

## STRENGTHENING COMPLIANCE WITH EU PRODUCT RULES

*The EU Regulation on market surveillance and compliance of products  
Reg. 2019/1020*



# MARKET SURVEILLANCE IN THE EU

- **Single market for goods**

- Free movement of goods: harmonisation legislation, national rules (mutual recognition)
- Member States are responsible for the enforcement of EU product legislation
- Common framework to ensure adequate market surveillance



- **Market surveillance for non-food products**

- **Regulation (EU) 2019/1020**: market surveillance for products covered by EU harmonisation legislation
- General Product Safety Regulation (EU) 2023/988: extends the application of Regulation 2019/1020 to non-harmonised products (GPSR will replace the GPSD, entry into application Dec. 2024)
- Harmonised product requirements and obligations of economic operators are defined in sector-specific directives and regulations.

# COMMON FRAMEWORK FOR MARKET SURVEILLANCE



## Common market surveillance framework

- How to organise and investigate
- What procedures to follow when problems are found
- How to cooperate between MSAS & with customs
- Obligations of economic operators vis-à-vis enforcement authorities



Chapter III of Regulation (EC)  
N°765/2008

Replaced by **Regulation  
(EU) 2019/1020**

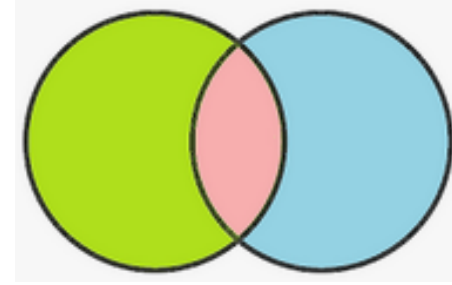


**Member States responsible for enforcement**

*Market surveillance authorities (MSAs)*



# SCOPE OF THE REGULATION



- **Market surveillance provisions**

- EU harmonisation legislation on non-food products: initially 70 pieces of legislation listed in Annex I, scope evolving as product legislation is being adopted/repealed
- *Lex specialis*: provisions do not apply where already specifically regulated in the product-specific legislation itself

- **Controls at the external borders**

- All EU product legislation, unless specific provisions in that legislation

- **Specific scope for Article 4** (economic operator in the EU)

- Currently applies to 19 product sectors, including toys, electrical and electronic products and others

# CORE OBJECTIVES

- **Improve compliance upfront:** information to economic operators
- **Strengthen market surveillance effectiveness and cooperation**
- **Modernise the framework:** online sales & new actors in the supply chain
- **More effective controls at the EU borders:** cooperation customs - MSAs



