructing the fulfilment of officials' duties.</b>	<b>Article 93.</b> Person, who obstructs duty execution of the supervising personnel referred to in Article 75 (1), shall be imposed a fine of 50 BGN.	Чл. 93. Физическо лице, което възпрепятства изпълнението на служебните задължения на длъжностните лица по чл. 75, ал. 1, се наказва с глоба 50 лв.
Standard clause making reference to the basic national	<b>Article 94</b> (Amended, State Gazette, issue 95 of 2005, in force as of 01.03.2006)	Чл. 94. (Изм. - ДВ, бр. 95 от 2005 г., в сила от 01.03.2006 г.)

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act on penalties – the **Law on Administrative Violations and Sanctions** (published in the State Gazette, No. 92/28.11.1969, last amended and supplemented SG, No. 21 of 12 March 2021)

(4) The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.

(4) Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

**Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain pre-packaged products (OJ L 46, 21.2.1976, p. 1)**

**Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for pre-packed products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 21.9.2007, p. 17)**

**Law on measurements**  
(published in State Gazette, issue 46 of 7 May 2002, as last amended and supplemented State Gazette, issue 72 of 13 September 2019)

**Infringement by the manufacturer or importer placing pre-packaged products or bottles used as measuring containers that are not in compliance with the requirements of Chapter VI and with the provisions of the ordinances referred to in Art. 72 and 73 of the Law.**

**Repeated infringement.**

**Infringement by a natural person/legal person that offers for sale pre-packaged products not meeting the**

**Chapter nine**

**Administrative and penal provisions**

**Article 88.** (1) Manufacturer or importer, who places on the market prepackages or bottles not conforming with the requirements of Chapter Six and of the Ordinances referred to in Articles 72 and 73, shall be imposed a fine from 500 to 5 000 BGN if violation has been performed by a person or a property sanction from 1 000 to 7 000 BGN if violation has been performed by a legal entity.

(2) In case of repeated violation referred to on paragraph (1) the fine and respectively the property sanction shall be doubled.

**Article 89.** (1) Person offering for sale prepackages that do not meet the

**Глава девета**

**Административнонаказателни разпоредби**

Чл. 88. (1) Производител или вносител, който пусне на пазара предварително опаковани продукти или бутилки, които не съответстват на изискванията по глава шеста и на наредбите по чл. 72 и 73, се наказва с глоба от 500 до 5000 лв., когато нарушението е извършено от физическо лице, или с имуществена санкция от 1000 до 7000 лв., когато нарушението е извършено от едноличен търговец или юридическо лице.

(2) При повторно нарушение по ал. 1 глобата, съответно имуществената санкция, е в двоен размер.

Чл. 89. (1) (Доп. - ДВ, бр. 95 от 2005 г., в сила от 01.03.2006 г.) Физическо лице, което предлага за продажба предварително опаковани продукти,

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**requirements of Article 70 or with net quantities different from the ones ensured by the manufacturer or the importer.**

requirements referred to in Article 70 shall be imposed a fine from 200 to 600 BGN.

(2) If the same violation has been performed by a legal entity, a property sanction from 400 to 1000 BGN shall be imposed.

(3) The fine or property sanction respectively referred to in paragraphs (1) and (2) shall be imposed on a person offering for sale prepackages that have been packaged on sites of storage or sale not meeting the requirements of Chapter Six and of the Ordinances referred to in Article 72.

които не отговарят на изискванията по чл. 70 или които са с нетни количества, различни от тези, осигурени от производителя или вносителя, се наказва с глоба от 200 до 600 лв.

(2) За същото нарушение, когато е извършено от едноличен търговец или юридическо лице, се налага имуществена санкция от 400 до 1000 лв.

(3) Глобата, съответно имуществената санкция по ал. 1 и 2, се налага на лице, което предлага за продажба предварително опаковани продукти, пакетирани от него на местата за съхраняване или продажба, които не отговарят на изискванията по глава шеста и на наредбите по чл. 72.

**Infringements concerning non-compliance with mandatory prescriptions of officials as referred to in Article 75, para 1.**

**Article 90.** Manufacturer or importer, who does not fulfill the obligation for registration referred to in Article 67 (2), shall be imposed a fine from 50 to 150 BGN if violation has been performed by a person or a property sanction from 200 to 500 BGN if violation has been performed by a legal entity.

Чл. 92. (1) За неизпълнение или нарушение на задължителни предписания на длъжностните лица по чл. 75, ал. 1 виновните физически лица се наказват с глоба от 300 до 2000 лв.

(2) Когато нарушенията по ал. 1 са извършени от еднолични търговци или юридически лица, се налага имуществена санкция от 500 до 3000 лв.

**Imposing fine for obstructing the fulfilment of officials' duties.**

**Article 93.** Person, who obstructs duty execution of the supervising personnel referred to in Article 75 (1), shall be imposed a fine of 50 BGN.

Чл. 93. Физическо лице, което възпрепятства изпълнението на служебните задължения на длъжностните лица по чл. 75, ал. 1, се наказва с глоба 50 лв.

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Standard clause making reference to the basic national act on penalties – the **Law on Administrative Violations and Sanctions** (published in the State Gazette, No. 92/28.11.1969, last amended and supplemented SG, No. 21 of 12 March 2021)

**Article 94** (Amended, State Gazette, issue 95 of 2005, in force as of 01.03.2006)

(4) The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.

Чл. 94. (Изм. - ДВ, бр. 95 от 2005 г., в сила от 01.03.2006 г.)

(4) Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

**Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 22.6.1992, p. 17)**

*(Note: The Ordinance transposing the provisions of Council Directive 92/42/EEC was repealed in 2015. The sanctions envisaged under the Law on technical requirements for products are applied in terms of Commission Regulation (EU) No 813/2013 of 2 August 2013 implementing Directive 2009/125/EC with regard to ecodesign requirements).*

**Law on technical requirements for products (published in the State Gazette, No. 86/01.10.1999, last amended and supplemented, State Gazette, No. 105/11.12.2020)**

**Placing products on the market and/or putting products into service without having complied with the requirements for conformity assessment of products**

**Incorrect or false content of the declaration of conformity**

### Chapter six

#### Administrative and penal provisions

**Article 50** A person who violates the provisions of Article 3 or Article 4 shall be imposed a fine ranging from 1000 to 5000 BGN or a proprietary sanction of 5000 to 15 000 BGN.

**Article 51** A person who draws up and/or uses a declaration of conformity with contents not corresponding to the contents specified by the Ordinances referred to in Article 7 and/or to the implementing measures referred to in Article 26a, or to the New Approach Directives, shall be imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN unless the act does not constitute a crime.

### Глава шеста

#### Административнонаказателни разпоредби

**Чл. 50.** Лице, което нарушава разпоредбите на чл. 3 или 4, се наказва с глоба от 1000 до 5000 лв. или с имуществена санкция от 5000 до 15 000 лв.

**Чл. 51.** Лице, което състави и/или използва декларация за съответствие със съдържание, което не съответства на съдържанието, определено в наредбите по чл. 7 и/или в мерките по прилагането по чл. 26а, или с директивите от "Нов подход", се наказва с глоба от 300 до 1000 лв. или с имуществена санкция от 1000 до 5000 лв., ако с деянието не се извършва престъпление.

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### **Incorrectly affixed conformity marking**

**Article 51a** A person placing products on the market and/or putting products into service having been affixed with a conformity marking in violation of the Ordinance referred to in Article 24 shall be imposed a fine ranging from 300 to 800 BGN or a proprietary sanction of 500 to 1000 BGN.

**Чл. 51а.** Лице, което пуска на пазара и/или пуска в действие продукти с маркировка за съответствие в нарушение на наредбата по чл. 24, се наказва с глоба от 300 до 800 лв. или с имуществена санкция от 500 до 1000 лв.

### **Placing products on the market and/or putting products into service affixed with a marking and accompanied by a declaration of conformity but without having subject these products to conformity assessment.**

**Article 51b** A person placing products on the market and/or putting products into service affixed with a conformity marking and an additional marking, or with declaration of conformity, without having carried out conformity assessment with the essential requirements laid down in the Ordinances referred to in Article 7 and/or with the ecodesign requirements set out in the implementing measures referred to in Article 26a, shall be imposed a fine ranging from 3000 to 8000 BGN or a proprietary sanction of 5000 to 10 000 BGN.

**Чл. 51б.** Лице, което пуска на пазара и/или пуска в действие продукти с маркировка за съответствие и допълнителна маркировка или с декларация за съответствие, без да е оценено съответствието им със съществените изисквания, определени в наредбите по чл. 7 и/или с изискванията за екопроектиране, определени в мерките по прилагането по чл. 26а, се наказва с глоба от 3000 до 8000 лв. или с имуществена санкция от 5000 до 10 000 лв.

### **Lack of marking or missing declaration**

**Article 51c** A person placing products on the market and/or putting products into service without a marking, without an additional marking or without a declaration of conformity, when required by the Ordinances referred to in Article 7, and/or according to the ecodesign requirements set out in the implementing measures referred to in Article 26a, shall be imposed a fine ranging from 500 to 800 BGN or a proprietary sanction of 1500 to 3000 BGN.

**Чл. 51в.** Лице, което пуска на пазара и/или пуска в действие продукти без маркировка, без допълнителна маркировка или без декларация за съответствие, когато такава се изисква от наредбите по чл. 7 и/или с изискванията за екопроектиране, определени в мерките по прилагането по чл. 26а, се наказва с глоба от 500 до 800 лв. или с имуществена санкция от 1500 до 3000 лв.

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

**Making available on the market of products without a marking**

**Article 52b** An operator offering products without a conformity marking or an additional marking, when such is required by the Ordinances referred to in Article 7 and/or by the implementing measures referred to in Article 26a, shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.

**Чл. 52б.** Търговец, който предлага продукти без маркировка за съответствие или без допълнителна маркировка, когато такава се изисква в наредбите по чл. 7 и/или в мерките по прилагането по чл. 26а, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.

**Making available on the market of products without a declaration of conformity**

**Article 52c** An operator offering products without a declaration of conformity, when required by the Ordinances referred to in Article 7 and/or by the implementing measures referred to in Article 26a, shall be imposed a fine ranging from 250 BGN or a proprietary sanction of 250 to 1000 BGN.

**Чл. 52в.** Търговец, който предлага продукти без декларация за съответствие, когато такава се изисква от наредбите по чл. 7 и/или от мерките по прилагането по чл. 26а, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.

**Making available on the market of products without an indication of the name and/or the business address of the relevant economic operator**

**Article 52d** An operator offering products without an indication of the name or the business address of the person who places these products on the market and/or puts them into service shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.

**Чл. 52г.** Търговец, който предлага продукти без обозначение на наименованието или адреса на управление на лицето, което ги пуска на пазара и/или ги пуска в действие, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.

Non-fulfilment or violation of the mandatory prescriptions prohibiting the distribution and/or use of products, as follows:

**Article 30a(1) - to withdraw the products from the market** in cases where as a result of the checks and testing, it is established that they do not

**Article 53** For non-fulfilment or for violation of the mandatory prescriptions referred to in Article 30a, para 1, 2, 4 and 5 and Article 30c, para 1 the offenders shall be imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN.

**Чл. 53.** За неизпълнение или за нарушение на задължителните предписания по чл. 30а, ал. 1, 2, 4 и 5 и чл. 30в, ал. 1 виновните лица се наказват с глоба от 300 до 1000 лв. или с имуществена санкция от 1000 до 5000 лв.



## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

comply with the essential requirements.

**Article 30a(2) - to withdraw the products from the market** in cases of a check carried out it is established that they visually do not comply with the essential requirements.

**Article 30a(4) - to destroy the products** at the expenses of the relevant operators in cases where the non-conformity with the essential requirements cannot be technically removed.

**Article 30a(5)** – to the users, to suspend the product’s use, or to the relevant economic operators – **to recall these products**, in cases of a serious risk.

Other types of infringements not mentioned in the cases above but covered by the relevant secondary national legislation adopted under Article 7 or the implementing measures under Article 26a of the Law on Technical Requirements for Products – i.e. **Ordinance on the supplementary measures related to the application of Regulations adopted in pursuance of Article 15 of**

**Article 53a** For other violations of the Ordinances referred to in Article 7 and/or of the implementing measures referred to in Article 26a, the offenders shall be imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN.

**Чл. 53а.** За други нарушения на наредбите по чл. 7 и/или на мерките по прилагането по чл. 26а виновните лица се наказват с глоба от 300 до 1000 лв. или с имуществена санкция от 1000 до 5000 лв.

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**Directive 2009/125/EC**  
(published in the State Gazette, No. 14/20.02.2015, as last amended and supplemented, State Gazette, issue 99 of 12 December 2017).

**Obstructing or not providing the necessary documents to the national competent authorities.**

Standard clause making reference to the basic national act on penalties – the **Law on Administrative Violations and Sanctions** (published in the State Gazette, published SG, No. 92/28.11.1969, last amended and supplemented SG, No. 105/11.12.2020)

**Article 56** Anyone who obstructs or fails to submit the documents referred to in Article 30g, par. 1, item 4 to the market surveillance authorities and the technical surveillance authorities so as to fulfil their official duties shall be imposed a fine ranging from 200 to 2000 BGN.

**Article 59** The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.

**Чл. 56.** Който пречи или не предоставя документите по чл. 30ж, ал. 1, т. 4 на органите за надзор на пазара и органите за технически надзор да изпълняват служебните си задължения, се наказва с глоба от 200 до 2000 лв.

**Чл. 59.** Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

### Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 3.7.2000, p. 1)

**Law on technical requirements for products (published in the State Gazette, No. 86/01.10.1999, last amended and supplemented, State Gazette, No. 105/11.12.2020)**

**Placing products on the market and/or putting products into service without having complied with the requirements for conformity assessment of products**

#### Chapter six

#### Administrative and penal provisions

**Article 50** A person who violates the provisions of Article 3 or Article 4 shall be imposed a fine ranging from 1000 to 5000 BGN or a proprietary sanction of 5000 to 15 000 BGN.

#### Глава шеста

#### Административнонаказателни разпоредби

**Чл. 50.** Лице, което нарушава разпоредбите на чл. 3 или 4, се наказва с глоба от 1000 до 5000 лв. или с имуществена санкция от 5000 до 15 000 лв.

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

### **Incorrect or false content of the declaration of conformity**

**Article 51** A person who draws up and/or uses a declaration of conformity with contents not corresponding to the contents specified by the Ordinances referred to in Article 7 and/or to the implementing measures referred to in Article 26a, or to the New Approach Directives, shall be imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN unless the act does not constitute a crime.

**Чл. 51.** Лице, което състави и/или използва декларация за съответствие със съдържание, което не съответства на съдържанието, определено в наредбите по чл. 7 и/или в мерките по прилагането по чл. 26а, или с директивите от "Нов подход", се наказва с глоба от 300 до 1000 лв. или с имуществена санкция от 1000 до 5000 лв., ако с деянието не се извършва престъпление.

### **Incorrectly affixed conformity marking**

**Article 51a** A person placing products on the market and/or putting products into service having been affixed with a conformity marking in violation of the Ordinance referred to in Article 24 shall be imposed a fine ranging from 300 to 800 BGN or a proprietary sanction of 500 to 1000 BGN.

**Чл. 51а.** Лице, което пуска на пазара и/или пуска в действие продукти с маркировка за съответствие в нарушение на наредбата по чл. 24, се наказва с глоба от 300 до 800 лв. или с имуществена санкция от 500 до 1000 лв.

### **Placing products on the market and/or putting products into service affixed with a marking and accompanied by a declaration of conformity but without having subject these products to conformity assessment.**

**Article 51b** A person placing products on the market and/or putting products into service affixed with a conformity marking and an additional marking, or with declaration of conformity, without having carried out conformity assessment with the essential requirements laid down in the Ordinances referred to in Article 7 and/or with the ecodesign requirements set out in the implementing measures referred to in Article 26a, shall be imposed a fine ranging from 3000 to 8000 BGN or a proprietary sanction of 5000 to 10 000 BGN.

**Чл. 51б.** Лице, което пуска на пазара и/или пуска в действие продукти с маркировка за съответствие и допълнителна маркировка или с декларация за съответствие, без да е оценено съответствието им със съществените изисквания, определени в наредбите по чл. 7 и/или с изискванията за екопроектиране, определени в мерките по прилагането по чл. 26а, се наказва с глоба от 3000 до 8000 лв. или с имуществена санкция от 5000 до 10 000 лв.

### **Lack of marking or missing declaration**

**Article 51c** A person placing products on the market and/or putting products into service without a marking, without an additional marking or without a declaration of

**Чл. 51в.** Лице, което пуска на пазара и/или пуска в действие продукти без маркировка, без допълнителна маркировка или без декларация за

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

- conformity , when required by the Ordinances referred to in Article 7, and/or according to the ecodesign requirements set out in the implementing measures referred to in Article 26a, shall be imposed a fine ranging from 500 to 800 BGN or a proprietary sanction of 1500 to 3000 BGN.
- Non-fulfilment of the obligation of the relevant economic operators (as specified in the Ordinances adopted under Article 7 of the LTRP) for keeping the technical documentation for a period of not less than 10 years from the last date of product's manufacture;**
- Not providing the technical documentation and the declaration of conformity (or a copy of it) upon a request from the national market surveillance authorities.**
- Missing indication (on the products) of the name and the address at which the relevant economic operator can be contacted;**
- Missing instructions and/or directions for use in the Bulgarian language.**
- съответствие, когато такава се изисква от наредбите по чл. 7 и/или с изискванията за екопроектиране, определени в мерките по прилагането по чл. 26а, се наказва с глоба от 500 до 800 лв. или с имуществена санкция от 1500 до 3000 лв.
- Чл. 52.** Лице, което не изпълни задълженията си по чл. 25 или чл. 26, ал. 1 или 2, се наказва с глоба от 500 до 1000 лв. или с имуществена санкция от 5000 до 10 000 лв.
- Article 52** A person who fails to fulfil his/her obligations under Article 25 or Article 26, par. 1 or 2 shall be imposed a fine ranging from 500 to 1000 BGN or a proprietary sanction of 5000 to 10 000 BGN.
- Article 52a** A person placing products on the market and/or putting products into service without having indicated on them its name and/or the business address or without an instruction and/or directions for use in the Bulgarian language shall be imposed a fine ranging from 200 to 500 BGN or a proprietary sanction of 500 to 2000 BGN.
- Чл. 52а.** Лице, което пуска на пазара и/или пуска в действие продукти, без да е посочило върху тях наименованието и/или адреса си на управление или без инструкция и/или указание за употреба на български език, се наказва с глоба от 200 до 500 лв. или с имуществена санкция от 500 до 2000 лв.

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

**Making available on the market of products without a marking**

**Article 52b** An operator offering products without a conformity marking or an additional marking, when such is required by the Ordinances referred to in Article 7 and/or by the implementing measures referred to in Article 26a, shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.

**Чл. 52б.** Търговец, който предлага продукти без маркировка за съответствие или без допълнителна маркировка, когато такава се изисква в наредбите по чл. 7 и/или в мерките по прилагането по чл. 26а, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.

**Making available on the market of products without a declaration of conformity**

**Article 52c** An operator offering products without a declaration of conformity, when required by the Ordinances referred to in Article 7 and/or by the implementing measures referred to in Article 26a, shall be imposed a fine ranging from 250 BGN or a proprietary sanction of 250 to 1000 BGN.

**Чл. 52в.** Търговец, който предлага продукти без декларация за съответствие, когато такава се изисква от наредбите по чл. 7 и/или от мерките по прилагането по чл. 26а, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.

**Making available on the market of products without an indication of the name and/or the business address of the relevant economic operator**

**Article 52d** An operator offering products without an indication of the name or the business address of the person who places these products on the market and/or puts them into service shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.

**Чл. 52г.** Търговец, който предлага продукти без обозначение на наименованието или адреса на управление на лицето, което ги пуска на пазара и/или ги пуска в действие, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.

**Making available on the market of products without an instruction and/or directions for use in the Bulgarian language.**

**Article 52e** An operator offering products without an instruction and/or directions for use in the Bulgarian language shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.

**Чл. 52д.** Търговец, който предлага продукти без инструкция и/или указание за употреба на български език, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.

Non-fulfilment or violation of the mandatory prescriptions prohibiting the distribution and/or use of products, as follows:

**Article 53** For non-fulfilment or for violation of the mandatory prescriptions referred to in Article 30a, para 1, 2, 4 and 5 and Article 30c, para 1 the offenders shall be imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN.

**Чл. 53.** За неизпълнение или за нарушение на задължителните предписания по чл. 30а, ал. 1, 2, 4 и 5 и чл. 30в, ал. 1 виновните лица се наказват с глоба от 300 до 1000 лв. или с

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**Article 30a(1) - to withdraw the products from the market** in cases where as a result of the checks and testing, it is established that they do not comply with the essential requirements.

**Article 30a(2) - to withdraw the products from the market** in cases of a check carried out it is established that they visually do not comply with the essential requirements.

**Article 30a(4) - to destroy the products** at the expenses of the relevant operators in cases where the non-conformity with the essential requirements cannot be technically removed.

**Article 30a(5)** – to the users, **to suspend the product's use**, or to the relevant economic operators – **to recall these products**, in cases of a serious risk.

Other types of infringements not mentioned in the cases above but covered by the relevant secondary national legislation adopted under Article 7 of the Law on Technical Requirements for Products – i.e. **Ordinance on the essential requirements and**

имуществена санкция от 1000 до 5000 лв.

**Article 53a** For other violations of the Ordinances referred to in Article 7 and/or of the implementing measures referred to in Article 26a, the offenders shall be imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN.

**Чл. 53а.** За други нарушения на наредбите по чл. 7 и/или на мерките по прилагането по чл. 26а виновните лица се наказват с глоба от 300 до 1000 лв. или с имуществена санкция от 1000 до 5000 лв.

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**conformity assessment of the machinery and equipment used outdoor with regard to the noise emissions** (published in the State Gazette, No. 11/10.02.2004, as last amended and supplemented, State Gazette, issue 87 of 31 October 2017).

**Obstructing or not providing the necessary documents to the national competent authorities.**

Standard clause making reference to the basic national act on penalties – the **Law on Administrative Violations and Sanctions** (published in the State Gazette, published SG, No. 92/28.11.1969, last amended and supplemented SG, No. 105/11.12.2020)

**Article 56** Anyone who obstructs or fails to submit the documents referred to in Article 30g, par. 1, item 4 to the market surveillance authorities and the technical surveillance authorities so as to fulfil their official duties shall be imposed a fine ranging from 200 to 2000 BGN.

**Article 59** The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.

**Чл. 56.** Който пречи или не предоставя документите по чл. 30ж, ал. 1, т. 4 на органите за надзор на пазара и органите за технически надзор да изпълняват служебните си задължения, се наказва с глоба от 200 до 2000 лв.

**Чл. 59.** Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

**Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1)**

**Law on technical requirements for products** (published in the State Gazette, No. 86/01.10.1999, last amended and

**Placing products on the market and/or putting products into service without having complied with the requirements for conformity assessment of products**

### Chapter six

#### Administrative and penal provisions

**Article 50** A person who violates the provisions of Article 3 or Article 4 shall be imposed a fine ranging from 1000 to 5000

### Глава шеста

#### Административнонаказателни разпоредби

**Чл. 50.** Лице, което нарушава разпоредбите на чл. 3 или 4, се наказва с

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supplemented, State Gazette,  
No. 105/11.12.2020)

BGN or a proprietary sanction of 5000 to 15 000 BGN.

глоба от 1000 до 5000 лв. или с имуществена санкция от 5000 до 15 000 лв.

### **Incorrectly affixed conformity marking**

**Article 51a** A person placing products on the market and/or putting products into service having been affixed with a conformity marking in violation of the Ordinance referred to in Article 24 shall be imposed a fine ranging from 300 to 800 BGN or a proprietary sanction of 500 to 1000 BGN.

**Чл. 51а.** Лице, което пуска на пазара и/или пуска в действие продукти с маркировка за съответствие в нарушение на наредбата по чл. 24, се наказва с глоба от 300 до 800 лв. или с имуществена санкция от 500 до 1000 лв.

### **Placing products on the market and/or putting products into service affixed with a marking and accompanied by a declaration of conformity but without having subject these products to conformity assessment.**

**Article 51b** A person placing products on the market and/or putting products into service affixed with a conformity marking and an additional marking, or with declaration of conformity, without having carried out conformity assessment with the essential requirements laid down in the Ordinances referred to in Article 7 and/or with the ecodesign requirements set out in the implementing measures referred to in Article 26a, shall be imposed a fine ranging from 3000 to 8000 BGN or a proprietary sanction of 5000 to 10 000 BGN.

**Чл. 51б.** Лице, което пуска на пазара и/или пуска в действие продукти с маркировка за съответствие и допълнителна маркировка или с декларация за съответствие, без да е оценено съответствието им със съществените изисквания, определени в наредбите по чл. 7 и/или с изискванията за екопроектиране, определени в мерките по прилагането по чл. 26а, се наказва с глоба от 3000 до 8000 лв. или с имуществена санкция от 5000 до 10 000 лв.

### **Lack of marking or missing declaration**

**Article 51c** A person placing products on the market and/or putting products into service without a marking, without an additional marking or without a declaration of conformity, when required by the Ordinances referred to in Article 7, and/or according to the ecodesign requirements set out in the implementing measures referred to in Article 26a, shall be imposed a fine

**Чл. 51в.** Лице, което пуска на пазара и/или пуска в действие продукти без маркировка, без допълнителна маркировка или без декларация за съответствие, когато такава се изисква от наредбите по чл. 7 и/или с изискванията за екопроектиране, определени в мерките по прилагането по чл. 26а, се наказва с глоба от 500 до 800



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	ranging from 500 to 800 BGN or a proprietary sanction of 1500 to 3000 BGN.	лв. или с имуществена санкция от 1500 до 3000 лв.
- <b>Non-fulfilment of the obligation of the relevant economic operators (as specified in the Ordinances adopted under Article 7 of the LTRP) for keeping the technical documentation for a period of not less than 10 years from the last date of product's manufacture unless the specific Ordinance provides for a different period;</b>	<b>Article 52</b> A person who fails to fulfil his/her obligations under Article 25 or Article 26, par. 1 or 2 shall be imposed a fine ranging from 500 to 1000 BGN or a proprietary sanction of 5000 to 10 000 BGN.	<b>Чл. 52.</b> Лице, което не изпълни задълженията си по чл. 25 или чл. 26, ал. 1 или 2, се наказва с глоба от 500 до 1000 лв. или с имуществена санкция от 5000 до 10 000 лв.
- <b>Not providing the technical documentation and the declaration of conformity (or a copy of it) upon a request from the national market surveillance authorities.</b>		
<b>Making available on the market of products without a marking</b>	<b>Article 52b</b> An operator offering products without a conformity marking or an additional marking, when such is required by the Ordinances referred to in Article 7 and/or by the implementing measures referred to in Article 26a, shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.	<b>Чл. 52б.</b> Търговец, който предлага продукти без маркировка за съответствие или без допълнителна маркировка, когато такава се изисква в наредбите по чл. 7 и/или в мерките по прилагането по чл. 26а, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.
<b>Making available on the market of products without an indication of the name and/or the business address of the relevant economic operator</b>	<b>Article 52d</b> An operator offering products without an indication of the name or the business address of the person who places these products on the market and/or puts	<b>Чл. 52г.</b> Търговец, който предлага продукти без обозначение на наименованието или адреса на управление на лицето, което ги пуска на пазара и/или ги пуска в действие, се

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

Non-fulfilment or violation of the mandatory prescriptions prohibiting the distribution and/or use of products, as follows:

**Article 30a(1) - to withdraw the products from the market** in cases where as a result of the checks and testing, it is established that they do not comply with the essential requirements.

**Article 30a(2) - to withdraw the products from the market** in cases of a check carried out it is established that they visually do not comply with the essential requirements.

**Article 30a(4) - to destroy the products** at the expenses of the relevant operators in cases where the non-conformity with the essential requirements cannot be technically removed.

**Article 30a(5)** – to the users, **to suspend the product's use**, or to the relevant economic operators – **to recall these products**, in cases of a serious risk.

them into service shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.

**Article 53** For non-fulfilment or for violation of the mandatory prescriptions referred to in Article 30a, para 1, 2, 4 and 5 and Article 30c, para 1 the offenders shall be imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN.

наказва с глоба или с имуществена санкция от 250 до 1000 лв.

**Чл. 53.** За неизпълнение или за нарушение на задължителните предписания по чл. 30а, ал. 1, 2, 4 и 5 и чл. 30в, ал. 1 виновните лица се наказват с глоба от 300 до 1000 лв. или с имуществена санкция от 1000 до 5000 лв.

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

Other types of infringements not mentioned in the cases above but covered by the relevant secondary national legislation adopted under Article 7 of the Law on Technical Requirements for Products – i.e. **Ordinance on the essential requirements and conformity assessment of transportable pressure equipment** (published in the State Gazette, No. 78/07.10.2011, as last amended and supplemented, State Gazette, issue 87 of 31 October 2017).

**Obstructing or not providing the necessary documents to the national competent authorities.**

Standard clause making reference to the basic national act on penalties – the **Law on Administrative Violations and Sanctions** (published in the State Gazette, published SG, No. 92/28.11.1969, last amended and supplemented SG, No. 105/11.12.2020)

**Article 53a** For other violations of the Ordinances referred to in Article 7 and/or of the implementing measures referred to in Article 26a, the offenders shall be imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN.

**Article 56** Anyone who obstructs or fails to submit the documents referred to in Article 30g, par. 1, item 4 to the market surveillance authorities and the technical surveillance authorities so as to fulfil their official duties shall be imposed a fine ranging from 200 to 2000 BGN.

**Article 59** The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.

**Чл. 53а.** За други нарушения на наредбите по чл. 7 и/или на мерките по прилагането по чл. 26а виновните лица се наказват с глоба от 300 до 1000 лв. или с имуществена санкция от 1000 до 5000 лв.

**Чл. 56.** Който пречи или не предоставя документите по чл. 30ж, ал. 1, т. 4 на органите за надзор на пазара и органите за технически надзор да изпълняват служебните си задължения, се наказва с глоба от 200 до 2000 лв.

**Чл. 59.** Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

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**Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5)**

**Law on technical requirements for products (published in the State Gazette, No. 86/01.10.1999, last amended and supplemented, State Gazette, No. 105/11.12.2020)**

**Placing products on the market and/or putting products into service without having complied with the requirements for conformity assessment of products**

**Incorrectly affixed conformity marking**

**- Missing indication (on the products) of the name and the address at which the relevant economic operator can be contacted;**

**- Missing instructions and/or directions for use in the Bulgarian language.**

**Making available on the market of products without an indication of the name and/or the business address of the relevant economic operator**

**Chapter six**

**Administrative and penal provisions**

**Article 50** A person who violates the provisions of Article 3 or Article 4 shall be imposed a fine ranging from 1000 to 5000 BGN or a proprietary sanction of 5000 to 15 000 BGN.

**Article 51a** A person placing products on the market and/or putting products into service having been affixed with a conformity marking in violation of the Ordinance referred to in Article 24 shall be imposed a fine ranging from 300 to 800 BGN or a proprietary sanction of 500 to 1000 BGN.

**Article 52a** A person placing products on the market and/or putting products into service without having indicated on them its name and/or the business address or without an instruction and/or directions for use in the Bulgarian language shall be imposed a fine ranging from 200 to 500 BGN or a proprietary sanction of 500 to 2000 BGN.

**Article 52d** An operator offering products without an indication of the name or the business address of the person who places these products on the market and/or puts them into service shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.

**Глава шеста**

**Административнонаказателни разпоредби**

**Чл. 50.** Лице, което нарушава разпоредбите на чл. 3 или 4, се наказва с глоба от 1000 до 5000 лв. или с имуществена санкция от 5000 до 15 000 лв.

**Чл. 51а.** Лице, което пуска на пазара и/или пуска в действие продукти с маркировка за съответствие в нарушение на наредбата по чл. 24, се наказва с глоба от 300 до 800 лв. или с имуществена санкция от 500 до 1000 лв.

**Чл. 52а.** Лице, което пуска на пазара и/или пуска в действие продукти, без да е посочило върху тях наименованието и/или адреса си на управление или без инструкция и/или указание за употреба на български език, се наказва с глоба от 200 до 500 лв. или с имуществена санкция от 500 до 2000 лв.

**Чл. 52г.** Търговец, който предлага продукти без обозначение на наименованието или адреса на управление на лицето, което ги пуска на пазара и/или ги пуска в действие, се

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### **Making available on the market of products without an instruction and/or directions for use in the Bulgarian language.**

Non-fulfilment or violation of the mandatory prescriptions prohibiting the distribution and/or use of products, as follows:

**Article 30a(1) - to withdraw the products from the market** in cases where as a result of the checks and testing, it is established that they do not comply with the essential requirements.

**Article 30a(2) - to withdraw the products from the market** in cases of a check carried out it is established that they visually do not comply with the essential requirements.

**Article 30a(4) - to destroy the products** at the expenses of the relevant operators in cases where the non-conformity with the essential requirements cannot be technically removed.

**Article 52e** An operator offering products without an instruction and/or directions for use in the Bulgarian language shall be imposed a fine or a proprietary sanction of 250 to 1000 BGN.

**Article 53** For non-fulfilment or for violation of the mandatory prescriptions referred to in Article 30a, para 1, 2, 4 and 5 and Article 30c, para 1 the offenders shall be imposed a fine ranging from 300 to 1000 BGN or a proprietary sanction of 1000 to 5000 BGN.

наказва с глоба или с имуществена санкция от 250 до 1000 лв.

**Чл. 52д.** Търговец, който предлага продукти без инструкция и/или указание за употреба на български език, се наказва с глоба или с имуществена санкция от 250 до 1000 лв.

**Чл. 53.** За неизпълнение или за нарушение на задължителните предписания по чл. 30а, ал. 1, 2, 4 и 5 и чл. 30в, ал. 1 виновните лица се наказват с глоба от 300 до 1000 лв. или с имуществена санкция от 1000 до 5000 лв.

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**Article 30a(5)** – to the users, to suspend the product’s use, or to the relevant economic operators – to recall these products, in cases of a serious risk.

**Obstructing or not providing the necessary documents to the national competent authorities.**

Standard clause making reference to the basic national act on penalties – the **Law on Administrative Violations and Sanctions** (published in the State Gazette, published SG, No. 92/28.11.1969, last amended and supplemented SG, No. 105/11.12.2020)

**Article 56** Anyone who obstructs or fails to submit the documents referred to in Article 30g, par. 1, item 4 to the market surveillance authorities and the technical surveillance authorities so as to fulfil their official duties shall be imposed a fine ranging from 200 to 2000 BGN.

**Article 59** The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.

**Чл. 56.** Който пречи или не предоставя документите по чл. 30ж, ал. 1, т. 4 на органите за надзор на пазара и органите за технически надзор да изпълняват служебните си задължения, се наказва с глоба от 200 до 2000 лв.

**Чл. 59.** Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

### European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10)

**Law on waste management**  
(Published in State Gazette, issue 53 of 13 July 2012, as last amended and supplemented, State Gazette, issue 19 of 5 March 2021)

**Chapter Six. Compulsory administrative measures and administrative penal provisions**

**Section II Breaches and Penalties.**

Art. 134. (1) A sole trader shall be punished by a property sanction in the amount of BGN 1400 to 4000 or a legal person, who:

1. throws out non-hazardous waste at places not permitted for this purpose or in

**Глава шеста. Принудителни административни мерки и административнонаказателни разпоредби.**

**Раздел II. Административни нарушения и наказания**

Чл. 134. (1) Наказва се с имуществена санкция в размер от 1400 до 4000 лв.

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<p><b>Disposal of non-dangerous and dangerous waste.</b></p> <p><b>Non-regulated treatment of non-dangerous and dangerous waste.</b></p>	<p>containers or bags other than those determined by the municipality for measuring the quantity of household waste under Art. 67, para. 8 of the Local Taxes and Fees Act;</p> <p>2. non-regulatedly burns or carries out other form of non-regulated treatment of non-hazardous waste.</p> <p>(2) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 10 000 to 50 000, who:</p> <p>1. throws out hazardous waste at places, not permitted for this purpose;</p> <p>2. non-regulatedly burns or carries out other form of non-regulated treatment of hazardous waste. (3) In case of a repeated breach, a property sanction shall be imposed, as follows: 1. pursuant to Para. 1 – in the amount of BGN 2800 to 8000; 2. pursuant to Para. 2 – in the amount of BGN 20 000 to 100 000.</p>	<p>едноличен търговец или юридическо лице, което:</p> <p>1. изхвърля неопасни отпадъци на неразрешени за това места или в съдове или торби, различни от определените от общината за измерване на количество битови отпадъци по чл. 67, ал. 8 от Закона за местните данъци и такси;</p> <p>2. нерегламентирано изгаря или извършва друга форма на нерегламентирано третиране на неопасни отпадъци.</p> <p>(2) Наказва се с имуществена санкция в размер от 10 000 до 50 000 лв. едноличен търговец или юридическо лице, което:</p> <p>1. изхвърля опасни отпадъци на неразрешени за това места;</p> <p>2. нерегламентирано изгаря или извършва друга форма на нерегламентирано третиране на опасни отпадъци.</p> <p>(3) При повторно нарушение се налага имуществена санкция, както следва:</p> <p>1. по ал. 1 - в размер от 2800 до 8000 лв.;</p> <p>2. по ал. 2 - в размер от 20 000 до 100 000 лв.</p>
<p><b>Infringement of provisions related to keeping and providing information on waste management.</b></p>	<p>Art. 135. (1) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 2000 to 6000, with the exception of the persons pursuant to Art. 14, Para. 2, who:</p>	<p>Чл. 135. (1) Наказва се с имуществена санкция в размер от 2000 до 6000 лв. едноличен търговец или юридическо лице, с изключение на лицата по чл. 14, ал. 2, което:</p>

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### Repeated infringement.

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| <p>1. fails to keep accountancy of the waste or fails to produce documents on the account or information for management of the waste activities pursuant to the requirements of this act or the ordinance pursuant to Art. 48, Para. 1;</p> <p>2. fails to produce information or fails to keep accountancy pursuant to the requirements of the ordinances of Art. 13, Para. 1, or under Art. 59, Para. 1;</p> <p>3. produces untrue information and/or keeps untrue accountancy pursuant to this act or the ordinances of Art. 13, Para. 1 or Art. 48, Para. 1, or Art/ 59, Para. 1;</p> <p>4. fails to produce documents upon request by the competent bodies, on the report or information about the waste management activity.</p> <p>(2) A sole trader or a legal person shall be punished by a property sanction in the amount of BGN 5000 to 15 000, who:</p> <p>1. fails to carry out classification of waste, formed as a result of his/her activity, in case pursuant to the ordinance of Art. 3;</p> <p>2. fails to carry out waste classification, formed as a result of his/her activity, in case of a change of the raw materials and/or the technological processes, which leads to change of the waste composition and properties, pursuant to the ordinance of Art. 3.</p> | <p>1. не води отчетност на отпадъците или не предостави документи относно отчета или информация за управление на дейностите по отпадъците съгласно изискванията на този закон или наредбата по чл. 48, ал. 1;</p> <p>2. не предостави информация или не води отчетност съгласно изискванията на наредбите по чл. 13, ал. 1 или по чл. 59, ал. 1;</p> <p>3. предостави невярна информация и/или води невярна отчетност съгласно този закон или наредбите по чл. 13, ал. 1 или чл. 48, ал. 1 или по чл. 59, ал. 1;</p> <p>4. не предостави при поискване на компетентните органи документи относно отчета или информацията за дейността по управление на отпадъците.</p> <p>(2) Наказва се с имуществена санкция в размер от 5000 до 15 000 лв. едноличен търговец или юридическо лице, което:</p> <p>1. не извърши класификация на отпадъците, образувани в резултат на дейността му, по реда на наредбата по чл. 3;</p> <p>2. не извърши нова класификация на отпадъците, образувани в резултат на дейността му, при промяна на суровините и/или технологичните процеси, която води до изменение на състава и</p> |
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	<p>(3) A sole trader of legal person shall be punished by a property sanction in the amount of BGN 5000 to 10 000, who:</p> <ol style="list-style-type: none"><li>1. produces untrue data, requested in registration or its change and/or supplementation;</li><li>2. fails to declare in time a change of the circumstances pursuant to Art. 79, Para. 2.</li></ol> <p>(4) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 5000 to 15 000, who fails to provide access to grounds or premises or documents of an official, carrying out a checkup, with the exception of the persons pursuant to Art. 14, Para. 2,</p> <p>(5) In case of a repeated breach pursuant to Para. 1 – 4, the property sanction shall be imposed in double amount.</p>	<p>свойствата на отпадъците, по реда на наредбата по чл. 3.</p> <p>(3) Наказва се с имуществена санкция в размер от 5000 до 10 000 лв. едноличен търговец или юридическо лице, което:</p> <ol style="list-style-type: none"><li>1. предостави неверни данни, изискващи се при регистрацията или нейното изменение и/или допълване;</li><li>2. не заяви в срок промяна в обстоятелствата по чл. 79, ал. 2.</li></ol> <p>(4) Наказва се с имуществена санкция в размер от 5000 до 15 000 лв., едноличен търговец или юридическо лице, с изключение на лицата по чл. 14, ал. 2, което не осигури достъп до площадки или помещения или документи на длъжностно лице, извършващо проверка.</p> <p>(5) При повторно нарушение по ал. 1 - 4 се налага имуществена санкция в двоен размер.</p>
<p><b>Infringement of provisions related to collection (including separate collection), transporation and treatment of waste.</b></p>	<p>Art. 136. (1) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 3000 to 10 000, who:</p> <ol style="list-style-type: none"><li>1. breaks the provision on collection, including separate one, storage, shipment or treatment of household or construction waste;</li><li>2. breaks the requirements for separate collection, shipment or treatment of waste</li></ol>	<p>Чл. 136. (1) Наказва се с имуществена санкция в размер от 3000 до 10 000 лв. едноличен търговец или юридическо лице, което:</p> <ol style="list-style-type: none"><li>1. нарушава разпоредбите относно събирането, включително разделното, съхраняването, транспортирането или третирането на битови или строителни отпадъци;</li></ol>

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	<p>according to the type, properties and compatibility of the waste;</p> <p>3. breaks the requirements of the normative acts for packaging and labeling of hazardous waste;</p> <p>4. admits solubility or mixing of construction and hazardous waste with other waste or substances in view to achieving the criteria for acceptance of waste in the relevant landfill site.</p>	<p>2. нарушава изискванията за разделно събиране, транспортиране или третиране на отпадъци според вида, свойствата и съвместимостта на отпадъка;</p> <p>3. нарушава изискванията на нормативните актове за пакетиране и етикетирание на опасни отпадъци;</p> <p>4. допуска разреждането или смесването на производствени и опасни отпадъци с други отпадъци или вещества с цел постигане на критериите за приемане на отпадъци за съответното депо.</p>
<p><b>Infringement of the provisions related to:</b></p> <p><b>sale of packaged goods;</b></p> <p><b>lack of organization of separate collection of waste;</b></p> <p><b>Repeated infringement.</b></p>	<p>Art. 143. (3) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 3000 to 10 000, who:</p> <p>1. carries out sale of packed goods and does not accept free from the end users used packaging and/or waste from packaging of the same type, for which there is an organized landfill site or other system for multiple use;</p> <p>2. has not organized separate collection of waste from trade sites. Production, farm and administrative buildings and/or has not delivered them to the persons pursuant to Art. 33, Para. 4;</p> <p>3. offers free plastic shopping bags to end users with thickness below 50 micrones and offers and/or sells to end users plastic shopping bags, for which no product fee has been paid under Art. 59, Para. 7.</p>	<p>Чл. 143. (3) Наказва се с имуществена санкция в размер от 3000 до 10 000 лв. едноличен търговец или юридическо лице, което:</p> <p>1. извършва продажба на опаковани стоки и не приема без заплащане от крайните потребители използвани опаковки и/или отпадъци от опаковки от същия вид, за които има организирана депозитна или друга система за многократна употреба;</p> <p>2. не е организирано разделно събиране на отпадъците от търговски обекти, производствени, стопански и административни сгради и/или не ги е предало на лицата по чл. 33, ал. 4;</p> <p>3. предлага без заплащане на крайните потребители пластмасови торбички за пазаруване с дебелина под 50 микрона и</p>

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**Infringement related to placing on the market or distribution of packagings that are not in compliance with the requirements of the Ordinance referred to in Art. 13 of the Law, or placing on the market or distribution of packagings that contain heavy metals.**

(4) In case of a repeated breach pursuant to Para. 1 – 3, a property sanction shall be imposed in the amount of BGN 6000 to 20 000.

Art. 147. (1) A sole trader or legal persons shall be punished by a property sanction in the amount of BGN 5000 to 10 000, who:

1. breaks the requirements of Art. 47 and/or fails to declare in term for entering in the registers pursuant to Art. 45, Para. 1, p. 2 – 5, 8 and 10;
2. fails to announce for entering in term a change in the circumstances, subject to entering in the registers pursuant to Art. 45, Para. 1, p. 2 – 5, 8 and 10.

(2) A sole trader or legal person shall be imposed by a property sanction in the amount of BGN 10 000 to 50 000, who:

1. places on the market batteries and accumulators, which: a) contain mercury or cadmium above the determined values pursuant to the ordinance of Art. 13, Para. 1; b) are not marked in compliance with the requirements of the ordinance pursuant to Art. 13, Para. 1; c) are not marked by a capacity label pursuant to the requirements of Regulation (EC) N 1103/2010;
2. places on the market parts and components of motor vehicles, which: a) contain lead,

предлага и/или продава на крайните потребители пластмасови торбички за пазаруване, за които не е заплатена продуктова такса по чл. 59, ал. 7.

(4) При повторно нарушение по ал. 1 - 3 се налага имуществена санкция в размер от 6000 до 20 000 лв.

Чл. 147. (1) Наказва се с имуществена санкция в размер от 5000 до 10 000 лв. едноличен търговец или юридическо лице, което:

1. нарушава изискванията на чл. 47 и/или не заяви в срок вписване в регистрите по чл. 45, ал. 1, т. 2 - 5, 8 и 10;
2. не заяви за вписване в срок промяна в обстоятелствата, подлежащи на вписване в регистрите по чл. 45, ал. 1, т. 2 - 5, 8 и 10.

**(2) На юридическо лице или едноличен търговец се налага имуществена санкция в размер от 10 000 до 50 000 лв., когато:**

1. пуска на пазара батерии и акумулатори, които:
  - a) съдържат живак или кадмий над определените стойности по наредбата по чл. 13, ал. 1;
  - б) не са маркирани в съответствие с изискванията на наредбата по чл. 13, ал. 1;

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mercury, six-valent chromium and cadmium above the admissible norm, according to the requirements of this act and the ordinance of Art. 13, Para. 1; b) are not marked in view to their date of expiry for a second use or recreation, as well as for the possibility to be dismantled before a follow up treatment;

**3. places and distributes on the market packaging, which are not in compliance with the requirements of the Ordinance under Art. 13, Para. 1;**

**4. places and distributes on the market packaging, which contain heavy metals – lead, cadmium, mercury and six-valent chromium above the maximum admissible contents and/or fail to meet the other requirements, determined by the ordinance of Art. 13, Para. 1;**

5. places on the market EEE, which is not marked in compliance with the requirements of the ordinance pursuant to Art. 13, Para. 1;

6. places on the market other products, which do not meet the requirements of this act and/or the ordinances pursuant to Art. 13, Para.1.

(3) In case of a repeated breach pursuant to Para. 1 a property sanction shall be imposed in the amount of BGN 10 000 to 20 000 and pursuant to Para. 2 – in the amount of BGN 20 000 to 100 000. (4) A person pursuant to Para. 2 or 3 shall be obliged to pay also the costs for recovery and/or disposal of the

в) не са маркирани с етикет за капацитет съгласно изискванията на Регламент (ЕС) № 1103/2010;

2. пуска на пазара части и компоненти на моторни превозни средства, които:

а) съдържат олово, живак, шествалентен хром и кадмий над допустимите норми съгласно

изискванията на този закон и съответната наредба по чл. 13, ал. 1;

б) не са обозначени с оглед годността им за повторна употреба и възстановяване, както и за възможността да бъдат разглобени преди последващо третиране;

**3. пуска и разпространява на пазара опаковки, които не са в съответствие с изискванията на наредбата по чл. 13, ал. 1;**

**4. пуска и разпространява на пазара опаковки, които съдържат тежки метали - олово, кадмий, живак и шествалентен хром, над максимално допустимото съдържание и/или не отговарят на другите изисквания, определени в наредбата по чл. 13, ал. 1;**

5. пуска на пазара ЕЕО, което не е маркирано в съответствие с изискванията на наредбата по чл. 13, ал. 1;

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<p><b>Failure by an organization on recovery or natural person to fulfil the corresponding obligations.</b></p> <p><b>Repeated violation.</b></p>	<p>products pursuant to Para. 2, p. 1, letter "a". p. 2, letter "a", p. 4 and p. 5.</p> <p>Art. 148. (1) Any organization on recovery or a person pursuant to Art. 14, Para. 1, fulfilling their obligation individually shall be punished by a property sanction, who:</p> <ol style="list-style-type: none"><li>1. fails to fulfill an instruction of the competent bodies, given in relation to failure to fulfill a condition of the permit pursuant to Art. 81, Para. 1;</li><li>2. fails to provide information and does not keep accountability pursuant to this act and/or the ordinances pursuant to Art. 13, Para. 1;</li><li>3. provides untrue information and/or keeps untrue accountability pursuant to this act and the ordinances pursuant to Art. 13, Para. 1;</li><li>4. fails to provide access to grounds, premises and/or documents for an official,</li></ol>	<p>б. пуска на пазара други продукти, които не отговарят на изискванията, определени с този закон и/или с наредбите по чл. 13, ал. 1.</p> <p>(3) При повторно нарушение по ал. 1 се налага имуществена санкция в размер от 10 000 до 20 000 лв., а по ал. 2 - в размер от 20 000 до 100 000 лв.</p> <p>(4) Лицето по ал. 2 или 3 се задължава да заплати и разходите за оползотворяването и/или обезвреждането на продуктите по ал. 2, т. 1, буква "а", т. 2, буква "а", т. 4 и т. 5.</p> <p>Чл. 148. (1) Наказва се с имуществена санкция организация по оползотворяване или лице по чл. 14, ал. 1, изпълняващо задълженията си индивидуално, което:</p> <ol style="list-style-type: none"><li>1. не изпълни предписание на компетентните органи, дадено във връзка с неизпълнение на условие на разрешението по чл. 81, ал. 1;</li><li>2. не предостави информация и не води отчетност съгласно този закон и/или наредбите по чл. 13, ал. 1;</li><li>3. предостави невярна информация и/или води невярна отчетност съгласно този закон и наредбите по чл. 13, ал. 1;</li><li>4. не осигури достъп до площадки, помещения и/или документи на длъжностно лице, извършващо</li></ol>
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- carrying out check up and/or the auditors pursuant to Art. 18, Para. 2 or 3; проверка, и/или на одиторите по чл. 18, ал. 2 или 3;
5. fails to fulfill the requirements for covered population of the systems for separate collection of waste from packaging pursuant to Art. 33, Para. 1 and the ordinances pursuant to Art. 13, Para. 1; 5. не изпълнява изискванията за обхванато население от системите за разделно събиране на отпадъци от опаковки по чл. 33, ал. 1 и наредбата по чл. 13, ал. 1;
6. fails to fulfill the obligations for separate collection and treatment of waste pursuant to Art. 14, Para. 1 and/or for creating a system pursuant to Art. 15 and/or fails to fulfill the requirements pursuant to Art. 14, Para. 3 by a person fulfilling his/her obligations individually; 6. не са изпълнени задълженията за разделно събиране и третиране на отпадъци по чл. 14, ал. 1 и/или за създаване на система по чл. 15 и/или не са изпълнени изискванията на чл. 14, ал. 3 от лице, изпълняващо задълженията си индивидуално;
7. fails to restore in term the costs pursuant to Art. 18, Para. 5; 7. не възстанови в срок разходите по чл. 18, ал. 5;
8. (repealed – SG, 105/16) 8. (отм. - ДВ, бр. 105 от 2016 г.)
9. fails to provide information to the users in compliance with the requirements of the ordinances pursuant to Art. 13, Para. 1; 9. не предоставя информация на потребителите в съответствие с изискванията на наредбите по чл. 13, ал. 1;
10. provides untrue data, required in case of issuance, amendment and/or supplementation or extension of the term of action of a permit pursuant to Art. 81, Para. 1. (2) For the breaches pursuant to Para. 1, p. 1, 3, 4 and 6 property sanctions shall be imposed of BGN 50 000 to 150 000 and in the remaining cases pursuant to Para. 1 – BGN 10 000 to 20 000. 10. предостави неверни данни, изискващи се при издаване, изменение и/или допълване или продължаване срока на действие на разрешение по чл. 81, ал. 1.
- (3) In case of a repeated breach pursuant to Para. 1, p. 1, 3, 4 and 6, a property sanction of BGN 100 000 to 300 000 shall be (2) За нарушенията по ал. 1, т. 1, 3, 4 и 6 се налагат имуществени санкции в размер от 50 000 до 150 000 лв., а в

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	imposed, and in the remaining cases pursuant to Para. 1 – BGN 20 000 to 40 000.	останалите случаи по ал. 1 - от 10 000 до 20 000 лв.
	(4) A person pursuant to Art. 14, Para. 1, fulfilling his/her obligations individually shall be punished by a property sanction of BGN 20 000 to 40 000, who fails to take back or has not provided take back of waste in compliance with Art. 14, Para. 3.	(3) При повторно нарушение по ал. 1, т. 1, 3, 4 и 6 се налага имуществена санкция в размер от 100 000 до 300 000 лв., а в останалите случаи по ал. 1 - от 20 000 до 40 000 лв.
	(5) In case of a repeated breach pursuant to Para. 4, a property sanction shall be imposed of BGN 40 000 to 80 000.	(4) Наказва се с имуществена санкция в размер от 20 000 до 40 000 лв. лице по чл. 14, ал. 1, изпълняващо задълженията си индивидуално, което не приема обратно или не е осигурило обратното приемане на отпадъци в съответствие с чл. 14, ал. 3.
		(5) При повторно нарушение по ал. 4 се налага имуществена санкция в размер от 40 000 до 80 000 лв.
<b>Failure to fulfill instructions.</b>	Art. 156. (1) For failure to fulfill an instruction pursuant to Art. 113, Para. 3 or Art. 120, the natural persons shall be imposed a fine of BGN 2000 to 10 000, and the legal persons - a property sanction in the amount of BGN 5 000 to 20 000.	Чл. 156. (1) За неизпълнение на предписание по чл. 113, ал. 3 или чл. 120 на физическите лица се налага глоба в размер от 2000 лв. до 10 000 лв, а на юридическите лица имуществена санкция в размер от 5000 до 20 000 лв.
<b>Repeated violation.</b>	(2) In case of a repeated violation, the natural persons shall be imposed a fine in the amount of BGN 4000 to 20 000, and the legal persons – a property sanction in the amount of BGN 10 000 to 40 000.	(2) При повторно нарушение на физическите лица се налага глоба в размер от 4000 лв. до 20 000 лв., а на юридическите лица имуществена санкция в размер от 10 000 до 40 000 лв.
Standard clause making reference to the basic national act on penalties – the Law on Administrative Violations and	Article 160. The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance	Чл. 160. Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

Sanctions (published in the State Gazette, published SG, No. 92/28.11.1969, last amended and supplemented SG, No. 105/11.12.2020)

with the procedure laid down in the Law on Administrative Violations and Sanctions.

Закона за административните нарушения и наказания.

### Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34)

**Infringement for carrying out activities related to collection, storage, dismantling, recovery and/or disposal of end-of-life vehicles not meeting the requirements of the Law.**

**Chapter Six. Compulsory administrative measures and administrative penal provisions**

**Section II Breaches and Penalties.**

Art. 143. (1) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 3000 to 10 000, who:

1. carried out activities of collection, storage, dismantling, recovery and/or disposal of end-of-life MV, components and materials from them at not permitted for this places or on grounds, not meeting the requirements of this act or the acts of secondary legislation for its implementation;

2. fails to introduce an information system for accounting and control of the issued certificates for dismantling of end-of-life MV.

**Глава шеста. Принудителни административни мерки и административнонаказателни разпоредби.**

**Раздел II. Административни нарушения и наказания**

Чл. 143. (1) Наказва се с имуществена санкция в размер от 3000 до 10 000 лв. едноличен търговец или юридическо лице, което:

1. извършва дейности по събиране, съхраняване, разкомплектуване, оползотворяване и/или обезвреждане на ИУМПС, компоненти и материали от тях на неразрешени за това места или на площадки, неотговарящи на изискванията на този закон или подзаконовите нормативни актове по прилагането му;

2. не въведе информационна система за отчитане и контрол на издадените удостоверения за разкомплектуване на ИУМПС.



## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

**Infringement related to placing on the market of motor vehicles containing heavy metals above the permissible norms of this Law.**

**Failure to indicate motor vehicles containing heavy metals in terms of their reuse and recovery.**

Art. 147. (1) A sole trader or legal persons shall be punished by a property sanction in the amount of BGN 5000 to 10 000, who:

1. breaks the requirements of Art. 47 and/or fails to declare in term for entering in the registers pursuant to Art. 45, Para. 1, p. 2 – 5, 8 and 10;

2. fails to announce for entering in term a change in the circumstances, subject to entering in the registers pursuant to Art. 45, Para. 1, p. 2 – 5, 8 and 10.

(2) A sole trader or legal person shall be imposed by a property sanction in the amount of BGN 10 000 to 50 000, who:

1. places on the market batteries and accumulators, which: a) contain mercury or cadmium above the determined values pursuant to the ordinance of Art. 13, Para. 1; b) are not marked in compliance with the requirements of the ordinance pursuant to Art. 13, Para. 1; c) are not marked by a capacity label pursuant to the requirements of Regulation (EC) N 1103/2010;

2. places on the market parts and components of motor vehicles, which: a) contain lead, mercury, six-valent chromium and cadmium above the admissible norm, according to the requirements of this act and the ordinance of Art. 13, Para. 1; b) are not marked in view to their date of expiry for a second use and recreation, as well as for the possibility to be dismantled before a follow up treatment;

Чл. 147. (1) Наказва се с имуществена санкция в размер от 5000 до 10 000 лв. едноличен търговец или юридическо лице, което:

1. (изм. - ДВ, бр. 105 от 2016 г.) нарушава изискванията на чл. 47 и/или не заяви в срок вписване в регистрите по чл. 45, ал. 1, т. 2 - 5, 8 и 10;

2. не заяви за вписване в срок промяна на обстоятелствата, подлежащи на вписване в регистрите по чл. 45, ал. 1, т. 2 - 5, 8 и 10.

