



The European Union on the Way to Improve Market Surveillance and Product Compliance

The European Parliament and Council have published Regulation (EU) 2019/1020 on market surveillance and compliance of products. It will come into effect on July 16, 2021, and a Union Product Compliance Network (UPCN) will be set up by January 1, 2021.

The Regulation is mainly aiming at e-commerce as ‘the challenges of the global market and increasingly complex supply chains, as well as the increase of products that are offered for sale online to end users within the Union, call for the strengthening of enforcement measures, to ensure the safety of consumers.’ It applies to all products coming in the market subject to identified EU harmonization legislation (see Annex I of the regulation). In addition, it replaces articles 15 to 29 of Regulation EC 765/2008 on market surveillance.

What are the key points?

- Products offered for sale online or through other means of distant sales that are targeted at end users in the European Union by an economic operator, are considered to have been made available on the market.
- ‘Economic operators’, i.e. manufacturers, an authorised representative, the importer, the distributor, the fulfilment service provider or any natural or legal person manufacturing products or making them available on the market or putting them into service, are obliged to provide documentation of conformity with the relevant Union harmonization legislation.
- If the economic operator is not established in the EU, an authorised representative based within the EU has to be identified and shall be able to provide the declaration of conformity or any documentation necessary to demonstrate the conformity to the market surveillance authorities upon request in a language, which can be easily understood by this authority. The representative also needs to actively inform the authorities in case he deems a product unsafe.
- The obligations of the Regulation apply also to fulfilment service providers. By definition, a fulfilment service provider is any natural or legal person offering, in the course of commercial activity, **at least two** of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, but **excluding** postal and parcel delivery services as well as freight transport services.
- National market surveillance authorities are granted strengthened powers. Their tasks will be defined and harmonized across the member states. Along the EU borders customs and surveillance authorities will also harmonize their approach and the Union Product Compliance Network ‘is to serve as a platform for structured coordination and cooperation between enforcement authorities of the Member States and the Commission, and to streamline the practices of market surveillance within the Union’.

Additional Information, full text of the regulation:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R1020>

How Does this Impact You? Contact Us to Discuss

If you have any comments and/or questions, please contact your customer service representative or contact us at cps-deu-hl@bureauveritas.com.

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