



## Strengthening market surveillance in Europe

# THE NEW EU REGULATION ON MARKET SURVEILLANCE AND COMPLIANCE OF PRODUCTS

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## MARKET SURVEILLANCE IN THE EU

- **Specificity of EU Single Market**
  - Free movement of goods
  - EU harmonisation legislation, national rules (mutual recognition)
- **Market surveillance for non-food products**
  - **Regulation (EC) N° 765/2008: market surveillance for products covered by EU legislation**
  - General Product Safety Directive 2001/95/EC: safety of consumer products, procedures for dangerous products
  - Product-specific rules in EU sectoral legislation – e.g. medical devices



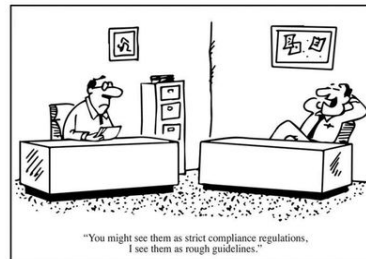
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## EVALUATION OF EXISTING REGULATION 765/2008

- Still too many non-compliant products on the EU market

- Key drivers

- Fragmentation of market surveillance and resources constraints
- Lack of knowledge or understanding of product rules by businesses
- Changing context: e-commerce and new supply chains



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## NEW REGULATION (EU) 2019/1020



**Will replace market surveillance provisions of Regulation 765/2008**  
**Provisions start applying from 16 July 2021**  
(except new European Product Compliance Network starting Jan. 2021)

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## SCOPE

- **Market surveillance provisions**
  - Apply to 70 Regulations and Directives containing requirements on the design or marking/labelling of non-food products (list in Annex 1 of the Regulation)
- **Provisions on controls at the external borders**
  - Apply to all products covered by EU law, unless such law already has specific provisions on controls at customs
- **New requirement for economic operator established in the EU**
  - Article 4 on 'responsible person' applies to products covered by 18 Regulations and Directives

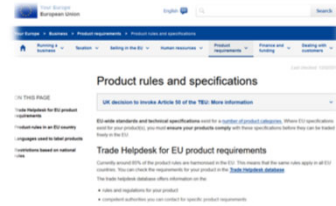
## OBJECTIVES

- Improve compliance by business operators upfront
- Strengthen market surveillance cooperation and effectiveness
- Modernise the framework to cover new supply chains and address on-line sales



## 1) IMPROVE COMPLIANCE UPFRONT

- Product regulation: free of charge information to businesses
  - On-line through *Your Europe* portal
  - Through national Product Contact Points
- Joint activities between authorities & business/consumer organisations
  - Raising awareness, providing guidance on implementation of the rules
  - Identifying non-compliance: results may be used for investigations



## 2) STRENGTHEN EFFECTIVENESS & COOPERATION

- At national level
  - Single Liaison Office + National market surveillance strategies (at least every 4 years; must consider all product sectors and set priorities)
  - Minimum set of powers: investigation, enforcement and penalties
  - Systemic cooperation & risk information exchange with customs authorities
- Between Member States
  - Cross-border mutual assistance
  - Introduction of voluntary peer reviews
- EU-wide
  - Creation of an EU Product Compliance Network

## THE EUROPEAN PRODUCT COMPLIANCE NETWORK

### **A permanent structure for coordination & cooperation between MS enforcement authorities and the Commission**



- Support coordinated joint actions: specific products & across-sector (e.g. e-commerce)
- Enhance cross-border cooperation
- Streamline the practices of market surveillance

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## 3) ADDRESS ONLINE SALES

- Carry out online surveillance with the **same effectiveness** as 'off-line'
- **Specific powers** for authorities (e.g. online purchase under cover identity) and obligation for internet actors to cooperate (e.g. online platforms, fulfillment centers)
- **Offers targeted at EU end-users** are 'placing on the EU market' and must therefore comply with EU rules
- **Business in the EU as interlocutor for certain products:**
  - Provide information to and cooperate with market surveillance authorities
  - Manufacturer/importer/authorised representative/fulfilment service provider I the EU: contact details must be indicated in or with the product
  - Commission to publish guidelines in 2020



## USEFUL LINKS

- **Regulation (EC) 2019/1020 on Market Surveillance and compliance of products**

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELLAR:903d90ee-9712-11e9-9369-01aa75ed71a1>

- **Market surveillance for products regulated by the European Union (DG GROW website)**

[https://ec.europa.eu/growth/single-market/goods/building-blocks/market-surveillance\\_en](https://ec.europa.eu/growth/single-market/goods/building-blocks/market-surveillance_en)