**(2) На юридическо лице или едноличен търговец се налага имуществена санкция в размер от 10 000 до 50 000 лв., когато:**

1. пуска на пазара батерии и акумулатори, които:

а) съдържат живак или кадмий над определените стойности по наредбата по чл. 13, ал. 1;

б) не са маркирани в съответствие с изискванията на наредбата по чл. 13, ал. 1;

в) не са маркирани с етикет за капацитет съгласно изискванията на Регламент (ЕС) № 1103/2010;

**2. пуска на пазара части и компоненти на моторни превозни средства, които:**

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3. places and distributes on the market packaging, which are not in compliance with the requirements of the Ordinance under Art. 13, Para. 1;

4. places and distributes on the market packaging, which contain heavy metals – lead, cadmium, mercury and six-valent chromium above the maximum admissible contents and/or fail to meet the other requirements, determined by the ordinance of Art. 13, Para. 1;

5. places on the market EEE, which is not marked in compliance with the requirements of the ordinance pursuant to Art. 13, Para. 1;

6. places on the market other products, which do not meet the requirements of this act and/or the ordinances pursuant to Art. 13, Para.1.

(3) In case of a repeated breach pursuant to Para. 1 a property sanction shall be imposed in the amount of BGN 10 000 to 20 000 and pursuant to Para. 2 – in the amount of BGN 20 000 to 100 000. (4) A person pursuant to Para. 2 or 3 shall be obliged to pay also the costs for recovery and/or disposal of the products pursuant to Para. 2, p. 1, letter "a". p. 2, letter "a", p. 4 and p. 5.

**а) съдържат олово, живак, шествалентен хром и кадмий над допустимите норми съгласно изискванията на този закон и съответната наредба по чл. 13, ал. 1;**

**б) не са обозначени с оглед годността им за повторна употреба и възстановяване, както и за възможността да бъдат разглобени преди последващо третиране;**

3. пуска и разпространява на пазара опаковки, които не са в съответствие с изискванията на наредбата по чл. 13, ал. 1;

4. пуска и разпространява на пазара опаковки, които съдържат тежки метали - олово, кадмий, живак и шествалентен хром, над максимално допустимото съдържание и/или не отговарят на другите изисквания, определени в наредбата по чл. 13, ал. 1;

5. пуска на пазара ЕЕО, което не е маркирано в съответствие с изискванията на наредбата по чл. 13, ал. 1;

б. пуска на пазара други продукти, които не отговарят на изискванията, определени с този закон и/или с наредбите по чл. 13, ал. 1.

(3) При повторно нарушение по ал. 1 се налага имуществена санкция в размер от

**Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020**

Standard clause making reference to the basic national act on penalties – the Law on Administrative Violations and Sanctions (published in the State Gazette, published SG, No. 92/28.11.1969, last amended and supplemented SG, No. 105/11.12.2020)

Article 160. The establishment of violations, the issue, the appeal and the execution of penal provisions shall be made in accordance with the procedure laid down in the Law on Administrative Violations and Sanctions.

10 000 до 20 000 лв., а по ал. 2 - в размер от 20 000 до 100 000 лв.

(4) Лицето по ал. 2 или 3 се задължава да заплати и разходите за оползотворяването и/или обезвреждането на продуктите по ал. 2, т. 1, буква "а", т. 2, буква "а", т. 4 и т. 5.

Чл. 160. Установяването на нарушенията, издаването, обжалването и изпълнението на наказателните постановления се извършват по реда на Закона за административните нарушения и наказания.

**Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146)**

**Merchant Shipping Code**  
(Published in State Gazette, issue 55 of 14 July 1970, as last amended and supplemented, State Gazette, issue 108 of 22 December 2020)

- **Not providing access to inspectors for exercising their powers**
- **Repeated violation**

**Chapter eighteen. Administrative sanctions provisions.**

Article. 374a. (1) One who does not provide access to the persons referred to in Article 80a, paragraph 3 to exercise their powers pursuant to the provisions of Chapter IV, Section IIa shall be imposed a fine ranging from 200 to 500 BGN or a proprietary sanction of 500 to 2000 BGN.

(2) In case of repeated violation as referred to in paragraph 1 a fine shall be imposed

**Глава осемнадесета.  
Административнонаказателни разпоредби**

Чл. 374а. (1) Който не предостави достъп на лицата по чл. 80а, ал. 3 да осъществяват правомощията си в съответствие с разпоредбите на глава четвърта, раздел IIа, се наказва с глоба от 200 до 500 лв. или с имуществена санкция от 500 до 2000 лв.

(2) При повторно нарушение по ал. 1 се налага глоба в размер от 400 до 1000 лв. или имуществена санкция в размер от 1000 до 4000 лв.

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- <b>Not fulfillment of restrictive measures and/or corrective actions</b>	ranging from 400 to 1000 BGN or a proprietary sanction of 1000 to 4000 BGN. Article. 374b. (1) One who does not take the restrictive measures and/or corrective actions ordered to him by the order pursuant to Article 80d, paragraph 3, shall be imposed a fine ranging from 1000 to 2000 BGN or a proprietary sanction of 2000 to 5000 BGN.	Чл. 374б. (1) Който не изпълни наложени му със заповед по чл. 80г, ал. 3 ограничителни мерки и/или коригиращи действия, се наказва с глоба от 1000 до 2000 лв. или с имуществена санкция от 2000 до 5000 лв.
- <b>Repeated violation</b>	(2) In case of repeated violation as referred to in paragraph 1 the fine imposed shall be from 2000 to 4000 BGN, and the proprietary sanction from 4000 to 10 000 BGN.	(2) При повторно нарушение по ал. 1 глобата е в размер от 2000 до 4000 лв., а имуществената санкция - от 4000 до 10 000 лв.
Standard clause making reference to the basic national act on penalties – the <b>Law on Administrative Violations and Sanctions</b> (published in the State Gazette, published SG, No. 92/28.11.1969, last amended and supplemented SG, issue No. 105/11.12.2020)	<b>Article 384.</b> (1) The ascertainment of violations and the imposition of sanctions under this Code shall follow the procedure established by the Administrative Violations and Sanctions Act.	Чл. 384. (1) Установяването на нарушенията и налагането на наказанията по този кодекс се извършват по реда на Закона за административните нарушения и наказания.

### 4. Croatia

Pursuant to Article 41 of Regulation (EU) 2019/1020, Member States must lay down the rules on penalties applicable to infringements of Regulation (EU) 2019/1020 and of the Union harmonisation legislation listed in Annex II, which impose obligations on economic operators.

Please find below a list of Union harmonisation legislation referred to in Annex II to the Regulation for which rules on penalties, i.e. penal provisions, have been laid down for legislation under the jurisdiction of the Ministry of the Economy and Sustainable Development and the State Office for Metrology.

In Croatian legislation, provisions on penalties for the following EU legal acts:

- Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 36);

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- Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (OJ L 147, 9.6.1975, p. 40);
- Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 22.6.1992, p. 17);
- Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, p. 16);
- Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC (OJ L 310, 25.11.2005, p. 10);
- Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12);
- Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131);

are laid down in Article 265a of the Environmental Protection Act (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) Nos 80/13, 153/13, 78/15, 12/18 and 118/18).

With regard to Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters, which was repealed by the new Regulation (EU) 2020/740 of the European Parliament and of the Council of 25 May 2020 on the labelling of tyres with respect to fuel efficiency and other parameters, amending Regulation (EU) 2017/1369 and repealing Regulation (EC) No 1222/2009, an Act implementing Regulation (EU) 2020/740 on the labelling of tyres with respect to fuel efficiency and other parameters will be drafted and is scheduled to be submitted for adoption in the fourth quarter of 2022.

## 5. Cyprus

### THE 2021 MARKET SURVEILLANCE LAW

#### PART VI — INFRINGEMENTS, OFFENCES AND PENALTIES

Infringements      29. If a person:

- (a) makes available on the market any product which does not comply with this Law and/or the Regulations;

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- (b) fails to comply with the notice served on that person pursuant to Article 23;
- (c) fails to comply with the obligations laid down in the Law and/or the Regulations;
- (d) makes available on the market any product without the required EU declaration of conformity and/or CE marking;
- (e) makes available on the market any product with a false or misleading EU declaration of conformity and/or CE marking;
- (f) does not provide the competent authority, within the time limit set, with the EU declaration of conformity and/or any documents or information relating to the product concerned and/or information on the location of the product, and also on the quantities of the product made available and/or stored, and/or obstructs and/or hinders in any way these procedures and/or provides false and/or misleading information and/or documents relevant to the conformity assessment procedure;
- (g) deliberately prevents a customs officer or an officer authorised by the competent authority from acting pursuant to this Law and/or the Regulations;

commits an offence.

Imposition of  
administrative  
fines

30.- (1) The competent authority may impose a fine of up to fifty thousand euros (€ 50 000) on any person committing any of the offences referred to in Article 29, and in the event of a second and/or subsequent infringement it may impose a fine of up to one hundred thousand euros (€100 000).

(2) If the infringement for which a fine has been imposed pursuant to paragraph (1) persists, the competent authority may impose a fine of up to five hundred euros (€500) for each day the infringement persists, depending on the gravity of the infringement.

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Procedure for imposing, calculating and collecting fines

31.-(1) The fine imposed under Article 30 shall be calculated according to the nature, gravity and duration of the infringement.

(2) When imposing the fine, the competent authority may, if deemed appropriate, take into account any commitment provided to it by the perpetrator, or by anyone acting on behalf of the latter, concerning the infringement that has occurred and the prospect of ending or correcting it.

(3) The fine shall be imposed by reasoned decision of the competent authority establishing the infringement, after hearing or giving the person concerned or his/her representative the opportunity to be heard orally or in writing.

(4) A hierarchical appeal under Article 32 may be lodged against the decision imposing a fine.

(5) The competent authority shall collect the administrative fine if no action is taken within the time limit for lodging an appeal to the Administrative Court, i.e. seventy-five (75) days:

(a) from the date of notification of the decision imposing a fine;

(b) from the date of notification of the decision on the hierarchical appeal, where an appeal is lodged in accordance with paragraph (4).

(6) If the administrative fine imposed by the competent authority by virtue of this Law is not paid, the competent authority shall take legal action and the outstanding amount shall be considered payable as civil debt owed to the Republic.

## **Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020**

Hierarchical appeal against a decision of the competent authority.

32.- (1) Any decision imposing an administrative fine and/or recovery of costs, which is issued under this Law, shall be subject to a hierarchical appeal before the Minister within a time limit of thirty (30) days from the date on which the person concerned becomes aware of the decision.

(2) During the proceedings for the hierarchical appeal, the Minister may:

- (a) require the economic operator to provide, within a set time limit, evidence as to the accuracy of the factual claims referred to in the hierarchical appeal, where such a requirement is deemed necessary based on the circumstances of the particular case, taking into account the legitimate interests of the economic operator and any other persons affected; and
- (b) consider the factual claims made to be inaccurate where the evidence requested in line with paragraph (a) is not submitted in due time or is considered inadequate by the Minister.

(3) The Minister shall immediately examine any appeal lodged pursuant to this Article and, where deemed necessary or appropriate in a specific case, the Minister shall hear or otherwise give the applicant the opportunity to substantiate the grounds on which the appeal is based. The Minister shall decide on any appeal as soon as possible and inform the applicant of the decision within ninety (90) calendar days from the date on which the appeal is lodged.

(4) After examining the appeal, the Minister may:

- (a) uphold the contested decision;
- (b) annul the contested decision; or
- (c) amend the contested decision.



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If the decision is annulled, the Minister may issue a new decision replacing the contested decision.

(5) A person who is not satisfied by the decision issued by the Minister pursuant to paragraph (4) may appeal to the Administrative Court within seventy-five (75) days.

Criminal offences 33.- (1) Notwithstanding the imposition of an administrative fine under Article 30, a person who:

- (a) makes available on the market a product which presents a serious risk to the health and safety of persons;
- (b) infringes a notice issued by the competent authority pursuant to Articles 24 and 25;
- (c) is presented as a notified body, without the approval required by this Law;
- (d) issues and/or uses, without any approval, a certificate and/or other document issued by a notified body;

commits an offence and is liable to:

- (i) imprisonment of up to two (2) years or a fine of up to one hundred thousand euros (€100 000) or both, for a first conviction;
- (ii) imprisonment of up to three (3) years or a fine of up to one hundred and fifty thousand euros (€150 000) or both, for a second or subsequent conviction.

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**PART VII — RECOVERY OF EXPENSES AND COMPENSATION**

Recovery of enforcement costs

34. Where a court finds a person guilty of any of the offences referred to in Article 33 in relation to any product, or where the court issues a confiscation order, it shall have the power, in addition to any other order on expenses or costs, to order the sentenced person, or, as the case may be, any person with an interest in the products, to compensate the competent authority for any costs incurred or likely to be incurred:

- (a) in relation to any seizure or retention of products by or on behalf of the competent authority;
- (b) in relation to the competent authority's compliance with the court's instructions on confiscation of any product;
- (c) in relation to any expenses incurred by the competent authority in the exercise of its powers under this Law.

Recovery of expenses incurred by the competent authority

35.-(1) Where any products and/or documents are subject to examination and/or testing and/or checks and, based on the results of the examination and/or testing and/or checks, the competent authority serves a notice pursuant to Articles 23, 24 or 25, the competent authority may request the economic operator, where necessary, to pay it the expenses incurred in purchasing, examining and/or testing the product and/or checking documents.

If the above notice is revoked by the competent authority or annulled by the Administrative Court pursuant to Article 146 of the Constitution, any amount collected shall become refundable.

(2) Where the economic operator submits a request to the competent authority to:

- (a) consent to making a product available again on the market, or

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- (b) lift the prohibition on the placing on the market of products whose release for free circulation is suspended by the Director of the Customs and Excise Department,

and making these products available on the market is suspended or the placing on the market is prohibited by the competent authority on the grounds that they do not bear the CE marking or are not accompanied by the required documents, the economic operator shall pay the competent authority in advance any expenses expected to incur for the examination and/or testing of the product and/or the documentary check, irrespective of the outcome of the examination and/or testing of the product and/or the documentary check.

- (3) A hierarchical appeal under Article 32 may be lodged against the decision on payment of the expenses under paragraph (1).

(4) The competent authority shall collect the expenses under paragraph (1) if no action is taken within the time limit for lodging an appeal to the Administrative Court, i.e. seventy-five (75) days:

- (a) from the date of notification of the decision on payment of the expenses, or
- (b) from the date of notification of the decision on the hierarchical appeal, where an appeal is lodged in accordance with Article 32.

(5) If the economic operator fails to pay the expenses required by this Law, the competent authority shall take legal action and the outstanding amount shall be considered payable as civil debt owed to the Republic.

Compensation  
for incorrect  
market  
surveillance  
measures

36. Where, in the exercise of any power or competence under this Law and/or the Regulations for market surveillance purposes, the competent authority causes an unlawful loss or damage to the economic operator, it shall be liable to the Republic for the payment of compensation to the person concerned in respect of the loss or damage caused by the exercise of that power or competence, unless it acted in good faith and there was no infringement of this Law and/or the Regulations in relation to the product.

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Protection of officials of the competent authority from political or criminal prosecution

37. No action or criminal prosecution shall be brought against any official of the competent authority, in relation to anything the official has done or was ordered to do in good faith under this Law and/or the Regulations.

### 6. Czechia

Article 41(3) of the Market Surveillance Regulation requires EU Member States to notify the provisions laying down penalties for infringements of this Regulation and of Union harmonisation legislation listed in Annex II to the Market Surveillance Regulation.

The general procedural legislation for the imposition of penalties in the Czech Republic is provided for in Act No. 255/2012 Coll., on Inspection (the Inspection Code), as amended, Act No. 500/2004 Coll., the Administrative Procedure Code, as amended, (hereinafter referred to as the “Administrative Procedure Code”), and Act No. 250/2016 Coll., Act No. 250/2016 Coll., on Liability for and Proceedings on Offences, as amended, (hereinafter referred to as the “Act on Liability for and Proceedings on Offences”). This regulation applies to all types of inspections, to all inspectors and to all persons inspected.

<b>Act No. 255/2012 Coll., on Inspection (the Inspection Code), as amended</b>		
<b><i>Duty</i></b>	<b><i>Administrative delict</i></b>	<b><i>Penalty</i></b>
<p>Section 10(2)</p> <p>The inspected party is obliged to create conditions for performance of the inspection, allow the inspector to perform their authorities stipulated by this act and provide the necessary cooperation for this purpose, and to submit a written report on elimination or prevention of the deficiencies determined by the inspection within the deadline designated by the inspector, if requested by the inspector.</p>	<p>Section 15(1)</p> <p>An individual, legal person or an enterprising individual commits an administrative delict by</p> <p>(a) failing to fulfil one of the obligations under Section 10(2) as the inspected party,</p> <p>(b) failing to fulfil the obligations according to Section 10(3) as the obliged part.</p>	<p>Section 15(2)</p> <p>A penalty of up to CZK 500,000 will be imposed for an administrative delict according to subsection (1)(a), and a penalty of up to CZK 200,000 will be imposed for an administrative delict according to subsection (1)(b).</p>
Section 10(3)		

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

The obliged party is obliged to provide the inspector with the cooperation needed to perform the inspection, if such cooperation cannot be ensured through the inspected party.		
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The Administrative Procedure Code and the Act on Liability for and Proceedings on Offences set out the general procedures for the conduct of administrative (delict) proceedings. Administrative delicts that involve breaching specific obligations laid down in legal regulations (according to Annex II of the Market Surveillance Regulation) are provided for in specific legislation which defines administrative delicts and sets the level of penalties for committing them.

National provisions regarding penalties related to EU regulations listed in Annex II of the Market Surveillance Regulation as laid down by specific national legislation are set out in the table annexed to this notice.

### 7. Denmark

Under Article 41(3) of the Market Surveillance Regulation, Member States are required to notify the European Commission of penalties provided for pursuant to the Regulation. This must be done by 16 October 2021 at the latest. As the Single Liaison Office (SLO) for Denmark, the Danish Safety Technology Authority hereby gives notice of the national penalty provisions applicable to infringements of Regulation 2019/1020 and EU harmonised legislation. Notification by the SLO is given on behalf of the market surveillance authorities which have not contacted the European Commission on their own initiative. It should be noted that, in some particular fields, powers to impose penalties derive from other EU legal acts. The fields below are therefore specified because of their direct relevance for the penalty provisions under Article 41 of the Market Surveillance Regulation.

It is noted that the Danish Energy Agency has given separate notice to the Commission of its penalty provisions in the fields within its remit; however, these are also included in this overview.

*The numbering is based on the list shown in the [Market Surveillance and Compliance of Products Regulation \(EU\) 2019/1020, Annex I \(page 36\)](#).*

#	Harmonisation legislation on	Reference	Legislative authority	Penalty provisions in national law
1.	Crystal glass	69/493/EEC	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance, as amended by Act No 782 of 4 May 2021. Sector-specific rules in Order No 122 of 6 March 1973.

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#	Harmonisation legislation on	Reference	Legislative authority	Penalty provisions in national law
2.	Sound level and exhaust systems of motor vehicles	70/157/EEC	Environmental Protection Agency	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
3.	Bottles used as measuring containers	75/107/EEC	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance, as amended by Act No 782 of 4 May 2021. Sector-specific rules in Order No 590 of 29 May 2018.
4.	Aerosol dispensers	75/324/EEC	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance. Sector-specific rules in Order No 247 of 14 March 2014.
5.	Making-up by weight or by volume of certain prepackaged products	76/211/EEC	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance, as amended by Act No 782 of 4 May 2021. Sector-specific rules in Order No 547 of 28 May 2018.
6.	Units of measurement	80/181/EEC	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance, as amended by Act No 782 of 4 May 2021. Not covered, however, by Article 4 of the Market Surveillance Regulation.
7.	Hot-water boilers fired with liquid or gaseous fuels	92/42/EEC	Danish Energy Agency	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
8.	Labelling of materials used in the main components of footwear	94/11/EC	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance, as amended by Act No 782 of 4 May 2021. Sector-specific rules in Order No 1046 of 28 May 2021.
9.	Packaging and packaging waste	94/62/EC	Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.

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#	Harmonisation legislation on	Reference	Legislative authority	Penalty provisions in national law
10.	Quality of petrol and diesel fuels	98/70/EC	Ministry of Transport	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
11.	In vitro diagnostic medical devices	98/79/EC	Danish Medicines Agency	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
12.	Noise emission in the environment by equipment for use outdoors	2000/14/EC	Environmental Protection Agency	Order No 29 of 11 January 2016 on noise emitted by machinery for use in the open air. Also §§ 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
13.	End-of-life vehicles	2000/53/EC	Danish Road Traffic Authority	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
14.	Fertilisers	2003/2003	Danish Agricultural Agency	Consolidation Act No 16 of 4 January 2017 on fertilisers and soil improvers, etc. and Order No 862 of 27 August 2008.
15.	Detergents and cleaning products	648/2004	Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
16.	Persistent organic pollutants	850/2004	Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
17.	Emissions from paints, varnishes and vehicle refinishing products	2004/42/EC	Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
18.	Motor vehicles with regard to reusability, recyclability and recoverability;	2005/64/EC	Danish Road Traffic Authority	Consolidation Act No 1710 of 13 August 2021.

**Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020**

#	Harmonisation legislation on	Reference	Legislative authority	Penalty provisions in national law
19.	Machinery	2006/42/EC	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance.
20.	Emissions from air conditioning systems in motor vehicles	2006/40/EC	Danish Road Traffic Authority	Consolidation Act No 1710 of 13 August 2021.
21.	Batteries and accumulators	2006/66/EC	Environmental Protection Agency	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
22.	Chemicals (REACH) and establishment of a European Chemicals Agency	1907/2006	Environmental Protection Agency	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
23.	Motor vehicles with respect to emissions from light passenger and commercial vehicles	715/2007	Danish Road Traffic Authority	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
24.	Nominal quantities for pre-packed products	2007/45/EC	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance, as amended by Act No 782 of 4 May 2021. Sector-specific rules in Order No 547 of 28 May 2018.
25.	Substances and mixtures (classification, labelling and packaging)	1272/2008	Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries	§§ 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
26.	Motor vehicles for the protection of pedestrians and other vulnerable road users	78/2009	Danish Road Traffic Authority	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
27.	Hydrogen-powered motor vehicles	79/2009	Danish Road Traffic Authority	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.



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#	Harmonisation legislation on	Reference	Legislative authority	Penalty provisions in national law
28.	Measuring instruments and methods of metrological control	2009/34/EC	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance, as amended by Act No 782 of 4 May 2021. Not covered, however by Article 4 of the Market Surveillance Regulation.
29.	Toys	2009/48/EC	Danish Safety Technology Authority and the Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries, with regard to chemical substances in toys.	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance; and § 37 of Act No 799 of 9 June 2020 on products and market surveillance.
30.	Emissions from heavy duty vehicles and access to vehicle repair and maintenance information	595/2009	Danish Road Traffic Authority	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
31.	Motor vehicles, their trailers, systems, components and separate technical units	661/2009	Danish Road Traffic Authority	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
32.	Ecodesign requirements for energy-related products	2009/125/EC	Danish Energy Agency	§ 1 No 43 § 15; § 2 No 20 § 12; § 3 No 66 § 48 of Act No 1176 of 8 June 2021.
33.	Substances that deplete the ozone layer	1005/2009	Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
34.	Labelling of tyres with respect to fuel efficiency	1222/2009	Danish Road Traffic Authority	Consolidation Act No 1710 of 13 August 2021.
35.	Cosmetic products	1223/2009	Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.

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#	Harmonisation legislation on	Reference	Legislative authority	Penalty provisions in national law
36.	EU Ecolabel	66/2010	Environmental Protection Agency	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
37.	Transportable pressure equipment	2010/35/EU	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance. Sector-specific rules in Order No 685 of 10 June 2013
38.	Construction products	305/2011	Danish Housing and Planning Agency	Order 1465 of 28 June 2021.
39.	Hazardous substances in electrical and electronic equipment	2011/65/EU	Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
40.	Textile fibre names	1007/2011	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance, as amended by Act No 782 of 4 May 2021. Sector-specific rules in Order No 1046 of 28 May 2021.
41.	Biocidal products	528/2012	Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
42.	Waste electrical and electronic equipment	2012/19/EU	Environmental Protection Agency	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
43.	Agricultural and forestry vehicles (market surveillance)	167/2013	Danish Road Traffic Authority	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
44.	Two- or three-wheel vehicles and quadricycles (market surveillance)	168/2013	Danish Road Traffic Authority	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.

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#	Harmonisation legislation on	Reference	Legislative authority	Penalty provisions in national law
45.	Pyrotechnic articles	2013/29/EU	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance.
46.	Recreational craft and personal watercraft	2013/53/EU	Danish Maritime Authority	Order No 1689 of 15 December 2015 and Order No 875 of 11 May 2021.
47.	Explosives for civil uses	2014/28/EU	Ministry of Justice	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
48.	Simple pressure vessels	2014/29/EU	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance.
49.	Electromagnetic compatibility	2014/30/EU	Danish Energy Agency	§ 1 No 43 § 15; § 2 No 20 § 12; § 3 No 66 § 48 of Act No 1176 of 8 June 2021.
50.	Non-automatic weighing instruments	2014/31/EU	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance, as amended by Act No 782 of 4 May 2021.
51.	Measuring instruments	2014/32/EU	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance, as amended by Act No 782 of 4 May 2021.
52.	Lifts and safety components	2014/33/EU	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance. Not covered, however, by Article 4 of the Market Surveillance Regulation.
53.	Equipment intended for use in potentially explosive atmospheres	2014/34/EU	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance.
54.	Electrical equipment for use within certain voltage limits	2014/35/EU	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance.

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#	Harmonisation legislation on	Reference	Legislative authority	Penalty provisions in national law
55.	Tobacco and related products	2014/40/EU	Ministry of Health	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
56.	Radio equipment	2014/53/EU	Danish Energy Agency	§ 1 No 43 § 15; § 2 No 20 § 12; § 3 No 66 § 48 of Act No 1176 of 8 June 2021.
57.	Pressure equipment	2014/68/EU	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance.
58.	Marine equipment	2014/90/EU	Danish Maritime Authority	Order No 422 of 17 May 2016.
59.	Fluorinated greenhouse gases	517/2014	Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
60.	Sound level of motor vehicles and replacement silencing systems	540/2014	Danish Road Traffic Authority	Consolidation Act No 1710 of 13 August 2021.
61.	Cableway installations	2016/424	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance. Not covered, however, by Article 4 of the Market Surveillance Regulation.
62.	Personal protective equipment	2016/425	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance.
63.	Gas appliances	2016/426	Danish Safety Technology Authority	§ 37 of Act No 799 of 9 June 2020 on products and market surveillance.
64.	Internal combustion engines for non-road mobile machinery	2016/1628	Environmental Protection Agency	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.

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#	Harmonisation legislation on	Reference	Legislative authority	Penalty provisions in national law
65.	Medical devices	2017/745	Danish Medicines Agency	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
66.	In vitro diagnostic medical devices (repealing Directive 98/79/EU)	2017/746	Danish Medicines Agency	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
67.	Mercury	2017/852	Department of the Ministry of Environment and the Ministry of Food, Agriculture and Fisheries	§§ 47b, 48, 48b, 59, 60 and 61 of Consolidation Act No 115 of 26 January 2017, as amended.
68.	Energy labelling	2017/1369	Danish Energy Agency	§ 1 No 43 § 15; § 2 No 20 § 12; § 3 No 66 § 48 of Act No 1176 of 8 June 2021.
69.	Motor vehicles and trailers with regard to market surveillance	2018/858	Danish Road Traffic Authority	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.
70.	Civil aviation and establishment of the EU Aviation Safety Agency	2018/1139	Danish Civil Aviation and Railway Authority	Not relevant because not covered by Article 4 of the Market Surveillance Regulation.

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### 8. Estonia

#### How regulation on Market Surveillance and Compliance of Products (i.e Regulation 2019/1020) has been transcribed?

In general, for that purpose, there is a Product Conformity Act<sup>1</sup>. The purpose of that Act is to ensure product safety and conformity and the free movement of goods (§ 1.1) and amongst other things it sets out the requirements for ensuring product safety and product conformity attestation (i.e conformity assessment) and the grounds of accreditation and market supervision (§ 1.2.1)<sup>2</sup>.

The Product Conformity Act is just like General Product Safety Directive in EU law, meaning that the Act applies to products and their market supervision insofar as the aspects regulated by the Act have not been regulated by another legislation (i.e it is a *lex generalis*). Where requirements for a product have been established in another legislation (i.e *lex specialis*), the Act applies only to the extent of the requirements not regulated by that other legislation (§ 2.2)<sup>3</sup>.

The Product Conformity Act *expressis verbis* stipulates that it applies to all products that fall within the scope of application of Regulation (EU) 2019/1020 (§ 3.1)<sup>4</sup>. Furthermore, it states clearly that a product that is not safe may not be placed on the market or put into service (§ 5.1), where a requirement is established in legislation regarding a product, a product not conforming with the requirement cannot be placed on the market or put into service (§ 5.2), where a product has been subjected to conformity assessment by legislation, the product cannot be placed on the market or put into service where the procedure for conformity assessment provided in the legislation has not been followed (§ 5.3), requirements established for

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<sup>1</sup> Product Conformity Act - <https://www.riigiteataja.ee/en/eli/ee/522082022001/consolide/current>

<sup>2</sup> § 1. **Purpose of Act**

(1) The purpose of this Act is to ensure product safety and conformity and the free movement of goods.

(2) To achieve the purpose, this Act sets out the following:

1) the requirements for ensuring product safety and product conformity attestation (hereinafter conformity assessment) and the grounds of accreditation and market supervision;

<sup>3</sup> § 2. **Application of Act**

(2) This Act applies to products and their market supervision insofar as the aspects regulated by this Act have not been regulated by another statute. Where requirements for a product have been established in another statute, this Act applies only to the extent of the requirements not regulated by another statute.

<sup>4</sup> § 3. **Product**

(1) For the purposes of this Act, 'product' means a product that falls within the scope of application of Regulation (EU) 2019/1020 of the European Parliament and of the Council on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.06.2019, pp 1–44).

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products may also arise from directly applicable legislation of the European Union (§ 5.6)<sup>5</sup>. Furthermore, it describes general obligations of economic operators (§ 11-13) and additional obligations of economic operators in harmonized areas, including article 4 of Regulation 2019/1020 (§ 14-17<sup>1</sup>).<sup>6</sup> The above is important to note because chapter 7 of Product Conformity Act sets down the liability clauses (penalties) in case of breaches. It sets a penalty for violation of the conditions of placing a product on the market or making a product available on the market (§ 59), for failure to give notice of risks arising from products already placed on the market (§ 60), and for the misuse of a conformity marking (§ 61)<sup>7</sup>.

### What are sanctions if product rules are not followed?

In general, there are three types of actions that could be pursued in case of infringements: (a) law enforcement measures according to Law Enforcement Act<sup>8</sup>, Product Conformity Act, or, if applicable, *lex specialis* legislation, (b) administrative penalties according to Product Conformity Act or, if applicable, *lex specialis* legislation, and (c) criminal penalties according to Penal Code<sup>9</sup>.

(a) One of the most effective and proportionate ways to tackle infringements are through law enforcement measures such as notices, recommendations, and warnings (Law Enforcement Act § 26.1). If those “soft” actions do not bring the required results the next step would be a written order (precept) to do something by the set deadline together with a fine up to 10 000 EUR if it is not followed (Law Enforcement Act § 28.2

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<sup>5</sup> § 5. **Placing products on market and putting products into service**

(1) A product that is not safe may not be placed on the market or put into service.

(2) Where a requirement is established in legislation regarding a product, a product not conforming with the requirement cannot be placed on the market or put into service.

(3) Where a product has been subjected to conformity assessment by legislation, the product cannot be placed on the market or put into service where the procedure for conformity assessment provided in the legislation has not been followed.

(6) Requirements established for products may also arise from directly applicable legislation of the European Union.

<sup>6</sup> This legal text is too lengthy. For further details see footnote 1.

<sup>7</sup> § 59. **Violation of conditions of placing products and making products available on market**

(1) The penalty for violation of the conditions of placing a product on the market or making a product available on the market is a fine of up to 300 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 32,000 euros.

§ 60. **Failure to give notice of risks arising from products**

(1) The penalty for failure to give notice of risks arising from products already placed on the market is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 32,000 euros.

§ 61. **Misuse of conformity markings**

(1) The penalty for the misuse of a conformity marking is a fine of up to 200 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 32,000 euros.

<sup>8</sup> Law Enforcement Act - <https://www.riigiteataja.ee/en/eli/520032023002/consolide>

<sup>9</sup> Penal Code - <https://www.riigiteataja.ee/en/eli/520032023010/consolide>

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together with Product Conformity Act § 58.5)<sup>10</sup>. Such a precept can be applied multiple times until the desired result is achieved (Law Enforcement Act § 28.2)<sup>11</sup>. If immediate action is required and the issue cannot be solved by a precept the Market Surveillance Authorities are tasked to act on their own (Law Enforcement Act § 29.1)<sup>12</sup>. In such cases Market Surveillance Authorities charge the economic operator for all costs related to that action (Law Enforcement Act § 28.2 together with Substitutional Performance and Non-Compliance Levies Act<sup>13</sup> § 15)<sup>14</sup>.

(b) If circumstances merit it, and in addition to law enforcement measures mentioned in point “a” above, it is possible for Market Surveillance Authorities to apply administrative penalties up to 32 000 EUR in case of infringements (Product Conformity Act § 59-61)<sup>15</sup> or, if applicable, penalties stipulated in a *lex specialis* legislation. It can be said that for most product categories penalties rely on Product Conformity Act provisions but in some instances those provisions are governed by *lex specialis* legislations as explained above under point 1.1. For example, infringement of the requirements for the placing on the market, making available on the market, manufacture within an institution, putting into service, distribution and professional use of medical devices is punishable by a fine of up to 32 000 EUR according to Medical Devices Act<sup>16</sup> § 39.2. Another example would

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<sup>10</sup> **Law Enforcement Act § 28. Precept and application of administrative coercive measure**

(2) If the person liable for public order fails to comply with the precept specified in subsection 1 of this section in a timely manner, it may be enforced by the means and pursuant to the procedure provided in the Substitutional Performance and Non-Compliance Levies Act. Another person may be required to carry out substitutional performance only on the preconditions provided in § 16 of this Act. The upper limit of non-compliance levy for each imposition thereof is provided in a specific law of state supervision. In cases not provided by law, the upper limit of non-compliance levy for each imposition thereof is 9,600 euros.

**Product Conformity Act § 58. Specifics of issuing precepts and maximum non-compliance levy**

(5) In the event of failure to comply with a precept the maximum non-compliance levy imposed in accordance with the rules provided in the Substitutional Performance and Non-Compliance Levies Act is 10 000 euros.

<sup>11</sup> *Ibid.*

<sup>12</sup> **§ 29. Countering of threat or elimination of disturbance by law enforcement agency**

(1) If a person liable for public order does not exist or if the person is unable or is unable in a timely manner to counter a threat or eliminate a disturbance, a law enforcement agency itself may apply measures for countering a threat or eliminating a disturbance by using, if necessary, professional assistance or by involving other persons.

<sup>13</sup> Substitutional Performance and Non-Compliance Levies Act - <https://www.riigiteataja.ee/en/eli/522012015001/consolide>

<sup>14</sup> **Law Enforcement Act § 28.2** – see footnote 9.

**Substitutional Performance and Non-Compliance Levies Act § 15. Collection of costs of substitutional performance and non-compliance levy**

(1) The costs of substitutional performance and non-compliance levies are collected pursuant to the procedure provided for in the Code of Enforcement Procedure as financial claims deriving from court judgments. The addressee is the debtor and the administrative authority applying the coercive measure is the claimant.

(2) The actually incurred costs of substitutional performance are collected even if the costs exceed the estimated amount indicated in a warning. The procedure for calculation of costs of substitutional performance and the limits of remuneration payable to third parties who carry out substitutional performance as well as the procedure for payment of such remuneration are established by the Government of the Republic.

(3) As an exception, an administrative authority applying a coercive measure may determine the estimated costs of substitutional performance prior to the actual commencement of substitutional performance and collect such costs as advance payment. After substitutional performance is carried out, accounts shall be settled pursuant to the procedure established by the Government of the Republic.

<sup>15</sup> For legal text see footnote 6.

<sup>16</sup> Medical Devices Act - <https://www.riigiteataja.ee/en/eli/515032023005/consolide>



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be Public Health Act<sup>17</sup> which stipulates that liability for violation of requirements established for cosmetic products, manufacture of cosmetic products, and making available thereof is punishable by a fine of up to 3200 euros (§ 18<sup>2</sup>.2). On the other hand, for example bottles used as measuring containers are governed by Metrology Act<sup>18</sup> which do not foresee any specific liability clauses for placing on the market or making available on the market such products, hence Product Conformity Act liability rules apply.

(c) In severe cases (i.e when a danger to human life or health or to the environment is caused) and where circumstances merit it (e.g if there is intent etc), it is possible to apply criminal penalties for the infringements up to 16 000 000 EUR for legal entities and up to 3 years imprisonment for natural persons (Penal Code § 409 together with § 44.8)<sup>19</sup>. When applying punishments general Penal Code rules apply, for example the obligation to take into consideration the mitigating and aggravating circumstances, the possibility to influence the offender not to commit offences in the future, and the interests of the protection of public order (Penal Code § 56.1) etc.

## 9. Finland

2. Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, pp. 16-20);

11. Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC (OJ L 310, 25.11.2005, p. 10);

12. Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).

14. Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46) and

<sup>17</sup> Public Health Act - <https://www.riigiteataja.ee/en/eli/ee/516042021001/consolide/current>

<sup>18</sup> Metrology Act - <https://www.riigiteataja.ee/en/eli/511012019013/consolide>

<sup>19</sup> **Penal Code § 409. Manufacture, processing or marketing of products not in conformity with requirements of technical regulations**

(1) *Manufacture, processing or marketing of a product which is not in conformity with the requirements of a technical regulation, if a danger to human life or health or to the environment is thereby caused, is punishable by a pecuniary punishment or up to three years' imprisonment.*

(2) *The same act, if committed by a legal person, is punishable by a pecuniary punishment.*

**§ 44. Pecuniary punishment**

(8) In case of a legal person, the court may impose a pecuniary punishment of 4,000-16,000,000 euros.

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19. Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131).

In Finland, national rules on penalties in respect of the legislation listed are laid down in Articles 189-193 of Chapter 10 of the Vehicles Act (82/2021). Further, Articles 8-26 of Chapter 3 of the Law on the market surveillance of certain products (1137/2016) lay down provisions on market surveillance authority competence and control measures, and Article 28 of Chapter 4 of the Law lays down provisions on penalty payments and enforced compliance.

The provisions can be found at:

<https://www.finlex.fi/fi/laki/ajantasa/2021/20210082>

<https://www.finlex.fi/fi/laki/ajantasa/2016/20161137#L4P28>

According to Article 41(3) of Regulation (EU) 2019/1020 of the European Parliament and of the Council on market surveillance and compliance of products, amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011, Member States are to notify national provisions to the Commission regarding penalties for infringements of the Market Surveillance Regulation by economic operators.

In Finland, as a result of the Market Surveillance Regulation, amendments were made not only to a large number of other product sectors, but also to the existing rules applicable to market surveillance of technical work equipment. These national provisions are expected to enter into force on 15 November 2021.

Section 13 of the Act on the Conformity of Certain Technical Devices to Relevant Requirements (1016/2004) lays down a penalty provision for violation of the safety of devices. Under this provision, a safety device violation is punishable by a fine. This section has been amended (by Act 921/2021) to implement the Market Surveillance Regulation and a new subsection 3 was inserted, laying down penalties for infringements by economic operators of their obligations under Article 4(3) of the Market Surveillance Regulation. The subsection is worded as follows:

### Section 13

#### *Penalty provision*

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Anyone who intentionally or through gross negligence infringes the following shall also be sentenced for infringement of the safety of equipment:

(1) the obligation of the authorised representative or distribution service provider to verify that the EU declaration of conformity and the technical documentation have been drawn up as provided for in Article 4(3)(a) of the Market Surveillance Regulation;

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- (2) the obligation of the manufacturer, importer, authorised representative or distribution service provider to keep the declaration of conformity and the technical documentation at the disposal of the Regional State Administrative Agency and the Ministry of Social Affairs and Health for the required period of time and to ensure that the technical documentation can be made available to these authorities upon request as provided for in Article 4(3)(a) of the Market Surveillance Regulation;
- (3) the obligation of the manufacturer, importer, authorised representative or distribution service provider to provide, upon a reasoned request from a Regional State Administrative Agency or the Ministry of Social Affairs and Health, the authority in question with all the information and documentation necessary to demonstrate the conformity of the product, in a language which can be easily understood by that authority as provided for in Article 4(3)(b) of the Market Surveillance Regulation;
- (4) the obligation of the manufacturer, importer, authorised representative or distribution service provider to notify the Ministry of Social Affairs and Health of the product presenting the risk, as provided for in Article 4(3)(c) of the Market Surveillance Regulation;
- (5) the obligation laid down in Article 4(3)(d) of the Market Surveillance Regulation for the manufacturer, the importer, the authorised representative or the distribution service provider to ensure that immediate, necessary corrective action is taken in the case of non-compliance of the product or, where that is not possible, to reduce the risks posed by that product.

Non-compliance with EU market surveillance legislation is addressed through market surveillance and the means at its disposal. As well as EU regulations, provisions on the control of relevant technical equipment at work are also laid down in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces ('the Enforcement Act'). In addition to criminal penalties, the market surveillance authority has at its disposal administrative coercive measures and powers (penalty fines, notice of enforced compliance) provided for in the Enforcement Act.

In accordance with the Market Surveillance Regulation, Finland has made amendments to pieces of legislation applicable to the market surveillance of products in a number of product sectors. These pieces of national legislation entered into force on 11 April 2022.

### **Sector-specific penalty regime**

This notification indicates the provisions that have supplemented/reformed the national penalty regime in the following product sectors provided for in Annexes I and II to the Market Surveillance Regulation:

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### 1. Act on the safety and emission requirements of certain types of recreational craft

Chapter 5 of the Act on the safety and emission requirements of certain types of recreational craft (1712/2015) provides for market surveillance. Following the implementation of the Market Surveillance Regulation, some of the provisions of that chapter as well as, among others, the penal provisions in Section 56 were amended (by means of legislative amendment No 257/2022). Click on the following links for the text of the Act in Finnish and Swedish:

<https://www.finlex.fi/fi/laki/alkup/2022/20220257> (in Finnish)

<https://www.finlex.fi/sv/laki/alkup/2022/20220257> (in Swedish)

The Act on the safety and emission requirements of certain types of recreational craft transpose at national level Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC (OJ L 354, 28.12.2013, p. 90).

### 2. Act on electronic communications services

Chapter 30 of the Act on electronic communications services (917/2014) provides for the compliance and market surveillance of radio equipment. Following the implementation of the Market Surveillance Regulation, that chapter and section 348 on telecommunications device violations were amended (by means of legislative amendment No 258/2022). Click on the following links for the text of the Act in Finnish and Swedish:

<https://www.finlex.fi/fi/laki/alkup/2022/20220258> (in Finnish)

<https://www.finlex.fi/sv/laki/alkup/2022/20220258> (in Swedish)

The Act on electronic communications services transposes at national level Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, pp. 62–106).

### 3. Marine Equipment Act

Chapters 3, 5 and 6 of the Marine Equipment Act (1503/2011) provide for the market surveillance of marine equipment. Following the implementation of the Market Surveillance Regulation, provisions of the Marine Equipment Act that overlapped with the Act on the market surveillance of certain products (1137/2016) were repealed and it was ensured that the Marine Equipment Act complied with the Market Surveillance Regulation (by means of legislative amendment No 259/2022). Click on the following links for the text of the Act in Finnish and Swedish:

<https://www.finlex.fi/fi/laki/alkup/2022/20220259> (in Finnish)

<https://www.finlex.fi/sv/laki/alkup/2022/20220259> (in Swedish)

The Marine Equipment Act transposes at national level Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

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### Implementation in the Åland Islands:

Pursuant to section 27 of the Act on the Autonomy of Åland, the legislative authority of the State is considered to apply to matters concerning merchant shipping covered by section 13 of the Marine Equipment Act and to matters concerning telecommunications and radio equipment covered by chapter 30 of the Act on electronic communications services (Section 27(40) of the Act on the Autonomy of Åland).

As regards matters subject to the Act on the safety and emission requirements of certain types of recreational craft, legislative authority is divided between the State and the Province. As a rule, it has been considered that section 18(21) of the Act on the Autonomy of Åland (road traffic, boat traffic) also refers to equipment and technical regulations for traffic devices, which are therefore subject to the Province's legislative authority. Merchant shipping, for its part, falls under the jurisdiction of the State pursuant to Article 27(13) of the Act on the Autonomy of Åland.

The above-mentioned national legislation is also automatically in force in the Province of Åland as regards points 2 (Act on electronic communications services) and 3 (Marine Equipment Act). Finland's notification is complete with regard to these. The above-mentioned national legislation concerns mainland Finland as regards point 1 (Act on the safety and emission requirements of certain types of recreational craft). Finland's notification is complete with respect to mainland Finland. Finland will supplement the notification concerning part 1 with respect to the Province of Åland.

## 10. France

For certain sectors, the process of defining the applicable penalties is ongoing. This is the case, in particular, for:

- Directive 2009/125/EC establishing a framework for the setting of ecodesign requirements for energy-related products;
- Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment;
- Directive 2013/53/EU on recreational craft and personal watercraft;
- Directive 2014/53/EU on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment;
- Delegated Regulation (EU) 2019/945 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems.

The system of penalties applicable to checks on products entering the Union is laid down in the Customs Code.

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<b>Union harmonisation legislation</b>	<b>Texts transposing into or adapting the national legal framework</b>	<b>Existing provisions that have been amended</b>
69/493/EEC	-Arrêté du 11 janvier 1972 relatif à la mise en application obligatoire d'une norme [Order of 11 January 1972 concerning the compulsory application of a norm]	Articles of the Code de la consommation [Consumer Code]: L.441-1 and L.454-1
75/324/EEC	-Décret n°2010-323 du 23 mars 2010 relatif à la prévention des risques résultant de l'usage des générateurs d'aérosol [Decree No 2010-323 of 23 March 2010 concerning the prevention of risks resulting from the use of aerosol dispensers]  -Arrêté du 23 mars 2010 pris pour l'application du décret n°2010-323 du 23 mars 2010 relatif à la prévention des risques résultant de l'usage des générateurs d'aérosol [Order of 23 March 2010 implementing Decree No 2010-323 of 23 March 2010 concerning the prevention of risks resulting from the use of aerosol dispensers]	Article of the Code de la consommation [Consumer Code]: R.451-1
76/211/EEC	-Décret n°78-166 du 31 janvier 1978 relatif au contrôle métrologique de certains préemballages [Decree No 78-166 of 31 January 1978 concerning the metrological surveillance of certain prepackaged items]  -Arrêté du 20 octobre 1978 portant application du décret n°78-166 du 31 janvier 1978 [Order of 20 October 1978 implementing Decree No 78-166 of	Articles of the Code de la consommation [Consumer Code]: L.121-1, L.121-2, L.441-1, L.454-2, R. 451-1

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Union harmonisation legislation	Texts transposing into or adapting the national legal framework	Existing provisions that have been amended
	31 January 1978]	
94/11/EC	-Décret n°96-477 du 30 mai 1996 relatif à l'étiquetage des matériaux utilisés dans les principaux éléments des articles chaussants proposés à la vente au consommateur[Decree No 96-477 of 30 May 2006 concerning the labelling of the materials used in the main components of footwear for sale to the consumer]	Articles of the Code de la consommation [Consumer Code]: L.441-1, L.454-1, R. 451-1
2006/42/EC	-Loi n°2021-1018 du 2 août 2021 [Law No 2021-1018 of 2 August 2021]	Articles of the Code du travail [Labour Code]. L.4311-6 L.4314-1 L.4746-1 L.4755-1
2007/45/EC	-Arrêté du 8 octobre 2008 fixant les règles relatives aux quantités nominales de certains produits en préemballages [Order of 8 October 2008 laying down rules on nominal quantities for certain prepackaged products]  -Décret n°2010-323 du 23 mars 2010 relatif à la prévention des risques résultant de l'usage des générateurs d'aérosol [Decree No 2010-323 of 23 March 2010 concerning the prevention of risks resulting from the use of aerosol dispensers]  -Arrêté du 23 mars 2010 pris pour	Articles of the Code de la consommation [Consumer Code]: L.121-1, L.121-2, L.441-1, L.454-2, R. 451-1

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<b>Union harmonisation legislation</b>	<b>Texts transposing into or adapting the national legal framework</b>	<b>Existing provisions that have been amended</b>
	l'application du décret n°2010-323 du 23 mars 2010 relatif à la prévention des risques résultant de l'usage des générateurs d'aérosol [Order of 23 March 2010 implementing Decree No 2010-323 of 23 March 2010 concerning the prevention of risks resulting from the use of aerosol dispensers]	
2009/48/EC	-Décret n°2021-936 du 15 juillet 2021 [Decree No 2021-936 of 15 July 2021]	Décret n°2010-166 du 22 février 2010 [Decree No 2010-166 of 22 February 2010]
2010/35/EU	-Ordonnance n°2021-957 du 19 juillet 2021 [Order No 2021-957 of 19 July 2021]	Chapter VII («Produits et équipements à risques» [‘High-risk products and equipment’] of Title V of Book V of the Code de l’environnement [Environmental Code]
(EU) 305/2011	-Décret n°2021-936 du 15 juillet 2021 [Decree No 2021-936 of 15 July 2021]	Articles of the Code de la consommation [Consumer Code]: L.121-1, L.121-2, L.441-1, L.454-2, R.451-1
(EU) 1007/2011	-Décret n°2012-1235 du 6 novembre 2012, codifié à l'article R. 412-42 du Code de la consommation [Decree No 2012-1235 of 6 November 2012, codified in Article R. 412-42 of the Consumer Code]	Articles of the Code de la consommation [Consumer Code]: L.441-1, L.454-1, R. 451-1
2013/29/EU	-Ordonnance n°2021-957 du 19 juillet 2021 [Order No 2021-957 of 19 July 2021]	Chapter VII («Produits et équipements à risques» [‘High-risk products and equipment’] of Title V of Book V of the Code de l’environnement [Environmental Code]



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<b>Union harmonisation legislation</b>	<b>Texts transposing into or adapting the national legal framework</b>	<b>Existing provisions that have been amended</b>
2014/28/EU	-Ordonnance n°2021-957 du 19 juillet 2021 [Order No 2021-957 of 19 July 2021]	Chapter VII («Produits et équipements à risques» [‘High-risk products and equipment’] of Title V of Book V of the Code de l’environnement [Environmental Code]
2014/29/EU	-Ordonnance n°2021-957 du 19 juillet 2021 [Order No 2021-957 of 19 July 2021]	Chapter VII («Produits et équipements à risques» [‘High-risk products and equipment’] of Title V of Book V of the Code de l’environnement [Environmental Code]
2014/30/EU	-Décret n°2021-936 du 15 juillet 2021 [Decree No 2021-936 of 15 July 2021]	Décret n°2015-1084 du 27 août 2015 [Decree No 2015-1084 of 27 August 2015]
2014/31/EU	-Décret n°2021-936 du 15 juillet 2021 [Decree No 2021-936 of 15 July 2021]	Book IV of the Code de la consommation [Consumer Code] (and in particular, Article R.452-2)
2014/32/EU	-Décret n°2021-936 du 15 juillet 2021 [Decree No 2021-936 of 15 July 2021]	Book IV of the Code de la consommation [Consumer Code] (and in particular, Article R.452-2)
2014/34/EU	-Ordonnance n°2021-957 du 19 juillet 2021 [Order No 2021-957 of 19 July 2021]	Chapter VII («Produits et équipements à risques» [‘High-risk products and equipment’] of Title V of Book V of the Code de l’environnement [Environmental Code]
2014/35/EU	-Décret n°2021-936 du 15 juillet 2021 [Decree No 2021-936 of 15 July 2021]	Décret n°2015-1083 du 27 août 2015 [Decree No 2015-1084 of 27 August 2015]
2014/68/EU	-Ordonnance n°2021-957 du 19 juillet 2021 [Order No 2021-957 of 19 July 2021]	Chapter VII («Produits et équipements à risques» [‘High-risk products and equipment’] of Title V of Book V of the Code de l’environnement [Environmental Code]

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<b>Union harmonisation legislation</b>	<b>Texts transposing into or adapting the national legal framework</b>	<b>Existing provisions that have been amended</b>
(EU) 2016/425	<p>-Loi n°2021-1018 du 2 août 2021 [Law No 2021-1018 of 2 August 2021]</p> <p>Décret n° 2021-936 du 15 juillet 2021 [Decree No 2021-936 of 15 July 2021]</p>	<p>Articles of the Code du travail [Labour Code]: L.4311-6 L.4314-1 L.4746-1 L.4755-1</p> <p>Articles of the Code de la consommation [Consumer Code]: R. 412-43 R. 412-43-2 R. 412-43-1 R. 452-2</p>
(EU) 2016/426	-Ordonnance n°2021-957 du 19 juillet 2021 [Order No 2021-957 of 19 July 2021]	Chapter VII («Produits et équipements à risques» [‘High-risk products and equipment’] of Title V of Book V of the Code de l’environnement [Environmental Code]
(EU) 2018/858		Articles of the Code de la route [Highway Code]: L.329-18, L.329-47, L.329-50, L.329-35-I and II, L.329-36 to L.329-45, L.329-49 to L. 329- 50, L.329-37 to L.329-38, L.329-39, L.329-40, L.329-41, L.329-42, L.329-45, R.329-25-1°, R.329-25-2°, R.329-25-3°

**11. Germany**

**Law on market surveillance and compliance of products**

**§ 21**

**Regulatory fines**

- (1) Any person who, with intent or through negligence, contravenes an enforceable order under § 8(2), first sentence, in conjunction with Article 16(3) of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1) shall be deemed to have committed a regulatory offence.

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- (2) Any person who infringes Regulation 2019/1020 in that, with intent or through negligence,
1. they contravene Article 4(3)(a) by
    - a) failing to carry out the verification referred to therein, or failing to do so before the product is placed on the market;
    - b) failing to keep the EU declaration of conformity or declaration of performance available, or failing to keep them available for the specified period; or
    - c) failing to ensure that a document specified therein can be made available; or
  2. they contravene an enforceable order under
    - a) Article 4(3)(b) or (d); or
    - b) Article 16(3); or
  3. they contravene Article 4(3)(c) by failing to inform the market surveillance authority of any reason referred to therein, or failing to do so without delay; or
  4. they contravene Article 4(4) by failing to indicate details, or failing to do so correctly, in full or prior to the product being placed on the market,
- shall be deemed to have committed a regulatory offence.
- (3) In the scenarios referred to in subpara. (1) and subpara. (2) No 2 b), a regulatory offence may be punishable by a fine of up to one hundred thousand euros or, in the other scenarios, by a fine of up to ten thousand euros.

### **§ 22**

#### **Penal provisions**

Any person who persistently repeats an intentional act as referred to in § 21(1) or (2) No 2 b), or who jeopardises the life or health of another person or interferes with valuable property items of others as a result of such intentional act, shall be liable to a term of imprisonment of up to one year or a judicial fine.

## **12. Greece**

With regard to the application of the requirements set out in Article 41 of Regulation (EU) 2019/1020, no more specific national provisions imposing penalties for infringements of Regulation (EU) 2019/1020 have been adopted to date. The Secretariat-General for Industry constitutes the main national pillar of market surveillance for industrial products when it comes to controlling the application of technical industrial legislation, through its performance of controls to assess/verify the compliance of industrial products with the requirements of technical industrial legislation, in accordance with Article 65 of Law 4712/20. In this context, the Directorate-General for Industry and the Business Environment of the Secretariat-General for Industry of the Ministry of Development and Investment has been appointed as the Authority Organising Supervision and Coordination in the field of safety and compliance with industrial products, while its relevant services (three directorates) have been designated as the competent authorities for market surveillance and management for a significant range of industrial products,

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including several of the products covered by the Union harmonisation legislation set out in Annex II to Regulation (EU) 2019/1020. In particular, this applies to the following Directives/Regulations:

1. Council Directive 75/107/EEC on the approximation of the laws of the Member States relating to bottles used as measuring containers.
2. Directive 94/11/EC of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer.
3. Council Directive 75/324/EEC on the approximation of the laws of the Member States relating to aerosol dispensers.
4. Council Directive 76/211/EEC on the approximation of the laws of the Member States relating to the making up by weight or by volume of certain pre-packaged products.
5. Council Directive 92/42/EEC on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels.
6. Directive 2007/45/EC of the European Parliament and of the Council laying down rules on nominal quantities for prepacked products.
7. Directive 2010/35/EU of the European Parliament and of the Council on transportable pressure equipment.
8. Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products.
9. Regulation (EU) No 1007/2011 of the European Parliament and of the Council on textile fibre names and related labelling and marking of the fibre composition of textile products.
10. Directive 2014/90/EU of the European Parliament and of the Council on marine equipment (the part concerning market surveillance for equipment that is available on the market and has not yet been placed on board).

The legal framework governing the imposition of penalties for an infringement of the above-mentioned legislation, which is also ultimately the issue in this instance, is set out in Chapter E, Articles 21 to 28 of Law 4801/2021 (Government Gazette, Series I, No 83), ‘Determination, escalation and procedure for imposing penalties during market surveillance controls relating to the safety and compliance of industrial products falling under the remit of the Secretariat-General for Industry’, which aims to formulate and specify uniform criteria and procedures for the imposition of measures and penalties, and to escalate administrative penalties for infringements by economic operators during market surveillance controls concerning the safety and compliance of industrial products or facilities.

The measures and penalties are imposed by the authorities implementing surveillance and management in the event of infringements of the EU and national technical industrial legislation referred to in Article 65 of Law 4712/2020 (Annexes I, II and III) within the competence of the Secretariat-General for Industry, as amended by Ministerial Decision No 62028/2021.