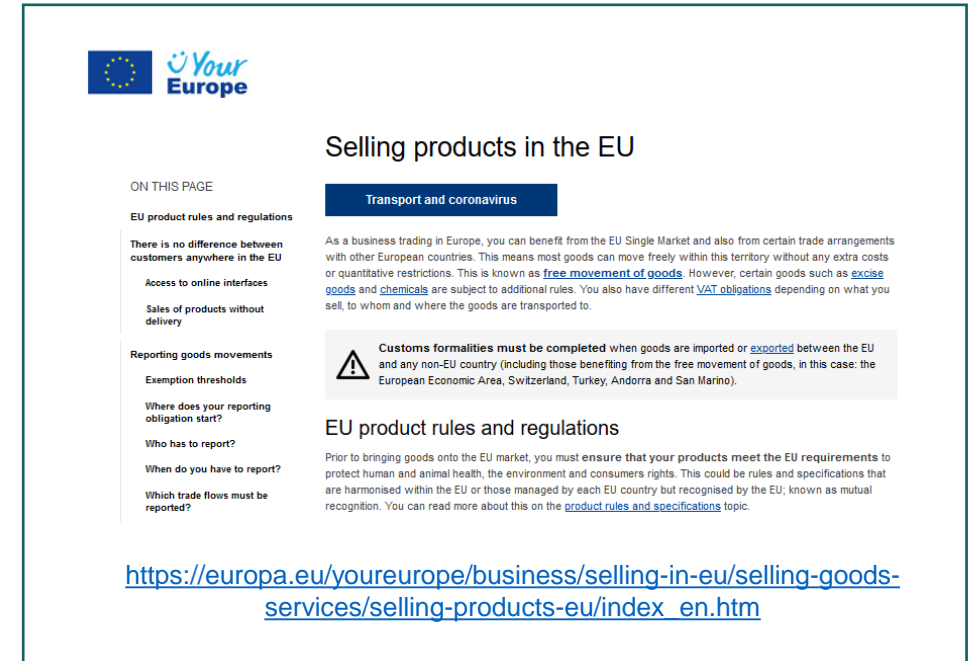
# 1) IMPROVE COMPLIANCE UPFRONT

- **Product regulation: free of charge information to businesses**

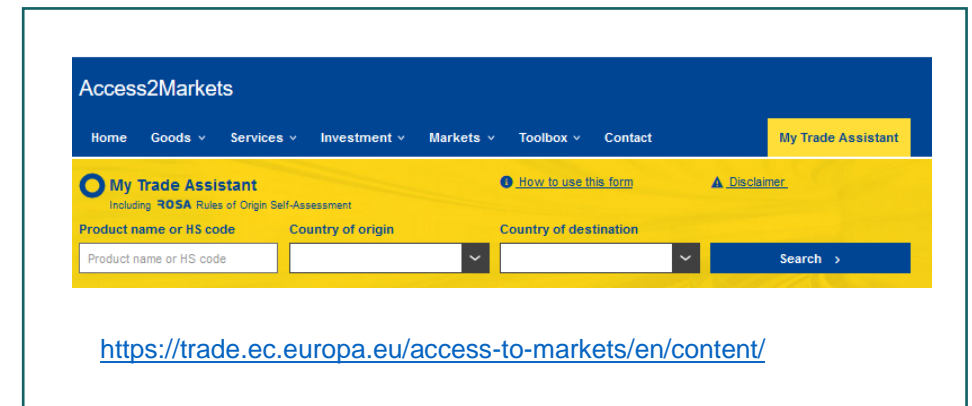
- On-line through *Your Europe* portal
- Through national Product Contact Points

- **Joint activities between MSAs & business or consumer organisations**

- Raising awareness, providing guidance
- Identifying non-compliance: results may be used for investigations



The screenshot shows the 'Your Europe' portal page for 'Selling products in the EU'. It features a navigation menu on the left with categories like 'EU product rules and regulations', 'Reporting goods movements', and 'Where does your reporting obligation start?'. The main content area includes a 'Transport and coronavirus' section with a warning icon and text about customs formalities. A URL is provided at the bottom: [https://europa.eu/youreurope/business/selling-in-eu/selling-goods-services/selling-products-eu/index\\_en.htm](https://europa.eu/youreurope/business/selling-in-eu/selling-goods-services/selling-products-eu/index_en.htm)



The screenshot shows the 'Access2Markets' portal interface. It features a navigation menu with options like 'Home', 'Goods', 'Services', 'Investment', 'Markets', 'Toolbox', and 'Contact'. The main content area is titled 'My Trade Assistant' and includes a search form with fields for 'Product name or HS code', 'Country of origin', and 'Country of destination', along with a 'Search' button. A URL is provided at the bottom: <https://trade.ec.europa.eu/access-to-markets/en/content/>

## 2) STRENGTHEN EFFECTIVENESS...

- **Organisation of market surveillance**

- Designate one or more market surveillance authorities
- Provide them with the necessary resources
- Provide the necessary powers (minimal list in the Regulation)

- **Investigations**

- Perform appropriate checks, on an adequate scale, on the characteristics of products
- By means of documentary checks and, where appropriate, physical and laboratory checks
- Prioritise resources and actions to ensure effective market surveillance
- Risk-based approach taking into account factors linked to products and economic operators



## ... AND COOPERATION

- At national level

- Creation of a Single Liaison Office
- National market surveillance strategies: at least every 4 years; considering all sectors; setting priorities

- Between Member States

- Cross-border mutual assistance: information and enforcement measures
- Voluntary peer reviews

