

EU Market Surveillance Regulation

QUICK FACTS

- **Applies to a wide range of products being placed on the EU Market**
- **Been a regulation since 2019**
- **Comes into force on 16th July 2021**
- **Establishes controls on products imported into the EU**
- **Requires an EU-based contact for safety issues**
- **Seen by EU as crucial for a smooth running of the single market**

OVERVIEW

The Market Surveillance and Compliance of Products Regulation 2019/1020 was adopted in 2019, but comes into force on 16th July 2021. From this date, companies placing products onto the EU market must comply with this regulation, if their products are within scope (see FAQs overleaf for details).

The regulation is in place to ensure a high level of protection of health and safety standards in general and the workplace across the EU. The aim is to protect consumers, the environment, public security and other public interest.

It also lays down rules and procedures for Economic Operators, a term used by the EU for the EU contact point. Please see the box below for further information.

ECONOMIC OPERATORS EXPLAINED

An Economic Operator is a point of contact who is based in the EU, who the relevant authorities can interact with in the event of an incident or safety issue associated with the product.

The Economic Operator role can be assigned to one of the following:

- The manufacturer itself, if based within the EU
- The EU importer or distributor, if they are willing to take on the associated obligations
- An authorised representative, appointed by the manufacturer by a written mandate
- A fulfilment service provider (such as Amazon) where none of the other options exist and the provider offers such a service.

This company / person is required to:

- keep EU conformity and performance declarations and make them and the technical documentation available to authorities when asked;
- inform the authorities when they consider a product poses a risk;
- cooperate with the authorities, when asked, by taking immediate corrective action — from remedying the fault to recall or destroying the item — if a product is considered non-compliant, and help to eliminate or mitigate risks;
- include their name (or registered trade name/trademark) and contact details (including postal address) on the product, packaging or accompanying document. A website and/or email address can also be included but not given instead of an address.

Remember it is important that whoever does this, and in whatever capacity, understands what their responsibilities are.

FAQ's

1. Question: What products come within the scope of the regulation?

The provisions of the market surveillance regulation cover products that are subject to the EU legislation concerning manufactured products other than food, feed, medicinal products for human and veterinary use, living plants and animals, products of human origin, and products of plants and animals relating directly to their future reproduction. The full list of relevant legislation is listed in the regulation's annex. Please contact us for details (see below)

2. Question: Who can act as an Authorised Representative?

Authorised Representative means any natural or legal person established within the European Union who has received a written mandate from a manufacturer to act on its behalf. The Authorised Representative can act as the Economic Operator for the purposes of the regulation and should only perform the tasks specified in the mandate. They have to provide a copy of their mandate to the market surveillance authorities upon request, in an EU language determined by the market surveillance authority in question.

3. Question: What is meant here by “fulfilment service provider”?

“Fulfilment service provider” means 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), parcel delivery services, and any other postal services or freight transport services.

4. Question: What happens if I sell my products direct to EU customers online?

Regardless of whether products are placed on the market via offline or online means, and regardless of whether they are manufactured in the Union or not, the market surveillance regulation applies to the products placed on the EU market. In the case of a product offered for sale online or through other means of distance sale, the product is considered to have been made available on the market if the offer for sale is targeted at end users in the Union. These could be consumers, businesses, or professional end users residing or established in the EU. Without a suitable Economic Operator in place, a product within the scope of the Regulation cannot be offered for sale to EU customers online.

5. Question: What is meant here by “placing a product onto the EU market”?

“Placing on the market” means making a product available on the EU market for the first time. “Making available on the market” means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge.

Useful Links

[Regulation \(EU\) 2019/1020 Summary](#)

[European Commission](#)

[National Market Surveillance Authorities by Sector](#)

[National Market Surveillance Authorities by Country](#)

[European Commission Economic Operator Practical Implementation Guidelines](#)

Who can I speak to if I want to know more?

You can contact Innovate UK EDGE via email or phone on the details below and our advisors will be happy to help:

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E: contact@innovateukedge.ukri.org

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