It should be noted that the principles and definitions set out in Article 3 of Regulation (EU) 2019/1020 on market surveillance and product compliance apply for the implementation of the law, without prejudice to more specific provisions in the current technical industrial legislation. The basic principle and innovation of the new penalties system lies in the assessment of the risk caused by the detected infringement to the protection of the public interest. The measures and penalties imposed will be proportionate and reasonable, in line with the gravity of the infringements and the risk they pose to the protection of the public interest, ensuring equal treatment of economic operators, transparency and healthy competition, without compromising product safety or environmental and consumer protection.

The measures and penalties to be imposed by the competent market surveillance authorities are as follows:

- a) written recommendation for compliance and corrective action (Article 23)
- b) imposition of a fine (Article 24)

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c) additional restrictive administrative measures, such as temporary freezing, temporary or permanent prohibition of placing and making available on the market, withdrawal and recall of products, or temporary or permanent closure of facilities (Article 25)

In particular, for the purpose of calculating the fine, account shall be taken of:

- a) the gravity of the infringements and the extent of the non-compliance, on the basis of which the maximum baseline value of the fine is determined;
- b) the status of the economic operator and the inherent risk of the category to which the controlled product belongs, on the basis of which the coefficient for setting the fine is determined;
- c) a series of operational factors, which are enumerated and assessed and that decide the degree and rate of the fine imposed.

In particular for Directive 2014/90/EU, it should be pointed out that in Article 39 of the Joint Ministerial Decision No 2222.1-1.2/90149/2016 (Government Gazette, Series II, No 3454), both the Ministry of Shipping and Island Policy and the Ministry of Development have established penalties. Article 39(1) lays down penalties that apply to the vessel's captain, owner and operator and the authorised body, while Article 39(2) lays down penalties from the Directorate of Technical Industry of the Ministry of Development that apply to any economic operator. Please note that the European Commission has been informed of the transposition of Directive 2014/90/EU by the above-mentioned Joint Ministerial Decision.

### 13. Hungary

Under Article 41 of *Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011* the Member States are required to lay down the rules on penalties applicable to infringements of this Regulation and of Union harmonisation legislation listed in Annex II that impose obligations on economic operators and shall take all measures necessary to ensure that they are implemented in accordance with national law. The penalties provided for must be effective, proportionate and dissuasive. The Member States must, by 16 October 2021, notify those provisions to the Commission, where they have not previously been notified, and must notify it, without delay, of any subsequent amendment affecting them.

In view of the above, I wish to inform you that penalties are provided for in Sections 15-16 of *Act LXXXVIII of 2012 on the market surveillance of products* ('Act LXXXVIII') as set out below. Act LXXXVIII was amended by Act XLI of 2020. The provisions of Section 15 as amended will enter into force on 16 July 2021.

#### Confiscation

Section 15(1) of Act LXXXVIII: 'Under the market surveillance procedure, economic operators and users shall, if so requested by the market surveillance authority, produce reliable evidence of where they obtained a product and which economic operator(s) they sold it on to. The market surveillance authority is empowered to check the safety, health impact, conformity and documentation of any product, and to take measurements on the spot to establish the conformity of the product or take samples and counter-samples free of charge for the purpose of such measurement by the authority or testing by a laboratory or conformity assessment body. The market surveillance authority is empowered to confiscate products presenting a serious risk and to have them destroyed at the economic operator's expense.'

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Section 15(2) of Act LXXXVIII: 'The market surveillance authority shall take appropriate measures if a product subject to Union harmonisation legislation or the General Product Safety Directive, when used in accordance with its intended purpose or under conditions which can be reasonably foreseen and when properly installed and maintained:

- a) is liable to compromise the health or safety of users; or
- b) does not conform to applicable Union harmonisation legislation.'

Section 15(3) of Act LXXXVIII: 'Where the market surveillance authority establishes any of the findings referred to in point (a) or (b) of paragraph 2, it shall without delay require the relevant economic operator to take appropriate and proportionate corrective action to bring the non-compliance to an end or to eliminate the risk within a specified period.'

### Corrective action

Section 15(4) of Act LXXXVIII: 'Corrective action the economic operator shall take pursuant to paragraph (3) includes, in particular, the following:

- a) bringing the product into compliance, including by rectifying formal non-compliance as defined by the applicable Union harmonisation legislation, or by ensuring that the product no longer presents a risk;
- b) prohibiting the product from being made available on the market;
- c) withdrawing or recalling the product immediately and alerting the public to the risk presented;
- d) destroying the product or otherwise rendering it inoperable;
- e) affixing to the product suitable, clearly worded, easily comprehensible warnings in Hungarian of the risks that it might present;
- f) setting prior conditions for making the product concerned available on the market;
- g) alerting the end users at risk immediately and in an appropriate form, for example by publishing specific warnings in Hungarian.'

Section 15(5) of Act LXXXVIII: 'Corrective actions referred to in points (e)-(g) of paragraph (4) may only be required in cases where the product is liable to present a risk only in certain conditions or only to certain end users.'

Section 15(6) of Act LXXXVIII: 'If the economic operator fails to take the corrective action referred to in paragraph (4) or where the non-compliance or the risk referred to in paragraph (2) persists, the market surveillance authority shall ensure that the product is withdrawn or recalled, that its availability on the market is prohibited or restricted, and that the public, the European Commission and the other Member States are informed accordingly.'

Section 15(7) of Act LXXXVIII: 'Where the legal consequences laid down in paragraph (6) are applied, the market surveillance authority may, if it sees fit in view of the circumstances of the case, require the offending economic operator to notify the relevant market surveillance authority of the action taken to eliminate the defects, shortcomings or infringement by a specified deadline.'

Section 15(8) of Act LXXXVIII: 'The information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 shall be used to share information with the European Commission and the other Member States as required under paragraph (6).'

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### Further possibilities for action

Section 15(9) of Act LXXXVIII: 'If the market surveillance authority finds during its checks that a product fails to comply with the requirements under this Act, other legislation or European Union acts, it may:

- a) order information warning of the danger arising from the use of the product to be placed on the product,
- b) order wide public communication providing consumers and users with timely and appropriate information on the risks inherent in the use of the product, if necessary via radio and television broadcasts or in the press,
- c) restrict or prohibit the placing on the market or advertising of the product, and take the necessary measures to ensure that the prohibition is observed,
- d) order the withdrawal of the product from the market and appropriate information of the public as laid down in b),
- e) order recall of the product or, if justified, organise, in cooperation with the economic operators, recall of the product from consumers or users and its destruction in accordance with environmental requirements, and verify that this has been done,
- f) require the economic operator to eliminate the defects or shortcomings identified by a set deadline,
- g) prohibit or subject to conditions the distribution or sale of the product until compliance has been restored, h) impose a fine.'

Section 15(10) of Act LXXXVIII: 'Further legal consequences may be laid down in the Act for infringement of the provisions therein.'

Section 15(11) of Act LXXXVIII: 'The legal consequences laid down in paragraphs (9) and (10) may be applied cumulatively.'

Section 15(12) of Act LXXXVIII: 'Where the legal consequences laid down in paragraph (9) are applied, the market surveillance authority may, if it sees fit in view of the circumstances of the case, require the offending company to notify it of the action taken to eliminate the defects, shortcomings or infringement by a specified deadline.'

Section 15(13) of Act LXXXVIII: 'In all cases, the market surveillance authority shall verify whether the economic operators took the required corrective action.'

### Website blocking

Section 15(14) of Act LXXXVIII: 'Where no other effective means are available to eliminate a serious risk, the market surveillance authority has the power:

- a) to require the removal of content referring to the related products from an online interface or to require the explicit display of a warning to end users when they access an online interface; or
- b) where a request according to point (a) has not been complied with, to require information society service providers to restrict access to the online interface.'

Section 15(15) of Act LXXXVIII: 'The resolution of the market surveillance authority under paragraph (14) is addressed to all providers of electronic communications services, without having to indicate them in the resolution by name.'

Section 15(16) of Act LXXXVIII: 'The Nemzeti Média- és Hírközlési Hatóság (National Media and Infocommunications Authority) shall organize and monitor the rendering of electronic information temporarily inaccessible in accordance with the Act on Electronic Communications.'

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### Fine

Section 16(1) of Act LXXXVIII: 'The legal consequences applied by the market surveillance authority shall be effective, proportionate and sufficiently dissuasive. When setting the amount of the fine, account shall be taken of whether the offending economic operator has infringed the same provisions of this law, or of other laws, within the last three years.'

Section 16(2) of Act LXXXVIII: 'The amount of the fine may vary between HUF 15 000 and

a) HUF 500 million, or

b) if the infringement injures or endangers the life, physical integrity or health of consumers or users, HUF 2 billion.'

Section 16(4) of Act LXXXVII: 'If the product sampled for testing by a laboratory or conformity assessment body or for measurements by the authority is found to be non-compliant, the cost of testing shall be paid by the manufacturer, importer or distributor on whose premises the product was examined.'

Section 16(4a) of Act LXXXVII: 'The procedural costs referred to in paragraph (4) shall be paid by the company responsible for the infringement, if the sample fails to comply with the prescribed requirements.'

Section 16(5) of Act LXXXVII: 'The market surveillance authority shall work in cooperation with the economic operators to prevent the occurrence and limit the consequences of damage caused by the use of the dangerous products. The market surveillance authority shall ex officio take all provisional measures necessary to provide consumers and users with the information and protection to safeguard their lives, health and safety.'

Section 16(6) of Act LXXXVII: 'If the market surveillance authority decides to withdraw from the market a product manufactured in another European Union Member State or State party to the Agreement on the European Economic Area, it shall notify the manufacturer identified during the procedure in writing via the available contact details within three days of taking the decision.'

Section 16(7) of Act LXXXVII: 'The market surveillance authority may, in order to protect the physical integrity and health of consumers and users, and to avert the risk of harm to a large number of consumers and users, order the immediately enforceable application of the legal consequences specified in section 15(2)a), b), c) and g) for the period up to the adoption of the final decision.'

## 14. Ireland

8. *European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10) and*

10. *Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).*

The penalty provisions for these EU Directives are listed in: *Section 35 of the European Union (Packaging) Regulations 2014 (S.I. No. 282/2014) and Section 35 of the European Union (End-of-Life Vehicles) Regulations 2014 (S.I. 281 of 2014) as amended by the Section 17 of the European Union (End-of-Life Vehicles)(Amendment) Regulations 2016*



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### 15. Italy

#### Legislative Decree No 157 of 12 October 2022

**On the adaptation of national legislation to the provisions of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 and the simplification and reorganisation of the market surveillance system (22G00165) (Official Gazette No 248 of 22 October 2022)**

Entered into force on: 23 October 2022

#### **Title III**

#### **Penalties**

#### **Article 11**

#### **Penalty system**

1. Except where an act is a criminal offence or constitutes an administrative offence subject to penalties under the national provisions transposing or adapting the Union harmonisation legislation referred to in Annex I to the Regulation, an economic operator who: (a) infringes the provisions of Article 4(3)(a), (b), (c) and (d) and (4) and Article 7(1) of the Regulation shall be subject to an administrative fine of between EUR 10 000 and EUR 60 000 for each individual infringement; (b) fails to take the corrective action required by the surveillance authorities pursuant to Article 16(2) and (3)(a), (b), (c), (d), (e), (f) and (g) of the Regulation, shall be subject to an administrative fine of between EUR 10 000 and EUR 60 000 for each corrective action that has not been taken.
2. Investigations for the purpose of imposing the administrative fines provided for in this Article shall be carried out by the surveillance authorities, within their respective areas of responsibility.
3. The surveillance authorities shall impose the administrative fines provided for in this Article.
4. Any matters not covered by this Decree shall be governed by the provisions of Chapter I of Law No 689 of 24 November 1981.
5. The sums resulting from the payment of the fines referred to in this Article shall be paid to the receipts section of the State budget for subsequent reallocation to expenditure, at the rate of 40%, for each of the surveillance authorities and the authorities in charge of control that have imposed the penalties, to be used to improve market surveillance activities and, at the rate of 10%, to the Ministry of Economic Development, as the single liaison

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office, to be used for the same purposes. In the case of surveillance authorities that are not central authorities, the reallocation shall be made to the central authority responsible for steering, surveillance and control activities, for subsequent transfer to those surveillance authorities.

### 16. Latvia

No notification

### 17. Lithuania

European Union legislation	National legislation	Reference to national legislation	Article (paragraph, point) of the national legislation laying down penalties
Article 4 of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011.	Lithuanian Law on product safety (PSĮ)	PSĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/9ede9140eca711e89d4ad92e8434e309">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/9ede9140eca711e89d4ad92e8434e309</a>	PSĮ: Article 19.
	Technical Regulation on radio equipment, approved by Order No 1V-670 of the Director of the Communications Regulatory Authority of the Republic of Lithuania of 14 June 2016 (RRĮ Technical Regulation);	RRĮ Technical Regulation: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/46ce14f0326711e6a222b0cd86c2adfc/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/46ce14f0326711e6a222b0cd86c2adfc/asr</a>	RRĮ Technical Regulation: Chapter VIII, point 67, and Chapter IX, point 73.
	Technical Regulation on electromagnetic compatibility, approved by Order	EMS Technical Regulation: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.289383/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.289383/asr</a>	EMS Technical Regulation: Chapter VIII, point 63, and Chapter IX, point 67.
		ERĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232036/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232036/asr</a>	ERĮ: Articles 73 and 74.
			ANK: Article 139(1); Article 140(1), (2), (3), (4) and (5); Article 158(1); Article 213; Article 467, Article 470, Article 505.
			MĮ: Article 26(2);

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<b>European Union legislation</b>	<b>National legislation</b>	<b>Reference to national legislation</b>	<b>Article (paragraph, point) of the national legislation laying down penalties</b>	
Article 5(2) of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC	No 1V-1328 of the Director of the Communications Regulatory Authority of the Republic of Lithuania of 15 December 2006 (EMS Technical Regulation)	ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>  MĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr</a>	Article 33(1), points 1, 3, 5, 6, 7, and (8).	
	Lithuanian Law on electronic communications (ERĮ)	Lithuanian Code of administrative offences (ANK)	Lithuanian Law on metrology (MĮ)	ANK: Article 139(1); Article 140(1), (2), (3), (4) and (5); Article 158(1); Article 213; Article 467; Article 470; Article 497; Article 505.
	Lithuanian Code of administrative offences (ANK)	RRĮ Technical Regulation: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/46ce14f0326711e6a222b0cd86c2adfc/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/46ce14f0326711e6a222b0cd86c2adfc/asr</a>	RRĮ Technical Regulation: Chapter IX, point 73.  EMS Technical Regulation: Chapter IX, point 67.	

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European Union legislation	National legislation	Reference to national legislation	Article (paragraph, point) of the national legislation laying down penalties
and Regulations (EC) No 765/2008 and (EU) No 305/2011.	Regulatory Authority of the Republic of Lithuania of 14 June 2016 (RRI Technical Regulation);  Technical Regulation on electromagnetic compatibility, approved by Order No 1V-1328 of the Director of the Communications Regulatory Authority of the Republic of Lithuania of 15 December 2006 (EMS Technical Regulation)  Lithuanian Law on electronic communications (ERI)  Lithuanian Law on metrology (MI)	EMS Technical Regulation: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.289383/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.289383/asr</a>  ERI: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232036/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232036/asr</a>  MI: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr</a>	ERI: Articles 73 and 74.  MI: Article 26(2); Article 33(1) (1), (3), (5), (6), (7) and (8).
Article 7 of Regulation (EU) 2019/1020 of the European Parliament	Lithuanian Law on product safety.	PSI: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/9ede9140eca711e89d4ad92e8434e309">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/9ede9140eca711e89d4ad92e8434e309</a>	PSI: Article 20.

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European Union legislation	National legislation	Reference to national legislation	Article (paragraph, point) of the national legislation laying down penalties
and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011.	Technical Regulation on radio equipment, approved by Order No 1V-670 of the Director of the Communications Regulatory Authority of the Republic of Lithuania of 14 June 2016 (RRĮ Technical Regulation);	RRĮ Technical Regulation: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/46ce14f0326711e6a222b0cd86c2adfc/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/46ce14f0326711e6a222b0cd86c2adfc/asr</a>	RRĮ Technical Regulation: Chapter VIII, points 54, 55, 57, 58, 59, 64 and 65, and Chapter IX, point 73.
	Technical Regulation on electromagnetic compatibility, approved by Order No 1V-1328 of the Director of the Communications Regulatory Authority of the Republic of Lithuania of 15 December 2006 (EMS Technical Regulation)	EMS Technical Regulation: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.289383/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.289383/asr</a>	EMS Technical Regulation: Chapter VIII, points 53, 54, 56, 57, 58, 63 and 64, and Chapter IX, point 67.
	Lithuanian Law on electronic communications (ERĮ)	ERĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232036/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232036/asr</a>	ERĮ: Articles 73 and 74.
		ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Article 140(1), (2), (3), (4) and (5); Article 213; Article 467; Article 470; Article 505.
		MĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr</a>	MĮ: Article 26(2); Article 33(1), (1), (3), (5), (6), (7) and (8).

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<b>European Union legislation</b>	<b>National legislation</b>	<b>Reference to national legislation</b>	<b>Article (paragraph, point) of the national legislation laying down penalties</b>
	Lithuanian Code of administrative offences (ANK)		
	Lithuanian Law on metrology (MĮ)		
Article 16(2) of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011.	Lithuanian Law on product safety.	PSĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/9ede9140eca711e89d4ad92e8434e309">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/9ede9140eca711e89d4ad92e8434e309</a>	PSĮ: Article 16; Article 19(1), (2), (3), (4) and (5).
	Technical Regulation on radio equipment, approved by Order No 1V-670 of the Director of the Communications Regulatory Authority of the Republic of Lithuania of 14 June 2016 (RRĮ Technical Regulation);	RRĮ Technical Regulation: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/46ce14f0326711e6a222b0cd86c2adfc/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/46ce14f0326711e6a222b0cd86c2adfc/asr</a>	RRĮ Technical Regulation: Chapter VIII, points 56-68, and Chapter IX, point 73.
		EMS Technical Regulation: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.289383/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.289383/asr</a>	EMS Technical Regulation: Chapter VIII, points 57-64, and Chapter IX, point 67.
	Technical Regulation on electromagnetic compatibility, approved by Order No 1V-1328 of the Director of the Communications Regulatory Authority of the Republic of	ERĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232036/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232036/asr</a>	ERĮ: Articles 73 and 74.
		ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Articles 213, 464, 467, 469, 470 and 505.

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European Union legislation	National legislation	Reference to national legislation	Article (paragraph, point) of the national legislation laying down penalties
	Lithuania of 15 December 2006 (EMS Technical Regulation)		
	Lithuanian Law on electronic communications (ERĮ)		
	Lithuanian Code of administrative offences (ANK)		
Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 36).	Lithuanian Code of administrative offences (ANK)	<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Articles 156 and 213.
Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles	Order of the Minister for Transport and Communications of the Republic of Lithuania of 10 November 2007 approving the procedure for assessing and certifying the conformity of vehicles and vehicle components with	Order: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.308998?jfwid=rivwzvpvg">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.308998?jfwid=rivwzvpvg</a>  TVĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.244674/BWfLBIZROI">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.244674/BWfLBIZROI</a>	Order: Chapter V, Chapter VI, point 20.  TVĮ: Article 22, point 9, Article 32, point 1.  ANK: Article 213.

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European Union legislation	National legislation	Reference to national legislation	Article (paragraph, point) of the national legislation laying down penalties
(OJ L 42, 23.2.1970, p. 16);	regulatory acts on noise control (Order).  Lithuanian Law on noise management (TVĮ)	ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	
Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to bottles used as measuring containers (OJ L 42, 15.2.1975, p. 14);	Lithuanian Law on metrology (MĮ)  Lithuanian Code of administrative offences (ANK)	MĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr</a>  ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	MĮ: Article 26(2) Article 33(1)(2).  ANK: Article 140(1) and (2), Article 213.
Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (OJ L 147, 9.6.1975, p. 40);	Lithuanian Code of administrative offences (ANK)	<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Articles 156 and 213.



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European Union legislation	National legislation	Reference to national legislation	Article (paragraph, point) of the national legislation laying down penalties
Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain pre-packaged products (OJ L 46, 21.2.1976, p. 1);	Lithuanian Law on metrology (MĮ)	MĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr</a>	MĮ: Article 26(2) Article 33(1)(2).
	Lithuanian Code of administrative offences (ANK)	ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Article 140(1) and (2), Article 213.
Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 22.6.1992, p. 17).	Lithuanian Code of administrative offences (ANK)	<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Articles 139 and 213.
Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of	Lithuanian Code of administrative offences (ANK)	<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Articles 156 and 213.

**Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020**

<b>European Union legislation</b>	<b>National legislation</b>	<b>Reference to national legislation</b>	<b>Article (paragraph, point) of the national legislation laying down penalties</b>
footwear for sale to the consumer (OJ L 100, 19.4.1994, p. 37).	Lithuanian Code of administrative offences (ANK)	ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Article 156 Article 213; Article 248(6).
European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).	Law on environmental protection (AAĮ)	AAĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2493/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2493/asr</a>	AAĮ: Article 19 <sup>1</sup> (14)(9) and 19 <sup>2</sup> (11)(9).
Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 3.7.2000, p. 1).	Lithuanian Code of administrative offences (ANK)	<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Article 48 Articles 139 and 213.
Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ	Lithuanian Code of administrative offences (ANK)	ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Article 156 Article 213; Article 255.
Law on environmental protection (AAĮ)			AAĮ: Article 19 <sup>1</sup> (14)(9) and 19 <sup>2</sup> (11)(9).

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<b>European Union legislation</b>	<b>National legislation</b>	<b>Reference to national legislation</b>	<b>Article (paragraph, point) of the national legislation laying down penalties</b>
L 269, 21.10.2000, p. 34).		AAI: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2493/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2493/asr</a>	
Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC (OJ L 310, 25.11.2005, p. 10).	Lithuanian Code of administrative offences (ANK)	ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Articles 213 and 370 <sup>1</sup> .
Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).	Lithuanian Code of administrative offences (ANK)	ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Article 213 Article 267; Article 370.

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European Union legislation	National legislation	Reference to national legislation	Article (paragraph, point) of the national legislation laying down penalties
Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 21.9.2007, p. 17).	Lithuanian Law on metrology (MĮ)	MĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29970/asr</a>	MĮ: Article 26(2) Article 33(1)(2).
	Lithuanian Code of administrative offences (ANK)	ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Article 140(1) and (2) Article 213.
Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46).	Lithuanian Code of administrative offences (ANK)	ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Articles 156 and 213.
Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and	Lithuanian Code of administrative offences (ANK)	<a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Articles 156 and 213.

**Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020**

<b>European Union legislation</b>	<b>National legislation</b>	<b>Reference to national legislation</b>	<b>Article (paragraph, point) of the national legislation laying down penalties</b>
<p>repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).</p>	<p>Lithuanian Code of administrative offences (ANK)</p>	<p><a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a></p>	<p>ANK: Articles 156 and 213.</p>
<p>Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).</p>	<p>Lithuanian Code of administrative offences (ANK)</p>	<p><a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a></p>	<p>ANK: Articles 156 and 213.</p>
<p>Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and</p>	<p>Lithuanian Code of administrative offences (ANK)</p>	<p><a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a></p>	<p>ANK: Articles 156 and 213.</p>

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European Union legislation	National legislation	Reference to national legislation	Article (paragraph, point) of the national legislation laying down penalties
Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1).			
Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).	Law on environmental protection (AAĮ)	AAĮ: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2493/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2493/asr</a>	AAĮ: Article 19 <sup>1</sup> (14)(9) and 19 <sup>2</sup> (11)(9).
Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131).	Lithuanian Code of administrative offences (ANK)	ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Article 213.
	Lithuanian Code of administrative offences (ANK)	ANK: <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr</a>	ANK: Articles 213 and 370.

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### 18. Luxembourg

Several competent authorities in Luxembourg carry out market surveillance in relation to the areas listed in Annex II of Regulation (EU) 2019/1020 on market surveillance and compliance of products. These areas and the competent authorities for market surveillance in Luxembourg are listed in the table below:

#	Areas	Market surveillance authorities in Luxembourg
1	Crystal glass	Ministry of Economic Affairs
2	Permissible sound level and the exhaust system of motor vehicles	ILNAS
3	Bottles used as measuring containers	ILNAS
4	Aerosol dispensers	ILNAS
5	Making-up by weight or by volume of certain prepackaged products	ILNAS
6	Efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels	Environment Agency
7	Labelling of the materials used in the main components of footwear for sale to the customer	ILNAS
8	Packaging and packaging waste	Environment Agency
9	Noise emissions in the environment by equipment for use outdoors	Environment Agency
10	End-of-life Vehicles (ELVs)	Environment Agency
11	Type-approval of motor vehicles regarding their reusability, recyclability and recoverability	ILNAS
12	Emissions from air-conditioning systems of motor vehicles	ILNAS
13	Rules on nominal quantities for prepacked products	ILNAS
14	Labelling of tyres with respect to fuel efficiency and other essential parameters	ILNAS
15	Transportable pressure equipment	ILNAS

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16	Construction products	ILNAS
17	Textile fibre names and related labelling and marking of fibre composition of textile products	ILNAS
18	Marine equipment	ILNAS
19	Sound level of motor vehicles and of replacement silencing systems	ILNAS

### Penalties in relation to areas for which ILNAS is the competent market surveillance authority

Regarding ILNAS, the ‘ILNAS (Reorganisation) Act of 4 July 2014’ sets out administrative and criminal provisions in the field of market surveillance.

To wit:

- Article 17 of said Act lays down the administrative fines in the field of market surveillance.

*(1) The competent authorities may impose a fine of between EUR 250 and EUR 10 000 on any economic operator who has placed or made available on the market a product or a batch of products that is part of ILNAS’ remit and:*

*(a) whose markings or labels do not comply with the rules and conditions for presentation, affixing of markings or labels laid down in Article 30 of, and Annex II to, Regulation (EC) No 765/2008;*

*(b) which is not accompanied by the EC declaration of conformity provided for in Articles 4 and 5 and Annex III of Decision 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products and repealing Council Decision 93/465/EEC, or which is accompanied by an incomplete or incorrect declaration of conformity.*

*(2) The competent authorities, in their specific area of competence, may impose a fine of between EUR 250 and EUR 10 000 on any economic operator who:*

*(a) refuses to provide documents and information or other details of market surveillance as requested;*

*(b) impedes market surveillance.*

*(3) Fines shall be payable within 30 days of notification of the written decision, notwithstanding the exercise of a legal remedy.*

*Decisions imposing an administrative fine under this Article shall be subject to an appeal for alteration to be brought before the Administrative Court within 3 months of notification.*

Article 19 of said Act lays down the criminal provisions in the field of market surveillance.



## **Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020**

*(1) Any person who has placed or made available on the market a product whose content or characteristics are non-compliant shall be punishable by a fine of between EUR 251 and EUR 500 000 and a term of imprisonment of between eight days and three years, or one of the above only.*

*(2) Any person failing to comply with the decisions taken shall be subject to the same penalties, with the maximum fine being increased to EUR 1 000 000.*

*(3) The courts may order the confiscation and destruction of property used in the offence and the confiscation of illicit profits.*

### **Penalties in relation to areas for which the Environment Agency is the competent market surveillance authority**

The Environment Agency is responsible for market surveillance in areas 8, 9 and 10. National legislation makes provision for different penalties for different areas.

Regarding **area 8**, namely packaging and packaging waste, the following penalties are laid down in the Act of 21 March 2017 on packaging and packaging waste:

- *Article 19 Criminal penalties*

*The following shall be punishable by a term of imprisonment of between eight days and six months and a fine of between EUR 251 and EUR 100 000 or one of the above only:*

- 1. the packaging manager who, in breach of Article 6(1), and except in the case referred to in Article 8(2), fails to comply with the rates referred to therein;*
- 2. an individual who, in breach of Article 7(1), does not put in place the systems referred to therein;*
- 3. the packaging manager who, in breach of Article 8(1), fails to comply with the return obligation;*
- 4. the packaging manager who, in breach of Article 8(2), fails to ensure that an approved body commits to the return obligation or fails to inform the Environment Agency of how they have complied with the return obligation;*
- 5. the approved body which, in breach of Article 8(3), fails to finance the collection;*
- 6. the approved body which, in breach of Article 8(4), collects waste without the necessary permits from the municipalities or associations of municipalities responsible for the management of household and similar waste;*
- 7. an individual who, by breach of Article 9, puts on the market packaging which does not meet the essential requirements;*
- 8. the packaging manager who, in breach of Article 11, produces or puts on the market packaging with concentrations of lead, cadmium, mercury and hexavalent chromium exceeding the permissible level.*

- *Article 20 Administrative fines*

## **Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020**

*(1) The minister may impose an administrative fine of between EUR 50 and EUR 1 000 on:*

- 1. an individual who, in violation of Article 5(2), supplies plastic carrier bags free of charge;*
- 2. the packaging user who, in violation of Article 7(4), fails to use the return systems referred to therein;*
- 3. the approved body which, in violation of Article 8(4), fails to disclose information about the contracts referred to therein;*
- 4. the economic stakeholders which, in violation of Article 12(2), fail to provide the data referred to therein;*
- 5. the packaging manager or the approved body who, in violation of Article 14(1), fails to provide the packaging user with the information referred to therein;*
- 6. the person who, in violation of Article 14(2), does not adequately inform the final consumer;*
- 7. the company auditor who, in violation of Article 16(2), fails to forward the audit findings;*
- 8. the packaging manager or the approved body who, in violation of Article 15, fails to declare annual consumption of lightweight plastic carrier bags.*

*(2) Fines shall be payable within 30 days of notification of the written decision. On expiry of that deadline, a reminder will be sent by recorded delivery.*

*If a reminder is sent, interest on arrears is payable, calculated at the legal rate.*

*(3) Administrative fines shall be payable to the Land Registration and Estates Department. Recovery shall be applied in the same way as for registration tax.*

- *Article 21 Administrative measures*

*(1) In the event of failure to comply with the penalty provisions in Article 19(1) of this Law, the minister may:*

*(1) set a deadline by which the packaging manager, the approved body or any other party concerned must comply with those provisions, which may not exceed two years;*

*(2) further, in the event of failure to comply with this deadline, suspend, after issue of a formal notice, all or part of the activity of the packaging manager or the approved body or the operation of the facility, or close the facility in whole or part and affix seals. The minister may also prohibit the packaging and packaging waste covered by this Law from being placed on the market or require it to be withdrawn from the market.*

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

*(2) any individual concerned may request the application of the measures referred to in paragraph 1.*

*(3) the measures listed in paragraph 1 shall be lifted when the packaging manager, the approved body or any other individual concerned has complied.*

Regarding **area 9**, namely noise emissions in the environment from equipment intended for use outdoors, the following criminal penalties are laid down in the amended Law of 21 June 1976 on noise control:

- *Article 11*

*Notwithstanding the penalties provided for elsewhere in law, infringements of this law and of the regulations adopted pursuant thereto shall be punishable by imprisonment of between eight days and six months and a fine of between EUR 251 and EUR 20 000 or one of the above only.*

*In the event of a repeat offence within two years, the penalties provided for in subparagraph 1 of this Article may be doubled.*

*The provisions of Book I of the Criminal Code, as well as those of 'Articles 130-1 to 132-1 of the Code of Criminal Procedure 3 [stet]', shall apply.*

Regarding area 10, namely end-of-life vehicles, the following penalties are laid down in the Law of 21 March 2012 on waste management and amending:

1. the Law of 31 May 1999 on the establishment of an environmental protection fund;
2. the Law of 25 March 2005 on the functioning and financing of the SuperDrecksKëscht initiative;
3. the Law of 19 December 2008 a) on batteries and accumulators and waste batteries and accumulators b) amending the amended Law of 17 June 1994 on waste prevention and management;
4. the Law of 24 May 2011 on services in the internal market:

- *Article 47 Criminal penalties*

*(1) The following shall be punishable by a term of imprisonment of between eight days and six months and a fine of between EUR 251 and EUR 100 000, or one of the above only:*

## **Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020**

- *any holder or producer of waste who, in breach of Article 13(1), has mixed waste which is suitable for a recovery operation or any holder or producer of waste who has failed to separate waste when it was mixed;*
  
- *any operator of a collection facility, any collector, any carrier and any operator of a waste-processing facility who, in breach of Article 13(5), mixes different fractions of waste received separately, except in the case of consolidation operations or duly authorised mixtures;*
  
- any holder or producer of waste who, in breach of Article 14(2), recovers energy from recyclable waste;
  
- any person who, in breach of Article 15(1), disposes of any waste which is not final waste;
  
- any person who, in breach of Article 15(2), disposes of waste without authorisation;
  
- any person who, in breach of the second subparagraph of Article 16(1)(a) and point (c) of Article 16(1), ships mixed municipal waste or inert waste out of Luxembourg;
  
- any person who, in breach of Article 16(4), carries out movements of waste which do not comply with the national waste management plan or specific plans for certain waste flows which have been declared mandatory by a Grand-Ducal regulation;
  
- any producer of initial waste or any other holder of waste who treats their waste in breach of Article 18(1);
  
- any establishment or undertaking which collects or transports waste and which, in breach of Article 18(3), delivers the collected and transported waste to unauthorised treatment facilities;
  
- any person who, in breach of Article 19(1), fails to comply with their obligations in the context of the extended producer responsibility scheme;
  
- any producer of products subject to the extended producer responsibility scheme who has not delegated their responsibilities to a certified organisation and who has not registered with the competent authority in accordance with Article 19(7);

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- any person who produces, collects, transports, stores or treats hazardous waste in breach of Article 23(1);
- any person who, in breach of Article 23(3) and without authorisation, mixes hazardous waste with other categories of hazardous waste or with other waste, substances or materials;
  
- any person who, in breach of Article 23(4), fails to separate mixed hazardous waste;
  
- any person who, in breach of Article 24(1), fails to carry out the separate collection or the correct treatment of waste oils, or who mixes waste oils of different characteristics or who mixes waste oils with other waste or substances if such mixing impedes their treatment;
- any producer of waste oils who stores these oils in breach of Article 24(2);
  
- any operator of an establishment or undertaking who has failed to implement waste management in accordance with the provisions of Article 27(2);
  
- any person who, in breach of Article 28(1), uses sedimentation sludge and sewage sludge as soil improvers in excess of the normal requirement for fertiliser;
  
- any person who carries out one of the activities listed in Article 30(1) without the Minister’s authorisation;
  
- any person who, pursuant to Article 30(5), operates an installation or a site without a new authorisation from the Minister;
  
- any person who, in the event of cessation of the activity of an operating site, has not rehabilitated the site, or supervised its rehabilitation, in accordance with Article 33(3);
  
- any person who, in accordance with Article 42, carries out a prohibited activity involving hazardous waste;
  
- any person who is in breach of the regulations implementing the current law.

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‘The same applies to infringements of the requirements laid down in Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste:

- a) any person who carries out an illegal shipment as defined in Article 2(35);
- b) any person who, in breach of Article 19, mixes waste during shipment;
- c) any person who is in breach of a decision taken by the competent authority under Article 24(2) and (3).’

Regarding **Area 6**, the efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels, these are the provisions described in the Grand-Ducal Regulation of 7 October 2014 on

- a) combustion plants fired with solid or liquid fuel with an effective rated output of more than 7 kW and less than 20 MW
- b) combustion plants fired with gaseous fuel with an effective rated output of more than 3 MW and less than 20 MW

The articles are as follows:

- *Article 6*

*In the event of imminent danger of prohibited air pollution, the member of the Government responsible for the protection of the human environment may take the urgent measures required by the situation and, in particular, prohibit any activity likely to give rise to such pollution. The decisions referred to in the preceding subparagraph shall be notified by registered letter to the persons to whom the measure relates. Within one month of notification, an appeal may be made to the Conseil d’État (Council of State), the Committee on Litigation, which rules on the substance of the case at final instance.*

- *Article 7*

*Where prohibited air pollution is consumed, the investigating judge may, at the request of the public prosecutor or the civil party, order the urgent measures required by the situation. In particular, the judge may prohibit any activity which has caused such pollution and prohibit the use of equipment or devices which, by reason of their construction or properties, are not in an operational state that is consistent with the regulations adopted pursuant to this Law, and may affix the seals thereto. The public prosecutor, the perpetrator of the prohibited air pollution and the civil party may lodge an objection to the orders of the investigating judge. The objection shall be brought before the indictment division. It shall be made, investigated and judged in accordance with the provisions of Article 119 of the Code of Criminal Procedure. The right to object is also vested in the State Public Prosecutor. The State Public Prosecutor must notify their objection within 10 days of the order of the investigating judge. The order shall be provisionally enforced.*

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- *Article 9*

*Notwithstanding the penalties provided for by other legal provisions, infringements of this law and of its implementing regulations shall be punishable by imprisonment of between eight days and six months and a fine of FRF 2.501 to 200 000, or one of the above only. In the event of a repeat offence within two years, the penalties provided for in paragraph 1 of this Article may be doubled.*

### **Penalties in relation to areas for which the Ministry of the Economy is the competent market surveillance authority**

Regarding **area 1**, in particular crystal glass, the ‘Regulation of 8 August 1972 implementing the EEC Directive of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass’ lays down the provisions in the event of infringement.

According to Article 9 of that Regulation:

*Infringements of this Regulation shall be punishable by imprisonment of between eight days and one year and a fine of between FRF 500 and 100 000 to 200 000 or one of these penalties only.*

*The provisions of Book 1 of the Criminal Code, as well as those of the Law of 18 June 1879, as amended by that of 16 May 1904, conferring on the courts and tribunals the assessment of mitigating circumstances, will apply.*

## **19. Malta**

No notification

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### 20. Netherlands

**Table 1 Penalties applicable to infringements of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 177, 2020)**

National legislation implementing or adopted pursuant to Regulation (EU) 2019/1020 and the harmonising legislation listed in Annex I	Brief description of the penalty scheme for Article 4 of Regulation (EU) No 2019/1020	Brief description of the penalty scheme for Article 5 of Regulation (EU) No 2019/1020	Brief description of the penalty scheme for Article 7 of Regulation (EU) No 2019/1020
<b>Fertiliser Act (<i>Meststoffenwet</i>)<sup>20</sup></b>	-	-	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order<sup>21</sup></p> <p><i>Article 49 of the Fertiliser Act</i></p> <p>2. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(3°) of the Economic Offences Act (<i>Wet op de economische delicten</i>) in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>
<b>Metrology Act (<i>Metrologiewet</i>)<sup>22</sup></b>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 35 of the Metrology Act</i></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 35 of the Metrology Act</i></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 35 of the Metrology Act</i></p>

<sup>20</sup> Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2013 relating to fertilisers (OJ L 304, 2003)

<sup>21</sup> See also Article 5:32(1) of the General Administrative Law Act (*Algemene wet bestuursrecht*) (An administrative body empowered to impose an administrative enforcement order may instead impose a penalty order (*last onder dwangsom*) on the offender).

<sup>22</sup> Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to bottles used as measuring containers (OJ L 42, 1975), Council Directive 80/181/EEC of 20 December 1979 on the approximation of the laws of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC (OJ L 39, 1980), Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 relating to common provisions for both measuring instruments and methods of metrological control (OJ L 106, 2009), Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments (OJ L 96, 2014), Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments (OJ L 96, 2014)



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	<p>2. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(4°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>	<p>2. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(4°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>	<p>2. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(4°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>
<p><b>Tobacco and Smoking Products Act</b> <i>(Tabaks- en rookwarenwet)</i><sup>23</sup></p>	-	-	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 14 of the Tobacco and Smoking Products Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 11b of the Tobacco and Smoking Products Act</i></p>
<p><b>Telecommunications Act</b> <i>(Telecommunicatiewet)</i><sup>24</sup></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 15.2 of the Telecommunications Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 15.2 of the Telecommunications Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 15.2 of the Telecommunications Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p>

<sup>23</sup> Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ L 127, 2014)

<sup>24</sup> Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (OJ L 96, 2014) and Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 2014)

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	<p><i>Article 15.4 of the Telecommunications Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(1°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(1°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(4°) of the Economic Offences Act</i></li> </ul>	<p><i>Article 15.4 of the Telecommunications Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(1°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(1°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(4°) of the Economic Offences Act</i></li> </ul>	<p><i>Article 15.4 of the Telecommunications Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(1°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(1°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(4°) of the Economic Offences Act</i></li> </ul>
<b>Commodities Act (Warenwet)<sup>25</sup></b>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 32 of the Commodities Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 32a of the Commodities Act</i></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 32 of the Commodities Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 32a of the Commodities Act</i></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 32 of the Commodities Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 32a of the Commodities Act</i></p>

<sup>25</sup> Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 1969), Council Directive 75/324/EEC on the approximation of the laws of the Member States relating to aerosol dispensers (OJ L 147, 1975), Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products (OJ L 46, 1976), Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer (OJ L 100, 1994), Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 2006), Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 2007), Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 2009), Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 2011), Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels (OJ L 96, 2014), Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 2014), Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 96, 2014), Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 2014), Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (OJ L 189, 2014), Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L 81, 2016) and Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC (OJ L 18, 2016)

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<p><b>Road Traffic Act</b> <i>(Wegenverkeerswet)</i><sup>26</sup></p>	<p style="text-align: center;">-</p>	<p style="text-align: center;">-</p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 169 of the 1994 Road Traffic Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 174c of the 1994 Road Traffic Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>
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<sup>26</sup> Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ 42, 1970), Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC (OJ L 310, 2005), Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 2006), Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 2007), Regulation (EC) No 78/2009 of the European Parliament and of the Council of 14 January 2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC (OJ L 35, 2009), Regulation (EC) No 79/2009 of the European Parliament and of the Council of 14 January 2009 on type-approval of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC (OJ L 35, 2009), Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 2009), Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 2009), Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 2009), Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2013), Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2013), Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 2014), Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 2018)

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<b>Explosives for Civil Uses Act (<i>Wet explosieven voor civiel gebruik</i>)<sup>27</sup></b>	-	-	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 31 of the Explosives for Civil Uses Act</i></p>
<b>Plant Protection Products and Biocides Act (<i>Wet gewasbeschermingsmiddelen en biociden</i>)<sup>28</sup></b>	-	-	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 86 of the Plant Protection Products and Biocides Act</i></p> <p>2. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(1°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(1°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(4°) of the Economic Offences Act</i></li> </ul>
<b>Act implementing EU energy efficiency acts (<i>Wet uitvoering EU-handelingen energie-efficiëntie</i>)<sup>29</sup></b>	-	-	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 33c of the Act implementing EU energy efficiency acts</i></p>

<sup>27</sup> Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (OJ L 96, 2014)

<sup>28</sup> Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167)

<sup>29</sup> Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 2017)

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			<p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 33d of the Act implementing EU energy efficiency acts</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(4°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>
<b>Cableway Installations Act (<i>Wet kabelbaaninstallaties</i>)<sup>30</sup></b>	-	-	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 30 of the Cableway Installations Act</i></p>
<b>Aviation Act (<i>Wet luchtvaart</i>)<sup>31</sup></b>	-	-	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 11.15 of the Aviation Act</i></p>
<b>Medical Devices Act (<i>Wet medische hulpmiddelen</i>)<sup>32</sup></b>	-	-	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p>

<sup>30</sup> Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC (OJ L 81, 2016)

<sup>31</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 2018)

<sup>32</sup> Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 2017), Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 2017).

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			<p><i>Article 13 of the Medical Devices Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 14 of the Medical Devices Act</i></p>
<p><b>Environmental Management Act (<i>Wet milieubeheer</i>)<sup>33</sup></b></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order<sup>34</sup></p> <p><i>Article 18.1a of the Environmental Management Act in conjunction with Article 5.15 of the Environmental Law (General Provisions) Act</i></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order<sup>36</sup></p> <p><i>Article 18.1 of the Environmental Management Act in conjunction with Article 5.15 of the Environmental Law (General Provisions) Act</i></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced</p>

<sup>33</sup> Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 1992), European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 1994), Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 1998), Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 2000), Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 2000), Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (OJ L 104, 2004), Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 2004), Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (OJ L 143, 2004), Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 2006), Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 2006), Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 2008), Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 2009), Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 2009), Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 2010), Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 2011), Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 2012), Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 2013), Regulation (EU) No [517/2014] of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ L 150, 2014), Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 2016), Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 (OJ L 137, 2017)

<sup>34</sup> Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 2000), Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 2009), Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 2011), Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 2013).

<sup>36</sup> Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 2000), Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 2009), Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 2011), Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 2013).

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	<p>2. Infringements are punishable as economic offences under criminal law<sup>35</sup></p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>	<p>2. Infringements are punishable as economic offences under criminal law<sup>37</sup></p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>	<p>by means of an administrative enforcement order<sup>38</sup></p> <p><i>Article 18.1 of the Environmental Management Act in conjunction with Article 5.15 of the Environmental Law (General Provisions) Act</i></p> <p>2. Infringements are punishable as economic offences under criminal law<sup>39</sup></p> <p><i>Article 1a(1°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(1°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(4°) of the Economic Offences Act</i></li> </ul>
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<sup>35</sup> Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 2000).

<sup>37</sup> Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 2000).

<sup>38</sup> Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 1992), European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 1994), Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 1998), Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 2000), Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 2000), Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (OJ L 104, 2004), Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 2004), Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (OJ L 143, 2004), Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 2006), Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 2006), Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 2008), Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 2009), Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 2009), Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 2010), Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 2011), Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 2012), Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 2013), Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ L 150, 2014), Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 2016), Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 (OJ L 137, 2017).

<sup>39</sup> Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 1992), European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 1994), Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 2000), Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 2000), Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 2009), Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ L 150, 2014).

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			<p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>
<p><b>2016 Recreational Craft Act (<i>Wet pleziervaartuigen 2016</i>)<sup>40</sup></b></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 19 of the 2016 Recreational Craft Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 18 of the 2016 Recreational Craft Act</i></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 19 of the 2016 Recreational Craft Act</i></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 19 of the 2016 Recreational Craft Act</i></p>
<p><b>2016 Marine Equipment Act (<i>Wet scheepsuitrusting 2016</i>)<sup>41</sup></b></p>	-	-	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 24 of the 2016 Marine Equipment Act</i></p>
<p><b>Carriage of Dangerous Goods Act (<i>Wet vervoer gevaarlijke stoffen</i>)<sup>42</sup></b></p>	-	-	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p>

<sup>40</sup> Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC (OJ L 354, 2013)

<sup>41</sup> Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 2014)

<sup>42</sup> Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 2010)



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			<i>Article 46 of the Carriage of Dangerous Goods Act</i>
<b>Housing Act (Woningwet)<sup>43</sup></b>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 120b of the Housing Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 120b of the Housing Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 120b of the Housing Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 120b of the Housing Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 120b of the Housing Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 120b of the Housing Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

<sup>43</sup> Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 2011)

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**Table 2 Penalties applicable to infringements of Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to bottles used as measuring containers (OJ L 42, 1975)**

<b>National legislation adopted pursuant to and implementing Directive 75/107/EEC</b>	<b>Brief description of the penalty scheme for Directive 75/107/EEC</b>
<p>Metrology Act – Decree on measuring instruments and economic operators <i>(Metrologiewet - Besluit meetinstrumenten en marktdeelnemers)</i></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 35 of the Metrology Act</i></p> <p>2. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(4°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

**Table 3 Penalties applicable to infringements of Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 1969)**

<b>National legislation adopted pursuant to and implementing Directive 69/493/EEC</b>	<b>Brief description of the penalty scheme for Directive 69/493/EEC</b>
<p>Commodities Act – Commodities Act Decree on glass articles <i>(Warenwet – Warenwetbesluit glasartikelen)</i></p>	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 32 of the Commodities Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 32a of the Commodities Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(4°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

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**Table 4 Penalties applicable to infringements of Council Directive 75/324/EEC on the approximation of the laws of the Member States relating to aerosol dispensers (OJ L 147, 1975)**

<b>National legislation adopted pursuant to and implementing Directive 75/324/EEC</b>	<b>Brief description of the penalty scheme for Directive 75/324/EEC</b>
Commodities Act – Commodities Act Decree on pressurised containers ( <i>Warenwet – Warenwetbesluit drukverpakkingen</i> )	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 32 of the Commodities Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 32a of the Commodities Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(4°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

**Table 5 Penalties applicable to infringements of Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products (OJ L 46, 1976)**

<b>National legislation adopted pursuant to and implementing Directive 76/211/EEC</b>	<b>Brief description of the penalty scheme for Directive 76/211/EEC</b>
Commodities Act - Commodities Act Decree on quantities for prepackaging ( <i>Warenwet – Warenwetbesluit hoeveelheden voorverpakkingen</i> )	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 32 of the Commodities Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 32a of the Commodities Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(4°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

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**Table 6 Penalties applicable to infringements of Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer (OJ L 100, 1994)**

National legislation adopted pursuant to and implementing Directive 94/11/EC	Brief description of the penalty scheme for Directive 94/11/EC
Commodities Act - Commodities Act Decree on footwear labelling ( <i>Warenwet – Warenwetbesluit etikettering van schoeisel</i> )	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 32 of the Commodities Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 32a of the Commodities Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(4°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

**Table 7 Penalties applicable to infringements of Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 2007)**

National legislation adopted pursuant to and implementing Directive 2007/45/EC	Brief description of the penalty scheme for Directive 2007/45/EC
Commodities Act - Commodities Act Decree on quantities for prepackaging ( <i>Warenwet – Warenwetbesluit hoeveelheden voorverpakkingen</i> )	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 32 of the Commodities Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 32a of the Commodities Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(4°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

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**Table 8 Penalties applicable to infringements of Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 2011)**

<b>National legislation adopted pursuant to and implementing Regulation (EU) No 1007/2011</b>	<b>Brief description of the penalty scheme for Regulation (EU) No 1007/2011</b>
Commodities Act – Commodities Act Decree on textile products ( <i>Warenwet – Warenwetbesluit textielproducten</i> )	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 32 of the Commodities Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 32a of the Commodities Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1(4°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

**Table 9 Penalties applicable to infringements of Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ 42, 1970)**

<b>National legislation adopted pursuant to and implementing Directive 70/157/EEC</b>	<b>Brief description of the penalty scheme for Directive 70/157/EEC</b>
1994 Road Traffic Act ( <i>Wegenverkeerswet 1994</i> )	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 169 of the 1994 Road Traffic Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 174c of the 1994 Road Traffic Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p>

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	<ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>
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**Table 10 Penalties applicable to infringements of Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC (OJ L 310, 2005)**

<b>National legislation adopted pursuant to and implementing Directive 2005/64/EC</b>	<b>Brief description of the penalty scheme for Directive 2005/64/EC</b>
1994 Road Traffic Act ( <i>Wegenverkeerswet 1994</i> )	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 169 of the 1994 Road Traffic Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 174c of the 1994 Road Traffic Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

**Table 11 Penalties applicable to infringements of Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 2006)**

<b>National legislation adopted pursuant to and implementing Directive 2006/40/EC</b>	<b>Brief description of the penalty scheme for Directive 2006/40/EC</b>
1994 Road Traffic Act ( <i>Wegenverkeerswet 1994</i> )	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 169 of the 1994 Road Traffic Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 174c of the 1994 Road Traffic Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p>

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	<p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>
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**Table 12 Penalties applicable to infringements of Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 2009)**

National legislation adopted pursuant to and implementing Regulation (EG) No 1222/2009	Brief description of the penalty scheme for Regulation (EG) No 1222/2009
1994 Road Traffic Act ( <i>Wegenverkeerswet 1994</i> )	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 169 of the 1994 Road Traffic Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 174c of the 1994 Road Traffic Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

**Table 13 Penalties applicable to infringements of Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 2014)**

National legislation adopted pursuant to and implementing Regulation (EU) No 540/2014	Brief description of the penalty scheme for Regulation (EU) No 540/2014
1994 Road Traffic Act ( <i>Wegenverkeerswet 1994</i> )	<p>1. Compliance with the obligations laid down in the Regulation may be enforced by means of an administrative enforcement order</p> <p><i>Article 169 of the 1994 Road Traffic Act</i></p> <p>2. Infringements are punishable by an administrative fine.</p> <p><i>Article 174c of the 1994 Road Traffic Act</i></p>

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	<p>3. Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>
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**Table 14 Penalties applicable to infringements of Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 1992)**

National legislation adopted pursuant to and implementing Directive 92/42/EEC	Brief description of the penalty scheme for Directive 92/42/EEC
Environmental Management Act – Order laying down rules on ecodesign requirements for heaters ( <i>Wet milieubeheer - Regeling vaststelling regels betreffende eisen inzake ecologisch ontwerp verwarmingstoestellen</i> )	<p>Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

**Table 15 Penalties applicable to infringements of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 1994)**

National legislation adopted pursuant to and implementing Directive 94/62/EC	Brief description of the penalty scheme for Directive 94/62/EC
Environmental Management Act – Packaging Management Decree 2004 ( <i>Wet milieubeheer - Besluit beheer verpakkingen 2004</i> )	<p>Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

**Table 16 Penalties applicable to infringements of Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 2000)**

National legislation adopted pursuant to and implementing Directive 2002/14/EC	Brief description of the penalty scheme for Directive 2000/14/EC
Environmental Management Act – Noise Emissions (Outdoor Equipment) Order ( <i>Wet milieubeheer - Regeling geluidemissie buitenmaterieel</i> )	<p>Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p>



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	<ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>
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**Table 17 Penalties applicable to infringements of Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 2000)**

<b>National legislation adopted pursuant to and implementing Directive 2000/53/EC</b>	<b>Brief description of the penalty scheme for Directive 2000/53/EC</b>
Environmental Management Act – Management of End-of-Life Vehicles Decree ( <i>Wet milieubeheer – Besluit beheer autowrakken</i> )	<p>Infringements are punishable as economic offences under criminal law</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

**Table 18 Penalties applicable to infringements of Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 2014)**

<b>National legislation adopted pursuant to and implementing Directive 2014/90/EU</b>	<b>Brief description of the penalty scheme for Directive 2014/90/EU</b>
2016 Marine Equipment Act ( <i>Wet scheepsuitrusting 2016</i> )	<p>Compliance with the obligations laid down in the Directive can be enforced by means of an administrative enforcement order</p> <p><i>Article 24 of the 2016 Marine Equipment Act</i></p>

**Table 19 Penalties applicable to infringements of Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 2010)**

<b>National legislation adopted pursuant to and implementing Directive 2010/35/EU</b>	<b>Brief description of the penalty scheme for Directive 2010/35/EU</b>
Carriage of Dangerous Goods Act – Transportable Pressure Equipment Order 2011 ( <i>Wet vervoer gevaarlijke stoffen – Regeling vervoerbare drukapparatuur 2011</i> )	<p><i>Infringements are punishable as economic offences under criminal law</i></p> <p><i>Article 1a(1°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(1°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(4°) of the Economic Offences Act</i></li> </ul>

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

**Table 20 Penalties applicable to infringements of Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 2011)**

<i>National legislation adopted pursuant to and implementing Regulation (EU) No 305/2011</i>	<i>Brief description of the penalty scheme for Regulation (EU) No 305/2011</i>
<b>Housing Act (<i>Woningwet</i>)</b>	<p>1. Compliance with the obligations laid down in the Regulation can be enforced by means of an administrative enforcement order</p> <p><i>Article 120b of the Housing Act</i></p> <p>2. Infringements are punishable by an administrative fine:</p> <p><i>Article 120b of the Housing Act</i></p> <p>3. Infringements are punishable as economic offences under criminal law:</p> <p><i>Article 1a(2°) of the Economic Offences Act in conjunction with:</i></p> <ul style="list-style-type: none"> <li>• <i>Serious offence: Article 6(1)(2°) and (3°) of the Economic Offences Act</i></li> <li>• <i>Minor offence: Article 6(1)(5°) of the Economic Offences Act</i></li> </ul>

### 21. Poland

Name of the act	Penalty – article and act	Text
Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass ( <a href="#">OJ L 326, 29.12.1969, p. 36</a> )	Chapter 7 – Articles 45 to 47c  Act of 30 August 2002 on conformity assessment system – OJ of 2021 item 1344  (ustawa z dnia 30 sierpnia 2002 r. o systemie oceny zgodności – Dz. U. z 2021 r. poz. 1344)	Chapter 7 - Criminal liability  Article 45. Any person who places on the market or puts into service a product which does not comply with the essential requirements shall be liable to a fine.
Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to AEROSOL dispensers (OJ		Article 46. Any person who affixes conformity marking to a product which does not meet the essential or specific requirements or for which the manufacturer or their authorised representative has not issued a declaration of conformity shall be liable to a fine.

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

L 147, 9.6.1975, p. 40)

Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 22.6.1992, p. 17)

Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 3.7.2000, p. 1)

Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to bottles used as measuring containers (OJ L 42, 15.2.1975, p. 14)

Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain pre-packaged products (OJ L 46, 21.2.1976, p. 1)

Directive 2007/45/EC of the European Parliament and of the

Chapter 5 – Articles 33 to 37

Act of 7 May 2009 on packaged goods – OJ of 2020 item 1442

(ustawa z dnia 7 maja 2009 r. o towarach paczkowanych – Dz. U. z 2020 r. poz. 1442)

Article 47. Any person who affixes to a product a marking similar to a conformity marking which is liable to mislead a user, consumer or distributor of that product shall be liable to a fine.

Article 47a. Any person who places on the market or puts into service a product subject to conformity marking without such a marking shall be liable to a fine.

Article 47b. Any person who affixes conformity marking to a product which is not subject to such marking or places such a product on the market shall be liable to a fine.

Article 47c. Any person obliged to store a control sample who destroys that sample, removes it from secured placement or makes it impossible to test shall be liable to a fine

Chapter 5 – Penalties

Article 33

1. Any person who packages or places on the market pre-packaged goods bearing the ‘e’ mark without applying an internal control system for the quantity of pre-packaged goods shall be liable to a fine.

2. Any person who packages or places on the market pre-packaged goods bearing the ‘e’ mark and who applies an internal control system for the quantity of pre-packaged goods that does not meet the metrological requirements laid down in Annex 2 to the Act or breaches the provisions of Article 17(2) and (3) shall be liable to a fine.

3. Any person who packages or places on the market pre-packaged goods bearing the ‘e’ mark and who fails to document in accordance with Article 18(1) the internal control system for the quantity of pre-packaged goods or fails to keep documentation concerning such control in accordance with Article 18(2) and (3) shall be liable to a fine of up to PLN 1000.

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

Council of 5 September 2007 laying down rules on nominal quantities for pre-packed products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 21.9.2007, p. 17)

4. Any person who packages or places on the market pre-packaged goods bearing the 'e' mark and who fails to make documentation on the internal control system for the quantity of pre-packaged goods available in the manner prescribed in Article 18(4) shall be liable to a fine of up to PLN 1000..

5. Any person who packages or places on the market pre-packaged goods bearing a mark similar to the 'e' mark shall be liable to a fine of up to PLN 1000.