- EU-wide

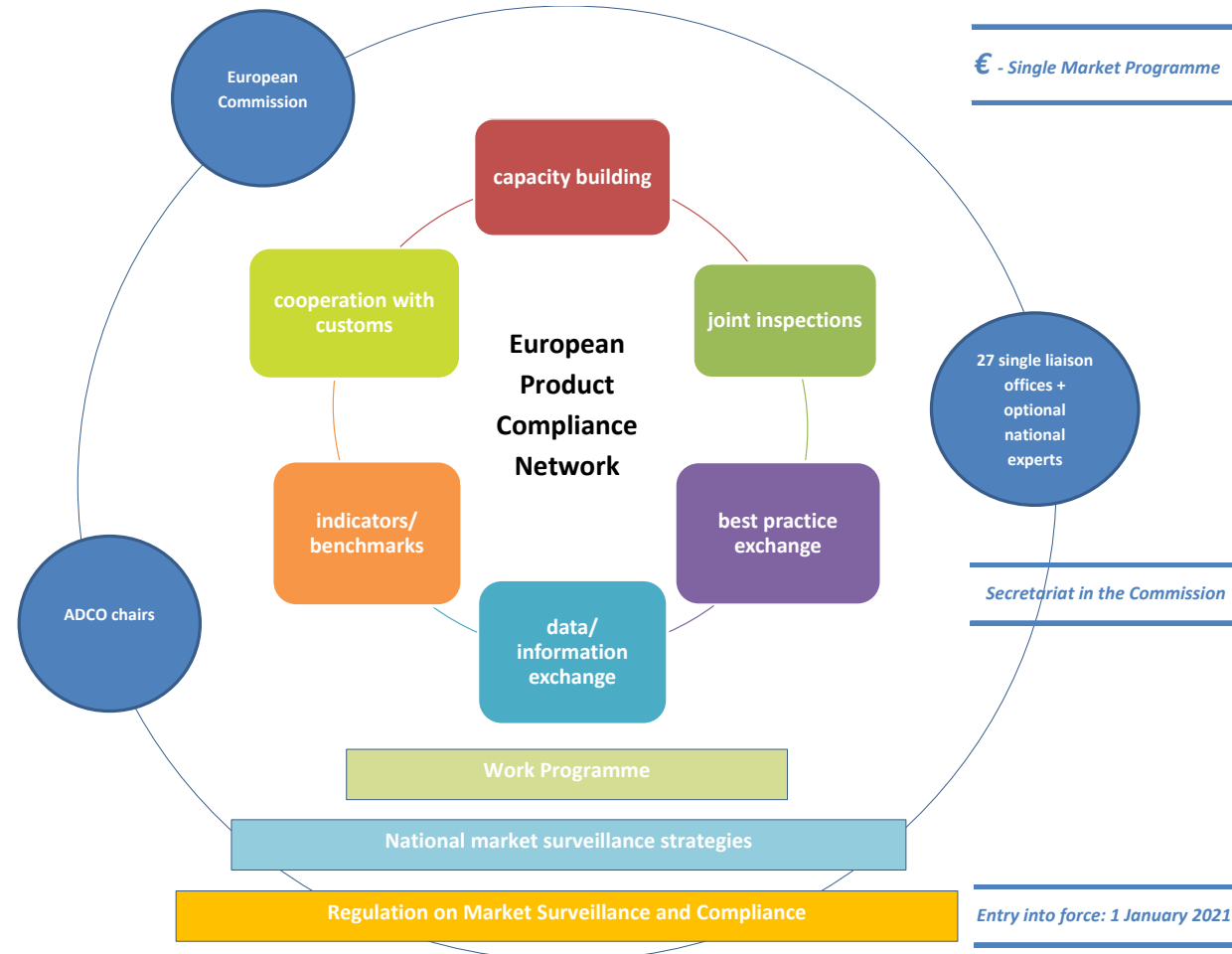
- EU Product Compliance Network
- EU Testing Facilities (EUTFs): enhance laboratory capacity and ensure reliability & consistency of testing
- Coordinated inspections (Joint Actions)
- Better data sharing in EU market surveillance database (ICSMS)





# THE EU PRODUCT COMPLIANCE NETWORK

Permanent structure for coordination & cooperation between MS authorities and the Commission



### 3) ADDRESS ONLINE SALES

- **Notion of “placing on the market”** in relation to online sales
- **Responsibilities & obligations** of MSAs and economic operators
- **Economic operator established in the EU** for specific product sectors
- **New powers & tools** for market surveillance authorities



## 4) BETTER CONTROLS AT THE EU BORDERS



- **Risk analysis and information sharing MSA - Customs**

- MSA information to customs on higher risk product categories and economic operators
- Development of a dynamic interface ICSMS – national customs systems relying on the EU Single Window environment for customs (operational by end 2025)

- **Data and analysis of customs compliance controls**

- Annual statistical data by customs + Commission report and analysis

- **Cooperative framework for controls**

- Risk-based controls by customs authorities
- Suspension of release for free circulation by customs if they notice an issue (*e.g. documentation, markings and labellings, CE marking or other*) and notification to MSAs
- MSA reaction within maximum 4 working days from suspension of release for free circulation

# KEY ACHIEVEMENTS TO DATE



- **EU Product Compliance Network**

- Financing (15M€/year), 20 meetings since 2021, market surv. strategies, indicators...

- **EU Testing Facilities**

- Annual designation process (max. 2 sectors)
- 2023: toys, radio equipment; 2024: ecodesign and energy labelling; next call under preparation.

- **Market surveillance intelligence**

- ICSMS development, proactive webcrawler, use of AI...

- **Joint Actions**

- Rotation system between product sectors
- +/- 10 sectors/year

# Joint Actions 2024

9  
Sectors

17  
Product  
Specific  
Activities

## Medical devices

- **PSA 1** – Dental implants
- **PSA 2** - Hyaluronic acid injectables and dermal fillers
- **PSA 3** - Bioprosthetic valve implants

1

## Toys

- **PSA 4** - Toys (Indoor climbing toys, Indoor swings, Outdoor swings, Activity towers)

2

## Transportable pressure equipment

- **PSA 5** - Small receptacles (cylinders) containing gas (gas cartridges) mainly sold online
- **PSA 6** - Receptacles (refillable cylinders) for domestic use

3

## Explosives for civil use

- **PSA 7** - Detonators, Boosters and Cartridged Explosives

4

## Eco-design and energy labelling

- **PSA 8** – Fridges
- **PSA 9** – Solid fuel boilers
- **PSA 10** – Air cooling
- **PSA 11** – Refrigerating appliances with direct sales function
- **PSA 12** – Electric motors

5

## Marine equipment

- **PSA 13** - Lifeboats

6

## Automotive

- **PSA 14** – Child Safety Equipment (CSE)

7

## Measuring instruments

- **PSA 15** - Non-Automatic Weighing Instruments (NAWI) sold online

8

## Electrical appliances and equipment under LVD

- **PSA 16** - Installation cables
- **PSA 17** - LED replacement tubes

9