

## Strengthening market surveillance in Europe

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

18th meeting MARS Group 11-12 June 2020

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Free movement of goods  
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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)



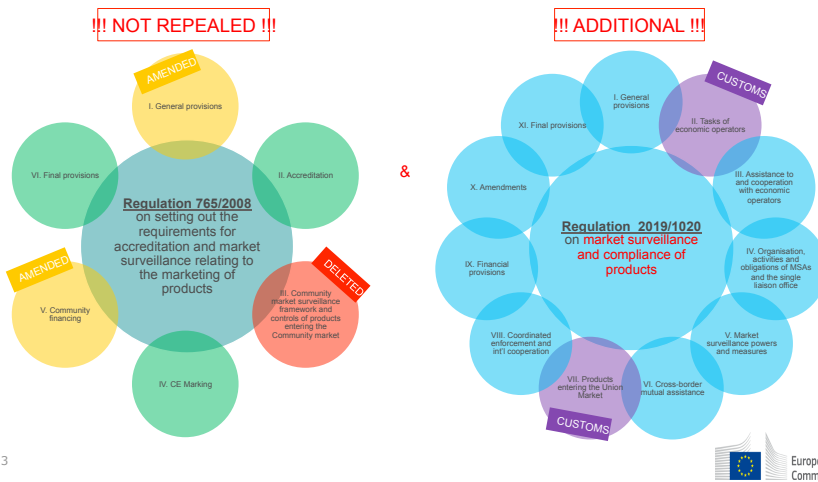
### • Market surveillance for non-food products

- **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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## Legal acts



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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

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



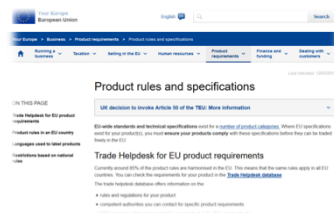
## 1) Improve compliance upfront

- **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



## Strengthen market surveillance – International

- Cooperation and exchange of information

- Between authorities of third countries and Commission, on the basis of international agreement



- Systems of pre-export controls

- Commission can approve specific systems for some or all products from a third country
- Requires efficient verification system in third country, and audit to demonstrate that products comply
- Result: taken into account in customs and market surveillance risk assessments



## Controls at the external borders

- **Risk analysis and information sharing**

- Customs controls based on risk analysis
- Market surveillance authorities indicate product types or operators with higher risk of non-compliance
- Link national customs systems with EU market surveillance information system (ICSMS)



- **When customs suspect non-compliance**

- Consult market surveillance authorities, 4 days to react
- When found non-compliant, documents tagged to prevent entering the EU in different ways; destruction allowed
- Information in customs systems and ICSMS

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## 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 in 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)



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## Thank you



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