Article 34. Any person who packages or places on the market pre-packaged goods breaching the provisions of Articles 6(2), 7(1), 8(1), 12(1) and (3) and Article 13(1) and (3) shall be liable to a fine of up to PLN 3000.

### Article 35

1. Any person who produces or places on the market measuring container bottles which do not meet the metrological requirements laid down in Annex 4 to the Act shall be liable to a fine.

2. Any person who produces or places on the market measuring container bottles breaching the provisions of Articles 23, 24, 28(1) and (3), 29(1) and (3) and Article 30(1), (3) and (5) shall be liable to a fine of up to PLN 3000.

Article 36. Any person responsible for manufacturing activities or internal control who fails to comply with the obligations arising from the internal control system adopted for measuring bottles or who fails to keep the requisite accurate documentary record of that system shall be liable to a fine of up to PLN 1000.

Article 37. Proceedings in cases involving the acts referred to in Articles 33 to 36 shall be conducted under the Code of Procedure for Petty Offences of 24 August 2001 (Journal of Laws 2020, items 729 and 956).'

Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on

Chapter 4a – Article 33a  
Act of 12 December 2003 on

Chapter 4a - Financial penalties

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer (OJ L 100, 19.4.1994, p. 37)

general product safety – OJ of 2021 item 222

Implementing act – Regulation of the Council of Ministers of 19 October 2004 on additional requirements for labelling of footwear intended for sale to consumers

(ustawa z dnia 12 grudnia 2003 r. o ogólnego bezpieczeństwa produktów – Dz. U. z 2021 r. poz. 222; akt wykonawczy - rozporządzenie Rady Ministrów z dnia 19 października 2004 r. w sprawie dodatkowych wymagań dotyczących znakowania obuwia przeznaczonego do sprzedaży konsumentom – Dz. U. z 2004 r. Nr 240 poz. 2409)

Article 33a

1. The supervisory authority may, by decision, impose on the producer or distributor a financial penalty of up to PLN 100 000 for:

- 1) failure to comply with the obligation laid down in Article 12(2);
- 2) failure to provide the information necessary to determine whether a product is safe or the provision of false or misleading information;
- 3) failure to comply with a decision issued by the supervisory authority under Article 24(1), (2) or (4);
- 4) placing on the market a product entered in the register of dangerous products.

2. The supervisory authority may, by decision, impose on a producer a financial penalty of up to PLN 100 000 for:

- 1) failure to comply with the obligations laid down in Article 10(2);
- 2) placing on the market a product that does not meet safety requirements..

3. The supervisory authority may, by decision, impose on a distributor a financial penalty of up to PLN 100 000 for:

- 1) supplying products which it knows or should have known, in the light of the information in its possession and professional experience, do not meet safety requirements;
- 2) failure to pass on to producers, the supervisory authority and the provincial inspector of the Trade Inspectorate information provided by consumers on risks posed by products;
- 3) failure to provide the supervisory authority or the provincial inspector of the Trade Inspectorate with the documentation necessary to establish the origin of the product.
4. The amount of the financial penalty referred to in paragraphs 1 to 3 shall be determined with particular reference to the seriousness and circumstances of the breach of obligations.

5. The financial penalty shall be paid no more than 14 days after the decision of the supervisory authority becomes final.

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European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10)

Chapter 11 – Articles 56 to 62  
Act of 13 June 2013 on management of packaging and packaging waste – OJ of 2020 item 1114, 2361

(ustawa z dnia 13 czerwca 2013 r. o gospodarce opakowaniami i odpadami opakowaniowymi – Dz. U. z 2020 r. poz. 1114, 2361)

6. A financial penalty shall be enforced under the rules on enforcement proceedings in administration.

7. The funds derived from financial penalties shall constitute state budget revenue.

Chapter 11 - Administrative fines and criminal law provisions

Article 56

1. An administrative financial penalty, hereinafter referred to as a ‘financial penalty’, shall be imposed on any person who:

1) without being entered in the register: a) issues DPR documents, (b) issues DPO documents, (c) issues EDPR documents, (d) issues EDPO documents;

2) contrary to Article 11(1), fails to restrict the quantity and adverse environmental impact of substances to restrict the quantity of substances used to manufacture packaging and packaging waste and their adverse environmental impact so that: a) packaging does not contain harmful substances in quantities posing a threat to the product, the environment or human health; b) the maximum total content of lead, cadmium, mercury and hexavalent chromium in the packaging does not exceed 100 mg/kg );

3) contrary to Article 11(2), fails to restrict the quantity and adverse environmental impact of substances to restrict the quantity of substances used to manufacture packaging and packaging waste and their adverse environmental impact so that the volume and mass of packaging is restricted to the minimum necessary for packaging to function, as referred to in Article 3(1), and to ensure a level of product safety, taking into account the expectations of the user;

4) contrary to Article 11(3), places on the market packaging designed and made in a form that prevents: a) re-use and subsequent recycling or b) at least recycling, if it cannot be reused, or (c) a form of recovery other than recycling, if it cannot be recycled;

4a) contrary to Article 14, uses packaging which does not comply with the requirements referred to in Article 11;

5) contrary to Article 17(5), fails to send the packaging recovery organisation with which it has concluded a contract all the data necessary for the performance of the obligations that the latter has assumed, including information on all pre-packaged goods

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

placed on the market in a given calendar year and all pre-packaged goods placed on the market serving as a basis for calculating the level of recovery and recycling in accordance with Article 20(2) or (3);

6) contrary to Article 18(2), fails to cover the costs of the collection of packaging waste from dangerous plant protection products by a retailer or wholesaler or fails to collect such waste at its own expense;

7) contrary to Article 19(4), fails in a given calendar year to earmark for a public education campaign or to transfer to the special account of the provincial marshal at least 2% of the net value of packaging placed on the market in the preceding calendar year;

8) contrary to Article 22(1), fails to keep a register containing data on the mass of packaging in which products were placed on the market in a given calendar year;

9) contrary to Article 23(4) or (5) and Article 24(2), fails to issue a) a DPR document, b) a DPO document, c) an EDPR document, d) an EDPO document – or issues an inaccurate document;

10) contrary to Article 23(10) and Article 24(9), fails to send the provincial marshal a copy of: a) DPR document, b) a DPO document, c) an EDPR document, d) an EDPO document;

10a) contrary to Article 23(8), fails to submit on behalf of a trader placing packaged products on the market, a packaging recovery organisation, a self-governing economic organisation of the kind referred to in Article 25(1) or an applicant as defined in Article 23(5) the application referred to in Article 23(4) or (5);

10b) contrary to Article 24(7), fails to submit on behalf of a trader placing packaged products on the market, a packaging recovery organisation or a self-governing economic organisation of the kind referred to in Article 25(1) the application referred to in Article 24(2);

10c) contrary to Article 40a(1), fails to collect a recycling fee from the purchaser of a plastic shopping bag;

11) contrary to Article 41, distributes pre-packaged goods placed on the market by a trader in pre-packaged goods that is not entered in the register, save for pre-packaged goods placed on the market by that trader prior to the date of its removal from the

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register;

12) contrary to Article 42, when operating a retail or wholesale trade unit, sells pre-packaged goods without providing users of those products with information on the packaging and packaging waste as regards: a) the systems available for the return, collection and recovery, including recycling, of packaging waste, b) the proper handling of packaging waste, (c) the importance of markings used on packaging, at least by displaying information at the point of sale;

13) contrary to Article 43(1), when operating a retail or wholesale trade outlet, fails to accept from users packaging waste from dangerous plant protection products :

14) contrary to Article 44, when operating a retail outlet with a commercial space of over 2000 m<sup>2</sup>, fails to undertake, at their own expense, the selective collection of packaging waste from pre-packaged goods which are for sale at that outlet, according to the type of packaging from which the waste was generated;

15) contrary to Article 46(1), fails to carry out an audit within the time-frame laid down in Article 46(2);

16) contrary to Article 46(3), fails to carry out an audit within the time-frame laid down in that provision.

2. A packaging recovery organisation shall be liable to a financial penalty if, contrary to Article 31(1)(1), it fails to earmark at least 5% of the revenues generated by assuming the obligations referred to in Article 17(1) for public education campaigns.

Article 57. The financial penalties shall be as follows:

1) in the cases referred to in subparagraphs 1, 2 to 4, 5 to 10 and 14 of Article 56(1), from PLN 10 000 to PLN 500 000;

2) in the cases referred to in subparagraph 4a of Article 56(1), from PLN 10 000 to PLN 50 000;

3) in the cases referred to in subparagraphs 10a, 10b and 13 of Article 56(1), from PLN 10 000 to PLN 1 000 000;

4) in the cases referred to in subparagraphs 10c to 12 of Article 56(1), from PLN 500 to



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PLN 20 000;

5) in the cases referred to in subparagraphs 15 and 16 of Article 56(1), from PLN 40 000 to PLN 750 000;

6) in the cases referred to in Article 56(2), from PLN 20 000 to PLN 750 000;

### Article 58

1. Financial penalties for the offences referred to in subparagraphs 1 to 10b and 13 to 16 of paragraph 1 and paragraph 2 of Article 56 shall be imposed, by decision, by the competent provincial environmental protection inspector.

2. Financial penalties for the offences referred to in subparagraphs 10c to 12 of Article 56(1) shall be imposed, by decision, by the competent provincial inspector of the Trade Inspectorate

3. (deleted)

4. Receivables derived from financial penalties shall constitute state budget revenue.

5. In cases concerning financial penalties, Section III of the Tax Ordinance Act of 29 August 1997 shall apply *mutatis mutandis*, save that the powers of the tax authorities are vested in the provincial environmental protection inspector and the provincial commercial inspector.

Article 59 Any person who prevents an authorised person from checking compliance with and application of this Act or who impedes the performance of the activities referred to in Article 53(4) shall be liable to a fine.

### Article 60

1. Any person who, contrary to Article 78(1), fails to submit notice of the commencement of activities involving:

1) the manufacture, importation or intra-Community acquisition of pre-packaged goods or goods;

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- 2) the recovery or recycling of packaging waste or waste resulting from products;
- 3) the export or intra-Community supply of packaging waste or waste resulting from products for recovery or recycling; or
- 4) acting as an organisation of recovery or organising the recovery of packaging shall be liable to a fine.

2. Any person who, contrary to Article 78(3), fails to declare changes in the data contained in the notice submitted shall be subject to the same fine.

Article 61 Any person who, as a user of a dangerous product in the form of a plant protection product, fails to return the packaging waste from that product to a retailer or wholesaler which sells dangerous products in packaging shall be liable to a fine.

Article 62 Cases concerning the acts referred to in Articles 59 to 61 shall be handled under the Code of Procedure for Petty Offences of 24 August 2001 (Journal of Laws 2020, item 729).

Article 112

1. (deleted)

2. Any person who affixes the Π mark to transportable pressure equipment which does not meet the requirements for such equipment or their authorised representative shall be liable to a fine of up to PLN 100 000.

3. Any person who affixes to a pressure transport equipment a sign similar to the Π marking, which is liable to mislead the purchaser and user of the equipment, shall be liable to a fine of up to PLN 100 000.

4. Any person who places on the market transportable pressure equipment which is required to bear the Π marking and does not bear that marking shall be liable to a fine of up to PLN 100 000.

5. Cases under Article 2 to 4 shall be handled under the Code of Procedure for Petty Offences.

Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1)

Articles 112 to 112c

Act of 19 August 2011 on the transport of dangerous goods – OJ of 2021 item 765

(ustawa z dnia 19 sierpnia 2011 r. o przewozie towarów niebezpiecznych - Dz. U. z 2021 r. poz. 756)

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### Article 112a

1. A manufacturer or importer which places on the market transportable pressure equipment which does not comply with the requirements for such equipment shall be liable to a financial penalty of up to PLN 100 000.
2. A distributor which makes available on the market transportable pressure equipment without the required Π conformity mark or without a certificate of conformity shall be liable to a financial penalty of up to PLN 20 000.
3. A manufacturer which fails to comply with the obligation to keep the transportable pressure equipment technical documentation laid down in the ADR, RID and ADN respectively for the period specified in the ADR, RID and ADN respectively shall be liable to a financial penalty of up to PLN 10 000.
4. An authorised representative who fails to comply with the obligation to:
  - 1) keep technical documentation for the period laid down for manufacturers in ADR, RID and ADN respectively, or
  - 2) the obligation to provide the competent authorities with any information or documentation necessary to demonstrate the conformity of transportable pressure equipment in Polishshall be liable to a financial penalty of up to PLN 10 000.
5. An importer who fails to comply with the obligation to keep copies of the technical documentation for the period laid down for the manufacturer in the ADR, RID and ADN respectively or the obligation to make available that documentation to the competent specialist authority shall be liable to a financial penalty of up to PLN 10 000.
6. An entity trading in transport pressure equipment which prevents or hinders the competent authority from carrying out checks on transportable pressure equipment shall be liable to a financial penalty of up to PLN 30 000.

### Article 112b

1. The financial penalties referred to in Article 112a shall be imposed by decision of the competent specialised authority.

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2. When setting the amount of the financial penalties referred to in Article 112a, the specialised competent authority shall take into account in particular:

- 1) the seriousness and circumstances of the breach of the Act;
- 2) the number of items of transportable pressure equipment placed or made available on the market contrary to the requirements of the Act;
- 3) previous breaches of the provisions of the Act;
- 4) cooperation with the investigating authority, in particular to contribute to the prompt and efficient conduct of the investigation.

3. The specialised competent authority shall refrain from imposing a financial penalty if the entity subject to the penalty has remedied the incompatibilities referred to in Article 95(1).

### Article 112c

1. The time-limit for payment of the financial penalty referred to in Article 112a shall be 30 days from the date on which the decision becomes final.
2. The financial penalty referred to in Article 112a shall be paid to the bank account of the authority which imposed it.
3. Proceedings for the imposition of a financial penalty shall not be initiated if three years have elapsed since the date on which the act referred to in Article 112a was committed, counting from the end of the year in which the act was committed.
4. The financial penalty referred to in Article 112a shall not be collected if three years have elapsed since the date of the final decision imposing the penalty.
5. The provisions of Part III of the Tax Code Act of 29 August 1997 (Journal of Laws 2020, items 1325, 1423, 2122, 2123 and 2320; Journal of Laws 2021, item 72) shall apply *mutatis mutandis* to the financial penalties referred to in Article 112a..

Regulation (EU) No 305/2011  
of the European Parliament and  
of the Council of 9 March 2011  
laying down harmonised

Chapter 6a – Articles. 36a to  
36k  
Act of 16 April 2004 on  
construction products – OJ of

Chapter 6a - Financial penalties

Article 36a. A manufacturer or importer which places on the market a construction product which is unsuitable for the intended use as regards the declared performance

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conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5)

2021 item 1213  
(ustawa z dnia 16 kwietnia 2004 r. o wyrobach budowlanych – Dz. U. z 2021 r. poz. 1213)

shall be liable to a financial penalty of up to PLN 100 000.

Article 36b. A manufacturer who affixes the CE marking or construction marking to a construction product which does not have the performance specified in the declaration of performance or national declaration shall be liable to a financial penalty of up to PLN 100 000.

Article 36c. A manufacturer or importer which places on the market a construction product without the CE marking or construction marking when such a marking is required shall be liable to a financial penalty of up to PLN 20 000.

Article 36d. A manufacturer which fails to comply with the obligation to draw up and keep a declaration of performance, a national declaration, technical documentation, or which draws them up in a manner contrary to Regulation No 305/2011 or this Act, shall be liable to a financial penalty of up to PLN 20 000.

Article 36e. A manufacturer who fails to comply with the obligations to accompany, or make available with, a construction product required to bear a CE marking or construction marking:

- 1) information accompanying that marking, together with information enabling the construction product to be identified, or
- 2) a copy of the declaration of performance or the national declaration, or
- 3) instructions for use, a manual or safety information

shall be liable to a financial penalty of up to PLN 10 000.

Article 36f. An importer who fails to comply with the obligation to affix information enabling its identification to a construction product required to bear a CE marking or construction marking shall be liable to a financial penalty of up to PLN 10 000.

## **Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020**

Article 36g. An importer who fails to comply with the obligation to ensure that the technical documentation is made available to the competent authority or to keep a copy of the declaration of performance or the national declaration shall be liable to a financial penalty of up to PLN 10 000.

Article 36h. A seller who makes available on the national market a construction product required to bear a CE marking or construction marking without such a marking or without the information accompanying that marking, or without attaching or making available a declaration of performance or a national declaration, shall be liable to a financial penalty of up to PLN 10 000.

Article 36i. A producer, importer or seller obliged to store a control sample who destroys that sample, removes it from secured placement or keeps that sample in conditions that do not comply with the requirements of Article 25(5) shall be liable to a financial penalty of up to PLN 20 000.

### Article 36j

1. The financial penalties referred to in Articles 36a to 36h shall be imposed by decision of the competent authority conducting the proceedings.
2. The financial penalties referred to in Article 36i shall be imposed by decision of the competent authority conducting the proceedings.
3. When determining the amount of the financial penalties, the competent authority shall take particular account of the seriousness and circumstances of the breach of the Act, the number of construction products placed on the market or made available on the national market which do not comply with the requirements of the Act, previous breaches of the Act and cooperation with the competent authority conducting the proceedings, in particular cooperation contributing to the prompt and efficient conduct of the proceedings.
4. The competent authority shall waive the financial penalty if a producer, importer or

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seller liable to a penalty presents evidence of compliance with the provisions referred to in Article 30(1)(1) and Article 31(1)(1).

Article 36k.

1. The time-limit for payment of the financial penalty shall be 30 days from the date on which the decision becomes final.
2. A financial penalty shall be paid into the bank account of the authority which imposed it.
3. Proceedings for the imposition of a financial penalty shall not be initiated if three years have elapsed since the date on which the act referred to in Articles 36c to 36i was committed, counting from the end of the year in which the act was committed.
4. The fine shall not be collected if three years have elapsed since the date of the final decision to impose this penalty.
5. The funds derived from financial penalties shall constitute state budget revenue.
6. Save where this Act provides otherwise, the provisions of Part III of the Tax Code Act of 29 August 1997 (Journal of Laws 2020, items 1325, as last amended<sup>13</sup>) shall apply *mutatis mutandis* to financial penalties.
7. Financial penalties shall be enforceable under the rules on enforcement proceedings in administration for the enforcement of financial obligations.

Code of Petty Offences

Article 136, Section 2. Any person who sells goods from which the indication of their price, use-by date or date of manufacture, quality, grade or origin has been permanently removed or goods with inaccurate indications, shall be liable to a non-custodial sentence or a fine of up to PLN 1500.

Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council

Articles 136(2)

Act of 20 May 1971 Code of Petty Offences – OJ of 2021 item 281, 720, 1023, 1655 (ustawa z dnia 20 maja 1971 r. Kodeks wykroczeń - Dz. U. z 2021 r. poz. 281, 720, 1023, 1655)

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(OJ L 272, 18.10.2011, p. 1)

Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146)

Articles 19 to 27

Act of 2 December 2016 on marine equipment – OJ of 2019 item 955

(ustawa z dnia 2 grudnia 2016 r. o wyposażeniu morskim – Dz. U. z 2019 r. poz. 955)

Article 19. A manufacturer or importer which places on the market or puts into service marine equipment which does not comply with the requirements for such equipment shall be liable to a financial penalty of up to PLN 100 000.

Article 20. A manufacturer or importer which places on the market or puts into service marine equipment without a conformity marking, when such a marking is required, or a distributor which makes marine equipment available on the market without such a marking, shall be liable to a financial penalty of up to PLN 20 000.

Article 21

1. A manufacturer of marine equipment placed on the market or put into service who fails to comply with their obligations to accompany marine equipment with:

- 1) instructions drawn up in Polish,
- 2) information relating to the safe installation and use of marine equipment on board a vessel,
- 3) a copy of the EU declaration of conformity

shall be liable to a financial penalty of up to PLN 10 000.

2. A manufacturer of marine equipment placed on the market or put into service who fails to comply with their obligations to accompany such marine equipment with:

- 1) information enabling the manufacturer to be identified,
- 2) information enabling the marine equipment to be identified

shall be liable to a financial penalty of up to PLN 10 000.

Article 22. An importer of marine equipment placed on the market or put into service who fails to comply with their obligations as regards:

- 1) ensuring that marine equipment is accompanied by:



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- a) instructions drawn up in Polish,
  - b) information relating to the safe installation and use of marine equipment on board a vessel,
- 2) ensuring that marine equipment is accompanied by information enabling the identification of that marine equipment,
  - 3) the affixing to the marine equipment of information enabling its identification,
  - 4) ensuring that marine equipment is accompanied, where applicable, by a copy of the EU declaration of conformity or other documents
- shall be liable to a financial penalty of up to PLN 10 000.

Article 23. A manufacturer who fails to comply with the obligation to draw up and keep the technical documentation of marine equipment, the EU declaration of conformity and the documentation necessary to demonstrate the conformity of the marine equipment shall be liable to a financial penalty of up to PLN 10 000.

Article 24. An importer who fails to keep a copy of the EU declaration of conformity or to ensure that the technical documentation is made available to the market surveillance authority shall be liable to a financial penalty of up to PLN 10 000.

Article 25. An authorised representative who fails to comply with the obligation to: 1) keep the technical documentation for the marine equipment, the EU declaration of conformity and the documentation necessary to demonstrate the conformity of marine equipment, 2) provide the market surveillance authority with the information and documentation necessary to demonstrate the conformity of the marine equipment with requirements – shall be subject to a financial penalty of up to PLN 10 000.

Article 26

1. The financial penalties referred to in Articles 19 to 25 shall be imposed, by decision, by the director of the maritime office conducting the proceedings referred to in Article

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76(1) or (1a) or Article 85(1) of the Conformity Assessment and Market Surveillance Systems Act.

2. When determining the amount of the financial penalties, the director of a maritime office shall take into account:

- 1) the seriousness and circumstances of the breach of the Act;
- 2) the number of items of non-compliant marine equipment placed on the market, put into service or made available on the market;
- 3) previous breaches of the provisions of the Act;
- 4) cooperation with the market surveillance authority conducting the proceedings referred to in Article 76(1) or (1a) or Article 85(1) of the Conformity Assessment and Market Surveillance Systems Act, in particular cooperation contributing to the prompt and efficient conduct of the proceedings.

3. The director of the maritime office shall waive a financial penalty if the economic operator liable has presented evidence of compliance with the provisions referred to in Article conducting the proceedings referred to in Article 82(1) of the Conformity Assessment and Market Surveillance Systems Act.

### **Article 27**

1. The time-limit for payment of the financial penalty shall be 30 days from the date on which the decision becomes final.

2. A financial penalty shall be paid into the bank account of the director of the maritime office which imposed it.

3. Proceedings for the imposition of a financial penalty shall not be initiated if three years have elapsed since the date on which the act referred to in Articles 19 to 25 was committed, counting from the end of the year in which the act was committed.

4. The financial penalty shall not be collected if three years have elapsed since the date of the final decision to impose this penalty.

5. The funds derived from financial penalties shall constitute state budget revenue.

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### 22. Portugal

No notification

### 23. Romania

1. On the 31st of January 2023, the Romanian Government adopted the Ordinance no. 20/2023 laying down measures for the application of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011, as well as amending and supplementing certain normative acts. The rules on penalties applicable to infringements of the Regulation (EU) 2019/1020 (Regulation) are stated in article 12 and article 13 of this Government Ordinance.

#### Art. 12

(1) Shall constitute contraventions, in so far as the violation of the following provisions is not committed under such conditions as to be considered criminal offences, and shall be sanctioned as follows:

- a) non-compliance by economic operators with the provisions of Article 4(3)(a) and (b) of the Regulation with a fine of RON 5,000 to RON 20,000;
- b) non-compliance by economic operators, in the case of products referred to in Article 4(5) of the Regulation, with the provisions of Article 4(3)(c) of the Regulation within a maximum of 24 hours from the finding of the risk with a fine from RON 20,000 to RON 40,000;
- c) non-compliance by economic operators, in the case of products referred to in Article 4(5) of the Regulation, with the provisions of Article 4(4) of the Regulation with a fine of RON 10,000 to RON 20,000;
- d) failure to comply with the second sentence of Article 5(2) of the Regulation with a fine of RON 10,000 to RON 20,000;
- e) non-compliance by economic operators and information society service providers with the provisions of Article 7 of the Regulation with a fine from RON 20,000 to RON 50,000;
- f) the prevention by economic operators, in any form, of the market surveillance authorities from exercising their powers provided for in Article 14(4)(a) to (e) of the Regulation with a fine from RON 20,000 to RON 50,000;
- g) non-compliance by economic operators with the request referred to in Article 14(4)(k)(i) of the Regulation, formulated by the market surveillance authorities with a fine from RON 30,000 to RON 50,000;
- h) non-compliance by information society service providers with the request provided for in Article 14(4)(k)(ii) of the Regulation, formulated by the market surveillance authorities with a fine from RON 30,000 to RON 50,000;

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i) non-compliance by economic operators with the obligations laid down in Article 30(2) and (5) 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 repealing Regulation (EEC) No 339/93 shall be punishable by a fine of RON 20,000 to RON 50,000.

(2) The determination of infringements and the application of the sanctions referred to in paragraph (1) shall be carried out by the authorised representatives of the market surveillance authorities nominated in the national legislative acts transposing or implementing, as appropriate, the harmonisation legislation of the European Union.

### **Art. 13**

(1) In application of paragraph 2 of Article 16 of the Regulation, national market surveillance authorities shall without delay require the economic operator to take corrective measures, including those referred to in paragraph 3 of Article 16 of the Regulation, to stop the non-compliance or eliminate the risk within a period specified therein.

(2) Non-compliance with the corrective measures ordered in accordance with paragraph (3) within the time limit set by the national market surveillance authorities shall be sanctioned by a penalty fine of RON 2,000 for each day of delay.

2. With regard to the system of penalties provided for in the legislation in Annex II to the Regulation:

a) Legislative acts relating to the field of road vehicles, namely Directive 70/157 / EEC on the approximation of the laws of the Member States relating to the permissible noise level and the exhaust system of vehicles, Directive 2005/64 / EC on the type-approval of motor vehicles reusing, recycling and recovering them and amending Council Directive 70/156 / EEC, Directive 2006/40 / EC on emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156 / EEC, and Regulation (EU) no. Regulation (EC) No 540/2014 on the noise level of motor vehicles and replacement silencers, amending Directive 2007/46 / EC and repealing Directive 70/157 / EEC are subsequent acts to Regulation (EU) 2018/858 on the approval and market surveillance motor vehicles and their trailers, as well as of the systems, components and separate technical units intended for those vehicles, which is the Framework Regulation on the type-approval of vehicles and motor products.

All the obligations of economic operators and the provisions related to sanctions are included in the Framework Regulation and apply to all subsequent acts.

The national regime of sanctions and enforcement measures are provided in GO no. 78/2000 regarding the homologation of road vehicles and the issuance of their identity card, in order to be admitted into circulation on public roads in Romania and GO no. 80/2000 on the certification and / or approval of equipment, spare parts and operating materials used in road vehicles, last amended by Law no. 78/2021 for the amendment and completion of the Government Ordinance no. 78/2000 regarding the homologation, issuance of the identity card and the certification of the authenticity of the road vehicles in view of their commercialization, registration or registration in Romania, of the Government Ordinance no. 80/2000 on the approval and certification of products and operating materials used in road vehicles, as well as the conditions for placing on the market and marketing them, as well as Government Emergency Ordinance no. 195/2002 regarding the traffic on public roads.

Law no. 78/2021 is being notified through the Ministry of Transport and Infrastructure to DG GROW.

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b) By Government Decision no. 1691/2008 on amending and supplementing Government Decision no. 530/2001 for the approval of the Instructions of legal metrology IML 8-01 repackaging of some products according to mass or volume have been transposed into national legislation the provisions of Directive 2007/45 / EC laying down rules on nominal quantities of prepacked products, repealing Directives 75/106 / EEC and 80/232 / EEC and amending Council Directive 76/211 / EEC.

**24. Slovakia**

Regulation/Directive	SK law	rules on penalties
<p align="center">Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011</p>	<p align="center">Act No 56/2018 on product conformity assessment, making designated products available on the market and amending certain acts</p>	<p>Section 28 Penalties (1) The office shall impose a fine of between EUR 350 and EUR 35 000 on any person who: (a) without authorisation, issues, alters or falsifies the conformity assessment output document; (b) without authorisation, acts as an authorised person or a notified person; (c) breaches the obligation under Section 21(2)(b). (2) The surveillance authority for designated products shall impose a fine of between EUR 200 and EUR 200 000 on any person who breaches the provisions of this Act or the provisions of a technical regulation relating to conformity assessment by doing any of the following: (a) placing on the designated product a mark which could be confused for the mark or could be misleading;</p>

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Regulation/Directive	SK law	rules on penalties
		<p>(b) places on a product which is not a designated product within the meaning of Section 4(1) a mark pursuant to Section 24, or applies CE marking in contravention of Section 25(6);</p> <p>(c) fails to issue, or issues without authorisation, a declaration of conformity;</p> <p>(d) makes a designated product available on the market without a conformity assessment of the product;</p> <p>(e) makes available on the market a designated product for which it cannot demonstrate that a designated product conformity assessment has been done;</p> <p>(f) makes available on the market a designated product with a designated product conformity assessment that does not meet the essential requirements;</p> <p>(g) fails to comply with any measure imposed by the surveillance authority for designated products under Section 27(1)(d) to (j);</p> <p>(3) The surveillance authority for designated products shall impose a fine of between EUR 100 and EUR 10 000 on any person who breaches any obligation on an economic operator other than the obligation in paragraphs 1 and 2.</p> <p>(4) The surveillance authority for designated products shall impose a fine of between EUR 100 and EUR 10 000 on an economic operator pursuant to special legislation<sup>23</sup> who breaches the obligations in Section 9a.</p> <p>(5)</p>

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Regulation/Directive	SK law	rules on penalties
		<p>The office shall impose a fine of between EUR 100 and EUR 1 000 on an authorised person who repeatedly breaches an obligation in Section 21(12) or (13).</p> <p>(6)</p> <p>The office or surveillance authority for designated products shall impose a fine of between EUR 100 and EUR 1 500 on anyone who thwarts, disrupts or otherwise makes it difficult to carry out inspections or surveillance; the fine may be imposed more than once.</p> <p>(7)</p> <p>Fines may be imposed within three years from the date on which the breach of obligations referred to in paragraphs 1, 2, 3, 4, 5 or 6 occurred.</p> <p>(8)</p> <p>When the amount of the fine is determined, particular account shall be taken of the severity, manner, duration and consequences of the unlawful conduct.</p> <p>(9)</p> <p>Fines shall constitute State budget revenue.</p> <p>(10)</p> <p>If, within one year from the decision imposing a fine becoming final, a repeat breach of an obligation under this Act or a technical regulation in the field of conformity assessment occurs, the office or surveillance authority for designated products shall impose a fine of up to twice the amounts provided for in paragraphs 1 to 6.</p> <p>(11)</p> <p>No fine may be imposed on a person who has been fined in accordance with special legislation for the conduct referred to in paragraphs 1 to 4<sup>70</sup>.</p>
Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the	Act No 250/2007 on consumer protection and amending Act of the Slovak National Council	Section 6 Placing of products on the market and the provision of services

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<b>Regulation/Directive</b>	<b>SK law</b>	<b>rules on penalties</b>
Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 36)	No 372/1990 on infringements, as amended	(10) The details of the safety requirements for a product or service and details for the placing on the market of products and services shall be laid down in a legal act of general application issued by the Ministry of the Economy of the Slovak Republic ('the Ministry').
	Slovak Government Regulation No 448/2004 laying down details for the labelling of crystal glass and the method for testing its composition	Section 12 (1) The manufacturer shall label the product with information which informs the seller accurately and fully of the characteristics of the product being supplied; if the manufacturer fails to comply with its obligation, the importer shall label the product; if the importer does not label the product, the supplier shall label it. (2) The seller shall ensure that the product it sells is clearly labelled with details of the manufacturer or importer or supplier, of the size or quantity, of the way in which the product should be used and maintained, of the hazards arising from misuse or poor maintenance, of the conditions for keeping and storing the product, and of the risk associated with the service provided, and with any information specified by special legislation <sup>16</sup> . When requested by the surveillance authority or the consumer, the seller shall communicate or document the product details, if the product cannot be labelled. (6) Details of the labelling of the material composition of the different types of product, of the methods for testing the material composition of the products and the method for packaging and handling products intended for consumers shall be laid down by the Ministry in a legal act of general application. Section 24 Penalties (1)



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		For any breach of obligations laid down in this Act or in legally binding European Union consumer protection legislation <sup>28</sup> the surveillance authority shall impose a fine of up to EUR 66 400 on the manufacturer, seller, importer, supplier or party referred to in Section 9a or Section 26; for any repeated breach of obligations within a period of 12 months, it shall impose a fine of up to EUR 166 000, unless otherwise specified by paragraph 6.
Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, p. 16)	Regulation of the Government of the Slovak Republic No 309/2006 on technical requirements for exhaust systems and the permissible sound level of motor vehicles	<p>Section 154</p> <p>Administrative offences</p> <p>(1)</p> <p>The Slovak Trade Inspectorate shall impose a fine of:</p> <p>(a)</p> <p>between EUR 2 000 and EUR 300 000 on any economic operator who:</p> <ol style="list-style-type: none"> <li>1. breaches any of the obligations in Section 22(4)(a), (b) or (d);</li> <li>2. breaches any of the obligations in Section 22(5)(a)-(c);</li> </ol> <p>(b)</p> <p>between EUR 1 000 and EUR 30 000 on any economic operator who:</p> <ol style="list-style-type: none"> <li>1. breaches any of the obligations in Section 22(4)(c) or (e)-(h);</li> <li>2. breaches any of the obligations in Section 22(5)(d)-(f);</li> <li>3. breaches any of the obligations in Section 22(7)(a)-(e);</li> </ol>
	Act No 106/2018 on the operation of vehicles in road traffic and amending certain acts	

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		<p>4. fails to comply with any measure imposed by the market surveillance authority under Section 152(6) or (7);</p> <p>(2) The Slovak Trade Inspectorate shall impose a fine of between EUR 3 000 and EUR 100 000 on any person who breaches any of the prohibitions in Section 53(1)-(3) or (5).</p> <p>(3) The Slovak Trade Inspectorate shall impose a fine of between EUR 500 and EUR 3 000 on any person who breaches any of the prohibitions in Section 53(4).</p> <p>(4) When the amount of the fine is determined, particular account shall be taken of the severity, manner, duration and consequences of the unlawful conduct.</p> <p>(5) The fine may be imposed within two years from the date on which the Slovak Trade Inspectorate became aware of the breach, but no later than five years following the date on which the breach occurred.</p> <p>(6) The fine shall be payable within 15 days of the date on which the decision imposing the fine becomes final. The fine shall be paid into the payment account set out in the decision. The fine shall constitute State budget revenue.</p> <p>(7) If, within a period of three years from the date on which a decision imposing a fine under paragraphs 1, 2 or 3 becomes final, there is a repeat of the breach of obligations for which the fine was imposed, the Slovak Trade Inspectorate shall impose a further fine of up to twice the maximum fine; in the case of a fine under paragraph 2 involving a natural person who is a trader, or involving a legal person, it shall submit an application to the</p>

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		<p>relevant trade licensing office for the trading licence to be revoked in accordance with special legislation<sup>94</sup>.</p> <p>(8)</p> <p>If a natural person who is a trader, or a legal person, repeats a breach of the obligations in Section 22(4)-(6), (7)(a)-(e) or Section 53, such conduct shall be deemed a particularly serious breach of obligations<sup>95</sup>.</p> <hr/> <p>Section 148</p> <p>Administrative offences</p> <p>(1)</p> <p>The Ministry of Transport shall impose on any manufacturer or manufacturer's representative a fine of:</p> <p>(a)</p> <p>EUR 150 if it fails to comply with the obligation in:</p> <ol style="list-style-type: none"> <li>1. Section 7(6), with the fine to apply per certificate; or</li> <li>2. Section 20(1); with the fine to apply per type approval; or</li> </ol> <p>(b)</p> <p>EUR 300 if:</p> <ol style="list-style-type: none"> <li>1. it draws up and issues a Part II registration certificate or a vehicle technical certificate for a vehicle that does not conform to the whole-vehicle type-approval granted or to a vehicle that does not conform to the actual trim of a particular vehicle, or draws up and issues such a certificate to a vehicle on the basis of an invalid certificate of conformity (COC) or on the basis of an invalid basic technical description of the vehicle; the fine shall apply per certificate; or</li> </ol>

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		<p>2. it draws up and issues a Part II registration certificate or a vehicle technical certificate to a vehicle for which EU whole-vehicle type-approval has not been recognised; the fine shall apply per vehicle;</p> <p>3. it breaches the obligation in Section 12(4);</p> <p>4. it breaches the obligation in Section 12(5) or sends vehicle technical data that do not conform to the whole-vehicle type-approval granted or to a vehicle that does not conform to the actual trim of a particular vehicle, or draws up and issues such a certificate to a vehicle on the basis of an invalid certificate of conformity (COC) or on the basis of an invalid basic technical description of the vehicle; the fine shall apply per vehicle; or</p> <p>5. breaches any of the obligations in Section 34(11)(a)-(c); the fine shall apply per vehicle;</p> <p>(c) between EUR 500 and EUR 2 000 if it breaches any of the obligations in Section 12(2)(a) or (b), Section 14(9) or Section 23(1)(n), (3), (4) or (9);</p> <p>(d) between EUR 1 000 and EUR 3 000 if:</p> <p>1. it breaches the conditions laid down in the certificate [Sections 7(5), 9(5), 10(4)(a), 16(4) or 17(6)(a), 18(6), 19(7) or 34(8)(a) or (18)(a)], in the decision [Section 11(3)] or in the authorisation [Section 14(8) or 34(4)];</p> <p>2. it breaches any of the obligations under Section 23(1)(b), (j)-(l) or (m), (6), (7) or (8); or</p>

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		<p>3. has submitted the same application for EU type-approval in another Member State;</p> <p>(e) between EUR 3 000 and EUR 10 000 if it breaches any of the obligations under Section 21(1), (3) or (5) or Section 23(1)(c)-(i), (p), (q) or (r), (2) or (5) or Section 40(4);</p> <p>(f) up to EUR 50 000 for each vehicle, system, component or separate technical unit produced if it breaches an obligation under Section 23(1)(a) or (o).</p> <p>(2) The Ministry of Transport shall impose on a manufacturer a fine of:</p> <p>(a) EUR 150 if it breaches the obligation in Section 13(3); the fine shall apply per vehicle;</p> <p>(b) EUR 300 if it breaches the obligation in Section 12(1) or draws up and issues a certificate of conformity (COC) to a vehicle which does not conform to the whole-vehicle type-approval granted or to a vehicle which does not conform to the actual trim of a particular vehicle; the fine shall apply per certificate; or</p> <p>(c) between EUR 500 and EUR 2 000 if it breaches any of the obligations in Section 8(9).</p> <p>(3) The Ministry of Transport shall impose on a holder of a trial operation permit a fine of:</p> <p>(a) EUR 150 if it breaches the obligation in Section 49(8)(f);</p> <p>(b)</p>

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		<p>between EUR 1 000 and EUR 3 000 if it breaches:</p> <ol style="list-style-type: none"> <li>1. the conditions laid down in the permit (Section 49(6)); or</li> <li>2. any of the obligations in Section 49(8)(a)-(e);</li> </ol> <p>(4)</p> <p>The Ministry of Transport shall impose on a holder of a certificate of approval of equipment suitability a fine of:</p> <p>(a)</p> <p>EUR 150 if it breaches the obligation in Section 78(5)(e);</p> <p>(b)</p> <p>between EUR 500 and EUR 10 000 if it breaches:</p> <ol style="list-style-type: none"> <li>1. the conditions laid down in the certificate (Section 78(4)); or</li> <li>2. any of the obligations in Section 78(5)(a)-(d);</li> </ol> <p>(5)</p> <p>The Ministry of Transport shall impose on a person professionally qualified to calibrate equipment a fine of;</p> <p>(a)</p> <p>EUR 150 if that person fails to fulfil the obligation in Section 79(11)(g);</p> <p>(b)</p> <p>between EUR 500 and EUR 10 000 if that person breaches any of the obligations in Section 79(11)(a)-(f).</p>

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		<p>(6) The Ministry of Transport shall impose on a technical service a fine of:</p> <p>(a) EUR 150 if it fails to fulfil an obligation in Section 73(1)(c), Section 74(1)(n), Section 75(1)(n), Section 76(1)(o) or Section 77(1)(l);</p> <p>(b) between EUR 1 000 and EUR 10 000 if it breaches:</p> <p>1. the conditions laid down in the designation (Section 71(4)) or in the certificate (Section 80(4) or 81(4)); or</p> <p>2. any of the obligations in Section 73(1)(a), (b), (d)-(g), Section 74(1)(a)-(m), (o)-(s) or (7), Section 75(1)(a)-(m), (o)-(s) or (7), Section 76(1)(a)-(n) or (p)-(r) or Section 77(1)(a)-(k) or (m)-(o).</p> <p>(7) The Ministry of Transport shall impose a fine of between EUR 3 000 and EUR 10 000 on the distributor or importer if it breaches any of the obligations laid down in special legislation<sup>18</sup> pursuant to Section 23(11).</p> <p>(8) The Ministry of Transport shall impose a fine of between EUR 3 000 and EUR 10 000 on any manufacturer, manufacturer's representative, distributor, importer or manufacturer of original equipment if they breach any of the obligations laid down in special legislation<sup>2</sup> under Section 24(1) or breach the obligation in Section 24(2).</p> <p>(9)</p>

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		<p>The Ministry of Transport shall impose a fine of between EUR 5 000 and EUR 100 000 on any person who:</p> <p>(a) in the absence of a certificate under this Act, performs activities which only the manufacturer or the manufacturer’s representative is authorised to perform, or issues documents relating to the activities of the manufacturer or the manufacturer’s representative;</p> <p>(b) places, without authorisation, an approval mark or an approval number on a vehicle, a system, a component, a separate technical unit, a hazardous part or a piece of equipment, or the internal combustion engine of non-road mobile machinery;</p> <p>(c) in the absence of an authorisation pursuant to this Act, produces, sells, distributes or otherwise handles a Part II registration certificate form or vehicle technical certificate form;</p> <p>(d) in the absence of a designation pursuant to this Act, performs activities which only a technical service is authorised to perform, or issues documents relating to the activities of a technical service;</p> <p>(e) in the absence of a certificate pursuant to this Act, calibrates equipment;</p> <p>(f) in the absence of a certificate pursuant to this Act, carries out technical inspections, emissions checks, originality checks or installs gas equipment;</p> <p>(g)</p>



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		<p>in the absence of an authorisation pursuant to this Act, carries out technical inspections, emissions checks, originality checks or installs gas equipment, or issues associated documents; or</p> <p>(h)</p> <p>in the absence of a permit pursuant to this Act, produces, sells, distributes or otherwise handles document forms or inspection stickers used for technical inspections, emissions checks, originality checks or the installation of gas equipment.</p> <p>(10)</p> <p>The district office in the regional capital shall impose a fine of between EUR 1 000 and EUR 3 000 on the holder of a permit to establish a technical inspection centre or an emissions check or originality check workshop if it breaches the conditions laid down in the permit [sixth point of Section 83(5)(a), sixth point of Section 83(5)(b) or fifth point of Section 83(5)(c)].</p> <p>(11)</p> <p>The district office in the regional capital shall impose a fine of between EUR 1 000 and EUR 3 000 on the holder of an authorisation to carry out technical inspections, on the holder of an authorisation to carry out emissions inspections, on the holder of an authorisation to carry out originality checks or on the holder of an authorisation to install gas equipment if it breaches the conditions specified in the authorisation [Section 84(5)(f), (6)(e), 7(e) or 8(d)].</p> <p>(12)</p> <p>The district office in the regional capital shall impose on a person authorised to carry out technical inspections, a person authorised to carry out emissions checks, a person authorised to carry out originality checks or a person authorised to install gas equipment a fine of:</p> <p>(a)</p> <p>EUR 150 if the person fails to fulfil an obligation in Section 86(1)(i), Section 87(1)(i), Section 88(1)(i), Section 89(1)(k), Section 106(5) or Section 115(4);</p>

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		<p>(b)</p> <p>between EUR 2 000 and EUR 5 000 if it breaches any of the obligations in Section 86(1)(a)-(h), (j)-(q), (2) or (5), Section 87(1)(a)-(h), (j)-(q), (2) or (5), Section 88(1)(a)-(h), (j)-(n) or (2), Section 89(1)(a)-(j), (l)-(o) or (2); the district office in the regional capital shall not impose a fine if an authorised person has itself notified the State’s main technical supervision body in writing of the breach established under the sixth or eighth point of Section 85(5)(a), the sixth or eighth point of Section 85(5)(b), the sixth or eighth point of Section 85(5)(c), or the sixth or seventh point of Section 85(5)(d).</p> <p>(13)</p> <p>The district office in the regional capital shall impose on a technician a fine of:</p> <p>(a)</p> <p>EUR 30 if the technician breaches:</p> <ol style="list-style-type: none"> <li>1.</li> </ol> <p>any of the obligations in Section 95(1)(a) or Section 96(1)(a), where a fine cannot be imposed under the first point of subparagraph (b), the first point of subparagraph (c) of the first point of subparagraph (d); the fine shall apply per vehicle; or</p> <ol style="list-style-type: none"> <li>2.</li> </ol> <p>the obligation in Section 95(1)(e) or (f), Section 96(1)(e) or (f), Section 97(1)(e) or Section 98(a) or (e); the fine shall apply per vehicle;</p> <p>(b)</p> <p>EUR 60 if the technician breaches:</p> <ol style="list-style-type: none"> <li>1.</li> </ol> <p>any of the obligations Section 95(1)(a) or Section 96(1)(a) by failing to detect or record a minor deficiency or by incorrectly assessing such a deficiency, or failing to carry out any inspection operation which could detect a minor deficiency, or by carrying out such an operation incorrectly; the fine shall apply per vehicle;</p> <ol style="list-style-type: none"> <li>2.</li> </ol>

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		<p>any of the obligations in Section 95(1)(b), Section 96(1)(b), Section 97(1)(b) or Section 98(b); or</p> <p>3.</p> <p>the obligation in Section 97(1)(a), and a fine cannot be imposed under the second point of subparagraph (d); the fine shall apply per vehicle;</p> <p>(c)</p> <p>EUR 210 if the technician breaches:</p> <p>1.</p> <p>any of the obligations in Section 95(1)(a) or Section 96(1)(a) by failing to detect or record a major deficiency or by incorrectly assessing such a deficiency, or failing to carry out any control operation that could detect the most major deficiency, or by carrying out such an operation incorrectly; the fine shall apply per vehicle; or</p> <p>2.</p> <p>any of the obligations in Section 95(1)(c), Section 96(1)(c), Section 97(1)(c) or Section 98(c); the fine shall apply per vehicle;</p> <p>(d)</p> <p>EUR 300 if the technician breaches:</p> <p>1.</p> <p>any of the obligations Section 95(1)(a) or Section 96(1)(a) by failing to detect or record a dangerous deficiency or by incorrectly assessing such a deficiency, or failing to carry out an inspection operation which could detect a dangerous deficiency, or by carrying out such an operation incorrectly, or in any way interferes with the measurement, with measurement data or values, or with the assessment of the results of the inspection; the fine shall apply per vehicle;</p> <p>2.</p> <p>the obligation in Section 97(1)(a) by incorrectly evaluating the conformity of a vehicle, the vehicle identifiers, the required documents, the data in the relevant information</p>

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		<p>systems, or by failing to carry out an inspection operation or by carrying out such an operation incorrectly, or breaches Section 97(1)(f); the fine shall apply per vehicle; or</p> <p>3.</p> <p>any of the obligations in Section 95(1)(d) or (2), Section 96(1)(d) or (2), Section 97(1)(d) or (2), or Section 98(d);</p> <p>(e)</p> <p>EUR 1 200 if it carries out a technical inspection, an emissions check or an originality check without the vehicle being present; the fine shall apply per vehicle.</p> <p>(14)</p> <p>The district office shall impose on the operator of the vehicle a fine of:</p> <p>(a)</p> <p>EUR 66 for each vehicle if the operator:</p> <p>1.</p> <p>fails to submit the vehicle within the prescribed time limit to an administrative technical inspection pursuant to Section 43(7)(b) when exchanging the vehicle technical certificate;</p> <p>2.</p> <p>fails to submit the vehicle within the prescribed time limit to an administrative check pursuant to Section 43(7)(b) when exchanging the vehicle technical certificate;</p> <p>3.</p> <p>fails to submit the vehicle within the prescribed time limit to an administrative technical inspection pursuant to Section 45(1)(c);</p> <p>4.</p> <p>fails to submit the vehicle within the prescribed time limit to an administrative check pursuant to Section 45(1)(c); or</p>

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		<p>5. does not request within the prescribed time limit the temporary deregistration of the vehicle or the deregistration of the vehicle pursuant to Section 47(6);</p> <p>(b) EUR 165 for each vehicle if the operator:</p> <p>1. does not request within the prescribed time limit the issue of a new vehicle document pursuant to Section 34(12);</p> <p>2. fails to fulfil within the prescribed time limit an obligation pursuant to Section 34(16), Section 35(9), Section 36(8) or (12), Section 37(6) or Section 43(7)(a);</p> <p>3. fails to request within the prescribed time limit an amendment to details in the vehicle documents pursuant to Section 36(3) or (9) or Section 37(2);</p> <p>4. fails to submit the vehicle within the prescribed time limit to an administrative technical inspection pursuant to the first or third points of Section 45(1)(b);</p> <p>5. fails to submit the vehicle within the prescribed time limit to an administrative check pursuant to the second or fourth points of Section 45(1)(b);</p> <p>6. breaches any of the obligations when operating the vehicle on in road traffic pursuant to Section 50(7)(a)-(e);</p> <p>7.</p>

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		<p>fails to surrender within the prescribed period the documents and registration plates referred to in Section 50(7)(f) or Section 56(4) or (5);</p> <p>8.</p> <p>breaches the conditions laid down in the licence (Section 35(4)), in the decision (Section 38(7)) or in the temporary licence (Section 50(4)(a));</p> <p>9.</p> <p>fails to submit the vehicle to a compulsory administrative technical inspection pursuant to Section 109(2);</p> <p>10.</p> <p>fails to submit the vehicle to a compulsory emissions check pursuant to Section 118(2); or</p> <p>11.</p> <p>fails to submit the vehicle to a compulsory originality check pursuant to Section 125(2);</p> <p>(c)</p> <p>EUR 498 per vehicle, if the operator breaches any of the obligations when operating the vehicle in road traffic pursuant to Section 45(2)(a) or (b);</p> <p>(15)</p> <p>The district office shall impose on the operator of an individually manufactured vehicle a fine of EUR 165 per vehicle if the operator breaches:</p> <p>(a)</p> <p>the conditions laid down in the certificate [Section 25(5)(a) or Section 26(5)(a)]; or</p> <p>(b)</p> <p>an obligation in Section 25(10) or Section 26(8).</p> <p>(16)</p>

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		<p>The district office shall impose on the operator of an individually finished vehicle a fine of EUR 165 per vehicle if the operator breaches:</p> <p>(a) the conditions laid down in the certificate [Section 27(6)(a)]; or</p> <p>(b) breaches the obligation in Section 27(8).</p> <p>(17)</p> <p>The district office shall impose on the operator of an individually imported vehicle a fine of EUR 165 per vehicle if the operator breaches:</p> <p>(a) the conditions laid down in the certificate (Section 29(8)(a)); or</p> <p>(b) the obligation in Section 29(10).</p> <p>(18)</p> <p>The district office shall impose on the operator of a re-approved vehicle a fine of EUR 165 per vehicle if the operator breaches the obligation in Section 30(9).</p> <p>(19)</p> <p>The district office shall impose on the operator of an additionally approved vehicle a fine of EUR 165 per vehicle if the operator breaches the obligation in Section 31(9).</p> <p>(20)</p> <p>The district office shall impose a fine of between EUR 1 000 and EUR 10 000 on any person who breaches any of the obligations in Section 44(15) or Section 47(7).</p> <p>(21)</p> <p>When determining the amount of the fine under subparagraphs 1(c) to (f), (2)(c), (3)(b), (4)(b), (5)(b), (6)(b), (7)-(11), (12)(b) and (20), the administrative authority shall have</p>

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		<p>regard, in particular, to the severity, duration and consequences of the unlawful conduct and to whether it is a repeated breach of obligations under this Act.</p> <p>(22)</p> <p>When an offender has committed several administrative offences over which the same administrative authority has the jurisdiction, these administrative offences shall be dealt with in joint proceedings, unless otherwise specified in paragraphs 23 and 24. For several administrative offences committed by the same offender and dealt with in joint proceedings, a fine shall be imposed in accordance with the provisions relating to the administrative offence attracting the strictest penalties. Proceedings that are already underway for an administrative offence cannot be joined to proceedings on a different administrative offence.</p> <p>(23)</p> <p>In the case of several administrative offences committed by the same offender pursuant to paragraph 12(b), a decision shall be made, and penalties imposed, in separate proceedings individually for each breach of obligations. Separate proceedings on administrative offences under this paragraph may not be combined in joint administrative proceedings or decided upon by means of a single decision.</p> <p>(24)</p> <p>In the case of several administrative offences committed by the same offender pursuant to paragraphs 13-19, a decision shall be made, and penalties imposed, in separate proceedings for each vehicle in connection with which an administrative offence has been committed, and individually for each breach of obligations. Separate proceedings on administrative offences under this paragraph may not be combined in joint administrative proceedings or decided upon by means of a single decision.</p> <p>(25)</p> <p>In proceedings on administrative offences against a vehicle operator, ‘vehicle operator’ means:</p> <p>(a)</p>



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		<p>the holder of the certificate, if the owner of the vehicle and the person listed in the Part I and Part II registration certificate as the holder of the certificate are different persons; or</p> <p>(b)</p> <p>the owner of the vehicle, if the holder of the certificate has died or has been declared dead or has been wound up without a legal successor.</p> <p>(26)</p> <p>A fine may be imposed within two years from the date on which the competent administrative body became aware of the breach, but no later than five years following the date on which the breach occurred.</p> <p>(27)</p> <p>The fine shall be payable within 15 days following the date on which the decision to impose the fine becomes final. The fine shall be paid into the payment account set out in the decision. Fines shall constitute State budget revenue.</p> <p>(28)</p> <p>The fines referred to in paragraphs 1 and 2 may be imposed on a person if the breach of obligations occurred when that person was the manufacturer or the manufacturer's representative and the validity of their certificate or type-approval report was subsequently revoked by a decision of the type-approval authority or lapsed pursuant to Section 20. The fines in paragraph 13 may also be imposed on a natural person if the breach of obligations occurred when that person was a technical inspection technician, an emissions check technician, an originality check technician or a gas equipment installation technician whose certificate was subsequently revoked or lapsed pursuant to Section 91.</p> <p>(29)</p> <p>In the event of a repeat breach of an obligation, the fines referred to in paragraphs 1 to 20 may be imposed more than once. If, within two years from the date on which the decision imposing a fine becomes final, any repeat breach of an obligation for which a fine has been imposed pursuant to paragraphs 1(c)-(f), 2(c), 3(b), 4(b), 5(b), 6(b), 7-11,</p>

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		12(b), 13 or 20 may be punished by a fine of up to three times the maximum fines referred to in those paragraphs.
Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to bottles used as measuring containers (OJ L 42, 15.2.1975, p. 14)	Decree of the Office for Standards, Metrology and Testing of the Slovak Republic No 188/2018 on prepackages, on bottles used as measuring containers, on requirements for checking the quantity of product in prepackages and on requirements for checking the actual volume of bottles as measuring containers	Section 55 Penalties (1) The Inspectorate shall impose a fine of between EUR 200 and EUR 10 000 on any person who breaches the provisions of this Act by: (a) failing, in the course of their activities in the Slovak Republic, to use statutory units of measurement, other units of measurement or the symbols thereof, in accordance with Section 15;
	Act No 157/2018 on metrology and amending certain acts	(b) failing to fulfil the obligations of a designated person under Section 30(6); (c) failing to use a legal measuring instrument or neglecting to use a legal measuring instrument when making measurements for the purpose referred to Section 11(1); (d) failing to use a compulsorily calibrated measuring instrument pursuant to Section 17(1)(a); (e) using a compulsorily calibrated measuring instrument without a calibration document pursuant to Section 17(1)(e); (f)

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		<p>using a compulsorily calibrated measuring instrument that does not meet the requirements of Section 17(2);</p> <p>(g) using a measuring instrument without a metrological check or without a conformity assessment<sup>1</sup> or neglecting to use a measuring instrument with a metrological check for the purpose for which this type of measuring instrument is included in the set of legal measuring instruments;</p> <p>(h) failing to apply to the measuring instrument a type-approved mark in accordance with Section 12, or using a type-approved mark in an unauthorised way or in a way that contravenes this Act;</p> <p>(i) damaging, or altering or removing in an unauthorised way, a type-approval mark, a verification mark, a partial verification mark, a security mark, a repairer's securing mark, a repairer's temporary mark or an assembler's securing mark;</p> <p>(j) repairing a legal measuring instrument or assembling a legal measuring instrument without being registered;</p> <p>(k) failing to fulfil the obligations of a registered person under Section 51;</p> <p>(l) placing on the market prepackages that do not meet the requirement of Section 14(11);</p> <p>(m) obstructing or thwarting the performance of metrological supervision;</p> <p>(n)</p>

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		<p>failing within the specified time limit to remedy a deficiency found in the course of metrological supervision;</p> <p>(o)</p> <p>failing to keep records of the designated measuring instruments used pursuant to Section 16(2)(e) or failing to keep records of the use of compulsorily calibrated measuring instruments pursuant to Section 17(1)(d);</p> <p>(p)</p> <p>failing to use a legal measuring instrument of the type designated for a particular purpose;</p> <p>(q)</p> <p>failing to check a legal measuring instrument or failing to check a legal measuring instrument following repair;</p> <p>(r)</p> <p>failing to maintain in an appropriate working condition a legal measuring instrument that is in use or a compulsorily calibrated measuring instrument that is in use;</p> <p>(s)</p> <p>placing on a legal measuring instrument a mark that could be confused with a type-approved mark or with a special mark and could mislead;</p> <p>(t)</p> <p>failing to specify the amount of payment pursuant to Section 16(2)(f).</p> <p>(2)</p> <p>The Inspectorate shall impose a fine of between EUR 500 and EUR 50 000 on anyone who breaches the provisions of this Act by:</p> <p>(a)</p> <p>placing on the market, without a metrological inspection, a measuring instrument of a type that has not been approved despite it being subject to approval, or which does not</p>

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		<p>conform to an approved type, or placing on the market a measuring instrument which has not been validated, despite it being subject to validation;</p> <p>(b) performing a metrological inspection or official measurement without authorisation;</p> <p>(c) placing on the market labelled prepackages without registration;</p> <p>(d) filling prepackages that do not meet the requirements of Section 14(5) or placing prepackages on the market that do not meet the requirements of Section 14(5);</p> <p>(e) placing on the market prepackages that do not meet the requirements of Section 14(7);</p> <p>(f) placing on the market prepackages without marking pursuant to Section 14(9) or (10);</p> <p>(g) placing on the market a bottle used as a measuring container which does not meet the requirements for a bottle used as a measuring container;</p> <p>(h) placing on the market a measuring instrument bearing a special mark pursuant to Section 12(2) identifying a measuring instrument that is not subject to type-approval and does not meet the requirements for the type of measuring instrument;</p> <p>(i) failing to fulfil the obligations of an authorised person under Section 41 during the period that the authorisation is in force;</p> <p>(j)</p>

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		<p>assembling or repairing a legal measuring instrument without the prior consent of the user of the legal measuring instrument;</p> <p>(k) repeatedly failing within the specified time limit to remedy a deficiency found in the course of metrological supervision; or</p> <p>(l) repeatedly obstructing or thwarting the performance of metrological supervision within three years of the finding of a breach pursuant to paragraph 1(m).</p> <p>(3) The Inspector may impose an on-the-spot fine of up to EUR 300 on anyone who:</p> <p>(a) fails, in the course of their activities in the Slovak Republic, to use statutory units of measurement, units of measurement or symbols thereof, in accordance with Section 15;</p> <p>(b) fails to use a compulsorily calibrated measuring instrument pursuant to Section 17(1)(a);</p> <p>(c) uses a compulsorily calibrated measuring instrument that does not meet the requirements of Section 17(2);</p> <p>(d) uses a compulsorily calibrated measuring instrument without a calibration document pursuant to Section 17(1)(e);</p> <p>(e) uses a measuring instrument without a metrological check or without a conformity assessment<sup>1</sup> or neglects to use a measuring instrument with a metrological check for the purpose for which this type of measuring instrument is included in the set of legal measuring instruments;</p>

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		<p>(f) fails to keep records of the legal measuring instruments used pursuant to Section 16(2)(e) or fails to keep records of the use of compulsorily calibrated measuring instruments pursuant to Section 17(1)(d);</p> <p>(4) An inspector may impose an on-the-spot fine under paragraph 3 if a person under supervision breaches only a single obligation under this Act, if the breach is reliably established and if the person under supervision pays the fine on the spot while under metrological supervision.</p> <p>(5) The fine receipt shall indicate when, on whom and under which provision of the Act the fine has been imposed in the on-the-spot proceedings.</p> <p>(6) No appeal is possible against the imposition of an on-the-spot fine.</p> <p>(7) The provisions on on-the-spot proceedings shall apply <i>mutatis mutandis</i> to on-the-spot proceedings<sup>38</sup>.</p> <p>(8) When the amount of the fine is determined, particular account shall be taken of the severity, manner, duration and consequences of the unlawful conduct.</p> <p>(9) Proceedings to impose a fine may be initiated within three years of the date on which the unlawful conduct occurred.</p> <p>(10)</p>

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		<p>The imposition of a fine under this Act shall be without prejudice to the provisions of special legislation on the compensation of damage<sup>39</sup>; obligations laid down in this Act shall continue to apply.</p> <p>(11)</p> <p>Fines shall constitute State budget revenue.</p>
<p>Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (OJ L 147, 9.6.1975, p. 40)</p>	<p>Act No 56/2018 on product conformity assessment, making available designated products on the market and amending certain acts</p>	<p>Section 28</p> <p>Penalties</p> <p>(1)</p> <p>The office shall impose a fine of between EUR 350 and EUR 35 000 on any person who:</p> <p>(a)</p> <p>without authorisation, issues, alters or falsifies the conformity assessment output document;</p> <p>(b)</p> <p>without authorisation, acts as an authorised person or a notified person;</p> <p>(c)</p> <p>breaches the obligation in Section 21(2)(b).</p> <p>(2)</p> <p>The surveillance authority for designated products shall impose a fine of between EUR 200 and EUR 200 000 on any person who breaches the provisions of this Act or the provisions of a technical regulation relating to conformity assessment by doing any of the following:</p> <p>(a)</p> <p>placing on the designated product a mark which could be confused for the mark or could be misleading;</p> <p>(b)</p>
	<p>Slovak Government Decree No 46/2009 laying down requirements for aerosol dispensers</p>	



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		<p>places on a product which is not a designated product within the meaning of Section 4(1) a mark pursuant to Section 24, or applies CE marking in contravention of Section 25(6);</p> <p>(c)</p> <p>fails to issue, or issues without authorisation, a declaration of conformity;</p> <p>(d)</p> <p>makes a designated product available on the market without a conformity assessment of the product;</p> <p>(e)</p> <p>makes available on the market a designated product for which it cannot demonstrate that a designated product conformity assessment has been done;</p> <p>(f)</p> <p>makes available on the market a designated product with a designated product conformity assessment that does not meet the essential requirements;</p> <p>(g)</p> <p>fails to comply with any measure imposed by the surveillance authority for designated products under Section 27(1)(d) to (j);</p> <p>(3)</p> <p>The surveillance authority for designated products shall impose a fine of between EUR 100 and EUR 10 000 on any person who breaches any obligation on an economic operator other than the obligation in paragraphs 1 and 2.</p> <p>(4)</p> <p>The surveillance authority for designated products shall impose a fine of between EUR 100 and EUR 10 000 on an economic operator pursuant to special legislation<sup>23</sup> who breaches the obligations in Section 9a.</p> <p>(5)</p>

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		<p>The office shall impose a fine of between EUR 100 and EUR 1 000 on an authorised person who repeatedly breaches an obligation in Section 21(12) or (13).</p> <p>(6)</p> <p>The office or supervisory authority for designated products shall impose a fine of between EUR 100 and EUR 1 500 on anyone who thwarts, disrupts or otherwise makes it difficult to carry out inspections or surveillance; the fine may be imposed more than once.</p>
<p>Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain pre-packaged products (OJ L 46, 21.2.1976, p. 1)</p>	<p>Decree of the Office for Standards, Metrology and Testing of the Slovak Republic No 188/2018 on prepackages, on bottles used as measuring containers, on requirements for checking the quantity of product in prepackages and on requirements for checking the actual volume of bottles as measuring containers</p>	<p>Section 55</p> <p>Penalties</p> <p>(1)</p> <p>The Inspectorate shall impose a fine of between EUR 200 and EUR 10 000 on any person who breaches the provisions of this Act by:</p> <p>(a)</p> <p>failing, in the course of their activities in the Slovak Republic, to use statutory units of measurement, other units of measurement or the symbols thereof, in accordance with Section 15;</p> <p>(b)</p> <p>failing to fulfil the obligations of a designated person under Section 30(6);</p> <p>(c)</p> <p>failing to use a legal measuring instrument or neglecting to use a legal measuring instrument when making measurements for the purpose referred to Section 11(1);</p> <p>(d)</p> <p>failing to use a compulsorily calibrated measuring instrument pursuant to Section 17(1)(a);</p> <p>(e)</p>
	<p>Act No 157/2018 on metrology and amending certain acts</p>	

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		<p>using a compulsorily calibrated measuring instrument without a calibration document pursuant to Section 17(1)(e);</p> <p>(f)</p> <p>using a compulsorily calibrated measuring instrument that does not meet the requirements of Section 17(2);</p> <p>(g)</p> <p>using a measuring instrument without a metrological check or without a conformity assessment<sup>1</sup> or neglecting to use a measuring instrument with a metrological check for the purpose for which this type of measuring instrument is included in the set of legal measuring instruments;</p> <p>(h)</p> <p>failing to affix to the measuring instrument a type-approved mark in accordance with Section 12, or using a type-approved mark in an unauthorised way or in a way that contravenes this Act;</p> <p>(i)</p> <p>damaging, or altering or removing in an unauthorised way, a type-approval mark, a verification mark, a partial verification mark, a security mark, a repairer's securing mark, a repairer's temporary mark or an assembler's securing mark;</p> <p>(j)</p> <p>repairing a legal measuring instrument or assembling a legal measuring instrument without being registered;</p> <p>(k)</p> <p>failing to fulfil the obligations of a registered person under Section 51;</p> <p>(l)</p> <p>placing on the market prepackages that do not meet the requirement of Section 14(11);</p> <p>(m)</p>

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		<p>obstructing or thwarting the performance of metrological supervision;</p> <p>(n) failing within the specified time limit to remedy a deficiency found in the course of metrological supervision;</p> <p>(o) failing to keep records of the designated measuring instruments used pursuant to Section 16(2)(e) or failing to keep records of the use of compulsorily calibrated measuring instruments pursuant to Section 17(1)(d);</p> <p>(p) failing to use a legal measuring instrument of the type designated for a particular purpose;</p> <p>(q) failing to check a legal measuring instrument or failing to check a legal measuring instrument following repair;</p> <p>(r) failing to maintain in an appropriate working condition a legal measuring instrument that is in use or a compulsorily calibrated measuring instrument that is in use;</p> <p>(s) placing on a legal measuring instrument a mark that could be confused with a type-approved mark or with a special mark and could mislead;</p> <p>(t) failing to specify the amount of payment pursuant to Section 16(2)(f).</p> <p>(2) The Inspectorate shall impose a fine of between EUR 500 and EUR 50 000 on anyone who breaches the provisions of this Act by:</p>

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		<p>(a) placing on the market, without a metrological inspection, a measuring instrument of a type that has not been approved despite it being subject to approval, or which does not conform to an approved type, or placing on the market a measuring instrument which has not been validated, despite it being subject to validation;</p> <p>(b) performing a metrological inspection or official measurement without authorisation;</p> <p>(c) placing on the market labelled prepackages without registration;</p> <p>(d) filling prepackages that do not meet the requirements of Section 14(5) or placing prepackages on the market that do not meet the requirements of Section 14(5);</p> <p>(e) placing on the market prepackages that do not meet the requirements of Section 14(7);</p> <p>(f) placing on the market prepackages without marking pursuant to Section 14(9) or (10);</p> <p>(g) placing on the market a bottle used as a measuring container which does not meet the requirements for a bottle used as a measuring container;</p> <p>(h) placing on the market a measuring instrument bearing a special mark pursuant to Section 12(2) identifying a measuring instrument that is not subject to type-approval and does not meet the requirements for the type of measuring instrument;</p> <p>(i)</p>

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		<p>failing to fulfil the obligations of an authorised person under Section 41 during the period that the authorisation is in force;</p> <p>(j) assembling or repairing a legal measuring instrument without the prior consent of the user of the legal measuring instrument;</p> <p>(k) repeatedly failing within the specified time limit to remedy a deficiency found in the course of metrological supervision; or</p> <p>(l) repeatedly obstructing or thwarting the performance of metrological supervision within three years of the finding of a breach pursuant to paragraph 1(m).</p> <p>(3) The Inspector may impose an on-the-spot fine of up to EUR 300 on anyone who:</p> <p>(a) fails, in the course of their activities in the Slovak Republic, to use statutory units of measurement, units of measurement or symbols thereof, in accordance with Section 15;</p> <p>(b) fails to use a compulsorily calibrated measuring instrument pursuant to Section 17(1)(a);</p> <p>(c) uses a compulsorily calibrated measuring instrument that does not meet the requirements of Section 17(2);</p> <p>(d) uses a compulsorily calibrated measuring instrument without a calibration document pursuant to Section 17(1)(e);</p> <p>(e)</p>

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		<p>uses a measuring instrument without a metrological check or without a conformity assessment<sup>1</sup> or neglects to use a measuring instrument with a metrological check for the purpose for which this type of measuring instrument is included in the set of legal measuring instruments;</p> <p>(f)</p> <p>fails to keep records of the legal measuring instruments used pursuant to Section 16(2)(e) or fails to keep records of the use of compulsorily calibrated measuring instruments pursuant to Section 17(1)(d);</p> <p>(4)</p> <p>An inspector may impose an on-the-spot fine under paragraph 3 if a person under supervision breaches only a single obligation under this Act, if the breach is reliably established and if the person under supervision pays the fine on the spot while under metrological supervision.</p> <p>(5)</p> <p>The fine receipt shall indicate when, on whom and under which provision of the Act the fine has been imposed in the on-the-spot proceedings.</p> <p>(6)</p> <p>No appeal is possible against the imposition of an on-the-spot fine.</p> <p>(7)</p> <p>The provisions on on-the-spot proceedings shall apply <i>mutatis mutandis</i> to on-the-spot proceedings<sup>38</sup>.</p> <p>(8)</p> <p>When the amount of the fine is determined, particular account shall be taken of the severity, manner, duration and consequences of the unlawful conduct.</p> <p>(9)</p> <p>Proceedings to impose a fine may be initiated within three years of the date on which the unlawful conduct occurred.</p>

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		<p>(10) The imposition of a fine under this Act shall be without prejudice to the provisions of special legislation on the compensation of damage<sup>39</sup>; obligations laid down in this Act shall continue to apply.</p> <p>(11) Fines shall constitute State budget revenue.</p>
<p>Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 22.6.1992, p. 17)</p>	<p>Act No 56/2018 on product conformity assessment, making available designated products on the market and amending certain acts</p>	<p>Section 28 Penalties (1) The office shall impose a fine of between EUR 350 and EUR 35 000 on any person who:</p> <p>(a) without authorisation, issues, alters or falsifies the conformity assessment output document;</p> <p>(b) without authorisation, acts as an authorised person or a notified person;</p> <p>(c) breaches the obligation in Section 21(2)(b).</p> <p>(2) The surveillance authority for designated products shall impose a fine of between EUR 200 and EUR 200 000 on any person who breaches the provisions of this Act or the provisions of a technical regulation relating to conformity assessment by doing any of the following:</p> <p>(a) placing on the designated product a mark which could be confused for the mark or could be misleading;</p>
	<p>Slovak Government Regulation No 236/2015 laying down technical details of efficiency requirements for hot-water boilers fired with liquid or gaseous fuels and on procedures for conformity assessment</p>	



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		<p>(b) places on a product which is not a designated product within the meaning of Section 4(1) a mark pursuant to Section 24, or applies CE marking in contravention of Section 25(6);</p> <p>(c) fails to issue, or issues without authorisation, a declaration of conformity;</p> <p>(d) makes a designated product available on the market without a conformity assessment of the product;</p> <p>(e) makes available on the market a designated product for which it cannot demonstrate that a designated product conformity assessment has been done;</p> <p>(f) makes available on the market a designated product with a designated product conformity assessment that does not meet the essential requirements;</p> <p>(g) fails to comply with any measure imposed by the surveillance authority for designated products under Section 27(1)(d) to (j);</p> <p>(3) The surveillance authority for designated products shall impose a fine of between EUR 100 and EUR 10 000 on any person who breaches any obligation on an economic operator other than the obligation in paragraphs 1 and 2.</p> <p>(4) The surveillance authority for designated products shall impose a fine of between EUR 100 and EUR 10 000 on an economic operator pursuant to special legislation<sup>23</sup> who breaches the obligations in Section 9a.</p> <p>(5)</p>

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		<p>The office shall impose a fine of between EUR 100 and EUR 1 000 on an authorised person who repeatedly breaches an obligation in Section 21(12) or (13).</p> <p>(6)</p> <p>The office or supervisory authority for designated products shall impose a fine of between EUR 100 and EUR 1 500 on anyone who thwarts, disrupts or otherwise makes it difficult to carry out inspections or surveillance; the fine may be imposed more than once.</p>
<p>Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer (OJ L 100, 19.4.1994, p. 37)</p>	<p>Act No 250/2007 on consumer protection and amending Act of the Slovak National Council No 372/1990 on offences, as amended</p>	<p>Section 24</p> <p>Penalties</p> <p>(1)</p> <p>For any breach of obligations laid down in this Act or in legally binding European Union consumer protection legislation<sup>28</sup> the surveillance authority shall impose a fine of up to EUR 66 400 on the manufacturer, seller, importer, supplier or party referred to in Section 9a or Section 26; for any repeated breach of obligations within a period of 12 months, it shall impose a fine of up to EUR 166 000, unless otherwise specified by paragraph 6.</p>
	<p>Decree of the Ministry of the Economy of the Slovak Republic No 84/2008 on the labelling of materials used in essential parts of footwear</p>	<p>(2)</p> <p>The supervision authority shall impose a fine of up to EUR 332 000 on the manufacturer, seller, importer, supplier or party referred to in Section 26 who manufactured, sold, imported or supplied the faulty product that led to death or personal injury. It shall impose the same fine on any party causing death or personal injury through faulty provision of a service. The fine may not be imposed on a party who proves that it could not have prevented the harm despite all efforts that could be reasonably expected of it.</p> <p>(3)</p> <p>The supervisory authority shall impose a procedural fine, which may be repeated, of up to EUR 1 660 on any manufacturer, seller, importer, supplier or party referred to in Section 9a or Section 26 who thwarts, disrupts or otherwise obstructs supervision work or fails to comply with a binding instruction under Section 20(3)(h).</p>

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		<p>(4) A fine may not be imposed under paragraph 1 if a fine has been imposed under special legislation or if a fine may be imposed pursuant to paragraph 2.</p> <p>(5) When the amount of the fine is determined, account shall be taken in particular of the nature of the unlawful conduct and the severity, manner and consequences of the breach of obligation.</p> <p>(6) In the case of a less serious breach of the obligation in paragraph 1, on the basis of the procedure set out in paragraph 5, the supervisory authority may, before deciding to impose a fine, give notice to the person to desist from the unlawful conduct and to take measures to remedy the consequences of the unlawful conduct within a specified period of time. In the notice the supervisory authority shall report the consequences of the breach, set an appropriate time limit for the introduction of measures to remedy these consequences, and inform the person of the consequences of non-compliance. If the person desists from the unlawful conduct and carries out the measures referred to in the preceding sentence, the supervisory authority shall refrain from imposing a fine. If the person does not desist from the unlawful conduct and fails to take measures within the specified time limit to remedy the consequences of the breach as outlined in the notice, the supervisory authority shall impose a fine pursuant to paragraph 1.</p> <p>(7) The proceeds of fines imposed under paragraphs 1 to 3 shall constitute revenue for the State budget.</p> <p>(8) Proceedings for the imposition of a fine shall commence within 12 months of the date on which the breach of an obligation pursuant to this Act came to the attention of the supervisory authority, but no later than within 3 years, in the case of paragraphs 1 and 3, or 10 years, in the case of paragraph 2, of the date on which the breach of obligation</p>

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		<p>occurred. A fine may be imposed no later than within four years of the date on which the breach of obligation occurred.</p> <p>(9)</p> <p>Repeated attempts to thwart, disrupt or obstruct the supervision referred to in paragraph 3 shall be deemed a serious breach of obligation<sup>28a</sup>.</p> <p>(10)</p> <p>Paragraphs 1 to 9 shall not apply to the National Bank of Slovakia, which proceeds in accordance with special legislation<sup>25ea</sup>.</p>
<p>European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10)</p>	<p>Decree of the Ministry of the Environment of the Slovak Republic No 373/2015 on the extension of responsibility on producers of reserved products and to manage reserved waste streams</p>	<p>Section 14</p> <p>Imposition of fines</p> <p>(1)</p> <p>For the administrative offence in Section 13(a), the relevant State supervisory authority shall impose on the packaging producer a fine calculated as a multiple of the amount of the deposit for a single-use drinks packaging unit, as determined by the administrator, and the total number of non-reusable drinks packaging units placed on the market by that producer in a calendar year. If the amount of the deposit is not determined by the administrator, the minimum deposit amount in Section 9(3)(a) shall be used as the basis of the calculation.</p>
	<p>Slovak Environment Ministry Decree No 371/2015 implementing certain provisions of the Waste Act</p>	
	<p>Act No 302/2019 on the placing of deposit payments on single-use drinks packaging and amending certain acts</p>	<p>(2)</p> <p>For the administrative offence referred to in Section 13(d), the relevant State supervisory authority shall impose on the packaging distributor a fine calculated as a multiple of the amount of the deposit for a single-use drinks packaging unit, as determined by the administrator, and the total number of non-reusable drinks packaging units sold by that distributor in a calendar year. If the amount of the deposit is not determined by the administrator, the minimum deposit amount in Section 9(3)(a) shall be used as the basis of the calculation.</p> <p>(3)</p>

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		<p>For the administrative offence in Section 13(g), the relevant State supervisory authority shall impose a fine calculated as a multiple of the amount of the deposit for a single-use drinks packaging unit, as determined by the administrator, and the total number of non-reusable drinks packaging units placed on the market in a calendar year. If the amount of the deposit is not determined by the administrator, the minimum deposit amount in Section 9(3)(a) shall be used as the basis of the calculation.</p> <p>(4)</p> <p>For the administrative offence in Section 13(h) the relevant State supervisory authority shall impose a fine calculated as a multiple of the weight, expressed in tonnes, of non-reusable drinks packaging not under deposit, corresponding to the shortfall from the return rate target set out in Annex 1 for the calendar year in question, plus EUR 4 000.</p> <p>(5)</p> <p>For an administrative offence in Section 13(b), (f) or (j), the relevant State supervisory authority shall impose a fine of between EUR 500 and EUR 5 000.</p> <p>(6)</p> <p>For an administrative offence in Section 13(c) or (e), the relevant State supervisory authority shall impose a fine of between EUR 2 000 and EUR 80 000.</p> <p>(7)</p> <p>For an administrative offence in Section 13(i) or (k), the relevant State supervisory authority shall impose a fine of between EUR 5 000 and EUR 120 000.</p> <p>(8)</p> <p>Proceedings for the imposition on a person under inspection of a fine for a breach of, or a failure to comply with, obligations under this Act may be initiated within one year of the date on which the State supervisory authority became aware of the breach; the date on which the State supervisory authority became aware of a breach of, or a failure to comply with, the obligations under this Act is deemed to be the date on which the report on the exercise of State supervision, or the recording of the shortcoming in an inspection report, is heard.</p>

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		<p>(9) When imposing a fine, the authority shall take particular account of the severity, extent and duration of the unlawful conduct.</p> <p>(10) When imposing a fine, the authority may at the same time require that the person take measures, within a specified period, to remedy the consequences of the unlawful conduct for which the fine was imposed. If the person fails to take the measures imposed within the period specified, the State supervisory authority shall impose a further fine of up to twice the maximum fine for failing to comply with or for breaching the obligation for which the fine was imposed. A fine of up to twice the maximum fine for failing to comply with or breaching an obligation shall also be imposed where , within one year of the decision to impose a fine becoming final, the debtor fails to comply with or breaches the same obligation.</p> <p>(11) The fine shall be payable within 30 days from the date when the decision to impose it becomes final, unless a longer payment deadline is laid down in the decision.</p> <p>(12) Fines shall constitute revenue for the Environmental Fund.</p>
	<p align="center">Act No 79/2015 on waste and amending certain acts</p>	<p>Section 116 Imposition of fines</p> <p>(1) Proceedings to impose a fine on a legal person, or a natural person who is a trader, may be initiated within one year from the date on which the State waste management authority became aware of the breach of obligation, but no later than three years from the date on which the breach occurred.</p> <p>(2)</p>

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		<p>When imposing a fine, the authority shall take particular account of the severity, extent and duration of the unlawful conduct.</p> <p>(3)</p> <p>When imposing a fine, the State waste management authority may at the same time require that the person take measures, within a specified period, to remedy the consequences of the unlawful conduct for which the fine was imposed. If the person fails to implement these measures within the specified period, the State waste management authority may impose a further fine of up to twice the maximum fine laid down in this Act.</p> <p>(4)</p> <p>If, within a period of one year from the date on which the decision imposing a fine under this Act becomes final, the person repeats a breach of the obligation for which the fine was imposed, or fails to comply with the remedial measure, a further fine shall be imposed of up to twice the maximum fine laid down in this Act.</p> <p>(5)</p> <p>The fine shall be payable within 30 days from the date on which the decision to impose it becomes final, unless a longer payment deadline is laid down in the decision.</p> <p>(6)</p> <p>The proceeds of fines shall constitute revenue for the Environmental Fund. Once the decision to impose the fine has become final, the administration of the State's claim shall be transferred free of charge to the Environmental Fund, which acquires the rights and obligations of administrator of the State's claim.</p> <hr/> <p>Section 117</p> <p>Other administrative offences</p> <p>(1)</p>

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		<p>A fine of between EUR 500 and EUR 50 000 shall be imposed by the relevant State waste management authority on any legal person, or natural person who is a trader, and who breaches any obligation in Section 14(1)(a), (f), (g), (h) or (n); Section 15(2) or (18); Section 16(1) or (2); Section 16(4); Section 16(8)(b); Section 16a(1); Section 17(1)(c), (d), (g), (h), (i), (k), (l) or (m); Section 19(1)(b), (c), (e), (h) or (i); Section 20(9); Section 21(3)(b), (c), (e), (h), (j), (o), (p), (q) or (r); Section 26(2)(a) or (b); Section 26(3), (4), (5) or (6); Section 27(4)(h); Section 28(4)(h), (i), (k), (n), (o), (p), (s), (t), (ac), (ad) or (ae); Section 28(9)(a), (b), (c), (d), (f), (g), (h), (i), (j) or (k) or Section 28(10) or (11); Section 29(1)(d), (e), (f), (g), (h), (i) or (m); Section 30(6) or (7); Section 34(1)(l); Section 38(1); Section 39(4)(d) or (e); Section 41(a), (b), (c), (d), (m) or (n); Section 44(8)(f), (g), (h), (j), (k), (l), (n), (o) or (u); Section 44(12), (13) or (14); Section 46(2); Section 50(4); Section 51(e), (f), (g) or (j); Section 53(7) or (8); Section 54(1)(f) or Section 54(5); Section 55(3), (4) or (5); Section 56(4), (5), (9) or (10); Section 61(1)(h), (i) or (j); Section 61(2), (3) or (6); Section 62(2), (3) or (4); Section 64(2)(b), (g) or (h); Section 65(1)(e), (f), (o), (p), (q), (r), (s), (v), (w) or (x); Section 67(1), (3) or (4); Section 74(1)(b); Section 79(8) or (10); Section 81(2), (3), (4), (15) or (25); Section 82(3)(a) or (b); Section 92(4); Section 93(1); Section 103(7), (13), (19) or (20) or Section 125(5);</p> <p>(2)</p> <p>A fine of between EUR 800 and EUR 80 000 shall be imposed by the relevant State waste management authority on any legal person, or natural person who is a trader, and who breaches any obligation in Section 6(6), (7), (8) or (9); Section 10(1), (4), (5), (7), (8), (9) or (12); Section 11; Section 16(8)(a) or (d); Section 17(1)(e) Section 19(1)(g) or (i); Section 21(3)(d) or (n); Section 25(5) or Section 27(15); Section 28(4)(j); Section 37; Section 41(e) or (f); Section 48; Section 51(b) or (c); Section 55(1), (2) or (6); Section 56(1), (2), (3), (6) or (7); Section 64(2)(a) or (f); Section 65(1)(c), (d), (n) or (u); Section 71; Section 81(1), (6), (7), (8), (12), (13), (14), (17), (18), (19), (20), (22) or (24); Section 82(3)(c) or (d); Section 83; Section 98 or Section 135;</p> <p>(3)</p> <p>A fine of between EUR 1 200 and EUR 120 000 shall be imposed by the relevant State waste management authority on any legal person, or natural person who is a trader, and who breaches any obligation in Section 6(10); Section 12(1), (2) or (6); Section 14(1)(b),</p>



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		<p>(c), (d), (e), (i), (j) or (m); Section 14(6); Section 15(13); Section 16(3); Section 16(8)(c), (e), (f) or (g); Section 17(1)(f); Section 21(3)(i), (k) or (s); Section 22; Section 23; Section 25(4), (6), (10) or (12); Section 26(1)(b); Section 27(4)(a), (b), (c), (d), (i) or (l); Section 27(8), (12), (13), (17), (18), (19) or (21); Section 28(4)(a), (b), (f), (g), (m), (q), (r), (u), (v), (w), (x), (y), (z), (aa), (ab), (af), (ag) or (ah); Section 28(5); Section 28(9)(c); Section 28(12)(c); Section 28(13); Section 29(1)(a), (c), (d), (h), (j), (k), (l) or (o); Section 29(2); Section 30(1), (2), (3) or (4); Section 31(6), Section 31(11)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r) or (s), or Section 31(12), (13), (14), (15) or (17)(c); Section 31(8); Section 34(1)(a), (b), (c), (d), (f), (g), (h), (i), (j) or (k); Section 34(3), (4), (5) or (6); Section 35; Section 36; Section 38(2) or (3); Section 39(1) or (3); Section 39(4)(a), (b) or (c); Section 39(5); Section 40(2); Section 41(g), (h), (i), (j), (k) or (l); Section 44(3); Section 44(8)(a), (d), (e), (m), (q), (r), (s), (v) or (w); Section 44(9); Section 45; Section 46(1)(d) or (e); Section 47(1)(d) or (e); Section 47(2)(d) or (e); Section 49 or Section 50(1) or (2); Section 51(h) or (i); Section 53(1), (5) or (6); Section 54(1)(a), (b) or (c); Section 57(1), (2) or (4); Section 59(1), (2), (3), (4), (5), (6), (8), (9) or (10); Section 61(1), (a), (b), (c), (d), (e), (f), (g) or (k); Section 63(1); Section 64(2)(c), (d) or (e); Section 65(1)(b), (g), (h), (i), (j), (k), (l), (m) or (t); Section 66(2), (3) or (5); Section 70; Section 72; Section 73(10); Section 74(2) and (3); Section 75(2) or (3); Section 76(6), (7), (8), (9) or (10); Section 77(4); Section 78; Section 79(15) or (19); Section 81(9); Section 125(1), (2), (3) or (4) or Section 135ea(3); Section 135eb(6), (7) or (8) or Section 135ec.</p> <p>(4)</p> <p>A fine of between EUR 1 500 and EUR 200 000 shall be imposed by the relevant State waste management authority on any legal person, or natural person who is a trader, and who breaches any of the obligations in Section 17(1)(a), (b) or (j); Section 19(1)(a) or (d); Section 19(3); Section 21(1); Section 21(3)(a), (l) or (m); Section 26(1)(a); Section 28(4)(c) or (d); Section 29(1)(b); Section 44(8)(b) or (c); Section 51(a) Section 64(1); Section 65(1)(a); Section 89(1); Section 97 or Section 114(4).</p> <p>(5)</p> <p>A fine of between EUR 2 000 and EUR 250 000 shall be imposed by the relevant State waste management authority on any legal person, or natural person who is a trader, and breaches any of the obligations in Section 14(1)(k) or (l); Section 16(6) or (7); Section</p>

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		<p>19(4); Section 20(2), (3) or (6); Section 24 or Section 26(2)(c) or (d); Section 27(4)(e), (f), (g), (j) or (k); Section 27(5) or (6); Section 28(4)(e) or (l); Section 28(7); Section 29(1)(f), (l) or (m); Section 29(4); Section 31(11)(q) Section 34(1)(e) Section 44(8)(i), (p) or (t); Section 44(11); Section 46(1)(a), (b) or (c); Section 47(1)(a), (b) or (c); Section 47(2)(a), (b) or (c); Section 51(d) Section 54(1)(d) or (e); Section 74(1)(a); Section 79(14), (18), (20), (21), (22) or (23); Section 79a(3); Section 84(4); Section 88(2) or (4); Section 88a(2) or (4); Section 112(6) or Section 135eb(9) or (10);</p> <p>(6)</p> <p>A fine of between EUR 4 000 and EUR 350 000 shall be imposed by the competent national waste management authority on any legal person or natural person who is a trader and who breaches any of the obligations in Section 13; Section 16(5) or (10); Section 19(1)(f) or Section 21(2); Section 21(3)(f) or (g); Section 25(1) or (7); Section 27(25); Section 28(9)(e); Section 31a(2), (6) or (8); Section 33; Section 43; Section 53(3); Section 53a; Section 62(6); Section 73a; Section 76(4); Section 79(16) or (24); Section 84(3) or (5); Section 135e(1), (2), (3) or (4) or Section 135g.</p> <p>(7)</p> <p>For a breach of the obligation in Section 59(12), the relevant State authority for waste management shall impose on the packaging waste producer responsibility organisation a fine amounting to 1.5 times the costs of ensuring separate collection of municipal packaging waste and non-packaging product waste in any municipality where it failed to ensure separate collection of that waste, until the conclusion of a new contractual relationship between that municipality and a different packaging waste producer responsibility organisation.</p> <p>(8)</p> <p>For a breach of the obligation in Section 59(13), the relevant State authority for waste management shall impose on the packaging waste producer responsibility organisation a fine amounting to 1.5 times the costs of ensuring separate collection of municipal packaging waste and non-packaging product waste in any municipality where it failed to cover the costs of the separate collection of that waste.</p>

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<p>Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 3.7.2000, p. 1)</p>	<p>Slovak Government Regulation No 78/2019 laying down detailed technical requirements and procedures for assessing the conformity of noise emissions from equipment used outdoors</p>	<p>Section 28 Penalties (1) The office shall impose a fine of between EUR 350 and EUR 35 000 on any person who:</p> <p>(a) without authorisation, issues, alters or falsifies the conformity assessment output document;</p> <p>(b) without authorisation, acts as an authorised person or a notified person;</p> <p>(c) breaches the obligation in Section 21(2)(b).</p> <p>(2) The surveillance authority for designated products shall impose a fine of between EUR 200 and EUR 200 000 on any person who breaches the provisions of this Act or the provisions of a technical regulation relating to conformity assessment by doing any of the following:</p> <p>(a) placing on the designated product a mark which could be confused for the mark or could be misleading;</p> <p>(b) places on a product which is not a designated product within the meaning of Section 4(1) a mark pursuant to Section 24, or applies CE marking in contravention of Section 25(6);</p> <p>(c) fails to issue, or issues without authorisation, a declaration of conformity;</p> <p>(d)</p>
	<p>Act No 56/2018 on product conformity assessment, making designated products available on the market and amending certain acts</p>	

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		<p>makes a designated product available on the market without a conformity assessment of the product;</p> <p>(e)</p> <p>makes available on the market a designated product for which it cannot demonstrate that a designated product conformity assessment has been done;</p> <p>(f)</p> <p>makes available on the market a designated product with a designated product conformity assessment that does not meet the essential requirements;</p> <p>(g)</p> <p>fails to comply with any measure imposed by the surveillance authority for designated products under Section 27(1)(d) to (j);</p> <p>(3)</p> <p>The surveillance authority for designated products shall impose a fine of between EUR 100 and EUR 10 000 on any person who breaches any obligation on an economic operator other than the obligation in paragraphs 1 and 2.</p> <p>(4)</p> <p>The surveillance authority for designated products shall impose a fine of between EUR 100 and EUR 10 000 on an economic operator pursuant to special legislation<sup>23</sup> who breaches the obligations in Section 9a.</p> <p>(5)</p> <p>The office shall impose a fine of between EUR 100 and EUR 1 000 on an authorised person who repeatedly breaches an obligation in Section 21(12) or (13).</p> <p>(6)</p> <p>The office or supervisory authority for designated products shall impose a fine of between EUR 100 and EUR 1 500 on anyone who thwarts, disrupts or otherwise makes it difficult to carry out inspections or surveillance; the fine may be imposed more than once.</p>

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<p>Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34)</p>	<p>Decree of the Ministry of the Environment of the Slovak Republic No 373/2015 on the extension of responsibility on producers of reserved products and to manage reserved waste streams</p>	<p>Section 116 Imposition of fines (1) Proceedings to impose a fine on a legal person or a natural person who is a trader may be initiated within one year from the date on which the State waste management authority became aware of the breach of obligation, but no later than three years from the date on which the breach occurred.</p>
	<p>Slovak Government Regulation No 153/2004 laying down mandatory limits and deadlines for the scope of reuse of parts of old vehicles, recovery of waste from the treatment of old vehicles and the recycling thereof</p>	<p>(2) When imposing a fine, the authority shall take particular account of the severity, extent and duration of the unlawful conduct. (3) When imposing a fine, the State waste management authority may at the same time require that the person take measures, within a specified period, to remedy the consequences of the unlawful conduct for which the fine was imposed. If the person fails to implement these measures within the specified period, the State waste management authority may impose a further fine of up to twice the maximum fine laid down in this Act.</p>
	<p>Act No 79/2015 on waste and amending certain acts</p>	<p>(4) If, within a period of one year from the date on which the decision imposing a fine under this Act becomes final, the person repeats a breach of the obligation for which the fine was imposed, or fails to comply with the remedial measure, a further fine shall be imposed of up to twice the maximum fine laid down in this Act. (5) The fine shall be payable within 30 days from the date on which the decision to impose it becomes final, unless a longer payment deadline is laid down in the decision. (6) The proceeds of fines shall constitute revenue for the Environmental Fund. Once the decision to impose the fine has become final, the administration of the State's claim shall</p>

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		<p>be transferred free of charge to the Environmental Fund, which acquires the rights and obligations of administrator of the State's claim.</p> <hr/> <p>Section 117</p> <p>Other administrative offences</p> <p>(1)</p> <p>A fine of between EUR 500 and EUR 50 000 shall be imposed by the relevant State waste management authority on any legal person, or natural person who is a trader, and who breaches any obligation in Section 14(1)(a), (f), (g), (h) or (n); Section 15(2) or (18); Section 16(1) or (2); Section 16(4); Section 16(8)(b); Section 16a(1); Section 17(1)(c), (d), (g), (h), (i), (k), (l) or (m); Section 19(1)(b), (c), (e), (h) or (i); Section 20(9); Section 21(3)(b), (c), (e), (h), (j), (o), (p), (q) or (r); Section 26(2)(a) or (b); Section 26(3), (4), (5) or (6); Section 27(4)(h); Section 28(4)(h), (i), (k), (n), (o), (p), (s), (t), (ac), (ad) or (ae); Section 28(9)(a), (b), (c), (d), (f), (g), (h), (i), (j) or (k) or Section 28(10) or (11); Section 29(1)(d), (e), (f), (g), (h), (i) or (m); Section 30(6) or (7); Section 34(1)(l); Section 38(1); Section 39(4)(d) or (e); Section 41(a), (b), (c), (d), (m) or (n); Section 44(8)(f), (g), (h), (j), (k), (l), (n), (o) or (u); Section 44(12), (13) or (14); Section 46(2); Section 50(4); Section 51(e), (f), (g) or (j); Section 53(7) or (8); Section 54(1)(f) or Section 54(5); Section 55(3), (4) or (5); Section 56(4), (5), (9) or (10); Section 61(1)(h), (i) or (j); Section 61(2), (3) or (6); Section 62(2), (3) or (4); Section 64(2)(b), (g) or (h); Section 65(1)(e), (f), (o), (p), (q), (r), (s), (v), (w) or (x); Section 67(1), (3) or (4); Section 74(1)(b); Section 79(8) or (10); Section 81(2), (3), (4), (15) or (25); Section 82(3)(a) or (b); Section 92(4); Section 93(1); Section 103(7), (13), (19) or (20); Section 125(5);</p> <p>(2)</p> <p>A fine of between EUR 800 and EUR 80 000 shall be imposed by the relevant State waste management authority on any legal person, or natural person who is a trader, and who breaches any obligation in Section 6(6), (7), (8) or (9); Section 10(1), (4), (5), (7), (8), (9) or (12); Section 11; Section 16(8)(a) or (d); Section 17(1)(e); Section 19(1)(g) or (i); Section 21(3)(d) or (n); Section 25(5) or Section 27(15); Section 28(4)(j); Section 37; Section 41(e) or (f); Section 48; Section 51(b) or (c); Section 55(1), (2) or (6); Section 56(1), (2), (3), (6) or (7); Section 64(2)(a) or (f); Section 65(1)(c), (d), (n) or (u);</p>

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		<p>Section 71; Section 81(1), (6), (7), (8), (12), (13), (14), (17), (18), (19), (20), (22) or (24); Section 82(3)(c) or (d); Section 83; Section 98; Section 135;</p> <p>(3)</p> <p>A fine of between EUR 1 200 and EUR 120 000 shall be imposed by the relevant State waste management authority on any legal person, or natural person who is a trader, and who breaches any obligation in Section 6(10); Section 12(1), (2) or (6); Section 14(1)(b), (c), (d), (e), (i), (j) or (m); Section 14(6); Section 15(13); Section 16(3); Section 16(8)(c), (e), (f) or (g); Section 17(1)(f); Section 21(3)(i), (k) or (s); Section 22; Section 23; Section 25(4), (6), (10) or (12); Section 26(1)(b); Section 27(4)(a), (b), (c), (d), (i) or (l); Section 27(8), (12), (13), (17), (18), (19) or (21); Section 28(4)(a), (b), (f), (g), (m), (q), (r), (u), (v), (w), (x), (y), (z), (aa), (ab), (af), (ag) or (ah); Section 28(5); Section 28(9)(c); Section 28(12)(c); Section 28(13); Section 29(1)(a), (c), (d), (h), (j), (k), (l) or (o); Section 29(2); Section 30(1), (2), (3) or (4); Section 31(6), Section 31(11)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r) or (s), or Section 31(12), (13), (14), (15) or (17)(c); Section 31(8); Section 34(1)(a), (b), (c), (d), (f), (g), (h), (i), (j) or (k); Section 34(3), (4), (5) or (6); Section 35; Section 36; Section 38(2) or (3); Section 39(1) or (3); Section 39(4)(a), (b) or (c); Section 39(5); Section 40(2); Section 41(g), (h), (i), (j), (k) or (l); Section 44(3); Section 44(8)(a), (d), (e), (m), (q), (r), (s), (v) or (w); Section 44(9); Section 45; Section 46(1)(d) or (e); Section 47(1)(d) or (e); Section 47(2)(d) or (e); Section 49; Section 50(1) or (2); Section 51(h) or (i); Section 53(1), (5) or (6); Section 54(1)(a), (b) or (c); Section 57(1), (2) or (4); Section 59(1), (2), (3), (4), (5), (6), (8), (9) or (10); Section 61(1), (a), (b), (c), (d), (e), (f), (g) or (k); Section 63(1); Section 64(2)(c), (d) or (e); Section 65(1)(b), (g), (h), (i), (j), (k), (l), (m) or (t); Section 66(2), (3) or (5); Section 70; Section 72; Section 73(10); Section 74(2) and (3); Section 75(2) or (3); Section 76(6), (7), (8), (9) or (10); Section 77(4); Section 78; Section 79(15) or (19); Section 81(9); Section 125(1), (2), (3) or (4), or Section 135ea(3); Section 135eb(6), (7) or (8) or Section 135ec.</p> <p>(4)</p> <p>A fine of between EUR 1 500 and EUR 200 000 shall be imposed by the relevant State waste management authority on any legal person, or natural person who is a trader, and who breaches any of the obligations in Section 17(1)(a), (b) or (j); Section 19(1)(a) or (d); Section 19(3); Section 21(1); Section 21(3)(a), (l) or (m); Section 26(1)(a); Section</p>

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		<p>28(4)(c) or (d); Section 29(1)(b); Section 44(8)(b) or (c); Section 51(a) Section 64(1); Section 65(1)(a); Section 89(1); Section 97 or Section 114(4);</p> <p>(5)</p> <p>A fine of between EUR 2 000 and EUR 250 000 shall be imposed by the competent national waste management authority on any legal person or natural person who is a trader and who breaches any of the obligations in Section 14(1)(k) or (l); Section 16(6) or (7); Section 19(4); Section 20(2), (3) or (6); Section 24 or Section 26(2)(c) or (d); Section 27(4)(e), (f), (g), (j) or (k); Section 27(5) or (6); Section 28(4)(e) or (l); Section 28(7); Section 29(1)(f), (l) or (m); Section 29(4); Section 31(11)(q) Section 34(1)(e); Section 44(8)(i), (p) or (t); Section 44(11); Section 46(1)(a), (b) or (c); Section 47(1)(a), (b) or (c); Section 47(2)(a), (b) or (c); Section 51(d) Section 54(1)(d) or (e); Section 74(1)(a); Section 79(14), (18), (20), (21), (22) or (23); Section 79a(3); Section 84(4); Section 88(2) or (4); Section 88a(2) or (4); Section 112(6) or Section 135eb(9) or (10).</p> <p>(6)</p> <p>A fine of between EUR 4 000 and EUR 350 000 shall be imposed by the competent national waste management authority on any legal person or natural person who is a trader and who breaches any of the obligations in Section 13; Section 16(5) or (10); Section 19(1)(f) or Section 21(2); Section 21(3)(f) or (g); Section 25(1) or (7); Section 27(25); Section 28(9)(e); Section 31a(2), (6) or (8); Section 33; Section 43; Section 53(3); Section 53 a; Section 62(6); Section 73a; Section 76(4); Section 79(16) or (24); Section 84(3) or (5); Section 135e(1), (2), (3) or (4) or Section 135g.</p> <p>(7)</p> <p>For a breach of the obligation in Section 59(12), the relevant State authority for waste management shall impose on the packaging waste producer responsibility organisation a fine amounting to 1.5 times the costs of ensuring separate collection of municipal packaging waste and non-packaging product waste in any municipality where it failed to ensure separate collection of that waste, until the conclusion of a new contractual relationship between that municipality and a different packaging waste producer responsibility organisation.</p> <p>(8)</p>



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		<p>For a breach of the obligation in Section 59(13), the relevant State authority for waste management shall impose on the packaging waste producer responsibility organisation a fine amounting to 1.5 times the costs of ensuring separate collection of municipal packaging waste and non-packaging product waste in any municipality where it failed to cover the costs of the separate collection of that waste.</p>
<p>Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC (OJ L 310, 25.11.2005, p. 10)</p>	<p>No 106/2018 on the use of vehicles in road traffic</p>	<p>Section 147 Penalties (1) If, in the course of carrying out its technical supervision, the State supervisory body finds shortcomings in the activities of a person under inspection, it shall: (a) order that a corrective measure be taken within a specified period of time; (b) restrict or suspend any of the authorised activities; (c) it shall revoke, suspend or amend an authorisation, approval, certificate or type-approval report granted pursuant to this Act; (d) it shall impose a fine and a procedural fine in accordance with this Act. (2) If the Ministry of Transport, when exercising its powers State technical supervision pursuant to Section 142(4), finds any inconsistency or non-conformity in a vehicle, a system, a component, a separate technical unit, a hazardous part or a piece of equipment or in the internal combustion engine of a piece of non-road mobile machinery, it may take restrictive measures under the safeguard clauses of special legislation on type-approval<sup>89</sup>.</p>

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		<p>(3) The penalties in paragraphs 1 and 2 may be imposed simultaneously and repeatedly.</p> <p>(18) The district office shall impose on the operator of a re-approved vehicle a fine of EUR 165 per vehicle if the operator breaches the obligation in Section 30(9).</p> <p>(19) The district office shall impose on the operator of an additionally approved vehicle a fine of EUR 165 per vehicle if the operator breaches the obligation in Section 31(9).</p> <p>(20) The district office shall impose a fine of between EUR 1 000 and EUR 10 000 on any person who breaches any of the obligations in Section 44(15) or Section 47(7).</p> <p>(21) When determining the amount of the fine under subparagraphs 1(c) to (f), (2)(c), (3)(b), (4)(b), (5)(b), (6)(b), (7)-(11), (12)(b) and (20), the administrative authority shall have regard, in particular, to the severity, duration and consequences of the unlawful conduct and to whether it is a repeated breach of obligations under this Act.</p> <p>(22) When an offender has committed several administrative offences over which the same administrative authority has the jurisdiction, these administrative offences shall be dealt with in joint proceedings, unless otherwise specified in paragraphs 23 and 24. For several administrative offences committed by the same offender and dealt with in joint proceedings, a fine shall be imposed in accordance with the provisions relating to the administrative offence attracting the strictest penalties. Proceedings that are already underway for an administrative offence cannot be joined to proceedings on a different administrative offence.</p> <p>(23)</p>

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		<p>In the case of several administrative offences committed by the same offender pursuant to paragraph 12(b), a decision shall be made, and penalties imposed, in separate proceedings individually for each breach of obligations. Separate proceedings on administrative offences under this paragraph may not be combined in joint administrative proceedings or decided upon by means of a single decision.</p> <p>(24)</p> <p>In the case of several administrative offences committed by the same offender pursuant to paragraphs 13-19, a decision shall be made, and penalties imposed, in separate proceedings for each vehicle in connection with which an administrative offence has been committed, and individually for each breach of obligations. Separate proceedings on administrative offences under this paragraph may not be combined in joint administrative proceedings or decided upon by means of a single decision.</p> <p>(25)</p> <p>In proceedings on administrative offences against a vehicle operator, ‘vehicle operator’ means:</p> <p>(a)</p> <p>the holder of the certificate, if the owner of the vehicle and the person listed in the Part I and Part II registration certificate as the holder of the certificate are different persons; or</p> <p>(b)</p> <p>the owner of the vehicle, if the holder of the certificate has died or has been declared dead or has been wound up without a legal successor.</p> <p>(26)</p> <p>A fine may be imposed within two years from the date on which the competent administrative body became aware of the breach, but no later than five years following the date on which the breach occurred.</p> <p>(27)</p>

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		<p>The fine shall be payable within 15 days following the date on which the decision to impose the fine becomes final. The fine shall be paid into the payment account set out in the decision. Fines shall constitute State budget revenue.</p> <p>(28)</p> <p>The fines referred to in paragraphs 1 and 2 may be imposed on a person if the breach of obligations occurred when that person was the manufacturer or the manufacturer's representative and the validity of their certificate or type-approval report was subsequently revoked by a decision of the type-approval authority or lapsed pursuant to Section 20. The fines in paragraph 13 may also be imposed on a natural person if the breach of obligations occurred when that person was a technical inspection technician, an emissions check technician, an originality check technician or a gas equipment installation technician whose certificate was subsequently revoked or lapsed pursuant to Section 91.</p> <p>(29)</p> <p>In the event of a repeat breach of an obligation, the fines referred to in paragraphs 1 to 20 may be imposed more than once. If, within two years from the date on which the decision imposing a fine becomes final, any repeat breach of an obligation for which a fine has been imposed pursuant to paragraphs 1(c)-(f), 2(c), 3(b), 4(b), 5(b), 6(b), 7-11, 12(b), 13 or 20 may be punished by a fine of up to three times the maximum fines referred to in those paragraphs.</p>
	<p>Slovak Government Regulation No 34/2010 on technical requirements for vehicles with regard to their reusability, recyclability and recoverability</p>	<p>Section 148</p> <p>Administrative offences</p> <p>(1)</p> <p>The Ministry of Transport shall impose on any manufacturer or manufacturer's representative a fine of:</p> <p>(a)</p> <p>EUR 150 if it fails to comply with the obligation in:</p> <p>1.</p>

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		<p>Section 7(6); the fine shall apply per certificate; or</p> <p>2.</p> <p>Section 20(1); with the fine to apply per type approval; or</p> <p>(b)</p> <p>EUR 300 if:</p> <p>1.</p> <p>it draws up and issues a Part II registration certificate or a vehicle technical certificate for a vehicle that does not conform to the whole-vehicle type-approval granted or to a vehicle that does not conform to the actual trim of a particular vehicle, or draws up and issues such a certificate to a vehicle on the basis of an invalid certificate of conformity (COC) or on the basis of an invalid basic technical description of the vehicle; the fine shall apply per certificate; or</p> <p>2.</p> <p>draws up and issues a Part II registration certificate or a vehicle technical certificate to a vehicle for which EU whole-vehicle type-approval has not been recognised; the fine shall apply per vehicle;</p> <p>3.</p> <p>it breaches the obligation in Section 12(4);</p> <p>4.</p> <p>it breaches the obligation in Section 12(5) or sends vehicle technical data that do not conform to the whole-vehicle type-approval granted or to a vehicle that does not conform to the actual trim of a particular vehicle, or draws up and issues such a certificate to a vehicle on the basis of an invalid certificate of conformity (COC) or on the basis of an invalid basic technical description of the vehicle; the fine shall apply per vehicle; or</p> <p>5.</p> <p>breaches any of the obligations in Section 34(11)(a)-(c); the fine shall apply per vehicle;</p>

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		<p>(c) between EUR 500 and EUR 2 000 if it breaches any of the obligations in Section 12(2)(a) or (b), Section 14(9) or Section 23(1)(n), (3), (4) or (9);</p> <p>(d) between EUR 1 000 and EUR 3 000 if:</p> <p>1. it breaches the conditions laid down in the certificate [Sections 7(5), 9(5), 10(4)(a), 16(4) or 17(6)(a), 18(6), 19(7) or 34(8)(a) or (18)(a)], in the decision [Section 11(3)] or in the authorisation [Section 14(8) or 34(4)];</p> <p>2. it breaches any of the obligations under Section 23(1)(b), (j)-(l) or (m), (6), (7) or (8); or</p> <p>3. has submitted the same application for EU type-approval in another Member State;</p> <p>(e) between EUR 3 000 and EUR 10 000 if it breaches any of the obligations under Section 21(1), (3) or (5) or Section 23(1)(c)-(i), (p), (q) or (r), (2) or (5) or Section 40(4);</p> <p>(f) up to EUR 50 000 for each vehicle, system, component or separate technical unit produced if it breaches an obligation under Section 23(1)(a) or (o).</p> <p>(2) The Ministry of Transport shall impose on a manufacturer a fine of:</p> <p>(a) EUR 150 if it breaches the obligation in Section 13(3); the fine shall apply per vehicle;</p> <p>(b)</p>

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		<p>EUR 300 if it breaches the obligation in Section 12(1) or draws up and issues a certificate of conformity (COC) to a vehicle which does not conform to the whole-vehicle type-approval granted or to a vehicle which does not conform to the actual trim of a particular vehicle; the fine shall apply per certificate; or</p> <p>(c)</p> <p>between EUR 500 and EUR 2 000 if it breaches any of the obligations in Section 8(9).</p> <p>(3)</p> <p>The Ministry of Transport shall impose on a holder of a trial operation permit a fine of:</p> <p>(a)</p> <p>EUR 150 if it breaches the obligation in Section 49(8)(f);</p> <p>(b)</p> <p>between EUR 1 000 and EUR 3 000 if it breaches:</p> <p>1.</p> <p>the conditions laid down in the permit (Section 49(6)); or</p> <p>2.</p> <p>any of the obligations in Section 49(8)(a)-(e);</p> <p>(4)</p> <p>The Ministry of Transport shall impose on a holder of a certificate of approval of equipment suitability a fine of:</p> <p>(a)</p> <p>EUR 150 if it breaches the obligation in Section 78(5)(e);</p> <p>(b)</p> <p>between EUR 500 and EUR 10 000 if it breaches:</p> <p>1.</p>

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		<p>the conditions laid down in the certificate (Section 78(4)); or</p> <p>2.</p> <p>any of the obligations in Section 78(5)(a)-(d);</p> <p>(5)</p> <p>The Ministry of Transport shall impose on a person professionally qualified to calibrate equipment a fine of;</p> <p>(a)</p> <p>EUR 150 if that person fails to fulfil the obligation in Section 79(11)(g);</p> <p>(b)</p> <p>between EUR 500 and EUR 10 000 if that person breaches any of the obligations in Section 79(11)(a)-(f).</p> <p>(6)</p> <p>The Ministry of Transport shall impose on a technical service a fine of:</p> <p>(a)</p> <p>EUR 150 if it fails to fulfil an obligation in Section 73(1)(c), Section 74(1)(n), Section 75(1)(n), Section 76(1)(o) or Section 77(1)(l);</p> <p>(b)</p> <p>between EUR 1 000 and EUR 10 000 if it breaches:</p> <p>1.</p> <p>the conditions laid down in the designation (Section 71(4)) or in the certificate (Section 80(4) or 81(4)); or</p> <p>2.</p> <p>any of the obligations in Section 73(1)(a), (b), (d)-(g), Section 74(1)(a)-(m), (o)-(s) or (7), Section 75(1)(a)-(m), (o)-(s) or (7), Section 76(1)(a)-(n) or (p)-(r) or Section 77(1)(a)-(k) or (m)-(o).</p>



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		<p>(7) The Ministry of Transport shall impose a fine of between EUR 3 000 and EUR 10 000 on the distributor or importer if it breaches any of the obligations laid down in special legislation<sup>18</sup> pursuant to Section 23(11).</p> <p>(8) The Ministry of Transport shall impose a fine of between EUR 3 000 and EUR 10 000 on any manufacturer, manufacturer’s representative, distributor, importer or manufacturer of original equipment if they breach any of the obligations laid down in special legislation<sup>2</sup> under Section 24(1) or breach the obligation in Section 24(2).</p> <p>(9) The Ministry of Transport shall impose a fine of between EUR 5 000 and EUR 100 000 on any person who:</p> <p>(a) in the absence of a certificate under this Act, performs activities which only the manufacturer or the manufacturer’s representative is authorised to perform, or issues documents relating to the activities of the manufacturer or the manufacturer’s representative;</p> <p>(b) places, without authorisation, an approval mark or an approval number on a vehicle, a system, a component, a separate technical unit, a hazardous part or a piece of equipment, or the internal combustion engine of non-road mobile machinery;</p> <p>(c) in the absence of an authorisation pursuant to this Act, produces, sells, distributes or otherwise handles a Part II registration certificate form or vehicle technical certificate form;</p> <p>(d)</p>

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		<p>in the absence of a designation pursuant to this Act, performs activities which only a technical service is authorised to perform, or issues documents relating to the activities of a technical service;</p> <p>(e)</p> <p>in the absence of a certificate pursuant to this Act, calibrates equipment;</p> <p>(f)</p> <p>in the absence of a certificate pursuant to this Act, carries out technical inspections, emission checks, originality checks or installs gas equipment,</p> <p>(g)</p> <p>in the absence of an authorisation pursuant to this Act, carries out technical inspections, emissions checks, originality checks or installs gas equipment, or issues associated documents; or</p> <p>(h)</p> <p>in the absence of a permit pursuant to this Act, produces, sells, distributes or otherwise handles document forms or inspection stickers used for technical inspections, emissions checks, originality checks or the installation of gas equipment.</p> <p>(10)</p> <p>The district office in the regional capital shall impose a fine of between EUR 1 000 and EUR 3 000 on the holder of a permit to establish a technical inspection centre or an emissions check or originality check workshop if it breaches the conditions laid down in the permit [sixth point of Section 83(5)(a), sixth point of Section 83(5)(b) or fifth point of Section 83(5)(c)].</p> <p>(11)</p> <p>The district office in the regional capital shall impose a fine of between EUR 1 000 and EUR 3 000 on the holder of an authorisation to carry out technical inspections, on the holder of an authorisation to carry out emissions inspections, on the holder of an authorisation to carry out originality checks or on the holder of an authorisation to install</p>

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		<p>gas equipment if it breaches the conditions specified in the authorisation [Section 84(5)(f), (6)(e), 7(e) or 8(d)].</p> <p>(12)</p> <p>The district office in the regional capital shall impose on a person authorised to carry out technical inspections, a person authorised to carry out emissions checks, a person authorised to carry out originality checks or a person authorised to install gas equipment a fine of:</p> <p>(a)</p> <p>EUR 150 if the person fails to fulfil an obligation in Section 86(1)(i), Section 87(1)(i), Section 88(1)(i), Section 89(1)(k), Section 106(5) or Section 115(4);</p> <p>(b)</p> <p>between EUR 2 000 and EUR 5 000 if it breaches any of the obligations in Section 86(1)(a)-(h), (j)-(q), (2) or (5), Section 87(1)(a)-(h), (j)-(q), (2) or (5), Section 88(1)(a)-(h), (j)-(n) or (2), Section 89(1)(a)-(j), (l)-(o) or (2); the district office in the regional capital shall not impose a fine if an authorised person has itself notified the State's main technical supervision body in writing of the breach established under the sixth or eighth point of Section 85(5)(a), the sixth or eighth point of Section 85(5)(b), the sixth or eighth point of Section 85(5)(c), or the sixth or seventh point of Section 85(5)(d).</p> <p>(13)</p> <p>The district office in the regional capital shall impose on a technician a fine of:</p> <p>(a)</p> <p>EUR 30 if the technician breaches:</p> <p>1.</p> <p>any of the obligations in Section 95(1)(a) or Section 96(1)(a), where a fine cannot be imposed under the first point of subparagraph (b), the first point of subparagraph (c) of the first point of subparagraph (d); the fine shall apply per vehicle; or</p> <p>2.</p>

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		<p>the obligation in Section 95(1)(e) or (f), Section 96(1)(e) or (f), Section 97(1)(e) or Section 98(a) or (e); the fine shall apply per vehicle;</p> <p>(b)</p> <p>EUR 60 if the technician breaches:</p> <ol style="list-style-type: none"> <li>1. any of the obligations Section 95(1)(a) or Section 96(1)(a) by failing to detect or record a minor deficiency or by incorrectly assessing such a deficiency, or failing to carry out any inspection operation which could detect a minor deficiency, or by carrying out such an operation incorrectly; the fine shall apply per vehicle;</li> <li>2. any of the obligations in Section 95(1)(b), Section 96(1)(b), Section 97(1)(b) or Section 98(b); or</li> <li>3. the obligation in Section 97(1)(a), and a fine cannot be imposed under the second point of subparagraph (d); the fine shall apply per vehicle;</li> </ol> <p>(c)</p> <p>EUR 210 if the technician breaches:</p> <ol style="list-style-type: none"> <li>1. any of the obligations in Section 95(1)(a) or Section 96(1)(a) by failing to detect or record a major deficiency or by incorrectly assessing such a deficiency, or failing to carry out any control operation that could detect the most major deficiency, or by carrying out such an operation incorrectly; the fine shall apply per vehicle; or</li> <li>2. any of the obligations in Section 95(1)(c), Section 96(1)(c), Section 97(1)(c) or Section 98(c); the fine shall apply per vehicle;</li> </ol> <p>(d)</p>

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		<p>EUR 300 if the technician breaches:</p> <ol style="list-style-type: none"> <li>1. any of the obligations Section 95(1)(a) or Section 96(1)(a) by failing to detect or record a dangerous deficiency or by incorrectly assessing such a deficiency, or failing to carry out an inspection operation which could detect a dangerous deficiency, or by carrying out such an operation incorrectly, or in any way interferes with the measurement, with measurement data or values, or with the assessment of the results of the inspection; the fine shall apply per vehicle;</li> <li>2. the obligation in Section 97(1)(a) by incorrectly evaluating the conformity of a vehicle, the vehicle identifiers, the required documents, the data in the relevant information systems, or by failing to carry out an inspection operation or by carrying out such an operation incorrectly, or breaches Section 97(1)(f); the fine shall apply per vehicle; or</li> <li>3. any of the obligations in Section 95(1)(d) or (2), Section 96(1)(d) or (2), Section 97(1)(d) or (2), or Section 98(d);</li> </ol> <p>(e) EUR 1 200 if it carries out a technical inspection, an emissions check or an originality check without the vehicle being present; the fine shall apply per vehicle.</p> <p>(14) The district office shall impose on the operator of the vehicle a fine of:</p> <p>(a) EUR 66 for each vehicle if the operator:</p> <ol style="list-style-type: none"> <li>1. fails to submit the vehicle within the prescribed time limit to an administrative technical inspection pursuant to Section 43(7)(b) when exchanging the vehicle technical certificate;</li> </ol>

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		<p>2. fails to submit the vehicle within the prescribed time limit to an administrative check pursuant to Section 43(7)(b) when exchanging the vehicle technical certificate;</p> <p>3. fails to submit the vehicle within the prescribed time limit to an administrative technical inspection pursuant to Section 45(1)(c);</p> <p>4. fails to submit the vehicle within the prescribed time limit to an administrative check pursuant to Section 45(1)(c); or</p> <p>5. does not request within the prescribed time limit the temporary deregistration of the vehicle or the deregistration of the vehicle pursuant to Section 47(6);</p> <p>(b) EUR 165 for each vehicle if the operator:</p> <p>1. does not request within the prescribed time limit the issue of a new vehicle document pursuant to Section 34(12);</p> <p>2. fails to fulfil within the prescribed time limit an obligation pursuant to Section 34(16), Section 35(9), Section 36(8) or (12), Section 37(6) or Section 43(7)(a);</p> <p>3. fails to request within the prescribed time limit an amendment to details in the vehicle documents pursuant to Section 36(3) or (9) or Section 37(2);</p> <p>4.</p>

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		<p>fails to submit the vehicle within the prescribed time limit to an administrative technical inspection pursuant to the first or third points of Section 45(1)(b);</p> <p>5.</p> <p>fails to submit the vehicle within the prescribed time limit to an administrative check pursuant to the second or fourth points of Section 45(1)(b);</p> <p>6.</p> <p>breaches any of the obligations when operating the vehicle on in road traffic pursuant to Section 50(7)(a)-(e);</p> <p>7.</p> <p>fails to surrender within the prescribed period the documents and registration plates referred to in Section 50(7)(f) or Section 56(4) or (5);</p> <p>8.</p> <p>breaches the conditions laid down in the licence (Section 35(4)), in the decision (Section 38(7)) or in the temporary licence (Section 50(4)(a));</p> <p>9.</p> <p>fails to submit the vehicle to a compulsory administrative technical inspection pursuant to Section 109(2);</p> <p>10.</p> <p>fails to submit the vehicle to a compulsory emissions check pursuant to Section 118(2); or</p> <p>11.</p> <p>fails to submit the vehicle to a compulsory originality check pursuant to Section 125(2); (c)</p> <p>EUR 498 per vehicle, if the operator breaches any of the obligations when operating the vehicle in road traffic pursuant to Section 45(2)(a) or (b);</p>

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		<p>(15) The district office shall impose on the operator of an individually manufactured vehicle a fine of EUR 165 per vehicle if the operator breaches:</p> <p>(a) the conditions laid down in the certificate [Section 25(5)(a) or Section 26(5)(a)]; or</p> <p>(b) an obligation in Section 25(10) or Section 26(8).</p> <p>(16) The district office shall impose on the operator of an individually finished vehicle a fine of EUR 165 per vehicle if the operator breaches:</p> <p>(a) the conditions laid down in the certificate (Section 27(6)(a)); or</p> <p>(b) the obligation in Section 27(8).</p> <p>(17) The district office shall impose on the operator of an individually imported vehicle a fine of EUR 165 per vehicle if the operator breaches:</p> <p>(a) the conditions laid down in the certificate (Section 29(8)(a)); or</p> <p>(b) the obligation in Section 29(10).</p> <p>(18) The district office shall impose on the operator of a re-approved vehicle a fine of EUR 165 per vehicle if the operator breaches the obligation in Section 30(9).</p>



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Regulation/Directive	SK law	rules on penalties
		<p>(19) The district office shall impose on the operator of an additionally approved vehicle a fine of EUR 165 per vehicle if the operator breaches the obligation in Section 31(9).</p> <p>(20) The district office shall impose a fine of between EUR 1 000 and EUR 10 000 on any person who breaches any of the obligations in Section 44(15) or Section 47(7).</p> <p>(21) When determining the amount of the fine under subparagraphs 1(c) to (f), (2)(c), (3)(b), (4)(b), (5)(b), (6)(b), (7)-(11), (12)(b) and (20), the administrative authority shall have regard, in particular, to the severity, duration and consequences of the unlawful conduct and to whether it is a repeated breach of obligations under this Act.</p> <p>(22) When an offender has committed several administrative offences over which the same administrative authority has the jurisdiction, these administrative offences shall be dealt with in joint proceedings, unless otherwise specified in paragraphs 23 and 24. For several administrative offences committed by the same offender and dealt with in joint proceedings, a fine shall be imposed in accordance with the provisions relating to the administrative offence attracting the strictest penalties. Proceedings that are already underway for an administrative offence cannot be joined to proceedings on a different administrative offence.</p> <p>(23) In the case of several administrative offences committed by the same offender pursuant to paragraph 12(b), a decision shall be made, and penalties imposed, in separate proceedings individually for each breach of obligations. Separate proceedings on administrative offences under this paragraph may not be combined in joint administrative proceedings or decided upon by means of a single decision.</p> <p>(24)</p>

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Regulation/Directive	SK law	rules on penalties
		<p>In the case of several administrative offences committed by the same offender pursuant to paragraphs 13-19, a decision shall be made, and penalties imposed, in separate proceedings for each vehicle in connection with which an administrative offence has been committed, and individually for each breach of obligations. Separate proceedings on administrative offences under this paragraph may not be combined in joint administrative proceedings or decided upon by means of a single decision.</p> <p>(25)</p> <p>In proceedings on administrative offences against a vehicle operator, ‘vehicle operator’ means:</p> <p>(a)</p> <p>the holder of the certificate, if the owner of the vehicle and the person listed in the Part I and Part II registration certificate as the holder of the certificate are different persons; or</p> <p>(b)</p> <p>the owner of the vehicle, if the holder of the certificate has died or has been declared dead or has been wound up without a legal successor.</p> <p>(26)</p> <p>A fine may be imposed within two years from the date on which the competent administrative body became aware of the breach, but no later than five years following the date on which the breach occurred.</p> <p>(27)</p> <p>The fine shall be payable within 15 days following the date on which the decision to impose the fine becomes final. The fine shall be paid into the payment account set out in the decision. Fines shall constitute State budget revenue.</p> <p>(28)</p> <p>The fines referred to in paragraphs 1 and 2 may be imposed on a person if the breach of obligations occurred when that person was the manufacturer or the manufacturer’s representative and the validity of their certificate or type-approval report was subsequently revoked by a decision of the type-approval authority or lapsed pursuant to</p>

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Regulation/Directive	SK law	rules on penalties
		<p>Section 20. The fines in paragraph 13 may also be imposed on a natural person if the breach of obligations occurred when that person was a technical inspection technician, an emissions check technician, an originality check technician or a gas equipment installation technician whose certificate was subsequently revoked or lapsed pursuant to Section 91.</p> <p>(29)</p> <p>In the event of a repeat breach of an obligation, the fines referred to in paragraphs 1 to 20 may be imposed more than once. If, within two years from the date on which the decision imposing a fine becomes final, any repeat breach of an obligation for which a fine has been imposed pursuant to paragraphs 1(c)-(f), 2(c), 3(b), 4(b), 5(b), 6(b), 7-11, 12(b), 13 or 20 may be punished by a fine of up to three times the maximum fines referred to in those paragraphs.</p>
<p>Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12)</p>	<p>No 106/2018 on the use of vehicles in road traffic</p>	<p>Section 154</p> <p>Administrative offences</p> <p>(1)</p> <p>The Slovak Trade Inspectorate shall impose a fine of:</p> <p>(a)</p> <p>between EUR 2 000 and EUR 300 000 on any economic operator who:</p> <ol style="list-style-type: none"> <li>1. breaches any of the obligations in Section 22(4)(a), (b) or (d);</li> <li>2. breaches any of the obligations in Section 22(5)(a)-(c);</li> </ol> <p>(b)</p> <p>between EUR 1 000 and EUR 30 000 on any economic operator who:</p> <ol style="list-style-type: none"> <li>1.</li> </ol>
	<p>Slovak Government Regulation No 655/2007 on technical requirements for reducing emissions from air-conditioning systems in motor vehicles</p>	

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		<p>breaches any of the obligations in Section 22(4)(c) or (e)-(h);</p> <p>2.</p> <p>breaches any of the obligations in Section 22(5)(d)-(f);</p> <p>3.</p> <p>breaches any of the obligations in Section 22(7)(a)-(e);</p> <p>4.</p> <p>fails to comply with any measure imposed by the market surveillance authority under Section 152(6) or (7);</p> <p>(2)</p> <p>The Slovak Trade Inspectorate shall impose a fine of between EUR 3 000 and EUR 100 000 on any person who breaches any of the prohibitions in Section 53(1)-(3) or (5).</p> <p>(3)</p> <p>The Slovak Trade Inspectorate shall impose a fine of between EUR 500 and EUR 3 000 on any person who breaches any of the prohibitions in Section 53(4).</p> <p>(4)</p> <p>When the amount of the fine is determined, particular account shall be taken of the severity, manner, duration and consequences of the unlawful conduct.</p> <p>(5)</p> <p>The fine may be imposed within two years from the date on which the Slovak Trade Inspectorate became aware of the breach, but no later than five years following the date on which the breach occurred.</p> <p>(6)</p> <p>The fine shall be payable within 15 days of the date on which the decision imposing the fine becomes final. The fine shall be paid into the payment account set out in the decision. The fine shall constitute State budget revenue.</p>

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Regulation/Directive	SK law	rules on penalties
		<p>(7)</p> <p>If, within a period of three years from the date on which a decision imposing a fine under paragraphs 1, 2 or 3 becomes final, there is a repeat of the breach of obligations for which the fine was imposed, the Slovak Trade Inspectorate shall impose a further fine of up to twice the maximum fine; in the case of a fine under paragraph 2 involving a natural person who is a trader, or involving a legal person, it shall submit an application to the relevant trade licensing office for the trading licence to be revoked in accordance with special legislation<sup>94</sup>.</p> <p>(8)</p> <p>If a natural person who is a trader, or a legal person, repeats a breach of the obligations in Section 22(4)-(6), (7)(a)-(e) or Section 53, such conduct shall be deemed a particularly serious breach of obligations<sup>95</sup>.</p>
<p>Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for pre-packed products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 21.9.2007, p. 17)</p>	<p>Act No 157/2018 on metrology and amending certain acts</p> <hr/> <p>Decree of the Office for Standards, Metrology and Testing of the Slovak Republic No 188/2018 on prepackages, on bottles used as measuring containers, on requirements for checking the quantity of product in prepackages and on requirements for checking the actual volume of bottles as measuring containers</p>	<p>Section 55</p> <p>Penalties</p> <p>(1)</p> <p>The Inspectorate shall impose a fine of between EUR 200 and EUR 10 000 on any person who breaches the provisions of this Act by:</p> <p>(a)</p> <p>failing, in the course of their activities in the Slovak Republic, to use statutory units of measurement, other units of measurement or the symbols thereof, in accordance with Section 15;</p> <p>(b)</p> <p>failing to fulfil the obligations of a designated person under Section 30(6);</p> <p>(c)</p> <p>failing to use a legal measuring instrument or neglecting to use a legal measuring instrument when making measurements for the purpose referred to Section 11(1);</p> <p>(d)</p>

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Regulation/Directive	SK law	rules on penalties
		<p>failing to use a compulsorily calibrated measuring instrument pursuant to Section 17(1)(a);</p> <p>(e)</p> <p>using a compulsorily calibrated measuring instrument without a calibration document pursuant to Section 17(1)(e);</p> <p>(f)</p> <p>using a compulsorily calibrated measuring instrument that does not meet the requirements of Section 17(2);</p> <p>(g)</p> <p>using a measuring instrument without a metrological check or without a conformity assessment<sup>1</sup> or neglecting to use a measuring instrument with a metrological check for the purpose for which this type of measuring instrument is included in the set of legal measuring instruments;</p> <p>(h)</p> <p>failing to affix to the measuring instrument a type-approved mark in accordance with Section 12, or using a type-approved mark in an unauthorised way or in a way that contravenes this Act;</p> <p>(i)</p> <p>damaging, or altering or removing in an unauthorised way, a type-approval mark, a verification mark, a partial verification mark, a security mark, a repairer's securing mark, a repairer's temporary mark or an assembler's securing mark;</p> <p>(j)</p> <p>repairing a legal measuring instrument or assembling a legal measuring instrument without being registered;</p> <p>(k)</p> <p>failing to fulfil the obligations of a registered person under Section 51;</p>

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Regulation/Directive	SK law	rules on penalties
		<p>(l) placing on the market prepackages that do not meet the requirement of Section 14(11);</p> <p>(m) obstructing or thwarting the performance of metrological supervision;</p> <p>(n) failing within the specified time limit to remedy a deficiency found in the course of metrological supervision;</p> <p>(o) failing to keep records of the designated measuring instruments used pursuant to Section 16(2)(e) or failing to keep records of the use of compulsorily calibrated measuring instruments pursuant to Section 17(1)(d);</p> <p>(p) failing to use a legal measuring instrument of the type designated for a particular purpose;</p> <p>(q) failing to check a legal measuring instrument or failing to check a legal measuring instrument following repair;</p> <p>(r) failing to maintain in an appropriate working condition a legal measuring instrument that is in use or a compulsorily calibrated measuring instrument that is in use;</p> <p>(s) placing on a legal measuring instrument a mark that could be confused with a type-approved mark or with a special mark and could mislead;</p> <p>(t) failing to specify the amount of payment pursuant to Section 16(2)(f).</p>

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Regulation/Directive	SK law	rules on penalties
		<p>(2) The Inspectorate shall impose a fine of between EUR 500 and EUR 50 000 on anyone who breaches the provisions of this Act by:</p> <p>(a) placing on the market, without a metrological inspection, a measuring instrument of a type that has not been approved despite it being subject to approval, or which does not conform to an approved type, or placing on the market a measuring instrument which has not been validated, despite it being subject to validation;</p> <p>(b) performing a metrological inspection or official measurement without authorisation;</p> <p>(c) placing on the market labelled prepackages without registration;</p> <p>(d) filling prepackages that do not meet the requirements of Section 14(5) or placing prepackages on the market that do not meet the requirements of Section 14(5);</p> <p>(e) placing on the market prepackages that do not meet the requirements of Section 14(7);</p> <p>(f) placing on the market prepackages without marking pursuant to Section 14(9) or (10);</p> <p>(g) placing on the market a bottle used as a measuring container which does not meet the requirements for a bottle used as a measuring container;</p> <p>(h)</p>



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		<p>placing on the market a measuring instrument bearing a special mark pursuant to Section 12(2) identifying a measuring instrument that is not subject to type-approval and does not meet the requirements for the type of measuring instrument;</p> <p>(i) failing to fulfil the obligations of an authorised person under Section 41 during the period that the authorisation is in force;</p> <p>(j) assembling or repairing a legal measuring instrument without the prior consent of the user of the legal measuring instrument;</p> <p>(k) repeatedly failing within the specified time limit to remedy a deficiency found in the course of metrological supervision; or</p> <p>(l) repeatedly obstructing or thwarting the performance of metrological supervision within three years of the finding of a breach pursuant to paragraph 1(m).</p> <p>(3) The Inspector may impose an on-the-spot fine of up to EUR 300 on anyone who:</p> <p>(a) fails, in the course of their activities in the Slovak Republic, to use statutory units of measurement, units of measurement or symbols thereof, in accordance with Section 15;</p> <p>(b) fails to use a compulsorily calibrated measuring instrument pursuant to Section 17(1)(a);</p> <p>(c) uses a compulsorily calibrated measuring instrument that does not meet the requirements of Section 17(2);</p>

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		<p>(d) uses a compulsorily calibrated measuring instrument without a calibration document pursuant to Section 17(1)(e);</p> <p>(e) uses a measuring instrument without a metrological check or without a conformity assessment<sup>1</sup> or neglects to use a measuring instrument with a metrological check for the purpose for which this type of measuring instrument is included in the set of legal measuring instruments;</p> <p>(f) fails to keep records of the legal measuring instruments used pursuant to Section 16(2)(e) or fails to keep records of the use of compulsorily calibrated measuring instruments pursuant to Section 17(1)(d);</p> <p>(4) An inspector may impose an on-the-spot fine under paragraph 3 if a person under supervision breaches only a single obligation under this Act, if the breach is reliably established and if the person under supervision pays the fine on the spot while under metrological supervision.</p> <p>(5) The fine receipt shall indicate when, on whom and under which provision of the Act the fine has been imposed in the on-the-spot proceedings.</p> <p>(6) No appeal is possible against the imposition of an on-the-spot fine.</p> <p>(7) The provisions on on-the-spot proceedings shall apply <i>mutatis mutandis</i> to on-the-spot proceedings<sup>38</sup>.</p> <p>(8)</p>

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		<p>When the amount of the fine is determined, particular account shall be taken of the severity, manner, duration and consequences of the unlawful conduct.</p> <p>(9)</p> <p>Proceedings to impose a fine may be initiated within three years of the date on which the unlawful conduct occurred.</p> <p>(10)</p> <p>The imposition of a fine under this Act shall be without prejudice to the provisions of special legislation on the compensation of damage<sup>39</sup>; obligations laid down in this Act shall continue to apply.</p> <p>(11)</p> <p>Fines shall constitute State budget revenue.</p>
<p>Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46)</p> <p>Regulation (EU) 2020/740 of the European Parliament and of the Council of 25 May 2020 on the labelling of tyres with respect to fuel efficiency and other parameters, amending Regulation (EU) 2017/1369 and</p>	<p>No 106/2018 on the use of vehicles in road traffic</p>	<p>Section 154</p> <p>Administrative offences</p> <p>(1)</p> <p>The Slovak Trade Inspectorate shall impose a fine of:</p> <p>(a)</p> <p>between EUR 2 000 and EUR 300 000 on any economic operator who:</p> <ol style="list-style-type: none"> <li>1. breaches any of the obligations in Section 22(4)(a), (b) or (d);</li> <li>2. breaches any of the obligations in Section 22(5)(a)-(c);</li> </ol> <p>(b)</p> <p>between EUR 1 000 and EUR 30 000 on any economic operator who:</p> <ol style="list-style-type: none"> <li>1.</li> </ol>

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Regulation/Directive	SK law	rules on penalties
<p>repealing Regulation (EC) No 1222/2009</p>		<p>breaches any of the obligations in Section 22(4)(c) or (e)-(h);</p> <p>2.</p> <p>breaches any of the obligations in Section 22(5)(d)-(f);</p> <p>3.</p> <p>breaches any of the obligations in Section 22(7)(a)-(e);</p> <p>4.</p> <p>fails to comply with any measure imposed by the market surveillance authority under Section 152(6) or (7);</p> <p>(2)</p> <p>The Slovak Trade Inspectorate shall impose a fine of between EUR 3 000 and EUR 100 000 on any person who breaches any of the prohibitions in Section 53(1)-(3) or (5).</p> <p>(3)</p> <p>The Slovak Trade Inspectorate shall impose a fine of between EUR 500 and EUR 3 000 on any person who breaches any of the prohibitions in Section 53(4).</p> <p>(4)</p> <p>When the amount of the fine is determined, particular account shall be taken of the severity, manner, duration and consequences of the unlawful conduct.</p> <p>(5)</p> <p>The fine may be imposed within two years from the date on which the Slovak Trade Inspectorate became aware of the breach, but no later than five years following the date on which the breach occurred.</p> <p>(6)</p> <p>The fine shall be payable within 15 days of the date on which the decision imposing the fine becomes final. The fine shall be paid into the payment account set out in the decision. The fine shall constitute State budget revenue.</p>

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		<p>(7)</p> <p>If, within a period of three years from the date on which a decision imposing a fine under paragraphs 1, 2 or 3 becomes final, there is a repeat of the breach of obligations for which the fine was imposed, the Slovak Trade Inspectorate shall impose a further fine of up to twice the maximum fine; in the case of a fine under paragraph 2 involving a natural person who is a trader, or involving a legal person, it shall submit an application to the relevant trade licensing office for the trading licence to be revoked in accordance with special legislation<sup>94</sup>.</p> <p>(8)</p> <p>If a natural person who is a trader, or a legal person, repeats a breach of the obligations in Section 22(4)-(6), (7)(a)-(e) or Section 53, such conduct shall be deemed a particularly serious breach of obligations<sup>95</sup>.</p>
<p>Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1)</p>	<p>Act No 254/2011 on transportable pressure equipment and amending and amending certain acts</p>	<p>Section 18</p> <p>Measures</p> <p>(1)</p> <p>Where a market surveillance authority has imposed an obligation to take action<sup>21</sup>, or where it might reasonably consider that an item of equipment presents a risk to human health or safety or to the public interest, it shall assess whether the equipment complies with the technical requirements. The manufacturer, authorised representative, importer, distributor, owner or operator shall cooperate with the market surveillance authority, including making their premises available and providing samples where necessary.</p> <p>(2)</p> <p>Where a market surveillance authority finds, on the basis of the assessment referred to in paragraph 1, that equipment does not meet with the technical requirements, it shall, without delay, require the manufacturer, authorised representative, importer, distributor, owner or operator to do the following:</p> <p>(a)</p>

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		<p>take corrective measures to ensure that the equipment it has placed on the market complies with the technical requirements;</p> <p>(b) withdraw the equipment from the market; or</p> <p>(c) recall the equipment.</p> <p>(3) The market surveillance authority shall set a time limit for complying with the obligations in paragraphs 2 and 9, taking into account the nature of the risk.</p> <p>(4) When a market surveillance authority imposes an obligation under paragraph 2, it shall inform the notified person that issued the conformity assessment document for that equipment. The obligations in paragraph 2 shall be subject to special legislation<sup>22</sup>.</p> <p>(5) Where a manufacturer, authorised representative, importer, distributor, owner or operator fails to comply with an obligation imposed pursuant to paragraph 2, the market surveillance authority shall, at the expense of the person on whom the obligation in paragraph 2 has been imposed, take action to:</p> <p>(a) prohibit the making available of the equipment on the market;</p> <p>(b) apply restrictions to the making available on the market;</p> <p>(c) withdraw the equipment from the market; or</p> <p>(d)</p>

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		<p>recall the equipment.</p> <p>(6) A market surveillance authority which has received a notification under Section 19(3)(c) shall:</p> <p>(a) impose the obligation referred to in paragraph 2 if the installation also poses a risk to the territory of the Slovak Republic; or</p> <p>(b) if it does not agree with the notified measure, raise a reasoned objection to it.</p> <p>(7) Action under paragraph 5 shall be deemed justified if:</p> <p>(a) The European Commission or another Member State has not raised an objection within two months of receipt of the notification of the adoption of the measure; or</p> <p>(b) the European Commission so decides.</p> <p>(8) If the measure taken pursuant to paragraph 5 or the measure under paragraph 6(a) is not justified, the market surveillance authority shall withdraw it.</p> <p>(9) Where a market surveillance authority finds, on the basis of the assessment referred to in paragraph 1, that the equipment complies with technical requirements but presents a risk to human health and safety or to the public interest, it shall impose an obligation on the manufacturer, authorised representative, importer, distributor or owner to do the following:</p>

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		<p>(a) take corrective measures to ensure that the equipment no longer poses a risk when placed on the market;</p> <p>(b) withdraw the equipment from the market; or</p> <p>(c) recall the equipment.</p> <p>(10) If the European Commission decides that the obligation imposed by the decision referred to in paragraph 9 is not justified, the market surveillance authority shall revoke it.</p> <p>(11) An obligation imposed pursuant to paragraphs 2 or 9 shall apply to all relevant equipment which has been placed or made available on the market by the manufacturer, authorised representative, importer, distributor or owner, or which is used by the owner or operator.</p> <p>(12) A manufacturer, authorised representative, importer, distributor, owner or operator, on the basis of the finding of a formal non-compliance by the market surveillance authority, shall:</p> <p>(a) remove a <math>\pi</math> mark placed in breach of Section 12(3) or Section 13;</p> <p>(b) affix a <math>\pi</math> mark if it has not been placed in the first place;</p> <p>(c) draw up or complete the technical documentation if it is not available or is incomplete;</p>



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Regulation/Directive	SK law	rules on penalties
		<p>(d) remedy shortcomings caused by non-compliance with technical requirements.</p> <p>(13) If a manufacturer, authorised representative, importer, distributor, owner or operator has failed to follow the procedure outlined in paragraph 12, the market surveillance authority shall:</p> <p>(a) restrict the making available of the equipment on the market;</p> <p>(b) prohibit the making available of the equipment on the market;</p> <p>(c) impose an obligation to take back the instrument; or</p> <p>(d) impose an obligation to withdraw equipment from the market.</p> <hr/> <p>Section 20 Infringements</p> <p>(1) An infringement shall be deemed to have been committed by anyone who:</p> <p>(a) without authorisation, issues, alters or falsifies a conformity assessment document;</p> <p>(b) breaches an obligation in Section 13(2) or (7).</p> <p>(c)</p>

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Regulation/Directive	SK law	rules on penalties
		<p>uses the <math>\pi</math> mark to label a product other than an item of equipment pursuant to Section 3(a);</p> <p>(d)</p> <p>breaches an obligation in Section 5(2)(a) or (b).</p> <p>(e)</p> <p>breaches any of the obligations in Section 8(2)(a)-(e);</p> <p>(2)</p> <p>The infringements referred to in paragraph 1(a) shall be dealt with by the office, and the infringements referred to in paragraph 1(b)-(e) shall be dealt with by the market surveillance authority.</p> <p>(3)</p> <p>The office shall impose a fine of between EUR 500 and EUR 10 000 for the infringement referred to in paragraph 1(a).</p> <p>(4)</p> <p>The market surveillance authority shall impose a fine of between EUR 200 and EUR 5 000 on a natural person who commits an infringement by breaching any of the obligations in paragraph 1(b), (d) or (e).</p> <p>(5)</p> <p>The market surveillance authority shall impose a fine of between EUR 500 and EUR 10 000 on a natural person who commits the infringement referred to in paragraph 1(c).</p> <p>(6)</p> <p>When deciding the amount of the fine to be imposed, particular account shall be taken of its severity, manner and duration, of the degree of fault and consequences of the unlawful conduct.</p> <p>(7)</p>

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Regulation/Directive	SK law	rules on penalties
		<p>Infringements and the manner in which they are dealt with are subject to general legislation on infringements<sup>23</sup>, with the exception of Section 74 on oral hearings.</p> <hr/> <p>Section 21</p> <p>Other administrative offences</p> <p>(1)</p> <p>The market surveillance authority shall impose a fine of between EUR 500 and EUR 33 000 on a legal person, or a natural person who is a trader, who:</p> <p>(a)</p> <p>breaches any of the obligations in Section 4(g), Section 5(2)(a) or (b), Section 6(d) or (j), Section 7(h), Section 8(2)(e), Section 9(2)(b) or (c) or Section 13(2), (4) or (7);</p> <p>(b)</p> <p>uses the <math>\pi</math> mark in an unauthorised or deceptive way, or</p> <p>(c)</p> <p>places on the market or makes available on the market equipment not bearing the <math>\pi</math> mark.</p> <p>(2)</p> <p>The market surveillance authority shall impose a fine of between EUR 500 and EUR 70 000 on a legal person, or a natural person who is a trader, who:</p> <p>(a)</p> <p>uses the <math>\pi</math> mark to label a product other than an item of equipment referred to in Section 3(a); or</p> <p>(b)</p> <p>breaches any of the obligations in Section 4(e) or (f), Section 6(e) or (g)-(i), Section 7(d), (f) or (g), Section 8(2)(a), (c) or (d) or Section 13(1).</p> <p>(3)</p>

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Regulation/Directive	SK law	rules on penalties
		<p>The market surveillance authority shall impose a fine of between EUR 1 500 and EUR 110 000 on a legal person, or natural person who is a trader, who breaches any of the obligations in Sections 4(a)-(d), 6(a)-(c) or (f), Section 7(a)-(c) or (e), Section 8(2)(b) or Section 9(2)(a).</p> <p>(4)</p> <p>The market surveillance authority shall impose a fine of between EUR 20 000 and EUR 70 000 on a legal person, or a natural person who is a trader, who breaches any of the obligations in Section 18(2) or Section 12.</p> <p>(5)</p> <p>The market surveillance authority shall impose a fine of between EUR 150 and EUR 35 000 on any legal person, or a natural person who is a trader, who:</p> <p>(a)</p> <p>without authorisation, acts outside the scope of the notification;</p> <p>(b)</p> <p>without authorisation, issues, alters or falsifies a conformity assessment document.</p> <p>(6)</p> <p>The office shall impose a fine of between EUR 100 and 10 000 on any notified person who breaches an obligation in Section 16(2)(k).</p> <p>(7)</p> <p>Proceedings to impose a fine may be initiated within two years of the date on which the breach of an obligation under this Act came to the attention of the office or the surveillance authority, but no later than within three years of the date on which the breach of obligation occurred.</p> <p>(8)</p> <p>When the fine is imposed, particular account shall be taken of its severity, manner and duration, and the consequences of the unlawful conduct.</p>

**Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020**

Regulation/Directive	SK law	rules on penalties
		<p>(9) For repeated breaches of the obligations in paragraphs 1 to 6, the market surveillance authority or the office may impose a fine of up to twice the maximum fine referred to in paragraphs 1 to 6.</p> <p>(10) The proceeds of fines shall constitute revenue for the State budget.</p>
<p>Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5)</p>	<p>Act No 133/2013 on construction products and amending certain acts</p>	<p>Section 27 Administrative offences</p> <p>(4) The State inspection body shall impose a fine of between EUR 5 000 and EUR 35 000 on any person who:</p> <p>(a) places on the domestic market or makes available on the domestic market a product not bearing CE marking if the person should have applied the marking under special legislation<sup>37</sup>, or who uses the CE marking in a form different from that specified in special legislation<sup>37</sup>;</p> <p>(b) without authorisation, makes an SK declaration of performance or fails to make an SK declaration of performance when obliged to do so;</p> <p>(c) uses CE marking without authorisation or applies to the product information or a mark that can be mistaken for such marking;</p> <p>(d) fails to stop making the product available on the domestic market, fails to withdraw the product from the domestic market or fails to take back a product which is not suitable for</p>
	<p>Decree of the Ministry of Transport, Construction and Regional Development of the Slovak Republic No 162/2013 laying down the list of construction product groups and performance assessment systems</p>	

**Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020**

Regulation/Directive	SK law	rules on penalties
		<p>its intended use, despite having been obliged to do so on the basis of a decision of the State inspection authority;</p> <p>(e) makes the product available on the domestic market without instructions, safety information, information on the risk to health and safety posed by the product in normal use, or without a declaration of performance pursuant to special legislation<sup>9</sup> in a language other than the State language.</p> <p>(5) The fines in paragraphs 1 to 4 may be increased to up to twice the maximum fine in the case of an accident caused by an administrative offence that has consequences for human life and health, or causes significant damage to property or to parts of the natural environment.</p> <p>(6) When the amount of the fine is being determined, particular account shall be taken of the manner, duration and consequences of the unlawful conduct.</p> <p>(7) Proceedings to impose a fine may be initiated within six months of the date on which the administrative authority became aware of the administrative offence and of who committed it, but no later than three years from the date on which the administrative offence was committed.</p> <p>(8) The proceeds of fines shall constitute revenue for the State budget.</p>
Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile	Act No 250/2007 on consumer protection and amending Slovak National Council Act No 372/1990 on infringements, as amended	<p>Section 24 Penalties</p> <p>(1) For any breach of obligations laid down in this Act or in legally binding European Union consumer protection legislation<sup>28</sup> the surveillance authority shall impose a fine of up to</p>

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Regulation/Directive	SK law	rules on penalties
<p>products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1)</p>		<p>EUR 66 400 on the manufacturer, seller, importer, supplier or party referred to in Section 9a or Section 26; for any repeated breach of obligations within a period of 12 months, it shall impose a fine of up to EUR 166 000, unless otherwise specified by paragraph 6.</p> <p>(2)</p> <p>The supervision authority shall impose a fine of up to EUR 332 000 on the manufacturer, seller, importer, supplier or party referred to in Section 26 who manufactured, sold, imported or supplied the faulty product that led to death or personal injury. It shall impose the same fine on any party causing death or personal injury through faulty provision of a service. The fine may not be imposed on a party who proves that it could not have prevented the harm despite all efforts that could be reasonably expected of it.</p> <p>(3)</p> <p>The supervisory authority shall impose a procedural fine, which may be repeated, of up to EUR 1 660 on any manufacturer, seller, importer, supplier or party referred to in Section 9a or Section 26 who thwarts, disrupts or otherwise obstructs supervision work or fails to comply with a binding instruction under Section 20(3)(h).</p> <p>(4)</p> <p>A fine may not be imposed under paragraph 1 if a fine has been imposed under special legislation or if a fine may be imposed pursuant to paragraph 2.</p> <p>(5)</p> <p>When the amount of the fine is determined, account shall be taken in particular of the nature of the unlawful conduct and the severity, manner and consequences of the breach of obligation.</p> <p>(6)</p> <p>In the case of a less serious breach of the obligation in paragraph 1, on the basis of the procedure set out in paragraph 5, the supervisory authority may, before deciding to impose a fine, give notice to the person to desist from the unlawful conduct and to take measures to remedy the consequences of the unlawful conduct within a specified period of time. In the notice the supervisory authority shall report the consequences of the</p>

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Regulation/Directive	SK law	rules on penalties
		<p>breach, set an appropriate time limit for the introduction of measures to remedy these consequences, and inform the person of the consequences of non-compliance. If the person desists from the unlawful conduct and carries out the measures referred to in the preceding sentence, the supervisory authority shall refrain from imposing a fine. If the person does not desist from the unlawful conduct and fails to take measures within the specified time limit to remedy the consequences of the breach as outlined in the notice, the supervisory authority shall impose a fine pursuant to paragraph 1.</p> <p>(7)</p> <p>The proceeds of fines imposed under paragraphs 1 to 3 shall constitute revenue for the State budget.</p> <p>(8)</p> <p>Proceedings for the imposition of a fine shall commence within 12 months of the date on which the breach of an obligation pursuant to this Act came to the attention of the supervisory authority, but no later than within 3 years, in the case of paragraphs 1 and 3, or 10 years, in the case of paragraph 2, of the date on which the breach of obligation occurred. A fine may be imposed no later than within four years of the date on which the breach of obligation occurred.</p> <p>(9)</p> <p>Repeated attempts to thwart, disrupt or obstruct the supervision referred to in paragraph 3 shall be deemed a serious breach of obligation<sup>28a</sup>.</p> <p>(10)</p> <p>Paragraphs 1 to 9 shall not apply to the National Bank of Slovakia, which proceeds in accordance with special legislation.</p>
<p>Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146)</p>	<p>Slovak Government Regulation No 262/2016 on marine equipment</p> <hr/> <p>Act No 56/2018 on product conformity assessment, making designated products available on</p>	<p>Section 28</p> <p>Penalties</p> <p>(1)</p> <p>The office shall impose a fine of between EUR 350 and EUR 35 000 on any person who:</p>



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Regulation/Directive	SK law	rules on penalties
	the market and amending certain acts	<p>(a) without authorisation, issues, alters or falsifies the conformity assessment output document;</p> <p>(b) without authorisation, acts as an authorised person or a notified person;</p> <p>(c) breaches the obligation in Section 21(2)(b).</p> <p>(2) The surveillance authority for designated products shall impose a fine of between EUR 200 and EUR 200 000 on any person who breaches the provisions of this Act or the provisions of a technical regulation relating to conformity assessment by doing any of the following:</p> <p>(a) placing on the designated product a mark which could be confused for the mark or could be misleading;</p> <p>(b) places on a product which is not a designated product within the meaning of Section 4(1) a mark pursuant to Section 24, or applies CE marking in contravention of Section 25(6);</p> <p>(c) fails to issue, or issues without authorisation, a declaration of conformity;</p> <p>(d) makes a designated product available on the market without a conformity assessment of the product;</p> <p>(e)</p>

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Regulation/Directive	SK law	rules on penalties
		<p>makes available on the market a designated product for which it cannot demonstrate that a designated product conformity assessment has been done;</p> <p>(f)</p> <p>makes available on the market a designated product with a designated product conformity assessment that does not meet the essential requirements;</p> <p>(g)</p> <p>fails to comply with any measure imposed by the surveillance authority for designated products under Section 27(1)(d) to (j);</p> <p>(3)</p> <p>The surveillance authority for designated products shall impose a fine of between EUR 100 and EUR 10 000 on any person who breaches any obligation on an economic operator other than the obligation in paragraphs 1 and 2.</p> <p>(4)</p> <p>The surveillance authority for designated products shall impose a fine of between EUR 100 and EUR 10 000 on an economic operator pursuant to special legislation<sup>23</sup> who breaches the obligations in Section 9a.</p> <p>(5)</p> <p>The office shall impose a fine of between EUR 100 and EUR 1 000 on an authorised person who repeatedly breaches an obligation in Section 21(12) or (13).</p> <p>(6)</p> <p>The office or supervisory authority for designated products shall impose a fine of between EUR 100 and EUR 1 500 on anyone who thwarts, disrupts or otherwise makes it difficult to carry out inspections or surveillance; the fine may be imposed more than once.</p>
Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on	No 106/2018 on the use of vehicles in road traffic	Section 154 Administrative offences

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Regulation/Directive	SK law	rules on penalties
<p>the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131)</p>	<p>Regulation of the Government of the Slovak Republic No 309/2006 on technical requirements for exhaust systems and the permissible sound level of motor vehicles</p>	<p>(1) The Slovak Trade Inspectorate shall impose a fine of:</p> <p>(a) between EUR 2 000 and EUR 300 000 on any economic operator who:</p> <ol style="list-style-type: none"> <li>1. breaches any of the obligations in Section 22(4)(a), (b) or (d);</li> <li>2. breaches any of the obligations in Section 22(5)(a)-(c);</li> </ol> <p>(b) between EUR 1 000 and EUR 30 000 on any economic operator who:</p> <ol style="list-style-type: none"> <li>1. breaches any of the obligations in Section 22(4)(c) or (e)-(h);</li> <li>2. breaches any of the obligations in Section 22(5)(d)-(f);</li> <li>3. breaches any of the obligations in Section 22(7)(a)-(e);</li> <li>4. fails to comply with any measure imposed by the market surveillance authority under Section 152(6) or (7);</li> </ol> <p>(2) The Slovak Trade Inspectorate shall impose a fine of between EUR 3 000 and EUR 100 000 on any person who breaches any of the prohibitions in Section 53(1)-(3) or (5).</p> <p>(3)</p>

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Regulation/Directive	SK law	rules on penalties
		<p>The Slovak Trade Inspectorate shall impose a fine of between EUR 500 and EUR 3 000 on any person who breaches any of the prohibitions in Section 53(4).</p> <p>(4)</p> <p>When the amount of the fine is determined, particular account shall be taken of the severity, manner, duration and consequences of the unlawful conduct.</p> <p>(5)</p> <p>The fine may be imposed within two years from the date on which the Slovak Trade Inspectorate became aware of the breach, but no later than five years following the date on which the breach occurred.</p> <p>(6)</p> <p>The fine shall be payable within 15 days of the date on which the decision imposing the fine becomes final. The fine shall be paid into the payment account set out in the decision. The fine shall constitute State budget revenue.</p> <p>(7)</p> <p>If, within a period of three years from the date on which a decision imposing a fine under paragraphs 1, 2 or 3 becomes final, there is a repeat of the breach of obligations for which the fine was imposed, the Slovak Trade Inspectorate shall impose a further fine of up to twice the maximum fine; in the case of a fine under paragraph 2 involving a natural person who is a trader, or involving a legal person, it shall submit an application to the relevant trade licensing office for the trading licence to be revoked in accordance with special legislation<sup>94</sup>.</p> <p>(8)</p> <p>If a natural person who is a trader, or a legal person, repeats a breach of the obligations in Section 22(4)-(6), (7)(a)-(e) or Section 53, such conduct shall be deemed a particularly serious breach of obligations<sup>95</sup>.</p>

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**25. Slovenia**

	<b>Regulation 2019/1020/EU, Annex II</b>	<b>National legislation</b>	<b>National legislation (eng)</b>	<b>Penalty provisions</b>
1	Directive 69/493/EGS	Zakon o tehničnih zahtevah za proizvode in o ugotavljanju skladnosti (Uradni list RS, št. 17/11)	Act Regulating Technical Requirements for Products and Conformity Assessment	Article 18
		Pravilnik o proizvodih iz kristalnega stekla (Uradni list RS, št. 110/07 in 17/11 – ZTZPUS-1)	Rules on crystal glass products	
2	Directive 70/157/EGS	Zakon o motornih vozilih (Uradni list RS, št. 75/17 in 92/20 – ZprCP-E)	Motor Vehicles Act	Article 41
		Odredba o določitvi seznama tehničnih specifikacij za motorna in priklopna vozila (z najmanj štirimi kolesi): Uradni list RS, št. 122/20	Order on the list of technical specifications for motor vehicles and trailers (with at least four wheels)	
3	Directive 75/107/EGS	Zakon o meroslovju (Uradni list RS, št. 26/05 – uradno prečiščeno besedilo)	Metrology Act	Articles 26, 27
4	Directive 75/324/EGS	Zakon o tehničnih zahtevah za proizvode in o ugotavljanju skladnosti (Uradni list RS, št. 17/11)	Act Regulating Technical Requirements for Products and Conformity Assessment	Article 18
		Pravilnik o aerosolnih razpršilnikih (Uradni list RS, št. 96/09, 17/11 – ZTZPUS-1, 21/14, 56/17 in 23/18)	Rules on aerosol dispensers	
5	Directive 76/211/EGS	Zakon o meroslovju (Uradni list RS, št. 26/05 – uradno prečiščeno besedilo)	Metrology Act	Articles 26, 27
6	Directive 92/42/EGS	Zakon o tehničnih zahtevah za proizvode in o ugotavljanju skladnosti (Uradni list RS, št. 17/11)	Act Regulating Technical Requirements for Products and Conformity Assessment	Article 18
		Pravilnik o zahtevanih izkoristkih za nove toplovalne ogrevalne kotle na tekoče ali plinasto gorivo (Uradni list RS, št. 107/01, 20/02, 63/07, 17/11 – ZTZPUS-1 in 17/14 – EZ-1)	Rules on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels	

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	<b>Regulation 2019/1020/EU, Annex II</b>	<b>National legislation</b>	<b>National legislation (eng)</b>	<b>Penalty provisions</b>
7	Directive 94/11/ES	Zakon o tehničnih zahtevah za proizvode in o ugotavljanju skladnosti (Uradni list RS, št. 17/11)	Act Regulating Technical Requirements for Products and Conformity Assessment	Article 18
		Pravilnik o označevanju materialov, ki se uporabljajo za glavne sestavne dele obutve, namenjene prodaji potrošnikom (Uradni list RS, št. 26/00, 96/03, 21/04, 55/09 in 17/11 – ZTZPUS-1)	Rules on the labelling of materials used in the main components of footwear for sale to the consumer	
8	Directive 94/62/ES	Uredba o embalaži in odpadni embalaži (Uradni list RS, št. 54/21)	Decree on packaging and packaging waste	Article 51
9	Directive 2000/14/ES	Zakon o tehničnih zahtevah za proizvode in o ugotavljanju skladnosti (Uradni list RS, št. 17/11)	Act Regulating Technical Requirements for Products and Conformity Assessment	Article 18
		Pravilnik o emisiji hrupa strojev, ki se uporabljajo na prostem (Uradni list RS, št. 106/02, 50/05, 49/06 in 17/11 – ZTZPUS-1)	Rules on noise emission by equipment for use outdoors	
10	Directive 2000/53/ES	Uredba o izrabljenih vozilih (Uradni list RS, št. 32/11, 45/11 – popr., 26/12, 84/18 – ZIURKOE in 101/20)	Decree on end-of-life vehicles	Articles 46 - 58
11	Directive 2005/64/ES	Zakon o motornih vozilih (Uradni list RS, št. 75/17 in 92/20 – ZprCP-E)	Motor Vehicles Act	Articles 4, 18, 19, 41, 51, 52, 55, 59
		Odredba o določitvi seznama tehničnih specifikacij za motorna in priklopna vozila (z najmanj štirimi kolesi) (Uradni list RS, št. 122/20)	Order on the list of technical specifications for motor vehicles and trailers (with at least four wheels)	
12	Directive 2006/40/ES	Zakon o motornih vozilih (Uradni list RS, št. 75/17 in 92/20 – ZprCP-E)	Motor Vehicles Act	Article 41
13	Directive 2007/45/ES	Zakon o meroslovju (ZMer-1)	Metrology Act	Article 26, 27
		Pravilnik o količinah predpakiranih izdelkov (Uradni list RS, št. 110/02 in 89/08)	Rules on quantities of prepacked products	

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	<b>Regulation 2019/1020/EU, Annex II</b>	<b>National legislation</b>	<b>National legislation (eng)</b>	<b>Penalty provisions</b>
14	Regulation (ES) št. 1222/2009	Uredba o izvajanju Uredbe (ES) o označevanju pnevmatik glede na izkoristek goriva in druge bistvene parametre (Uradni list RS, št. 22/13)	Decree on implementation of EU Regulation on the labelling of tyres with respect of fuel efficiency	Articles 4 - 8
15	Directive 2010/35/EU	Zakon o tehničnih zahtevah za proizvode in o ugotavljanju skladnosti (Uradni list RS, št. 17/11)	Act Regulating Technical Requirements for Products and Conformity Assessment	Article 18
		Pravilnik o premični tlačni opremi (Uradni list RS, št. 72/11)	Rules on transportable pressure equipment	
16	Regulation (EU) št. 305/2011	Zakon o gradbenih proizvodih (Uradni list RS, št. 82/13)	Construction Products Act	Articles 20, 21
17	Regulation (EU) št. 1007/2011	Uredba o izvajanju Uredbe (EU) o imenih tekstilnih vlaken (Uradni list RS, št. 54/12)	Regulation implementing Regulation (EU) on textile fibre names	Article 3
18	Directive 2014/90/EU	Pomorski zakonik (Uradni list RS, št. 62/16 – uradno prečiščeno besedilo, 41/17, 21/18 – ZNOrg, 31/18 – ZPVZRZECEP, 18/21 in 21/21 – popr.)	Maritime Code	Articles 976 – 989.a
		Pravilnik o pomorski opremi (Uradni list RS, št. 1/17)	Rules on marine equipment	
19	Regulation (EU) št. 540/2014	Zakon o motornih vozilih (Uradni list RS, št. 75/17 in 92/20 – ZPrCP-E)	Motor Vehicles Act	Article 41
		Odredba o določitvi seznama tehničnih specifikacij za motorna in priklopna vozila (z najmanj štirimi kolesi) : Uradni list RS, št. 122/20	Order on the list of technical specifications for motor vehicles and trailers (with at least four wheels)	

The unofficial consolidated text of the Technical Requirements for Products and Conformity Assessment Act comprises:

- the Technical Requirements for Products and Conformity Assessment Act – ZTZPUS-1 (*Uradni list RS* (UL RS; Official Gazette of the Republic of Slovenia) No 17/11 of 11 March 2011),
- the Act amending the Technical Requirements for Products and Conformity Assessment Act – ZTZPUS-1A (UL RS No 29/23 of 7 March 2023),

**TECHNICAL REQUIREMENTS FOR PRODUCTS AND CONFORMITY ASSESSMENT ACT (ZTZPUS-1)**

## Notification of Member States penalties provisions pursuant to Article 41 of Regulation (EU) 2019/1020

### (Unofficial consolidated text No 1)

#### VI. PENALTIES

#### Article 18

#### (Infringements)

(1) A fine of between €3 000 and €40 000 shall be imposed on a legal person who, in the course of its activities as a manufacturer, importer or authorised representative in the Republic of Slovenia:

- places on the market, puts into service or makes available on the market products which do not comply with the prescribed technical requirements or whose compliance has not been determined in accordance with the prescribed procedure or which are not marked in accordance with the rules (Article 3);
- in violation of Article 7(1) of this Act, fails to produce or to ensure the availability of technical documentation to the extent and in the format required and by the deadlines established, fails to ensure that the procedures for assessing conformity with the prescribed technical requirements have been conducted, fails to supply an adequate EU declaration of conformity, fails to ensure that products are labelled with the prescribed conformity markings or fails to provide the prescribed supporting documents and markings;
- in violation of Article 7(2) of this Act, fails to check and ensure that products comply with the prescribed technical requirements or to implement corrective measures to ensure compliance, or, where necessary, to withdraw or recall a product or to keep records of non-compliant products and the measures taken, or to announce that a product presents a risk and to provide details of the measures taken by the economic operator concerned and the competent inspection body, or to cooperate with the competent inspection bodies in any activities aimed at eliminating risks;
- in violation of Article 7(4) of this Act, fails to provide the identification data of economic operators at the request of the competent inspection body;
- in violation of Article 7(5) of this Act, with respect to products which do not comply with the technical requirements or for which there is no obligation regarding labelling with conformity markings, labels such products with conformity markings or with other markings that are so similar to the prescribed conformity markings that they might create confusion on the market or mislead consumers;
- marks products in violation of the general rules on the CE marking referred to in Article 30 of Regulation (EC) No 765/2008;
- acts in violation of the obligations referred to in Article 4(3) of Regulation (EU) 2019/1020;
- fails to indicate the name, registered trade name or registered trade mark, and contact details, including the economic operator's postal address, on the product or on its packaging, the parcel or an accompanying document (Article 4(4) of Regulation (EU) 2019/1020);
- fails to provide the competent market surveillance authority with a copy of the authorisation in a European Union language determined by that authority (Article 5(2) of Regulation (EU) 2019/1020); or
- in violation of Article 7(1) of Regulation (EU) 2019/1020, fails to cooperate with market surveillance authorities regarding actions which could eliminate or mitigate risks that are presented by products made available on the market by those operators.

(2) A fine of between €2 000 and €15 000 shall be imposed on a sole trader or an individual independently pursuing an activity if, in the course of their activities as a manufacturer, importer or authorised representative in the Republic of Slovenia, they commit an offence referred to in the preceding paragraph.

(3) A fine of between €1 200 and €4 000 shall also be imposed on the responsible person of a legal person, of a sole trader or of an individual independently pursuing an activity if, in the course of their activities as a manufacturer, importer or authorised representative in the Republic of Slovenia, they commit an offence referred to in paragraph (1) of this Article.



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(4) A fine of between €1 200 and €3 000 shall be imposed on a legal person who commits an offence referred to in paragraph (1) of this Article in the course of its activities as a distributor, fulfilment service provider or user of a product.

(5) A fine of between €800 and €3 000 shall be imposed on a sole trader or an individual independently pursuing an activity if, in the course of their activities as a distributor, fulfilment service provider or user of a product, they commit an offence referred to in paragraph (1) of this Article.

(6) A fine of between €200 and €400 shall also be imposed on the responsible person of a legal person, of a sole trader or of an individual independently pursuing an activity if, in the course of their activities as a distributor, fulfilment service provider or user of a product, they commit an offence referred to in paragraph (1) of this Article.

(7) A fine of between €3 000 and €40 000 shall be imposed on a legal person who, in the course of its activities as an information society service provider, fails to cooperate with the market surveillance authorities in accordance with Article 7(2) of Regulation (EU) 2019/1020, at their request or in specific cases, in order to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by a product that is or was offered for sale online through its services.

(8) A fine of between €2 000 and €15 000 shall be imposed on a sole trader or an individual independently pursuing an activity if, in the course of their activities as an information society service provider, they commit the offence referred to in the preceding paragraph.

(9) A fine of between €1 200 and €4 000 shall also be imposed on the responsible person of a legal person, of a sole trader or of an individual independently pursuing an activity if, in the course of their activities as an information society service provider, they commit an offence referred to in paragraph (7) of this Article.

### **Article 18a**

#### **(Infringements relating to checking and ensuring in-service safety performance, product maintenance and rescue operations)**

(1) A fine of between €800 and €3 000 shall be imposed on a legal person that is the owner and holder of a product if it fails to comply with the requirements relating to checking and ensuring in-service safety performance, product maintenance and rescue operations to the extent and in the manner required to protect the public interest (Article 7a(1)).

(2) A fine of between €600 and €2 000 shall be imposed on a sole trader or an individual independently pursuing an activity who is the owner and holder of a product if they commit an offence under the preceding paragraph.

(3) In addition, a fine of between €400 and €1 500 shall be imposed on the responsible person of a legal person, of a sole trader, of an individual independently pursuing an activity, of a state body or of a local authority if they commit an offence under paragraph (1) of this Article.

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(4) A fine of between €200 and €600 shall be imposed on an individual who is the owner of a product if they commit an offence under paragraph (1) of this Article.

### 26. Spain

The legal provisions governing the penalties that apply in respect of infringements related to the obligations on economic operators laid down in **Articles 4, 5 and 7 of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011** are contained in various acts of national legislation relating to different sectors, as detailed below:

- Royal Legislative Decree 1/2007 of 16 November 2007 approving the Recast General Law for the Protection of Consumers and Users and other supplementary laws.
- Royal Decree 1945/1983 of 22 June 1983 regulating infringements and penalties in the field of consumer protection and agricultural production.
- Law 21/1992 of 16 July 1992 on Industry.
- General Law 9/2014 of 9 May 2014 on Telecommunications and Draft General Law on Telecommunications (final approval stage).
- Law 34/2002 of 11 July 2002 on information society services and electronic commerce.
- Royal Legislative Decree 1/2015 of 24 July 2015 approving the Recast Law on guarantees on, and the rational use of, medicines and medical devices.
- Royal Decree 244/2016 of 3 June 2016 laying down more detailed provisions under Law 32/2014 of 22 December 2014 on Metrology.
- Law 22/2011 of 28 July 2011 on waste and polluted land.
- Royal Decree 130/2017 of 24 February 2017 approving the Explosives Regulation.
- Royal Decree 989/2015 of 30 October 2015 approving the Regulation on pyrotechnic articles and ammunition.
- Royal Decree 98/2016 of 11 March 2016 on safety, technical and marketing requirements for jet skis, sports vessels and their components.
- Royal Legislative Decree 2/2011 of 5 September 2011 approving the Recast Law on State Ports and the Merchant Navy.
- Law 13/1998 of 4 May 1998 regulating the Tobacco Market and Tax Rules: infringements involving failure to fulfil the duty to send information to the Tobacco Market Commissioner (a Tobacco Market Bill which specifically sets out these obligations is under preparation).
- Law 28/2005 of 26 December 2005 laying down health measures to tackle smoking and regulating the sale, supply, consumption and advertising of tobacco products.
- Royal Decree 579/2017 of 9 June 2017 regulating certain aspects of the manufacture, presentation and marketing of tobacco products and related products.

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<b>Annex II Directives</b>	<b>Transposition (if required)</b>	<b>(Proposed) national penalty system</b>
Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to <b>crystal glass</b> (OJ L 326, 29.12.1969, p. 36);	<a href="#">Royal Decree 168/88 of 26 February 1988 laying down certain technical conditions for crystal glass</a>	Royal Legislative Decree 1/2007 of 16 November 2007 for the Protection of Consumers and Users Royal Decree 1945/1983 of 22 June 1983, which regulates infringements and penalties in the field of consumer protection
Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the <b>permissible sound level</b> and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, p. 16);	<a href="#">Royal Decree No 2028/86 of 6 June 1986 laying down regulations to implement certain EEC directives relating to the type approval of motor vehicles, trailers and semi-trailers and of parts and components of such vehicles</a>	Law 21/1992 of 16 July 1992 on Industry
Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to <b>bottles used as measuring containers</b> (OJ L 42, 15.2.1975, p. 14);	<a href="#">Royal Decree No 703/88 of 1 July 1988 approving the characteristics of bottles used as measuring containers. Official State Gazette Number 162 of 7 July 1988, page 21040</a>	Law 32/2014 on Metrology
Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to <b>aerosol dispensers</b> (OJ L 147, 9.6.1975, p. 40);	<a href="#">Royal Decree 1381/2009 of 28 August 2009 laying down requirements for the manufacture and marketing of aerosol dispensers</a>	Law 21/1992 of 16 July 1992 on Industry
Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the <b>making-up by weight or by volume of certain pre-packaged</b>	<a href="#">Royal Decree 1801/2008 of 3 November 2008 laying down rules on nominal quantities for packaged products and checks on their actual content</a>	Article 16 – Prohibitions, infringements and penalties: - Royal Legislative Decree 1/2007 of 16 November 2007 - Royal Decree 1945/1983 of 22 June 1983 - Law 3/1985 of 8 March 1985 on Metrology - Royal Decree 889/2006 of 21 July 2006 regulating State metrological control of measuring instruments

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Annex II Directives	Transposition (if required)	(Proposed) national penalty system
<p><b>products</b> (OJ L 46, 21.2.1976, p. 1);</p>		
<p>Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for <b>new hot-water boilers fired with liquid or gaseous fuels</b> (OJ L 167, 22.6.1992, p. 17);</p>	<p><a href="#">Royal Decree No 275/95 of 24 February 1995 laying down provisions implementing Directive 92/42/EEC on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels, as am...</a></p>	<p>Law 21/1992 of 16 July 1992 on Industry Royal Decree 1778/1994 of 5 August 1994</p>
<p>Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to <b>labelling of the materials used in the main components of footwear for sale to the consumer</b> (OJ L 100, 19.4.1994, p. 37);</p>	<p><a href="#">Royal Decree No 1718/95 of 27 October 1995 regulating the labelling of the materials used in the main components of footwear</a></p>	<p>- Royal Legislative Decree 1/2007 of 16 November 2007 for the Protection of Consumers and Users - Royal Decree 1945/1983 of 22 June 1983</p>
<p>European Parliament and Council Directive 94/62/EC of 20 December 1994 on <b>packaging and packaging waste</b> (OJ L 365, 31.12.1994, p. 10);</p>	<p><a href="#">Law No 11/97 of 24 April 1997 on packaging and packaging waste</a></p>	<p>Law 22/2011 of 28 July 2011 on waste and polluted land</p>

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<b>Annex II Directives</b>	<b>Transposition (if required)</b>	<b>(Proposed) national penalty system</b>
<p>Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the <b>noise emission in the environment by equipment for use outdoors</b> (OJ L 162, 3.7.2000, p. 1);</p>	<p><a href="#">Royal Decree 212/2002 of 22 February 2002 regulating the noise emission in the environment by certain equipment for use outdoors</a></p>	<p>Law 21/1992 of 16 July 1992 on Industry</p>
<p>Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on <b>end-of life vehicles</b> (OJ L 269, 21.10.2000, p. 34);</p>	<p><a href="#">Royal Decree 265/2021 of 13 April 2021 on end-of life vehicles and amending the General Vehicle Regulation approved by Royal Decree 2822/1998 of 23 December 1998</a></p>	<p>Article 12 – Penalty system:                      - Law 22/2011 of 28 July 2011 on waste and polluted land                      - Law 21/1992 of 16 July 1992 on Industry                      - Royal Legislative Decree 1/2007 of 16 November 2007 for the Protection of Consumers and Users                      - Law 7/1996 of 15 January 1996 regulating retail trade</p>
<p>Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the <b>type-approval of motor vehicles with regard to their reusability, recyclability and recoverability</b> and amending Council Directive 70/156/EEC (OJ L 310, 25.11.2005, p. 10);</p>	<p><a href="#">Order ITC/445/2006 of 14 February 2006 updating Annexes I and II of Royal Decree 2028/1986 of 6 June 1986 on the regulations to implement certain EC directives relating to the type approval of motor vehicles.</a></p>	<p>Law 21/1992 of 16 July 1992 on Industry</p>
<p>Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from <b>air conditioning systems in motor vehicles</b> and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12);</p>	<p><a href="#">Order ITC/3780/2006 of 30 November 2006 updating Annexes I and II of Royal Decree 2028/1986 of 6 June 1986 on the regulations to implement certain EC directives relating to the type approval of motor vehicles.</a></p>	<p>Law 21/1992 of 16 July 1992 on Industry</p>

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<b>Annex II Directives</b>	<b>Transposition (if required)</b>	<b>(Proposed) national penalty system</b>
<p>Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on <b>nominal quantities for pre-packed products</b>, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 21.9.2007, p. 17);</p>	<p><a href="#">Royal Decree 1801/2008 of 3 November 2008 laying down rules on nominal quantities for packaged products and checks on their actual content</a></p>	<p>Article 16 – Prohibitions, infringements and penalties:                      - Royal Legislative Decree 1/2007 of 16 November 2007 for the Protection of Consumers and Users                      - Royal Decree 1945/1983 of 22 June 1983 regulating infringements and penalties in the field of consumer protection and agricultural production                      - Law 3/1985 of 8 March 1985 on Metrology                      - Royal Decree 889/2006 of 21 July 2006 regulating State metrological control of measuring instruments</p>
<p>Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the <b>labelling of tyres</b> with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46);</p>	<p>Transposition not required and there is no specific more detailed national legislation</p>	<p>Royal Legislative Decree 1/2007 of 16 November 2007 for the Protection of Consumers and Users <b>(as it relates to consumer information)</b></p>
<p>Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1);</p>	<p><a href="#">Royal Decree 1388/2011 of 14 October 2011 laying down provisions implementing Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Direct</a></p>	<p>Law 21/1992 of 16 July 1992 on Industry</p>
<p>Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council</p>	<p>Transposition not required and there is no specific more detailed national legislation</p>	<p>Law 21/1992 of 16 July 1992 on Industry</p>

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<b>Annex II Directives</b>	<b>Transposition (if required)</b>	<b>(Proposed) national penalty system</b>
Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5);		
Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1);	Transposition not required, but there is some more detailed national legislation: Royal Decree 928/1987 of 5 June 1987 on labelling to show the composition of textile products. Royal Decree 396/1990 of 16 March 1990 amending Royal Decree 928/1987 of 5 June 1987 on labelling to show the composition of textile products.	Royal Legislative Decree 1/2007 of 16 November 2007 for the Protection of Consumers and Users Royal Decree 1945/1983 of 22 June 1983, which regulates infringements and penalties in the field of consumer protection
Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146);	<a href="#">Royal Decree 701/2016 of 23 December 2016 regulating the requirements to be met by marine equipment for on-board ship</a>	<u>Sole supplementary provision – Penalty system:</u> ‘Any actions or omissions which contravene this Royal Decree shall be penalised in accordance with the provisions of Title IV of Book Three of the Recast Law on State Ports and the Merchant Navy approved by <b>Royal Legislative Decree 2/2011</b> of 5 September 2011, without prejudice to the powers to impose penalties provided for in Title V of <b>Law 21/1992 of 16 July 1992 on Industry</b> ’
Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing	Transposition not required and there is no specific more detailed national legislation	Law 21/1992 of 16 July 1992 on Industry

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<b>Annex II Directives</b>	<b>Transposition (if required)</b>	<b>(Proposed) national penalty system</b>
Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131).		

**27. Sweden**

<b>Legal act</b>	<b>National penalty provisions</b>
1. Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass (OJ L 326, 29.12.1969, p. 599).	<p>Sections 5-6 of <a href="#">Lag (1996:1118) om marknadsföring av kristallglas</a> (Marketing of Crystal Glass Act (1996:1118))</p> <p>Surveillance and penalties</p> <p>Section 5. The authority designated by the Government shall ensure compliance with the provisions laid down in this Act.</p> <p>Section 6. The <i>Marknadsföringslag</i> (2008:486) (Marketing Act), with the exception of the provisions of Sections 29-36 on market disruption charges, shall apply to any investigation of whether provisions issued on the basis of this Act have been infringed. Act (2008:500).</p> <p>Sections 23–28 <a href="#">Marknadsföringslag (2008:486)</a> (Marketing Act (2008:486))</p> <p>Prohibitions and orders</p> <p>Prohibition of certain types of marketing</p> <p>Section 23. A trader whose marketing is unfair may be prohibited from continuing with that or other similar practices.</p> <p>A prohibition under the first paragraph may also be issued against:</p>



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	<ol style="list-style-type: none"><li>1. an employee of the trader;</li><li>2. another person acting on behalf of the trader and</li><li>3. any person who has otherwise materially contributed to the marketing in question.</li></ol> <p>Order to provide information</p> <p>Section 24. A trader who, in the course of marketing, neglects to provide material information may be ordered to provide such information.</p> <p>Such an order may also be issued against:</p> <ol style="list-style-type: none"><li>1. an employee of the trader, and</li><li>2. any other person acting on behalf of the trader.</li></ol> <p>An order under the first paragraph may include an obligation to provide information:</p> <ol style="list-style-type: none"><li>1. in advertisements or other representations that the trader uses in the course of marketing,</li><li>2. through labelling of the goods or in some other form at the point of sale, or</li><li>3. in certain forms to consumers who so request.</li></ol> <p>Order to provide technical aids</p> <p>Section 25. A service provider under <i>Lag (2002:562) om elektronisk handel och andra informationssamhällets tjänster</i> (Act on Electronic Commerce and other Information Society Services) who, in contravention of Section 10 of that Act, fails to provide such technical aids as referred to there may be ordered to provide such aids.</p> <p>Fines</p> <p>Section 26. A prohibition under Section 23 or an order under Section 24 or 25 shall be combined with a fine, unless there are particular grounds rendering this unnecessary.</p> <p>Interim orders</p> <p>Section 27. The court may order that a prohibition under Section 23 or an order under Section 24 or 25 shall apply until further notice if:</p> <ol style="list-style-type: none"><li>1. the applicant demonstrates probable cause for his claim, and</li></ol>
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	<p>2, it can be reasonably assumed that the defendant, by taking or by omitting to take a specific action, can reduce the effectiveness of a prohibition or order.</p> <p>The provisions of Chapter 15, Section 5, second to fourth paragraphs, and Sections 6 and 8, of the Code of Judicial Procedure shall apply to decisions under the first paragraph.</p> <p>The decision may be implemented with immediate effect. Ordinance (2011:1216).</p> <p>Orders</p> <p>Section 28. In cases of minor importance, the Swedish Consumer Ombudsman may issue orders concerning:</p> <ol style="list-style-type: none"> <li>1. prohibitions, as referred to in Section 23 (prohibitory injunctions);</li> <li>2. orders as referred to in Section 24 (information orders); or</li> <li>4. orders as referred to in Section 25.</li> </ol> <p>Orders shall be combined with a fine unless that is deemed unnecessary for a specific reason.</p> <p>The Swedish Consumer Ombudsman may decide that an order is to take effect immediately. Act (2016:793).</p> <p>These penalties were notified to the Commission on 14 February 2014.</p>
<p>2. Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L42, 23.02.1970, p. 16);</p>	<p>Sections 5-12 <a href="#">Fordonsförordning (2009:211)</a> (Vehicles Ordinance (2009:211))</p> <p>Penalties</p> <p>Section 5. Parties shall be liable to a penalty if they deliberately or negligently provide incorrect information:</p> <ol style="list-style-type: none"> <li>1. in an application for type-approval,</li> <li>2. in a certificate of conformity or type-examination,</li> <li>3. in a type approval mark or equivalent,</li> <li>4. in the context of a test for a specific approval, registration inspection, moped inspection or suitability inspection, or</li> <li>5. in an application for designation as a body for the performance of technical services.</li> </ol>

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	<p>Liability under the first subparagraph shall not apply if the incorrect information is of minor importance for the approval or if the information is otherwise not liable to mislead.</p> <p>Ordinance (2020:739).</p> <p>Section 6. Parties shall be liable to a penalty if they deliberately or negligently, in cases other than those set out in Section 5, fail to comply with</p> <ol style="list-style-type: none"><li>1. the provisions in Chapter 3, Sections 24, 26 or 28, or</li><li>2. provisions issued on the basis of this Ordinance for the implementation of Chapter 3, Sections 24, 26 or 28.</li></ol> <p>Section 7. Parties shall be liable to a penalty if they deliberately or negligently breach a prohibition laid down pursuant to Chapter 2, Section 12 concerning the sale or taking into service of vehicles, systems, components or separate technical units.</p> <p>Section 8. Parties shall be liable to a financial penalty if they deliberately or negligently infringe the provisions of Chapter 4 Section 20 on registration inspections of a modified vehicle or Chapter 5 Section 7 on the carrying of a certificate of competence.</p> <p>Section 9. The owner of a vehicle shall be penalised by a fine if they have intentionally or negligently failed to take reasonable steps to prevent the vehicle being used contrary to the following:</p> <ol style="list-style-type: none"><li>1. a driving ban,</li></ol> <p>the provisions on the condition and equipment of the vehicle according to</p> <ol style="list-style-type: none"><li>a) Chapter 2, Section 1,</li><li>b) regulations issued pursuant to this Ordinance,</li><li>3. the provisions on moped inspections in Chapter 2, Section 2 or Chapter 4, Section 35,</li><li>4. the provisions on suitability inspections in Chapter 5, Section 1, paragraphs 1-4; or</li></ol>
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	<p>5. the provisions on carrying documents in Chapter 6, Section 23a or Chapter 8, Section 3c, second paragraph.</p> <p>The provisions of the first paragraph shall also apply to the driver if he or she was aware of the reason the vehicle should not have been used in the way it was, and to the party referred to in Chapter 2, Section 14, second paragraph. Ordinance (2016:1217).</p> <p>Section 10. The liability referred to in Section 9, first paragraph, subparagraph 2 shall not apply if the shortcoming in the structure or equipment of the vehicle was of minor importance or if the vehicle was merely being driven to the nearest suitable place in order to remedy damage which occurred during the journey and the vehicle could be used without any obvious risk.</p> <p>Section 11. The provisions of this Ordinance or provisions issued pursuant to it on the liability of owners or users of vehicles shall also apply to the driver's immediate superior in the case of vehicles owned or used by the State or a municipality. If the immediate superior has done what could reasonably have been required to prevent an infringement, and the incident is the result of a superior's measure or fault, the provisions on liability for owners or users shall apply to that superior.</p> <p>With regard to a vehicle owned or used by a joint heir or an insolvent company, the provisions on liability referred to in the first paragraph shall apply to the party or parties entitled to represent that estate or company.</p> <p>With regard to a vehicle owned or used by a company, an association, a foundation or another legal person, the provisions on liability referred to in the first paragraph shall apply to the party or parties entitled to represent that legal person or the party which the approval authority on request has approved as the responsible representative.</p>
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	<p>Section 12. Liability under this Ordinance shall not arise if a penalty can be imposed under the Penal Code or <i>Lag (1951:649) om straff för vissa trafikbrott</i> (Act (1951:649) on penalties for certain road traffic offences).</p>
<p>3. Council Directive 75/107/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to bottles used as measuring containers (OJ L 42, 15.2.1975, p. 14).</p>	<p>Section 6 <a href="#">Lag (1992:1514) om måttenheter, mätningar och mättdon</a> (Act (1992:1514) on measuring units, measurements and measuring instruments)</p> <p>Penalty payments</p> <p>Section 6a. A manufacturer, a manufacturer’s representative, an importer or a distributor shall be required to pay a penalty payment if they or a party acting on their behalf has deliberately or negligently infringed provisions issued on the basis of Section 2 to comply with Sweden’s international agreements.</p> <p>A penalty payment may not be imposed on someone for infringement of a ban or failure to comply with an injunction combined with a fine.</p> <p>Otherwise, Section 37, second paragraph and Sections 39-43 of the <i>Produktsäkerhetslag</i> (2004:451) (Product Safety Act) shall apply to penalty payments.</p> <p>Act (2016:330).</p>
<p>4. Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (OJ L 147, 9.6.1975, p. 40).</p>	<p>Sections 28-32 and 36 of <a href="#">Lag (2010:1011) om brandfarliga och explosiva varor</a>(Act (2010:1011) on inflammable and explosive goods)</p> <p>Liability</p> <p>Section 28. Anyone infringing the provisions of Section 6 deliberately or through gross negligence shall be sentenced to a fine or imprisonment of up to one year.</p> <p>A fine shall be imposed on anyone who intentionally or negligently:</p> <p>1. infringes one of the obligations laid down in Sections 7-15 or provisions issued on the basis of Section 36 where liability cannot be imposed in accordance with the first paragraph,</p>

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	<p>2. provides incorrect information on matters of significance in an application or other document to be provided under this Act or in accordance with regulations issued on the basis of this Act, or</p> <p>3. fails to comply with a request pursuant to Section 24, first paragraph.</p> <p>Section 29. Anyone who infringes the first paragraph of Section 16 through negligence shall be liable to a fine.</p> <p>Any person who intentionally or through gross negligence infringes the first paragraph of Section 16 shall be liable to:</p> <ol style="list-style-type: none"><li>1. a fine or imprisonment of up to one year with respect to inflammable goods, or</li><li>2. a fine or imprisonment of up to three years with respect to explosive goods. Act (2017:1138).</li></ol> <p>Section 29a. If a deliberate infringement of Section 16, first paragraph relates to explosive goods and it can be considered as serious, the penalty shall be a term of imprisonment of between two and five years. When assessing whether the offence is serious, particular consideration shall be given to:</p> <ol style="list-style-type: none"><li>1. goods whose effect, construction or design means that they are particularly dangerous,</li><li>2. whether the handling, transfer, import or export of the goods related to several goods or large quantities of a good,</li><li>3. whether the handling or transfer took place in an environment where it can be assumed that the goods were likely to be used for criminal purposes, or</li><li>4. the act was otherwise of a particularly dangerous nature.</li></ol> <p>If the offence is considered particularly serious, the perpetrator shall be sentenced to a term of imprisonment of between four and seven years. In the assessment of whether the offence is particularly serious, special attention shall be paid to whether the handling, transfer, import or export of the goods related to a large number of goods or a very large quantity of a particularly dangerous good or goods, or a large quantity of a particularly dangerous good.</p>
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	<p>Act (2020:903).</p> <p>Section 30. Liability shall not be imposed under this Act for minor cases.</p> <p>Liability under Sections 28, 29 or 29a shall not be imposed if the offence is punishable under Act (2000:1225) on penalties for smuggling. Liability under Section 28 or 29 shall also not be imposed if the offence is punishable under the Penal Code.</p> <p>Any party failing to comply with an order or an prohibition subject to a fine shall not be held liable under this Act for an offence covered by the order or prohibition.</p> <p>Act (2020:903).</p> <p>Section 31. Unless clearly unreasonable, the following property shall be confiscated:</p> <ol style="list-style-type: none"><li>1. goods which have been the subject of an offence under this Act or the value of such goods; and</li><li>2. proceeds of crime under this Act.</li></ol> <p>If a flammable or explosive is confiscated, its packaging may also be confiscated.</p> <p>Section 32. Flammable or explosive goods or other property which have been used in a crime under this Act may be confiscated if confiscation is required for the purposes of crime prevention under this Act or for any other specific reason.</p> <p>The same shall apply to property intended to be used to facilitate crime, within the meaning of Act, where the crime has already occurred. Instead of the property itself, its value may be declared confiscated. Chapter 36, Sections 5 and 5b of the Penal Code contain provisions regarding the party to whom the confiscation shall apply and on specific rights with respect to confiscated property.</p>
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	<p>If equipment is confiscated, the contents and packaging of such equipment may also be declared confiscated.</p> <p>Empowerments</p> <p>Section 36/ Ceases to apply on 1 August 2021/ The Government or the authority designated by the Government may issue regulations regarding:</p> <ol style="list-style-type: none"><li>1. which goods are to be regarded as flammable or explosive on the basis of their characteristics or composition or for any other reason,</li><li>2. the classification of flammable and explosive goods,</li><li>3. flammable and explosive goods' characteristics and design,</li><li>4. exceptions from the application of the Act in respect of certain goods or certain types of handling, transfer, import or export,</li><li>5. measures and precautions, as referred to in Section 6,</li><li>6. investigations, as referred to in Section 7,</li><li>7. competence, as referred to in Section 8,</li><li>8. persons responsible, as referred to in Section 9,</li><li>9. buildings, other facilities or equipment, as referred to in Section 10, and that such buildings, facilities and equipment may not be used, marketed or sold unless they have been found to be satisfactory from a safety perspective following a technical check, inspection or other investigation,</li><li>10. storage and packaging, as referred to in Section 11,</li><li>11. approvals, as referred to in Section 12,</li><li>12. the definition of plastic explosives, as referred to in Section 13 and how marking with trace material should occur,</li><li>13. the information referred to in Section 14,</li><li>14. handling of questions for authorisation,</li></ol>
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	<p>15. the fact that the handling, transfer, import or export of a flammable or explosive good should be forbidden, where such a prohibition is particularly important with regard to the risk of fire or explosion and the consequences of a fire or explosion, and</p> <p>16. the amount of the charges provided for in the Act.</p> <p>A municipality may issue regulations on the amount of the charges under this Act with respect to its own activities.</p> <p>Act (2016:379).</p> <p>Section 36 /Enters into force on 1 August 2021/ The Government or the authority designated by the Government may issue regulations regarding:</p> <ol style="list-style-type: none"><li>1. which goods are to be regarded as flammable or explosive on the basis of their characteristics or composition or for any other reason,</li><li>2. the classification of flammable and explosive goods,</li><li>3. flammable and explosive goods' characteristics and design,</li><li>4. exceptions from the application of the Act in respect of certain goods or certain types of handling, transfer, import or export,</li><li>5. measures and precautions, as referred to in Section 6,</li><li>6. investigations, as referred to in Section 7,</li><li>7. competence, as referred to in Section 8,</li><li>8. persons responsible, as referred to in Section 9,</li><li>9. participants, as referred to in Section 9,</li><li>10. buildings, other facilities or equipment, as referred to in Section 10, and that such buildings, facilities and equipment may not be used, marketed or sold unless they have been found to be satisfactory from a safety perspective following a technical check, inspection or other investigation,</li><li>11. storage and packaging, as referred to in Section 11,</li></ol>
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	<p>12. approvals, as referred to in Section 12,</p> <p>13. the definition of plastic explosives, as referred to in Section 13 and how marking with trace material should occur,</p> <p>14. information, as referred to in Section 14,</p> <p>15. handling of applications for authorisation and exceptions from the obligation to seek authorisation in Section 16,</p> <p>16. the fact that the handling, transfer, import or export of a flammable or explosive good should be forbidden, where such a prohibition is particularly important with regard to the risk of fire or explosion and the consequences of a fire or explosion, and</p> <p>17. the amount of the charges provided for in the Act.</p> <p>A municipality may issue regulations on the amount of the charges under this Act with respect to its own activities.</p> <p>Act (2021:657).</p>
<p>5. Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products (OJ L 46, 21.2.1976, p. 1).</p>	<p>Section 6 <a href="#">Lag (1992:1514) om måttenheter, mätningar och mättdon</a> (Act (1992:1514) on measuring units, measurements and measuring instruments)</p> <p>Penalty payments</p> <p>Section 6a. A manufacturer, a manufacturer’s representative, an importer or a distributor shall be required to pay a penalty payment if they or parties acting on their behalf have deliberately or negligently infringed provisions issued on the basis of Section 2 to comply with Sweden’s international agreements.</p> <p>A penalty payment may not be imposed on someone for infringement of a ban or failure to comply with an injunction already combined with a fine.</p> <p>Otherwise, Section 37, second paragraph and Sections 39-43 of the <i>Produktsäkerhetslag</i> (2004:451) (Product Safety Act) shall apply to penalty payments.</p>

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	Act (2016:330).
<p>6. Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 22.6.1992, p. 17);</p>	<p>Chapter 10, Section 16 <a href="#">Plan- och byggförordning (2011:38)</a> (Planning and Building Ordinance (2011:38))</p> <p>Section 16. The National Board of Housing shall issue regulations on:</p> <ol style="list-style-type: none"> <li>1. attestations of compliance with applicable requirements for lifts and the associated safety components, and for boilers or boiler appliances; and</li> <li>2. markings on lifts and their safety components. Ordinance (2016:773).</li> </ol> <p><a href="#">Boverkets föreskrifter och allmänna råd (2011:11) om förfarande för bedömning av överensstämmelse för nya värmepannor som eldas med flytande eller gasformigt bränsle</a> - (National Board of Housing's regulations and general guidance on assessing the compliance of new boilers fired with liquid or gaseous fuels)</p> <p><a href="#">Boverkets byggregler – föreskrifter och allmänna råd, BBR, (BFS 2011:6 med ändringar t.o.m. BFS 2018:4)</a>, (National Board of Housing's building regulations – rules and general guidance (BFS-2011:6 with amendments up to BFS 2018:4)), section 6:742</p> <p>Section 14 <a href="#">Lag (2008:112) om ekodesign Svensk författningssamling 2008:2008:112 t.o.m. SFS 2011:800 - Riksdagen</a> (Act on eco-design, Swedish Code of Statutes 2008: 2008:112 to SFS 2011:800 - Swedish Parliament)<sup>44</sup></p> <p>Section 14. A supervisory authority may issue the orders and bans required to ensure that the Act, regulations issued pursuant to the Act and the provisions of an implementing measure pursuant to Article 15 of Directive 2009/125/EC are respected. Such orders and bans may be accompanied by fines. Act (2011:395).</p>

<sup>44</sup> Obligations with respect to products are regulated in Commission Regulation (EU) No 813/2013 of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters, which has replaced certain provisions of Directive 92/42/EEC.

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<p>7. Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer (OJ L 100, 19.4.1994, p. 37).</p>	<p>Section 4 of <a href="#">Lag (1995:669) om märkning av skor</a> (Act (1995:669) on the labelling of footwear)</p> <p>Section 4. The authority designated by the Government shall monitor compliance with the provisions laid down in the Act or a delegation under the Act.</p> <p>The supervisory authority may issue any orders or prohibitions required to enforce the regulations. Such orders or prohibitions may be accompanied by fines.</p> <p>Sections 23-36 <a href="#">Marknadsföringslag (2008:486)</a> (Marketing Act (2008:486))</p> <p>Prohibition of certain types of marketing</p> <p>Section 23. A trader whose marketing is unfair may be prohibited from continuing with that or other similar practices.</p> <p>A prohibition under the first paragraph may also be issued against:</p> <ol style="list-style-type: none"><li>1. an employee of the trader;</li><li>2. another person acting on behalf of the trader, and</li><li>3. any other person who has otherwise materially contributed to the marketing in question.</li></ol> <p>Order to provide information</p> <p>Section 24. A trader who, in the course of marketing, neglects to provide material information may be ordered to provide such information.</p> <p>Such an order may also be issued against:</p> <ol style="list-style-type: none"><li>1. an employee of the trader, and</li><li>2. another person acting on behalf of the trader.</li></ol> <p>An order under the first paragraph may include an obligation to provide information:</p>
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	<ol style="list-style-type: none"><li>1. in advertisements or other representations that the trader uses in the course of marketing,</li><li>2. through labelling of the goods or in some other way at the point of sale, or</li><li>3. in certain forms to consumers who so request.</li></ol> <p>Order to provide technical aids</p> <p>Section 25. A service provider under <i>Lag (2002:562) om elektronisk handel och andra informationssamhällets tjänster</i> (Act on Electronic Commerce and other Information Society Services) who, in contravention of Section 10 of that Act, fails to provide such technical aids as are referred to there may be ordered to provide such aids.</p> <p>Fines</p> <p>Section 26. A prohibition under Section 23 or an order under Section 24 or 25 shall be combined with a fine, unless there are particular grounds rendering this unnecessary.</p> <p>Interim orders</p> <p>Section 27. The court may order that a prohibition under Section 23 or an order under Section 24 or 25 shall apply until further notice if:</p> <ol style="list-style-type: none"><li>1. the applicant demonstrates probable cause for his claim, and</li><li>2. it can be reasonably assumed that the defendant, by taking or by omitting to take a specific action, can reduce the effectiveness of a prohibition or order.</li></ol> <p>The provisions of Chapter 15, Section 5, second to fourth paragraphs, and Sections 6 and 8, of the Code of Judicial Procedure shall apply to decisions under the first paragraph.</p> <p>The decision may be implemented with immediate effect. Ordinance (2011:1216).</p> <p>Orders</p>
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	<p>Section 28. In cases of minor importance, the Swedish Consumer Agency may issue orders concerning:</p> <ol style="list-style-type: none"><li>1. prohibitions as referred to in Section 23 (prohibitory injunctions);</li><li>2. orders as referred to in Section 24 (information orders); or</li><li>3. orders as referred to in Section 25.</li></ol> <p>Orders shall be combined with a fine unless that is deemed unnecessary for a specific reason.</p> <p>The Swedish Consumer Agency may decide that an order is to take effect immediately. Act (2016:793).</p> <p>Market disruption charge</p> <p>Grounds for imposing a charge</p> <p>Section 29. Traders may be ordered to pay a special charge (market disruption charge) if they, or a person acting on their behalf, intentionally or negligently contravene</p> <ul style="list-style-type: none"><li>- Section 7,</li><li>- Section 8 and any of the provisions of Sections 9, 10, or 12-17,</li><li>- Section 18,</li><li>- Section 20, or</li><li>- any of the provisions of Annex I to Directive 2005/29/EC.</li></ul> <p>The same applies if a trader intentionally or negligently contravenes any of the provisions of:</p> <ul style="list-style-type: none"><li>- Chapter 64, Section 46, of the Swedish Social Insurance Code,</li><li>- Chapter 7, Section 3, of the Alcohol Act (2010:1622),</li></ul>
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	<ul style="list-style-type: none"><li>- Chapter 8, Section 7, first paragraph, Sections 8, 9 or 14, first or second paragraph, Chapter 9 a, Sections 10 and 11 or Chapter 15, Section 4 of the <i>radio- och tv-lagen</i> (2010:696) (Radio and Television Act (2010: 696)),</li><li>- Section 11 of <i>Lag (1995:1571) om insättningsgaranti</i> (Act (1995: 1571) on deposit guarantees) with regard to offers which do not exclude consumers,</li><li>- Chapter 4, Section 1(2) or (3), Section 3, Section 4, first paragraph (2), or Section 5 (2) or (3) of <i>Lag (2018:2088) om tobak och liknande produkter</i> (Tobacco and Related Products Act).</li></ul> <p>The provisions of the first and second paragraphs shall also apply to a trader who intentionally or negligently contributes materially to the infringement.</p> <p>The charge accrues to the state. Act (2020:1035).</p> <p>Section 29a. When deciding whether to impose a market disruption charge, the severity of the infringement must be taken into account. Special attention must be paid to the nature, duration, scope and extent of the infringement. Act (2016:793).</p> <p>Section 30. A market disruption charge may not be imposed on a person for infringement of a prohibition or failure to comply with an order issued in combination with a fine under this Act.</p> <p>Amount of the charge</p> <p>Section 31. The market disruption charge shall be fixed at no less than SEK 10,000 and no more than SEK 10,000,000.</p> <p>The charge may not exceed ten per cent of the trader's annual turnover.</p>
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	<p>The annual turnover shall refer to the turnover for the immediately preceding financial year. If the infringement occurred during the trader's first year of business or if information concerning the annual turnover is otherwise not available or is incomplete, the amount of annual turnover may be estimated.</p> <p>If an action is brought against more than one trader, the charge shall be separately determined for each of them. Act (2016:793).</p> <p>Section 32. In determining the market disruption charge, particular attention shall be paid to the seriousness and duration of the infringement.</p> <p>The charge may be waived if there are exceptional grounds for doing so. Act (2016:793).</p> <p>Payment of the charge</p> <p>Section 33. The market disruption charge shall be paid to the Legal, Financial and Administrative Services Agency within thirty days of the judgment becoming final, or such later date as specified in the judgment.</p> <p>If the charge has not been paid within the period stipulated in the first paragraph, the Legal, Financial and Administrative Services Agency shall submit the unpaid charge for collection. Recovery is subject to the provisions of the Act (1993:891) on recovery of State debts etc.</p> <p>Prescription and limitation</p> <p>Section 34. A market disruption charge may be imposed only if the application to institute proceedings has been served on the party to whom the claim is addressed within five years of cessation of the infringement.</p>
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	<p>Section 35. A market disruption charge shall lapse if the judgment has not been executed within five years of the date on which it became final.</p> <p>Attachment</p> <p>Section 36. In order to secure a claim relating to a market disruption charge the court may order attachment. In such a case, the provisions of Chapter 15 of the Code of Judicial Procedure shall apply. Act (2020:338).</p> <p>These penalties were notified to the Commission on 14 February 2014.</p>
<p>8. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).</p>	<p>Section 78 <a href="#">Förordning (2018:1462) om producentansvar för förpackningar</a> (Ordinance (2018:1462) on producer responsibility for packaging)</p> <p>Section 78 Provisions on environmental penalties are set out in <i>Förordning (2012:259) om miljöstraffavgifter</i> (Ordinance (2012:259) on environmental penalties).</p> <p>Chapter 26 <a href="#">Miljöbalk</a> (1998:808) (Environmental Code).</p> <p>Chapter 26. Supervision</p> <p>General aspects of supervision and guidance</p> <p>Section 1. The supervision must safeguard the objectives of the Environmental Code and regulations issued pursuant to the Code.</p> <p>‘Supervision’ means that the supervisory authority shall:</p> <ol style="list-style-type: none"> <li>1. on its own initiative or following a tip-off, check to the necessary extent that the Environmental Code and regulations, judgments and other decisions issued pursuant to it are being complied with, and take the necessary measures to remedy any irregular situations,</li> <li>2. help individuals to fulfil their obligations in accordance with the provisions referred to in paragraph 1. above by means of information and similar activities, and</li> </ol>

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	<p>3. assess, on an ongoing basis, whether conditions for environmentally hazardous activities or water-based operations subject to a permit are sufficient. Act (2020:627).</p> <p>Section 1a Supervisory guidance shall mean:</p> <ol style="list-style-type: none"><li>1. evaluating, following up and coordinating the supervision and</li><li>2. giving advice and support to the supervisory authorities.</li></ol> <p>The aim of supervisory guidance is to ensure that the supervision is effective. Act (2020:627).</p> <p>Section 2. The supervisory authority must report infringements of provisions of the Code or rules issued pursuant to the Code to the Swedish Police Authority or the Swedish Prosecution Authority where there are grounds for suspicion that an offence has been committed.</p> <p>If the supervisory authority finds that the conditions in a permit for an environmentally hazardous activity or water-based activity are not sufficient and the conditions set out in Chapter 24, Sections 5, 7, 8 or 9 pertain, it shall apply for a review or consider amending or revoking those conditions without any specific request to that effect pursuant to Chapter 24, Section 11. Act (2018:1407).</p> <p>Section 3. The supervision shall be conducted by the Swedish Environmental Protection Agency, the Swedish Agency for Marine and Water Management, the Swedish Defence Inspectorate for Health and the Environment, the county administrative boards, other State authorities and the municipalities (supervisory authorities), in accordance with regulations issued by the Government.</p> <p>Provisions on supervision can also be found in Act (1999:381) on the prevention and limitation of the consequences of serious chemical accidents</p> <p>Each municipality, through the committee(s) designated by the council, shall monitor the environmental and health situation within the municipality, in accordance with Chapter 9, with the</p>
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	<p>exception of activities which require a permit, and of waste management in accordance with Chapter 15.</p> <p>The Government may issue regulations under which a supervisory authority may delegate to a municipality which so requests certain aspects of supervision which otherwise would be carried out by a State supervisory authority. This shall not apply to activities carried out by the Swedish Armed Forces, the National Fortifications Administration, the National Defence Materiel Administration or the National Defence Radio Establishment. Act (2017:782).</p> <p>Section 3a. Supervisory guidance shall be carried out by central State authorities and county administrative boards (supervisory guidance authorities) as the Government decides. Act (2020:627).</p> <p>Section 4. If a municipality has made a request for the transfer of supervisory powers pursuant to Section 3, and the supervisory authority in question does not consider that such supervisory powers should be transferred, the supervisory authority shall submit the matter, accompanied by its own opinion, to the Government for the latter's consideration, if the municipality so requests.</p> <p>The supervisory authority may revoke the transfer of supervisory powers to a municipality. It shall revoke the transfer if the municipality amends the organisation of its committees in a way infringing Chapter 6, Section 7, paragraph 2 of the <i>Kommunallag</i> (2017:725) (Municipalities Act). If the Government has decided on the transfer of supervisory powers, it shall also be the party to decide on their revocation. Act (2017:741).</p> <p>Section 5. The Government may issue regulations to the effect that this Chapter shall also apply to supervision of compliance with EU regulations within the scope of this Code. Act (2010:1542).</p>
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	<p>Section 6. The supervisory authorities and the supervisory guidance authorities shall cooperate with each other and with the State and municipal bodies conducting supervision in specific areas or which otherwise perform tasks of supervisory importance.</p> <p>The Government, or the authority designated by the Government, may issue regulations to the effect that the supervisory authorities shall provide such information as is needed for a supervisory guidance authority to be able to discharge its responsibilities. Act (2020:627).</p> <p>Section 7. The supervisory authority responsible for supervision may instruct someone who is not an employee of a supervisory authority to carry out an inspection of a premises ordered in a supervisory decision. Act (2020:627).</p> <p>Section 8. A county administrative board may order a municipality that is not fulfilling the commitments deriving from its supervisory role to rectify the situation. Act (2020:627).</p> <p>Orders and prohibitions</p> <p>Section 9. A supervisory authority may, in individual cases, adopt the injunctions and prohibitions necessary to ensure compliance with the provisions of this Code and with rules, judgments and other decisions issued pursuant to the Code.</p> <p>The measures taken shall not be more intrusive than necessary for the specific case.</p> <p>Orders and prohibitions shall not restrict a decision or judgment concerning a permit in an application which is final and absolute, pursuant to Chapter 24, Section 1.</p> <p>However, a decision or judgment granting a permit shall not prevent a supervisory authority from issuing orders or prohibitions which:</p>
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1. are urgent and necessary to protect health or prevent serious damage to the environment; or
2. relate to safety measures with respect to a dam, within the meaning of Chapter 11, Sections 24 and 25.

In questions of emissions of carbon dioxide, nitrous oxide or perfluorocarbons which mean that an activity is covered by the obligation to obtain a permit pursuant to Act (2020:1173) on certain greenhouse gas emissions, an order restricting emissions or an order which, by regulating the amount of fossil fuel used, aims to restrict carbon dioxide emissions, may not be adopted. This shall not apply to orders which, in cases relating to nitrous oxide or perfluorocarbons, are needed to prevent significant local pollution. Act (2020:1174).

Section 9a. In the case of environmental noise in a residential building, the supervisory authority may not adopt orders or prohibitions if calculated noise levels and environmental noise were specified in the detailed plan description or the building permit in accordance with the *Plan- och bygglag (2010:900)* (Planning and Building Act) and the environmental noise does not exceed those levels.

Notwithstanding the first paragraph, orders or bans may be laid down if there are special reasons to do so relating to the health of residents.

However, orders or prohibitions may never be adopted with regard to environmental noise in an outbuilding, within the meaning of Chapter 9, Section 4a of the Planning and Building Act. Act (2014:901).

Section 10. If the permit for a water activity has lapsed in accordance with Chapter 24, Section 2, the supervisory authority may order the permit holder to remove a facility constructed on the basis of the permit if it could pose a risk to public safety or private interests.

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	<p>Section 11. A supervisory authority may order the owner of a fence in an area of importance for outdoor life or in the vicinity of such an area to fit gates or other passageways through it as needed so that the public has access to land in an area which is covered by the right of public access.</p> <p>If it is clear that a fence is intended only to exclude the public from the area, an injunction may be issued to remove it. The above provisions relating to fences shall also apply to ditches, <i>mutatis mutandis</i>.</p> <p>Section 12. Where an injunction has been issued on a previous owner of a property or a previous leaseholder to remedy damage or detriment caused by their use of a property, building, structure or facility on another's land, pursuant to Chapter 7, 8, 11 or 12, a supervisory authority may issue a similar injunction against a new owner or new leaseholder, where this is reasonable.</p> <p>Section 13. Where an injunction has been issued against a person acting as the property owner or usufructuary of the property in question, or both the owner and the usufructuary, the supervisory authority may, where the title or usufruct is transferred to another person, order the previous owner or usufructuary to provide the name and address of the new owner or usufructuary without delay.</p> <p>Retention and disposal of waste</p> <p>Section 13a. The supervisory authority may decide to retain or dispose of waste if necessary to ensure compliance with a prohibition under Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste or with an order adopted on the basis of that Regulation. Act (2019:496).</p> <p>Fines</p> <p>Section 14. Decisions on injunctions or prohibitions may be combined with fines.</p> <p>This shall not apply to injunctions issued pursuant to Section 8. Act (2020:627).</p>
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	<p>Section 14a. If there is reason to assume that the person covered by the supervision or, where relevant, their representative, has committed a criminal offence, that person may not be ordered, on penalty of a fine, to cooperate in an investigation relating to the suspected crime. Act (2020:1174).</p> <p>Notification of the registration authorities and legal consequences</p> <p>Section 15. Where a supervisory authority has issued an order or a prohibition against a party in their capacity as the owner of a property, leaseholder or owner of a building, premises or facility on land belonging to another person, the authority may send the decision to the registration authorities for entry in the land register. If the order is accompanied by a fine, this shall also be noted. The party which most recently applied for registration of title or acquisition of a long lease shall, if the applicant is not the addressee of the order or prohibition, be immediately advised of the registration by the registration authority in a registered letter.</p> <p>If registration has already taken place, the order or prohibition shall apply to the new owner of the property. If the new owner has acquired ownership of or leasehold to a property by way of purchase, exchange or a gift, the ongoing fine shall also apply to the new owner, as of the date of the transfer of ownership. Otherwise, ongoing fines shall not apply to a new owner of the property, but the supervisory authority may impose a new penalty on the owner. Ongoing fines providing for a set period may be imposed only on a party who was the owner at the start of the period.</p> <p>Where a registered order or prohibition has been annulled by means of a decision which has become final or where the measure set out in the order has been taken, or the aim of the order or prohibition has become devoid of purpose, the supervisory authority shall, as soon as it becomes aware of the change of situation, notify the registration authority with a view to the removal of the entry. Act (2000:228).</p> <p>Section 16. If a property or a leasehold right or building, structure or facility on another's land is transferred as a result of an appeal against a decision within the meaning of Section 15, the provisions of the Code of Judicial Procedure on the effect of a transfer of dispute and participation of a third-party in legal proceedings shall apply.</p>
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	<p>Enforcement and correction at the expense of the person at fault</p> <p>Section 17. If the supervisory authority has issued an order or a prohibition pursuant to Sections 9 to 13 and it is not complied with, the Swedish Enforcement Authority shall, at a request of the supervisory authority, enforce the decision. In such an event, the decision shall be enforced in accordance with the Enforcement Code.</p> <p>If a person commits an offence referred to in Chapter 29, Sections 1-4, 8, 9 or 10, the Enforcement Service may, at the request of the supervisory authority, offer special assistance in order to remedy the situation. Provisions relating to such assistance can be found in <i>Lag (1990:746) om betalningsföreläggande och handräckning</i> (Act (1990: 746) on orders to pay and assistance). Appeals against decisions in such cases shall be made to the land and environment court. Act (2010:923).</p> <p>Section 18. Instead of requesting enforcement under Section 17, the supervisory authority may decide that the situation shall be rectified at the expense of the person at fault.</p> <p>Decisions requiring the person at fault to rectify the situation may be issued without a prior injunction or prohibition if the supervisory authority, because of the risk of serious damage, takes the view that the situation should be rectified as soon as possible or on other specific grounds.</p> <p>Operator monitoring and environmental reporting</p> <p>Section 19. Persons who conduct an activity or take measures liable to cause detriment to human health or affect the environment must plan on an ongoing basis and continuously monitor the activity in order to combat or prevent any such impact.</p> <p>Persons conducting such activities or taking such measures shall also undertake their own investigations or by other means keep themselves up-to-date with the impact of the activity or measure on the environment.</p>
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	<p>Persons conducting such activities must also submit proposals for monitoring programmes or remedial measures to the supervisory authority if the supervisory authority so requests.</p> <p>The Government, or the authority designated by the Government, may issue more detailed regulations on monitoring.</p> <p>Section 19a. The Government, or the authority designated by the Government, may, with respect to dams classified in accordance with Chapter 11, Sections 24 and 25, issue rules on:</p> <ol style="list-style-type: none"><li>1. the obligation to ensure that there are documented and up-to-date investigations and assessments of the safety of the dams and of the potential impact, within the meaning of Chapter 11, Section 24, first paragraph, of the breaching of a dam, as well as the obligation to submit proposals for classification,</li><li>2. the establishment and documentation of overall objectives and management principles for dam safety,</li><li>3. the establishment and documentation of safety management systems to ensure that the overall objectives of dam safety are achieved,</li><li>4. reporting on dam safety to the authority supervising the safety of the dam. Act (2014:114).</li></ol> <p>Section 20. If an environmentally hazardous activity is subject to a permit requirement in accordance with regulations issued under Chapter 9, Section 6 or in accordance with an injunction adopted under Chapter 9, Section 6 a, the operator must present an annual environmental report to the authority supervising that activity. The environmental report must state the measures that have been taken to meet the conditions in the permit covering the activity, and the result of such measures. Act (2018:1407).</p> <p>Section 20a. The Government may issue regulations requiring environmentally hazardous activities which are not subject to a permit to be covered by the requirements for environmental reporting under Section 20. Act (2018:1407).</p>
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	<p>Section 20b. The Government or the authority designated by the Government may issue regulations to the effect that an environmental report must include:</p> <ol style="list-style-type: none"><li>1. a presentation of the environmental impact of the activity, including with regard to aspects other than those covered by the permit, and</li><li>2. other information related to the scope and objectives of the Code. Act (2018:1407).</li></ol> <p>Information and investigations</p> <p>Section 21. The supervisory authority may order any person operating an activity or taking a measure about which there are provisions in this Code or regulations issued pursuant to this Code to provide any information and documents required for the supervision. The same shall apply to a party who is otherwise required to mitigate any adverse effects of such activities.</p> <p>Section 21a. The Government may issue rules stating that persons who hold an extraction permit in accordance with this Code or rules issued pursuant to the Code must notify the county administrative board of the name of the extraction operator.</p> <p>In the absence of information on the extraction operator to which a permit has been issued, the holder of the permit shall be considered the extraction operator for the purposes of the implementation of this paragraph or regulations issued pursuant hereto.</p> <p>Act (2005:571).</p> <p>Section 22. Persons who pursue activities or take measures that are liable to cause detriment to human health or affect the environment or who are otherwise obliged to mitigate any adverse effects of such activities shall also carry out any assessments of the activity and its effects that are necessary for the purposes of supervision. The same shall apply to those providing a building for residential or general purposes if there is reason to assume that the state of the building may be deleterious to human health.</p> <p>If more appropriate, the supervisory authority may instead decide that such an assessment should be performed by another party and appoint another party to carry it out.</p>
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	<p>Unless otherwise provided for in Section 22b(2), the party responsible for carrying out the assessment shall reimburse the costs of an assessment performed by another party, to an amount determined by the supervisory authority.</p> <p>Decisions on assessments may be combined with a ban on transferring the property in question until the investigation has been concluded. Act (2010:1542).</p> <p>Section 22a. The Government or the authority designated by the Government may issue rules on the obligation of those selling, transferring, importing or exporting into or from Sweden a chemical product, biotechnical organism or good to provide the samples required for monitoring. Act (2010:1542).</p> <p>Section 22 b. A party that has provided a sample in line with the provisions of Section 22a above:</p> <ol style="list-style-type: none"><li>1. shall be entitled to reimbursement of the sample from the authority to which the sample has been sent, where justified, and</li><li>2. does not need to reimburse the costs of sampling and examination, where justified.</li></ol> <p>Act (2010:1542).</p> <p>Nature conservation officers</p> <p>Section 23. The Government or the authority designated by the Government may appoint nature conservation officers to supervise compliance with the regulations relating to particular areas, natural objects, plant and animal species covered by orders pursuant to Chapters 7 and 8, Chapter 11, Section 14 or Chapter 12, Section 6.</p> <p>A nature conservation officer may remove persons located in places where they have no right to be under the regulations.</p>
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	<p>A nature conservation officer may also seize hunting and trapping devices or any conveyance and other objects likely to be relevant to a criminal investigation, where the officer discovers someone in the act of breaking a prohibition or regulation issued pursuant to Chapter 7, Sections 3, 5, 11, 12, 24 or 28, Chapter 8, Sections 1-3, Chapter 11, Section 14 or Chapter 12, Section 6, where that is a criminal offence pursuant to Chapter 29.</p> <p>Section 24. If a nature conservation officer has seized an object, the police or the public prosecutor must be informed thereof without delay. A police officer or prosecutor who receives such a notification of a seizure shall take the same steps as they would have done had they seized it themselves. Act (2014:713).</p> <p>Section 25. A person who has been granted an exemption from a regulation for a particular area or natural object covered by an order pursuant to Chapter 7, an exemption from a regulation issued pursuant to Chapter 8 or an exemption pursuant to Chapter 11, Section 14 must be in a position to demonstrate such an exemption, upon request, to a nature conservation officer or police officer when located in the area to which the exemption applies. Act (2014:713).</p> <p>Direct applicability</p> <p>Section 26. A supervisory authority may decide that its decision shall apply immediately even if it is appealed against.</p> <p>Professional secrecy</p> <p>Section 27. Those who have been charged with a task under this Code or EU Regulations within the scope of this Code or have carried out investigations within the meaning of the third sentence of Section 22, paragraph 1 in such a matter may not, without due justification, disclose or use what they have learnt with regard to any business or operating conditions or circumstances related to the defence of the country.</p>
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	<p>Public operations are instead subject to the Public Access to Information and Secrecy Act (2009:400). Act (2010:1542).</p> <p>Test purchases</p> <p>Section 28. If it is necessary to protect human health or the environment, the supervisory authority may purchase chemical products, biotechnical organisms and goods under a concealed identity (test purchase).</p> <p>A test purchase may only be made for the purpose of checking that the object of the purchase complies with the protection rules laid down in</p> <ol style="list-style-type: none"><li>1. this Code,</li><li>2. any regulations issued pursuant to the Code, or</li><li>3. EU Regulations within the scope of the Code.</li></ol> <p>The trader must be informed of the test purchase and its outcome as soon as possible, before the purchase loses significance. Act (2020:627).</p> <p>Section 29. The Government or the authority designated by the Government may issue regulations on how a test purchase is to be carried out.</p> <p>Act (2020:627).</p> <p>EU Regulations on controls</p> <p>Section 30. The following EU Regulations provide for controls to ensure that specific EU Regulations and specific provisions implementing EU directives within the scope of the Code are being complied with:</p> <ol style="list-style-type: none"><li>1. 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, and</li></ol>
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	<p>2. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC.</p> <p>Regulation (EU) 2017/625 also contains provisions on other official activities performed to ensure the application of certain EU Regulations and certain provisions implementing EU directives within the scope of the Code.</p> <p>Act (2020:627).</p> <p>Section 31. In the controls or other official activities referred to in Section 30, the provisions of Sections 3, 3a, 4, 6 and 8 on supervision, supervisory guidance and the supervisory authorities shall apply to controls, other official activities and control authorities within the meaning of the EU Regulations set out in Section 30. However, this shall not apply where otherwise provided for in the Regulations. Act (2020:627).</p> <p>Section 32. In the controls or other official activities referred to in Section 30, the following shall apply:</p> <ol style="list-style-type: none"><li>1. Section 9 shall apply to injunctions and prohibitions necessary to enforce compliance with the EU regulations referred to in Section 30,</li><li>2. Sections 14, 17, 18 and 26 shall apply to decisions made by the competent authorities in accordance with the Regulations,</li><li>3. Section 22 b shall apply to reimbursement and costs of samples submitted under the Regulations, and</li></ol>
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	<p>4. Section 28 shall apply to test purchases by the competent authorities.</p> <p>The first paragraph shall not apply where otherwise provided for in the Regulations. Act (2020:627).</p> <p>Section 33. The provisions of Section 27 on bans on disclosure or use of information shall also apply to those who, pursuant to Article 28 or 31 of Regulation (EU) 2017/625, carry out delegated tasks which are part of the controls or other public activities provided for in Section 30. Act (2020:627).</p> <p>Section 34. The Government or the authority designated by the Government may issue rules on the obligation of a body or physical person who, in line with Article 28 or 31 of Regulation (EU) 2017/625, carries out delegated tasks which are part of the controls or other official activities as referred to in Section 30, to submit information and documents to the authority which designated the body or person. Act (2020:627).</p> <p>Reporting system for infringements</p> <p>Section 35. An authority which is competent under Regulation 2017/625 and which carries out the controls or other official activities referred to in Section 30 shall have an effective reporting system in place to handle notifications of suspected infringements of the Regulation. Act (2020:627).</p> <p>Section 36. The Government or the authority designated by the Government may issue provisions on the reporting system referred to in Section 35. Act (2020:627).</p> <p>Application of the Administrative Procedure Act</p> <p>Section 37. When delegated tasks included in such controls or other official activities referred to in Section 30 are conducted by a body or a physical person pursuant to Article 28 or 31 of Regulation</p>
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	<p>(EU) 2017/625, the provisions of Section 5 of the Administrative Procedure Act (2017:900) shall apply. Act (2020:627).</p> <p>Chapter 30 of the <a href="#">Miljöbalk</a> (1998:808) (Environmental Code).</p> <p>Chapter 30 Environmental penalty charges</p> <p>Section 1. The Government may issue regulations requiring a specific charge (environmental penalty) to be paid by any party who:</p> <ol style="list-style-type: none"><li>1. commences an activity which is subject to authorisation or notification under this Code or regulations issued under this Code, without such authorisation having been granted or the activity having been notified,</li><li>2. ignores conditions or other provisions of an authorisation issued on the grounds of this Code or pursuant to regulations issued pursuant to the Code or</li><li>3. ignores other provisions of this Code, regulations issued pursuant to the Code or provisions of EU Regulations within the scope of the Code.</li></ol> <p>The amount of the charge shall be laid down in the regulations. Such charges shall not be less than SEK 1,000 SEK and shall not exceed SEK 1,000,000. The size of the charge must be determined in relation to the seriousness of the infringement and the importance of the provision to which the infringement relates. Act (2011:322).</p> <p>Section 2. An environmental penalty shall be issued even if the infringement was not committed intentionally or negligently.</p> <p>However, the charge need not be levied if it would be unreasonable on the following grounds:</p> <ol style="list-style-type: none"><li>1. illness has meant that that the person liable to pay the penalty was not able to do so themselves or via a third party,</li><li>2. the infringement was the result of a circumstance which could not or should not have been foreseen and which the person liable to pay the penalty could not have influenced,</li></ol>
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	<p>3. the steps which the person liable to pay the penalty took to try to prevent an infringement or</p> <p>4. the infringement was already sanctioned under Chapter 29.</p> <p>The environmental penalty shall accrue to the State. Act (2006:1014).</p> <p>Section 3. It is the supervisory authority that decides on an environmental penalty.</p> <p>Before the supervisory authority decides on the penalty, the party against whom it is addressed shall be given the opportunity to comment.</p> <p>Section 4. A decision to levy an environmental penalty shall be notified to the party liable for payment. Act (2006:1014).</p> <p>Section 5. An environmental penalty shall be paid within thirty days of a decision to levy the fee in accordance with Section 4 being notified, unless the supervisory authority specifies a later date in the decision.</p> <p>The decision imposing an environmental penalty shall, after the final date for payment, be enforced as a judgment which is final. Act (2006:1014).</p> <p>Section 6. An environmental penalty may not be imposed if the addressee has not been given the opportunity to comment within a period of five years from the date when the conditions laid down in Section 1 for deciding on the penalty arose.</p> <p>Section 7. A party ordered by a supervisory authority to pay an environmental penalty may appeal against the decision to the land and environment court. Act (2010:923).</p>
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	<p>Section 8. An environmental penalty shall no longer be due if the fine has not been recovered within ten years of the date on which the decision became final.</p> <p>Section 9. An environmental penalty shall be reimbursed if the liability to pay is removed by a subsequent decision which has become final.</p> <p>Interest on environmental penalties reimbursed in accordance with the first paragraph shall be reimbursed in accordance with Section 5 of the <i>Räntelag (1975:635)</i> (Interest Act) for the period from the day the penalty was paid until the date on which it was reimbursed.</p> <p>Section 10. The Government or the authority designated by the Government may issue more detailed rules on the order in which environmental penalties are to be paid.</p> <p>Chapter 11, Section 19 of the <a href="#">Förordning (2012:259) om miljöstraffavgifter</a> (Ordinance (2012: 259) on environmental penalties)</p> <p>Section 19. Infringements of Section 62, 68(1b) or 73 of <i>Förordning (2018:1462) om producentansvar för förpackningar</i> (Ordinance (2008:1462) on producer responsibility for packaging) through failure to inform the Swedish Environmental Protection Agency in good time shall be punishable by an environmental penalty of SEK 10,000. Ordinance (2018:1467).</p>
<p>9. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (OJ L 162, 3.7.2000, p. 1).</p>	<p>Section 9, paragraph 1, Section 10 and Sections 13 to 15 of <a href="#">Lag (1998:1707) om åtgärder mot buller och avgaser från mobila maskiner</a> (Act (1998: 1707) on measures to combat noise and exhaust fumes from mobile machinery)</p> <p>Section 9. The supervisory authority may order any person who manufactures, imports or markets mobile machinery or engines to submit information and documents or the machines, engines or components thereof to the authority without reimbursement for the purposes of the tests required for the supervision.</p>

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	<p>For the purposes of supervision under this Act, the supervisory authority shall have the right to enter any locations, premises or other areas (other than dwellings) of the parties who are liable pursuant to Section 6, for the purposes of conducting inspections and tests.</p> <p>The police authority shall provide the assistance necessary for the supervision.</p> <p>Section 10. Decisions on injunctions and prohibitions may be combined with fines.</p> <p>Section 13. Anyone who, deliberately or negligently markets mobile machinery or engines in contravention of rules laid down pursuant to Section 4 paragraphs 1, 2, 6, 7 or 8 shall be liable to a fine or imprisonment of up to six months. However, this shall not apply to engines which have already obtained EC type approval in another State. Act (2011:323).</p> <p>Section 14. Anyone who deliberately or through gross negligence affixes a mark to the engine of mobile machinery implying that the machinery in question has EU type approval even though this is not the case shall be liable to a fine or imprisonment of up to six months. Act (2011:323).</p> <p>Section 15. Anyone who deliberately or through gross negligence modifies or interferes with equipment regulating exhaust gases on an engine of mobile machinery so that the machinery in question no longer complies with its EU type approval shall be liable to a fine or imprisonment of up to six months.</p> <p>Act (2011:323).</p>
<p>10. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).</p>	<p>Section 19. <a href="#">Förordning (2007:185) om producentansvar för bilar</a> (Ordinance on producer responsibility for cars)</p> <p>Section 19. Parties shall be liable to a penalty if they deliberately or negligently fail to comply with their responsibilities to:</p> <ol style="list-style-type: none"> <li>1. accept an end-of-life car for scrapping in accordance with the provisions of Section 3 or the first paragraph of Section 4, or</li> </ol>

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	<p>2. provide information in accordance with the first paragraph of Section 10 or rules relating to implementation of the first paragraph of Section 10 which the Environmental Protection Agency has issued pursuant to Section 17.</p> <p>A party infringing a penalty order or a prohibition order under Chapter 26 of the Environmental Code may not be sentenced to a penalty under this Ordinance for an action covered by that order or prohibition.</p> <p>Liability for the act shall not be imposed in accordance with this paragraph if it can be imposed pursuant to Chapter 29 of the Environmental Code.</p> <p>Chapter 30 of the <a href="#">Miljöbalk</a> (1998:808) (Environmental Code).</p> <p>Chapter 30 Environmental penalty charges</p> <p>Section 1. The Government may issue regulations requiring a specific charge (environmental penalty) to be paid by any party who:</p> <ol style="list-style-type: none"><li>1. commences an activity which is subject to authorisation or notification under this Code or regulations issued under this Code, without such authorisation having been granted or the activity having been notified,</li><li>2. ignores conditions or other provisions of an authorisation issued on the grounds of this Code or pursuant to regulations issued pursuant to the Code or</li><li>3. ignores other provisions of this Code, regulations issued pursuant to the Code or provisions of EU Regulations within the scope of the Code.</li></ol> <p>The amount of the charge shall be laid down in the regulations. Such charges shall not be less than SEK 1,000 SEK and shall not exceed SEK 1,000,000. The size of the charge must be determined in relation to the seriousness of the infringement and the importance of the provision to which the infringement relates. Act (2011:322).</p>
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	<p>Section 2. An environmental penalty shall be issued even if the infringement was not committed intentionally or negligently.</p> <p>However, the charge need not be levied if it would be unreasonable on the following grounds:</p> <ol style="list-style-type: none"><li>1. illness has meant that that the person liable to pay the penalty was not able to do so themselves or via a third party,</li><li>2. the infringement was the result of a circumstance which could not or should not have happened and which the person liable to pay the penalty could not have influenced,</li><li>3. the steps which the person liable to pay the penalty took to try to prevent an infringement or</li><li>4. the infringement has already been sanctioned under Chapter 29.</li></ol> <p>The environmental penalty shall accrue to the State. Act (2006:1014).</p> <p>Section 3. It is for the supervisory authority to decide on an environmental penalty.</p> <p>Before the supervisory authority decides on the penalty, the addressee shall be given the opportunity to respond.</p> <p>Section 4. A decision to levy an environmental penalty shall be notified to the party liable for payment. Act (2006:1014).</p> <p>Section 5. An environmental penalty shall be paid within thirty days of a decision to levy the fee in accordance with Section 4 being notified, unless the supervisory authority specifies a later date in the decision.</p>
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	<p>The decision imposing an environmental penalty shall, after the final date for payment, be enforced as a judgment which is final. Act (2006:1014).</p> <p>Section 6. An environmental penalty may not be imposed if the addressee has not been given the opportunity to comment within a period of five years from the date when the conditions laid down in Section 1 for deciding on the penalty arose.</p> <p>Section 7. A party ordered by a supervisory authority to pay an environmental penalty may appeal against the decision to the land and environment court. Act (2010:923).</p> <p>Section 8. An environmental penalty shall no longer be due if the fine has not been recovered within ten years of the date on which the decision became final.</p> <p>Section 9. An environmental penalty shall be reimbursed if the liability to pay is removed by a subsequent decision which has become final.</p> <p>Interest on environmental penalties reimbursed in accordance with the first paragraph shall be calculated in accordance with Section 5 of the <i>Räntelag</i> (1975:635) (Interest Act) for the period from the day the penalty was paid until the date on which it was reimbursed.</p> <p>Section 10. The Government or the authority designated by the Government may issue more detailed rules on the order in which environmental penalties are to be paid.</p> <p><a href="#">Chapter 26</a> of the Miljöbalk (1998:808) (Environmental Code).</p> <p>Chapter 26. Supervision</p> <p>General aspects of supervision and guidance</p>
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	<p>Section 1. The supervision must safeguard the objectives of the Environmental Code and regulations issued pursuant to the Code.</p> <p>‘Supervision’ means that the supervisory authority shall:</p> <ol style="list-style-type: none"><li>1. on its own initiative or following a tip-off, check to the necessary extent that the Environmental Code and regulations, judgments and other decisions issued pursuant to it are being complied with, and take the necessary measures to remedy any irregular situations,</li><li>2. help individuals to fulfil their obligations in accordance with the provisions referred to in paragraph 1. above by means of information and similar activities, and</li><li>3. assess, on an ongoing basis, whether conditions for environmentally hazardous activities or water-based operations subject to a permit are sufficient. Act (2020:627).</li></ol> <p>Section 1a. Supervisory guidance shall mean:</p> <ol style="list-style-type: none"><li>1. evaluating, following up and coordinating the supervision and</li><li>2. giving advice and support to the supervisory authorities.</li></ol> <p>The aim of supervisory guidance is to ensure that the supervision is effective. Act (2020:627).</p> <p>Section 2. The supervisory authority shall report infringements of provisions of the Code or rules issued pursuant to the Code to the Swedish Police Authority or the Swedish Prosecution Authority where there are grounds for suspicion that an offence has been committed.</p> <p>If the supervisory authority finds that the conditions in a permit for an environmentally hazardous activity or water-based activity are not sufficient and the conditions set out in Chapter 24, Sections 5, 7, 8 or 9 pertain, it shall apply for a review or consider amending or revoking those conditions without any specific request to that effect pursuant to Chapter 24, Section 11. Act (2018:1407).</p>
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	<p>Section 3. The supervision shall be conducted by the Swedish Environmental Protection Agency, the Swedish Agency for Marine and Water Management, the Swedish Defence Inspectorate for Health and the Environment, the county administrative boards, other State authorities and the municipalities (supervisory authorities), in accordance with regulations issued by the Government.</p> <p>Provisions on supervision can also be found in Act (1999:381) on the prevention and limitation of the consequences of serious chemical accidents</p> <p>Each municipality, through the committee(s) designated by the council, shall monitor the environmental and health situation within the municipality, in accordance with Chapter 9, with the exception of activities which require a permit, and of waste management in accordance with Chapter 15.</p> <p>The Government may issue regulations under which a supervisory authority may delegate to a municipality which so requests certain aspects of supervision which otherwise would be carried out by a State supervisory authority. This shall not apply to activities carried out by the Swedish Armed Forces, the National Fortifications Administration, the National Defence Materiel Administration or the National Defence Radio Establishment. Act (2017:782).</p> <p>Section 3a. Supervisory guidance shall be carried out by central State authorities and county administrative boards (supervisory guidance authorities) as the Government decides. Act (2020:627).</p> <p>Section 4. If a municipality has made a request for the transfer of supervisory powers pursuant to Section 3, and the supervisory authority in question does not consider that such supervisory powers should be transferred, the supervisory authority shall submit the matter, accompanied by its own opinion, to the Government for the latter's consideration, if the municipality so requests.</p> <p>The supervisory authority may revoke the transfer of supervisory powers to a municipality. It shall revoke the transfer if the municipality amends the organisation of its committees in a way infringing</p>
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	<p>Chapter 6, Section 7, paragraph 2 of the <i>Kommunallag</i> (2017:725) (Municipalities Act). If the Government has decided on the transfer of supervisory powers, it shall also be the party to decide on their revocation. Act (2017:741)</p> <p>Section 5. The Government may issue regulations to the effect that this Chapter shall also apply to supervision of compliance with EU regulations within the scope of this Code. Act (2010:1542).</p> <p>Section 6. The supervisory authorities and the supervisory guidance authorities shall cooperate with each other and with the State and municipal bodies conducting supervision in specific areas or which otherwise perform tasks of supervisory importance.</p> <p>The Government, or the authority designated by the Government, may issue regulations to the effect that the supervisory authorities shall provide such information as is needed for a supervisory guidance authority to be able to discharge its responsibilities. Act (2020:627).</p> <p>Section 7. The supervisory authority responsible for supervision may instruct someone who is not an employee of a supervisory authority to carry out an inspection of a premises ordered in a decision concerning a permit. Act (2020:627).</p> <p>Section 8. A county administrative board may order a municipality that is not fulfilling its commitments under its supervisory role to rectify the situation. Act (2020:627).</p> <p>Orders and prohibitions</p> <p>Section 9. A supervisory authority may, in individual cases, adopt the injunctions and prohibitions necessary to ensure compliance with the provisions of this Code and with rules, judgments and other decisions issued pursuant to the Code.</p> <p>The measures taken shall not be more intrusive than necessary for the specific case.</p>
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	<p>Orders and prohibitions shall not restrict a decision or judgment concerning a permit in an application which is final and absolute, pursuant to Chapter 24, Section 1.</p> <p>However, a decision or judgment granting a permit shall not prevent a supervisory authority from issuing orders or prohibitions which:</p> <ol style="list-style-type: none"><li>1. are urgent and necessary to protect health or prevent serious damage to the environment; or</li><li>2. relate to safety measures with respect to a dam, within the meaning of Chapter 11, Sections 24 and 25.</li></ol> <p>In questions of emissions of carbon dioxide, nitrous oxide or perfluorocarbons which mean that an activity is covered by the obligation to obtain a permit pursuant to Act (2020:1173) on certain greenhouse gas emissions, an order restricting emissions or an order which, by regulating the amount of fossil fuel used, aims to restrict carbon dioxide emissions, may not be adopted. This shall not apply to orders which, in cases relating to nitrous oxide or perfluorocarbons, are needed to prevent significant local pollution. Act (2020:1174).</p> <p>Section 9a. In the case of environmental noise in a residential building, the supervisory authority may not adopt orders or prohibitions if calculated noise levels and environmental noise were specified in the detailed plan description or the building permit in accordance with the <i>Plan- och bygglag (2010:900)</i> (Planning and Building Act) and the environmental noise does not exceed those levels.</p> <p>Notwithstanding the first paragraph, orders or bans may be laid down if there are special reasons relating to the health of residents.</p> <p>However, orders or prohibitions may never be adopted with regard to environmental noise in an outbuilding, within the meaning of Chapter 9, Section 4a of the Planning and Building Act. Act (2014:901).</p>
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	<p>Section 10. If the permit for a water activity has lapsed in accordance with Chapter 24, Section 2, the supervisory authority may order the permit holder to remove a facility constructed on the basis of the permit if it could pose a risk to public safety or private interests.</p> <p>Section 11. A supervisory authority may order the owner of a fence in an area of importance for outdoor life or in the vicinity of such an area to fit gates or other passageways through it as needed so that the public has access to land in an area which is covered by the right of public access.</p> <p>If it is clear that a fence is intended only to exclude the public from the area, an injunction may be issued to remove it. The above provisions relating to fences shall also apply to ditches, <i>mutatis mutandis</i>.</p> <p>Section 12. Where an injunction has been issued on a previous owner of a property or a previous leaseholder to remedy damage or detriment caused by their use of a property, building, structure or facility on another's land, pursuant to Chapter 7, 8, 11 or 12, a supervisory authority may issue a similar injunction against a new owner or new leaseholder, where this is reasonable.</p> <p>Section 13. Where an injunction has been issued against a person acting as the property owner or usufructuary of the property in question, or both the owner and the usufructuary, the supervisory authority may, where the title or usufruct is transferred to another person, order the previous owner or usufructuary to provide the name and address of the new owner or usufructuary without delay.</p> <p>Retention and disposal of waste</p> <p>Section 13a. The supervisory authority may decide to retain or dispose of waste if necessary to ensure compliance with a prohibition under Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste or with an order adopted on the basis of that Regulation. Act (2019:496).</p>
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	<p>Fines</p> <p>Section 14. Decisions on injunctions or prohibitions may be combined with fines.</p> <p>This shall not apply to injunctions issued pursuant to Section 8. Act (2020:627).</p> <p>Section 14a. If there is reason to assume that the person covered by the supervision or, where relevant, their representative, has committed a criminal offence, that person may not be ordered, on penalty of a fine, to cooperate in an investigation relating to the suspected crime. Act (2020:1174).</p> <p>Notification of the registration authorities and legal consequences</p> <p>Section 15. Where a supervisory authority has issued an order or a prohibition against a party in their capacity as the owner of a property, leaseholder or owner of a building, premises or facility on land belonging to another person, the authority may send the decision to the registration authorities for entry in the land register. If the order is accompanied by a fine, this shall also be noted. The party which most recently applied for registration of title or acquisition of a long lease shall, if the applicant is not the addressee of the order or prohibition, be immediately advised of the registration by the registration authority in a registered letter.</p> <p>If registration has already taken place, the order or prohibition shall apply to the new owner of the property. If the new owner has acquired ownership of or leasehold rights to a property by way of purchase, exchange or a gift, the fine shall also apply to the new owner, as of the date of the transfer of ownership. Otherwise, ongoing fines shall not apply to a new owner of the property, but the supervisory authority may impose a new penalty on the owner. Ongoing fines providing for a set period may be imposed only on a party that was the owner at the start of the period.</p> <p>Where a registered order or prohibition has been annulled by means of a decision which has become final or where the measure set out in the order has been taken, or the aim of the order or prohibition has become devoid of purpose, the supervisory authority shall, as soon as it becomes aware of the</p>
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	<p>change of situation, notify the registration authority with a view to the removal of the entry. Act (2000:228).</p> <p>Section 16. If a property or a leasehold right or building, structure or facility on another's land is transferred as a result of an appeal against a decision within the meaning of Section 15, the provisions of the Code of Judicial Procedure on the effect of a transfer of dispute and participation of a third-party in legal proceedings shall apply.</p> <p>Enforcement and correction at the expense of the person at fault</p> <p>Section 17. If the supervisory authority has issued an order or a prohibition pursuant to Sections 9 to 13 and it is not complied with, the Swedish Enforcement Authority shall, at a request of the supervisory authority, enforce the decision. In such an event, the decision shall be enforced in accordance with the Enforcement Code.</p> <p>If a person commits an offence referred to in Chapter 29, Sections 1-4, 8, 9 or 10, the Enforcement Service may, at the request of the supervisory authority, offer special assistance in order to remedy the situation. Provisions relating to such assistance can be found in <i>Lag (1990:746) om betalningsföreläggande och handräckning</i> (Act (1990:746) on orders to pay and assistance). Appeals against decisions in such cases shall be made to the land and environment court. Act (2010:923).</p> <p>Section 18. Instead of requesting enforcement under Section 17, the supervisory authority may decide that the situation shall be rectified at the expense of the person at fault.</p> <p>Decisions requiring the person at fault to rectify the situation may be issued without a prior injunction or prohibition if the supervisory authority, because of the risk of serious damage, takes the view that the situation should be rectified as soon as possible or on other specific grounds.</p> <p>Operator monitoring and environmental reporting</p>
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	<p>Section 19. Persons who conduct an activity or take measures liable to cause detriment to human health or affect the environment must plan on an ongoing basis and continuously monitor the activity in order to combat or prevent any such impact.</p> <p>Persons conducting such activities or taking such measures shall also undertake their own investigations or by other means keep themselves up-to-date with the impact of the activity or measure on the environment.</p> <p>Persons conducting such activities must also submit proposals for monitoring programmes or remedial measures to the supervisory authority if the supervisory authority so requests.</p> <p>The Government, or the authority designated by the Government, may issue more detailed regulations on monitoring.</p> <p>Section 19a. The Government, or the authority designated by the Government, may, with respect to dams classified in accordance with Chapter 11, Sections 24 and 25, issue rules on:</p> <ol style="list-style-type: none"><li>1. the obligation to ensure that there are documented and up-to-date investigations and assessments of the safety of the dams and of the potential impact, within the meaning of Chapter 11, Section 24, first paragraph, of the breach of a dam, as well as the obligation to submit proposals for classification,</li><li>2. the establishment and documentation of overall objectives and management principles for dam safety,</li><li>3. the establishment and documentation of safety management systems to ensure that the overall objectives of dam safety are achieved,</li><li>4. reporting on dam safety to the authority supervising the safety of the dam. Act (2014:114).</li></ol> <p>Section 20. If an environmentally hazardous activity is subject to a permit in accordance with regulations issued under Chapter 9, Section 6 or in accordance with an injunction adopted under Chapter 9, Section 6 a, the operator must present an annual environmental report to the supervisory</p>
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	<p>authority. The environmental report must state the measures that have been taken to meet the conditions in the permit covering the activity, and the result of such measures. Act (2018:1407).</p> <p>Section 20a. The Government may issue regulations requiring environmentally hazardous activities which are not subject to a permit to be covered by the requirements for environmental reporting under Section 20. Act (2018:1407).</p> <p>Section 20b. The Government or the authority designated by the Government may issue regulations to the effect that an environmental report must include:</p> <ol style="list-style-type: none"><li>1. a presentation of the environmental impact of the activity, including with regard to aspects other than those covered by the permit, and</li><li>2. other information related to the scope and objectives of the Code. Act (2018:1407).</li></ol> <p>Instructions and investigations</p> <p>Section 21. The supervisory authority may order any person conducting an activity or taking a measure about which there are provisions in this Code or regulations issued pursuant to this Code to provide any information and documents required for the supervision thereof. The same shall apply to a party who is otherwise required to mitigate any adverse effects of such activities.</p> <p>Section 21a. The Government may issue rules stating that persons who hold an extraction permit in accordance with this Code or rules issued pursuant to the Code must notify the county administrative board of the name of the extraction operator.</p> <p>In the absence of information on the extraction operator to which a permit has been issued, the holder of the permit shall be considered the extraction operator for the purposes of the implementation of this paragraph or regulations issued pursuant hereto.</p> <p>Act (2005:571).</p>
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	<p>Section 22. Persons who pursue activities or take measures that are liable to cause detriment to human health or affect the environment or who are otherwise obliged to mitigate any adverse effects of such activities shall also carry out any assessments of the activity and its effects that are necessary for the purposes of supervision. The same shall apply to those providing a building for residential or general purposes if there is reason to assume that the state of the building may be deleterious to human health.</p> <p>If more appropriate, the supervisory authority may instead decide that such an assessment should be performed by another party and appoint another party to carry it out.</p> <p>Unless otherwise provided for in Section 22b(2), the party responsible for carrying out the assessment shall reimburse the costs of an assessment performed by another party, to an amount determined by the supervisory authority.</p> <p>Decisions on assessments may be combined with a ban on transferring the property in question until the investigation has been concluded. Act (2010:1542).</p> <p>Section 22a. The Government or the authority designated by the Government may issue rules on the obligation of those selling, transferring, importing or exporting into or from Sweden a chemical product, biotechnical organism or good to provide the samples required for monitoring. Act (2010:1542).</p> <p>Section 22 b. A party that has provided a sample in line with the provisions of Section 22a above:</p> <ol style="list-style-type: none"><li>1. shall be entitled to reimbursement of the sample from the authority to which the sample has been sent, where justified, and</li><li>2. does not need to reimburse the costs of sampling and examination, where justified.</li></ol> <p>Act (2010:1542).</p> <p>Nature conservation officers</p>
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	<p>Section 23. The Government or the authority designated by the Government may appoint nature conservation officers to supervise compliance with the regulations relating to particular areas, natural objects, plant and animal species covered by orders pursuant to Chapters 7 and 8, Chapter 11, Section 14 or Chapter 12, Section 6.</p> <p>A nature conservation officer may remove persons located in places where they have no right to be under the regulations.</p> <p>A nature conservation officer may also seize hunting and trapping devices or any conveyance and other objects likely to be relevant to a criminal investigation, where the officer discovers someone in the act of breaking a prohibition or regulation issued pursuant to Chapter 7, Sections 3, 5, 11, 12, 24 or 28, Chapter 8, Sections 1-3, Chapter 11, Section 14 or Chapter 12, Section 6, where that is a criminal offence pursuant to Chapter 29.</p> <p>Section 24. If a nature conservation officer has seized an object, the police or the public prosecutor must be informed thereof without delay. A police officer or prosecutor who receives such a notification of a seizure shall take the same steps as they would have done had they seized it themselves. Act (2014:713).</p> <p>Section 25. A person who has been granted an exemption from a regulation for a particular area or natural object covered by an order pursuant to Chapter 7, an exemption from a regulation issued pursuant to Chapter 8 or an exemption pursuant to Chapter 11, Section 14 must be in a position to demonstrate such an exemption, upon request, to a nature conservation officer or police officer when located in the area to which the exemption applies. Act (2014:713).</p> <p>Direct applicability</p> <p>Section 26. A supervisory authority may decide that its decision shall be applicable immediately even if it is appealed against.</p>
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	<p>Professional secrecy</p> <p>Section 27. A party that has taken a position in matters pursuant to this Code or EU Regulations within the scope of the Code or has undertaken investigations in such a matter, within the meaning of Section 22(1), third sentence, may not, without due justification, disclose or use what they have learnt regarding any business or operating conditions or circumstances related to the defence of the country.</p> <p>Public operations are instead subject to the Public Access to Information and Secrecy Act (2009:400). Act (2010:1542).</p> <p>Test purchases</p> <p>Section 28. If it is necessary to protect human health or the environment, the supervisory authority may purchase chemical products, biotechnical organisms and goods under a concealed identity (test purchase).</p> <p>A test purchase may only be made for the purpose of checking that the object of the purchase complies with the protection obligations laid down in</p> <ol style="list-style-type: none"><li>1. this Code,</li><li>2. any regulations issued pursuant to the Code, or</li><li>3. EU Regulations within the scope of the Code.</li></ol> <p>The trader must be informed of the test purchase and its outcome as soon as possible, before the purchase loses significance. Act (2020:627).</p> <p>Section 29. The Government or the authority designated by the Government may issue regulations on how a test purchase is to be carried out.</p> <p>Act (2020:627).</p>
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	<p>EU Regulations on controls</p> <p>Section 30. The following EU Regulations provide for controls to ensure that specific EU Regulations and specific provisions implementing EU directives within the scope of the Code are being complied with:</p> <ol style="list-style-type: none"><li>1. 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, and</li><li>2. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC.</li></ol> <p>Regulation (EU) 2017/625 also contains provisions on other official activities performed to enforce application of certain EU Regulations and certain provisions implementing EU directives within the scope of the Code.</p> <p>Act (2020:627).</p> <p>Section 31. In the controls or other official activities referred to in Section 30, the provisions of Sections 3, 3a, 4, 6 and 8 on supervision, supervisory guidance and the supervisory authorities shall apply to controls, other official activities and control authorities within the meaning of the EU Regulations set out in Section 30. However, this shall not apply where otherwise provided for in the Regulations. Act (2020:627).</p>
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	<p>Section 32. In the controls or other official activities referred to in Section 30, the following shall apply:</p> <ol style="list-style-type: none"><li>1. Section 9 shall apply to orders and prohibitions necessary for enforcing compliance with the EU regulations referred to in Section 30,</li><li>2. Sections 14, 17, 18 and 26 shall apply to decisions made by the competent authorities in accordance with the Regulations,</li><li>3. Section 22b shall apply to reimbursement and costs of samples submitted under the Regulations, and</li><li>4. Section 28 shall apply to test purchases by the competent authorities.</li></ol> <p>The first subparagraph shall not apply where otherwise provided for in the Regulations. Act (2020:627).</p> <p>Section 33. The provisions of Section 27 on bans on disclosure or use of information shall also apply to those who, pursuant to Article 28 or 31 of Regulation (EU) 2017/625, carry out delegated tasks which are part of the controls or other public activities provided for in Section 30. Act (2020:627).</p> <p>Section 34. The Government or the authority designated by the Government may issue rules on the obligations on a body or physical person who, in line with Article 28 or 31 of Regulation (EU) 2017/625, carries out delegated tasks which are part of the controls or other official activities referred to in Section 30 to submit information and documents to the authority which designated the body or person. Act (2020:627).</p> <p>Reporting system for infringements</p> <p>Section 35. An authority which is a competent authority under Regulation 2017/625 and which carries out the controls or other official activities referred to in Section 30 shall have an effective</p>
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	<p>reporting system in place to handle notifications of suspected infringements of the Regulation. Act (2020:627).</p> <p>Section 36. The Government or the authority designated by the Government may issue provisions on the reporting system referred to in Section 35. Act (2020:627).</p> <p>Application of the Administrative Procedure Act</p> <p>Section 37. When delegated tasks included in such controls or other official activities referred to in Section 30 are conducted by a body or a physical person pursuant to Article 28 or 31 of Regulation (EU) 2017/625, the provisions of Section 5 of the Administrative Procedure Act (2017:900) shall apply. Act (2020:627).</p> <p>Chapter 11, Sections 15–16 of the <a href="#">Förordning (2012:259) om miljösanktionsavgifter</a> (Ordinance (2012: 259) on environmental penalties)</p> <p>Section 15. Infringements of Section 13(1) of <i>Förordningen (2007:185) om producentansvar för bilar</i> (Ordinance (2007:185) on producer responsibility for cars) through failure to inform the Swedish Environmental Protection Agency how the obligations under the Ordinance have been fulfilled shall be punishable by an environmental fine of SEK 20,000.</p> <p>Section 16. Infringements of Section 13(2) of <i>Förordningen (2007:185) om producentansvar för bilar</i> (Ordinance (2007:185) on producer responsibility for cars) through failure to inform the Swedish Environmental Protection Agency of re-use and recycling levels shall be liable to an environmental fine of SEK 20,000.</p>
<p>11. Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC (OJ L 310, 25.11.2005, p. 10);</p>	<p>Chapter 5, Section 3 b of the <a href="#">Fordonslag (2002:574)</a> (Vehicles Act (2002:574))</p> <p>Section 3b. Supervision of compliance with this Act, in addition to the provisions of Section 3a, and with regulations issued on the basis of the Act shall be exercised by the authority designated by the Government.</p>

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	<p>A party selling vehicles, systems, components, separate technical units, parts of vehicles or other equipment for vehicles shall, at the request of the supervisory authority:</p> <ol style="list-style-type: none"><li>1. allow access to vehicles, enclosed spaces in vehicles, premises etc. and to areas adjacent thereto where vehicles are stowed, and</li><li>2. provide any information, documents, samples etc. required for the supervision.</li></ol> <p>The supervisory authority may issue such orders as are required to ensure compliance with this Act and the regulations issued pursuant thereto.</p> <p>An order under the third paragraph may be combined with a fine. Act (2009:224).</p> <p>Chapter 8, Sections 5-12 <a href="#">Fordonsförordning (2009:211)</a> (Vehicles Ordinance (2009:211))</p> <p>Section 5. Parties shall be liable to a penalty if they deliberately or negligently provide incorrect information:</p> <ol style="list-style-type: none"><li>1. in an application for type-approval,</li><li>2. in a certificate of conformity or type-examination,</li><li>3. in a type approval mark or equivalent,</li><li>4. in the context of a test for a specific approval, registration inspection, moped inspection or suitability inspection, or</li><li>5. in an application for designation as a body for the performance of technical services.</li></ol> <p>Liability under the first subparagraph shall not apply if the incorrect information is of minor importance for the approval or if the information is otherwise not liable to mislead. Ordinance (2020:739).</p>
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	<p>Section 6. Parties shall be liable to a penalty if they deliberately or negligently, in cases other than those set out in Section 5, fail to comply with</p> <ol style="list-style-type: none"><li>1. the provisions in Chapter 3, Sections 24, 26 or 28, or</li><li>2. provisions issued on the basis of this Ordinance for the implementation of Chapter 3, Sections 24, 26 or 28.</li></ol> <p>Section 7. Parties shall be liable to a penalty if they deliberately or negligently breach a prohibition laid down pursuant to Chapter 2, Section 12 concerning the sale or taking into service of vehicles, systems, components or separate technical units.</p> <p>Section 8. Parties shall be liable to a penalty if they deliberately or negligently breach Chapter 4, Section 20 on registration inspections of a modified vehicle or Chapter 5, Section 7 on the carrying of proof of suitability.</p> <p>Section 9. The owner of a vehicle shall be penalised by a fine if they have intentionally or negligently failed to take reasonable steps to prevent the vehicle being used contrary to the following:</p> <ol style="list-style-type: none"><li>1. a driving ban,</li><li>2. the provisions on the condition and equipment of the vehicle according to<ol style="list-style-type: none"><li>a) Chapter 2, Section 1,</li><li>b) regulations issued pursuant to this Ordinance,</li></ol></li><li>3. the provisions on moped inspections in Chapter 2, Section 2 or Chapter 4, Section 35,</li><li>4. the provisions on suitability inspections in Chapter 5, Section 1, paragraphs 1-4; or</li><li>5. the provisions on carrying documents in Chapter 6, Section 23a or Chapter 8, Section 3c, second paragraph.</li></ol>
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	<p>The provisions of the first paragraph shall also apply to the driver if he or she was aware of the reason the vehicle should not have been used in the way it was, and to the party referred to in Chapter 2, Section 14, second paragraph. Ordinance (2016:1217).</p> <p>Section 10. The liability referred to in Section 9, first paragraph, subparagraph 2 shall not apply if the shortcoming in the structure or equipment of the vehicle was of minor importance or if the vehicle was merely being driven to the nearest suitable place in order to remedy damage which occurred during the journey and the vehicle could be used without any obvious risk.</p> <p>Section 11. The provisions of this Ordinance or provisions issued pursuant to it on the liability of owners or users of vehicles shall also apply to the driver's immediate superior in the case of vehicles owned or used by the State or a municipality. If the immediate superior has done what could reasonably have been required to prevent an infringement, and the incident is the result of a superior's measure or fault, the provisions on liability for owners or users shall apply to that superior.</p> <p>With regard to a vehicle owned or used by a joint heir or an insolvent company, the provisions on liability referred to in the first paragraph shall apply to the party or parties entitled to represent the estate or company.</p> <p>With regard to a vehicle owned or used by a company, an association, a foundation or another legal person, the provisions on liability referred to in the first paragraph shall apply to the party or parties entitled to represent that legal person or the party which the approval authority on request has approved as the responsible representative.</p> <p>Section 12. Liability under this Ordinance shall not arise if a penalty can be imposed under the Penal Code or <i>Lag (1951:649) om straff för vissa trafikbrott</i> (Act (1951:649) on penalties for certain road traffic offences).</p>
<p>12. Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to</p>	<p>Chapter 8, Sections 5–10 of the <a href="#">Fordonsförordning</a> (2009:211) (Vehicles Ordinance (2009:211))</p>



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<p>emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (OJ L 161, 14.6.2006, p. 12).</p>	<p>Section 5. Parties shall be liable to a penalty if they deliberately or negligently provide incorrect information:</p> <ol style="list-style-type: none"><li>1. in an application for type-approval,</li><li>2. in a certificate of conformity or type-examination,</li><li>3. in a type approval mark or equivalent,</li><li>4. in the context of a test for a specific approval, registration inspection, moped inspection or suitability inspection, or</li><li>5. in an application for designation as a body for the performance of technical services.</li></ol> <p>Liability under the first subparagraph shall not apply if the incorrect information is of minor importance for the approval or if the information is otherwise not liable to mislead.</p> <p>Ordinance (2020:739).</p> <p>Section 6. Parties shall be liable to a penalty if they deliberately or negligently, in cases other than those set out in Section 5, fail to comply with</p> <ol style="list-style-type: none"><li>1. the provisions of Chapter 3, Sections 24, 26 or 28, or</li><li>2. provisions issued on the basis of this Ordinance for the implementation of Chapter 3, Sections 24, 26 or 28.</li></ol> <p>Section 7. Parties shall be liable to a penalty if they deliberately or negligently breach a prohibition laid down pursuant to Chapter 2, Section 12 concerning the sale or taking into service of vehicles, systems, components or separate technical units.</p> <p>Section 8. Parties shall be liable to a financial penalty if they deliberately or negligently breach Chapter 4, Section 20 on registration inspections of a modified vehicle or Chapter 5, Section 7 on the carrying of proof of suitability.</p>
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	<p>Section 9. The owner of a vehicle shall be penalised by a fine if they have intentionally or negligently failed to take reasonable steps to prevent the vehicle being used contrary to the following:</p> <ol style="list-style-type: none"> <li>1. a driving ban,</li> <li>2. the provisions on the condition and equipment of the vehicle according to             <ol style="list-style-type: none"> <li>a) Chapter 2, Section 1,</li> <li>b) regulations issued pursuant to this Ordinance,</li> </ol> </li> <li>3. the provisions on moped inspections in Chapter 2, Section 2 or Chapter 4, Section 35,</li> <li>4. the provisions on suitability inspections in Chapter 5, Section 1, paragraphs 1-4, or</li> <li>5. the provisions on carrying documents in Chapter 6, Section 23a or Chapter 8, Section 3c, second paragraph.</li> </ol> <p>The provisions of the first paragraph shall also apply to the driver if he or she was aware of the reason the vehicle should not have been used in the way it was, and to the party referred to in Chapter 2, Section 14, second paragraph. Ordinance (2016:1217).</p> <p>Section 10. The liability referred to in Section 9, first paragraph, point 2 shall not apply if the shortcoming in the structure or equipment of the vehicle was of minor importance or if the vehicle was merely being driven to the nearest suitable place in order to remedy damage which occurred during the journey and the vehicle could be used without any obvious risk.</p>
<p>13. Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 21.9.2007, p. 17).</p>	<p>Section 6a of <a href="#">Lag (1992:1514) om måttenheter, mätningar och mätdon</a> (Act (1992:1514) on units of measurement, measurements and measuring devices)</p> <p>Section 6a. A manufacturer, a manufacturer's representative, an importer or a distributor shall be required to pay a penalty payment if they or parties acting on their behalf have deliberately or negligently infringed provisions issued on the basis of Section 2 to comply with Sweden's international agreements.</p>

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	<p>A penalty payment may not be imposed on someone for infringement of a ban or failure to comply with an injunction already combined with a fine.</p> <p>Otherwise, Section 37, second paragraph and Sections 39-43 of the Product Safety Act (2004:451) shall apply.</p> <p>Act (2016:330).</p>
<p>14. Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46).</p>	<p>Section 5 of <a href="#">Lag (2018:551) med kompletterande bestämmelser till EU:s däckmärkningsförordning</a> (Act (2018:551) containing provisions supplementing the EU Tyre Labelling Regulation)</p> <p>Section 5 /Ceases to apply on 16 July 2021/ A decision on injunctions or prohibitions under Section 4 or a decision under the EU Regulation on Accreditation and Market Surveillance may be accompanied by a fine.</p> <p>Section 5/Enters into force on 16 July 2021/ Decisions under Sections 3a or 4 may be combined with a fine.</p> <p>Act (2021:683).</p>
<p>15. Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).</p>	<p>Sections 14-16 and 20 of <a href="#">Lag (2006:263) om transport av farligt gods</a>(Act (2006:263) on the transport of hazardous goods)</p> <p>Orders, prohibitions and fines</p> <p>Section 14. The supervisory authority may issue such orders or prohibitions as are required to ensure compliance with this Act or regulations issued pursuant thereto.</p> <p>Decisions on orders or prohibitions may be combined with fines.</p> <p>If a party does not do what they have been instructed to do in the supervisory authority's order, the authority may take measures at that party's own cost.</p>

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	<p>Section 15. If a transport takes place in contravention of the Act or of regulations issued pursuant to the Act, and the transport cannot continue without a significant risk of damage,</p> <ul style="list-style-type: none"><li>- a police officer may intervene to stop the transport on the road or</li><li>- an official of the supervisory authority referred to in Section 13(1), second sentence, may prevent the continuation of the transport from a port. Act (2019:45).</li></ul> <p>Criminal responsibility</p> <p>Section 16. Anyone infringing the provisions of Section 2(1) deliberately or through gross negligence shall be sentenced to a fine or imprisonment of up to one year.</p> <p>Any person who intentionally or through negligence infringes Section 2(2) shall be sentenced to a fine if</p> <ol style="list-style-type: none"><li>1. responsibility cannot be imposed pursuant to the first subparagraph, and</li><li>2. the infringement concerns a provision other than Section 2(1).</li></ol> <p>If an offence, within the meaning of the first or second subparagraph, is to be considered as minor with respect to the risk of damage to life, health, the environment, property or other circumstances, a fine shall be imposed.</p> <p>Responsibility within the meaning of this Section shall not be imposed if</p> <ol style="list-style-type: none"><li>1. the act is conducted by a safety adviser and relates to a task to be performed by the safety adviser,</li><li>2. the offence is punishable by a more severe penalty in the Penal Code or Chapter 29, Section 1 or 2 of the Environmental Code, or</li><li>3. the offence relates to the infringement of an order or prohibition which is already combined with a fine.</li></ol>
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	<p>Empowerments</p> <p>Section 20. The Government may issue regulations or, for particular cases, decide on exemptions from the application of the Act for transports by foreign vessels and aircraft.</p> <p>The Government, or the authority designated by the Government, may issue regulations on</p> <ol style="list-style-type: none"><li>1. the classification of dangerous goods</li><li>2. means of transport, packaging and other transport equipment</li><li>3. marking and labelling</li><li>4. transport documents and written instructions</li><li>5. the obligation to provide information</li><li>6. safety equipment</li><li>7. loading, unloading, storage and handling of dangerous goods</li><li>8. which substances and goods are to be regarded as hazardous within the meaning of Section 5, with reference to means of transport, quantity of goods and other circumstances of the transport</li><li>9. considering substances and objects, in addition to the provisions of Section 5, as hazardous goods if, during transport, they could pose a danger to life, health, the environment or property or affect the safe operation of the transporter</li><li>10. exemptions, and issue specific decisions on exemptions from the provisions of the Act apart from those relating to transports using foreign vessels and aircraft</li><li>11. prohibitions on certain types of transport</li><li>12. allowing certain transports to take place only after authorisation or notification</li><li>13. training and delegating to another party of any examinations required under provisions issued pursuant to the Act</li><li>14. safety advisers and exemptions from the requirement for safety advisers</li><li>15. protection of transports</li><li>16. fees for the activities of the authorities and</li></ol>
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	<p>17. protective measures and any other precautions required.</p> <p>Regulations and decisions under the first and second subparagraphs on matters other than exemptions from the Act shall be compatible with the intention of Section 1.</p> <p>Section 17 of the <a href="#">Förordning (2011:811) om ackreditering och teknisk kontroll</a> (Ordinance (2011:811) on accreditation and technical control)</p> <p>Section 17. The penalty fee under Section 23 of the Act on Accreditation and Technical Control (2011:791) shall be set at a minimum of SEK 5,000 and a maximum of SEK 1,000,000.</p>
<p>16. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).</p>	<p>Chapter 8, Sections 19-21 of the <a href="#">Plan- och bygglag (2010:900)</a> (Planning and Building Act)</p> <p>Suitability of construction products</p> <p>Section 19. A construction product may be used in a building only if it is suitable for the intended use.</p> <p>A construction product shall be considered suitable if it:</p> <ol style="list-style-type: none"> <li>1. is such that the construction work in which it is to be included meets the technical requirements referred to in Section 4, (1-6), (8) and (9) of first paragraph where the building is designed and built in the right way, or</li> <li>2. complies with the requirements of regulations issued pursuant to Chapter 16, Section 6. Act (2013:306).</li> </ol> <p>Placing on the market</p> <p>Section 20. Provisions on the conditions for placing construction products on the market can be found in</p> <ol style="list-style-type: none"> <li>1. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC and</li> </ol>

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	<p>2. Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC.</p> <p>A construction product not covered by Regulation (EU) No 305/2011 or Regulation (EU) 2016/424 may be sold in Sweden for its intended use only if it is suitable pursuant to Section 19. Act (2018:59).</p> <p>Section 21. The provisions on marking 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, and <i>Lag (2011:791) om ackreditering och teknisk kontroll</i> (Act (2011: 791) on Accreditation and Conformity) shall apply to construction products which are to be EC-marked in accordance with</p> <ol style="list-style-type: none"><li>1. Regulation (EU) No 305/2011,</li><li>2. Regulation (EU) 2016/424 or</li><li>3. rules issued on the basis of Chapter 16, Section 6(2) of first paragraph. Act (2018:59).</li></ol> <p>Chapter 8, Sections 3-5 and 12 of the <a href="#">Plan- och byggförordning (2011:338)</a> (Planning and Building Ordinance)</p> <p>Section 3/ Ceases to apply on 16 July 2021/ The National Board of Housing, Building and Planning, in its capacity as the market surveillance authority pursuant to Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, conducts market surveillance relating to construction products covered by:</p> <ol style="list-style-type: none"><li>1. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC,</li><li>2. Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts, in the original wording, and</li></ol>
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	<p>3. Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC. Ordinance (2018:103).</p> <p>Section 3/Enters into force on 16 July 2021/ The National Board of Housing, Building and Planning, in its capacity as the market surveillance authority pursuant to Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011, conducts market surveillance relating to construction products covered by:</p> <ol style="list-style-type: none"><li>1. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC,</li><li>2. Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts, in the original wording, and</li><li>3. Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC. Ordinance (2021:691).</li></ol> <p>Section 4 / Ceases to apply on 16 July 2021 pursuant to Ordinance (2021:691)/ The National Board of Housing, Building and Planning shall, pursuant to Regulation (EC) No 765/2008, in the context of its responsibility for market surveillance pursuant to Section 3:</p> <ol style="list-style-type: none"><li>1. make the public aware of its activities in accordance with Article 17(2),</li><li>2. establish adequate procedures in accordance with Article 18(2),</li><li>3. establish market surveillance programmes, issue information about the programmes and make it available to the general public in accordance with Article 18(5),</li><li>4. perform the duties flowing from Articles 20-22 and 23(2), and</li><li>5. cooperate with other parties, pursuant to Article 24(4).</li></ol>
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	<p>Section 5 / Ceases to apply on 16 July 2021 pursuant to Ordinance (2021:691)/ The National Board of Housing, Building and Planning may, in the context of its market surveillance responsibility under Section 3, destroy a product or otherwise render it inoperable, pursuant to Article 29(4) of Regulation (EC) No 765/2008.</p> <p>Monitoring of the suitability of certain construction products</p> <p>Section 5a. With regard to construction products which are not covered by Regulation (EU) No 305/2011 or Regulation (EU) No 2016/424, the National Board of Housing, Building and Planning is responsible for enforcing the provisions on the suitability of construction products in Chapter 8, Section 19 of the <i>Plan- och bygglag</i> (2010:900) (Planning and Building Act (2010: 900)) and in regulations issued pursuant to the Act. Ordinance (2018:103).</p> <p>Monitoring and evaluation of technical accreditation bodies (TABs)</p> <p>Section 5b. The Swedish Board for Accreditation and Conformity Assessment shall fulfil the tasks relating to monitoring and evaluation of TABs set out in Article 29(3) of Regulation (EU) No 305/2011.</p> <p>The Swedish Board for Accreditation and Conformity Assessment, having consulted the National Board of Housing, Building and Planning, shall immediately notify the Government if it finds that a TAB no longer meets the requirements set out in Table 2 of Annex IV to Regulation (EU) No 305/2011.</p> <p>Ordinance (2013:308).</p> <p>Section 12. The obligations in Sections 8 to 11 shall not apply to the Government and the National Board of Housing, Building and Planning.</p> <p><a href="#">Boverkets byggregler – föreskrifter och allmänna råd, BBR (BFS 2011:6 med ändringar t.o.m. BFS 2018:4)</a> (Building regulations of the National Board of Housing, Building and Planning - rules and general guidance (BFS 2011:6), with amendments up until BFS 2018:4)), section 1:4</p>
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	<p><a href="#">Boverkets föreskrifter och allmänna råd om tillämpning av europeiska konstruktionsstandarder (eurokoder), EKS (BFS 2011:10 med ändringar t.o.m. BFS 2019:1)</a>, A:18–19 (Building regulations and general guidance of the National Board of Housing, Building and Planning (eurocodes) EKS (BFS 2011:10 with amendments up to BFS 2019:1), A:18-19</p>
<p>17. Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1).</p>	<p>Section 4 of <a href="#">Lag (2014:534) med kompletterande bestämmelser till EU:s textilmärkningsförordning</a> (Act (2014:534) containing provisions supplementing the EU Textile Labelling Regulation)</p> <p>Section 4 /Ceases to apply on 16 July 2021 / An injunction or prohibition pursuant to Section 3 or a decision on measures pursuant to Article 19 of Regulation (EC) 765/2008 shall be accompanied by a fine, unless there are particular grounds rendering this unnecessary.</p> <p>Section 4 / Enters into force on 16 July 2021/ A decision under Section 2a or 3 shall be combined with a fine, unless there are particular grounds rendering this unnecessary. Act (2021:677).</p> <p>Sections 23-36 <a href="#">Marknadsföringslag (2008:486)</a> (Marketing Act)</p> <p>Prohibition of certain types of marketing</p> <p>Section 23. A trader whose marketing is unfair may be prohibited from continuing with that or other similar practices.</p> <p>A prohibition under the first paragraph may also be issued against:</p> <ol style="list-style-type: none"> <li>1. an employee of the trader;</li> <li>2. another person acting on behalf of the trader; and</li> <li>3. any other person who has otherwise materially contributed to the marketing in question.</li> </ol> <p>Order to provide information</p> <p>Section 24. A trader who, in the course of marketing, neglects to provide material information may be ordered to provide such information.</p>

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	<p>Such an order may also be issued against:</p> <ol style="list-style-type: none"><li>1. an employee of the trader; and</li><li>2. another person acting on behalf of the trader.</li></ol> <p>An order under the first paragraph may include an obligation to provide information:</p> <ol style="list-style-type: none"><li>1. in advertisements or other representations that the trader uses in the course of marketing,</li><li>2. through labelling of the goods or in some other way at the point of sale, or</li><li>3. in a certain form to consumers who so request.</li></ol> <p>Order to provide technical aids</p> <p>Section 25. A service provider under <i>Lag (2002:562) om elektronisk handel och andra informationssamhällets tjänster</i> (Act on Electronic Commerce and other Information Society Services) who, in contravention of Section 10 of that Act, fails to provide such technical aids as are referred to there may be ordered to provide such aids.</p> <p>Fines</p> <p>Section 26. A prohibition under Section 23 or an order under Section 24 or 25 shall be combined with a fine, unless there are particular grounds rendering this unnecessary.</p> <p>Interim orders</p> <p>Section 27. A Court may order that a prohibition under Section 23 or an order under Section 24 or 25 shall apply until further notice if:</p> <ol style="list-style-type: none"><li>1. the applicant demonstrates probable cause for his claim; and</li><li>2. it can be reasonably assumed that the defendant, by taking or by omitting to take a specific action, can reduce the effectiveness of a prohibition or order.</li></ol>
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	<p>The provisions of Chapter 15, Section 5, second to fourth paragraphs, and Sections 6 and 8 of the Code of Judicial Procedure shall apply to decisions under the first paragraph.</p> <p>The decision may be implemented with immediate effect. Ordinance (2011:1216).</p> <p>Orders</p> <p>28. In cases of minor importance, the Swedish Consumer Agency may issue orders concerning:</p> <ol style="list-style-type: none"><li>1. prohibitions as referred to in Section 23 (prohibitory injunctions);</li><li>2. orders as referred to in Section 24 (information orders); or</li><li>3. orders as referred to in Section 25.</li></ol> <p>Injunctions shall be combined with a fine unless this is deemed unnecessary for a specific reason.</p> <p>The Swedish Consumer Agency may decide that an order is to take effect immediately. Act (2016:793).</p> <p>Market disruption charge</p> <p>Grounds for imposing a charge</p> <p>Section 29. Traders may be ordered to pay a special charge (market disruption charge) if they, or a person acting on their behalf, intentionally or negligently contravene</p> <ul style="list-style-type: none"><li>- Section 7,</li><li>- Section 8 and any of the provisions of Sections 9, 10, or 12-17,</li><li>- Section 18,</li></ul> <p>Section 20, or</p> <ul style="list-style-type: none"><li>- any of the provisions of Annex I to Directive 2005/29/EC.</li></ul>
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	<p>The same applies if traders intentionally or negligently contravene any of the provisions of:</p> <ul style="list-style-type: none"><li>- Chapter 64, Section 46, of the Swedish Social Insurance Code;</li><li>- Chapter 7, Section 3, of the Alcohol Act (2010:1622);</li><li>- Chapter 8, Section 7, first paragraph, Sections 8, 9 or 14, first or second paragraph, Chapter 9 a, Sections 10 and 11 or Chapter 15, Section 4 of the <i>Radio- och tv-lag</i> (2010:696) (Radio and Television Act (2010: 696)),</li><li>- Section 11 of <i>Lag (1995:1571) om insättningsgaranti</i> (Act (1995: 1571) on deposit guarantees) with regard to offers which are also addressed to consumers,</li><li>- Chapter 4, Section 1(2) or (3), Section 3, Section 4, first paragraph (2), or Section 5 (2) or (3) of <i>Lag (2018:2088) om tobak och liknande produkter</i> (Tobacco and Related Products Act).</li></ul> <p>The provisions of the first and second paragraphs shall also apply to a trader who intentionally or negligently contributes materially to the infringement.</p> <p>The charge accrues to the state. Act (2020:1035).</p> <p>Section 29a. When deciding whether to impose a market disruption charge, the severity of the infringement must be taken into account. Special attention must be paid to the nature, duration, scope and extent of the infringement. Act (2016:793).</p> <p>Section 30. A market disruption charge may not be imposed on a person for infringement of a prohibition or failure to comply with an order issued in combination with a fine under this Act.</p> <p>Amount of the fee</p> <p>Section 31. The market disruption charge shall be fixed at no less than SEK 10,000 and no more than SEK 10,000,000.</p>
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	<p>The charge may not exceed ten per cent of the trader's annual turnover.</p> <p>The annual turnover shall refer to the turnover for the immediately preceding financial year. If the infringement occurred during the trader's first year of business or if information concerning the annual turnover is otherwise not available or is incomplete, the amount of annual turnover may be estimated.</p> <p>If an action is brought against more than one trader, the charge shall be separately determined for each of them. Act (2016:793).</p> <p>Section 32. In determining the market disruption charge, particular attention shall be paid to the seriousness and duration of the infringement.</p> <p>The charge may be waived if there are exceptional grounds for doing so. Act (2016:793).</p> <p>Payment of the charge</p> <p>Section 33. The market disruption charge shall be paid to the Legal, Financial and Administrative Services Agency within thirty days of the judgment becoming final, or such later date as specified in the judgment.</p> <p>If the charge has not been paid within the period stipulated in the first paragraph, the Legal, Financial and Administrative Services Agency shall submit the unpaid charge for collection. Recovery is subject to the provisions of the Act (1993:891) on recovery of State debts etc.</p> <p>Prescription and limitation</p>
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	<p>Section 34. A market disruption charge may be imposed only if the application to institute proceedings has been served on the party to whom the claim is addressed within five years of cessation of the infringement.</p> <p>Section 35. A market disruption charge shall lapse if the judgment has not been executed within five years of the date on which it became final.</p> <p>Attachment</p> <p>Section 36. In order to secure a claim relating to a market disruption charge, the court may order attachment. In such a case, the provisions of Chapter 15 of the Code of Judicial Procedure shall apply. Act (2020:338).</p> <p>These penalties were notified to the Commission on 14 February 2014.</p>
<p>18. Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).</p>	<p>Section 23 of <a href="#">Lag (2016:768) om marin utrustning</a> (Act (2016:768) on marine equipment)</p> <p>Penalty payments</p> <p>Section 23. If an economic operator or someone acting on their behalf has intentionally or negligently infringed the following, they shall be ordered to pay a penalty payment:</p> <ol style="list-style-type: none"> <li>1. Section 10 or 11, or rules issued pursuant to those provisions,</li> <li>2. rules issued on the basis of Section 6, 7, 12 or 13, or</li> <li>3. decisions made on the basis of Section 7, second sentence.</li> </ol> <p>A penalty payment may not be imposed on someone for infringement of a ban or failure to comply with an injunction already combined with a fine.</p> <p>Otherwise, Section 37, second paragraph and Sections 39-43 of the <i>Produktsäkerhetslag</i> (2004:451) (Product Safety Act) shall apply to penalty payments.</p>

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<p>19. Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131).</p>	<p>Chapter 5, Section 3b of the <a href="#">Fordonslag (2002:574)</a> (Vehicles Act)</p> <p>Section 3b. Supervision of compliance with this Act, in addition to the provisions of Section 3a, and with regulations issued on the basis of the Act shall be exercised by the authority designated by the Government.</p> <p>A party selling vehicles, systems, components, separate technical units, parts of vehicles or other equipment for vehicles shall, at the request of the supervisory authority:</p> <ol style="list-style-type: none"><li>1. allow access to vehicles, enclosed spaces in vehicles, premises etc. and to areas adjacent thereto where vehicles are stowed, and</li><li>2. provide any information, documents, samples etc. required for the supervision.</li></ol> <p>The supervisory authority may issue such orders as are required to ensure compliance with this Act and regulations issued pursuant thereto.</p> <p>An order under the third paragraph may be combined with a fine.</p> <p>Act (2009:224).</p> <p>Section 37 of the <a href="#">Avgasreningslag (2011:318)</a> (Exhaust Gas Treatment Act (2011: 318))</p> <p>Section 37. The supervisory authority may issue the orders that are necessary to ensure compliance with this Act or regulations issued pursuant to this Act. Any such order may be accompanied by a fine.</p> <p>Chapter 8, Sections 8–12 of the <a href="#">Fordonsförordning (2009:211)</a> (Vehicle Ordinance (2009: 211))</p> <p>Section 8. Parties shall be liable to a financial penalty if they deliberately or negligently infringe the provisions of Chapter 4 Section 20 on registration inspections of a modified vehicle or Chapter 5 Section 7 on the carrying of a certificate of competence.</p>
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	<p>Section 9. The owner of a vehicle shall be penalised by a fine if they have intentionally or negligently failed to take reasonable steps to prevent the vehicle being used contrary to the following:</p> <ol style="list-style-type: none"><li>1. a driving ban,</li><li>2. the provisions on the condition and equipment of the vehicle according to<ol style="list-style-type: none"><li>a) Chapter 2, Section 1,</li><li>b) regulations issued pursuant to this Ordinance,</li></ol></li><li>3. the provisions on moped inspections in Chapter 2, Section 2 or Chapter 4, Section 35,</li><li>4. the provisions on suitability inspections in Chapter 5, Section 1, paragraphs 1-4; or</li><li>5. the provisions on carrying documents in Chapter 6, Section 23a or Chapter 8, Section 3c, second paragraph.</li></ol> <p>The provisions of the first paragraph shall also apply to the driver if he or she was aware of the reason the vehicle should not have been used in the way it was, and to the party referred to in Chapter 2, Section 14, second paragraph. Ordinance (2016:1217).</p> <p>Section 10. The liability referred to in Section 9, first paragraph, subparagraph 2 shall not apply if the shortcoming in the structure or equipment of the vehicle was of minor importance or if the vehicle was merely being driven to the nearest suitable place in order to remedy damage which occurred during the journey and the vehicle could be used without any obvious risk.</p> <p>Section 11. The provisions of this Ordinance or provisions issued pursuant to it on the liability of owners or users of vehicles shall also apply to the driver's immediate superior in the case of vehicles owned or used by the State or a municipality. If the immediate superior has done what could reasonably have been required to prevent an infringement, and the incident is the result of a superior's measure or fault, the provisions on liability for owners or users shall apply to that superior.</p>
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	<p>With regard to a vehicle owned or used by a joint heir or an insolvent company, the provisions on liability referred to in the first paragraph shall apply to the party or parties entitled to represent that estate or company.</p> <p>With regard to a vehicle owned or used by a company, an association, a foundation or another legal person, the provisions on liability referred to in the first paragraph shall apply to the party or parties entitled to represent that legal person or the party which the approval authority on request has approved as the responsible representative.</p> <p>Section 12. Liability under this Ordinance shall not arise if a penalty can be imposed under the Penal Code or <i>Lag (1951:649) om straff för vissa trafikbrott</i> (Act (1951:649) on penalties for certain road traffic offences).</p>
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