

Public Consultation on the revision of the Market Surveillance Regulation (EU) 2019/1020

Fields marked with * are mandatory.

Introduction

Regulation (EU) 2019/1020 on market surveillance and compliance of products (the Market Surveillance Regulation), in application since 16 July 2021, establishes a legal framework for the market surveillance of non-food products on the EU market. Market surveillance activities ensure that non-food products on the EU market meet EU regulatory requirements, including those related to safety. It applies to all products placed or made available on the EU market, including products entering the EU market from third countries. It is enforced by market surveillance authorities (MSAs) in the Single Market and by designated authorities — usually customs authorities — at the EU external borders.

The 2025 EU Single Market Strategy highlighted the need for an EU-level governance of market surveillance, to provide systematic coordination and guidance and to scale up and pool the capacity and expertise of all MSAs across the EU, especially amid rising e-commerce. Considering the increase of the absolute number of third-country products made available on the EU market via e-commerce, their increasing complexity, and the increasing complexity of business models through which they are sold, the Commission is launching an initiative consisting of an evaluation of the Market Surveillance Regulation and an impact assessment to be conducted in parallel to assess its performance and explore improvement options.

This initiative complements [Regulation \(EU\) 2023/988 on general product safety \(GPSR\)](#) and aligns with the ongoing revisions of the [New Legislative Framework \(NLF\)](#) and [standardisation](#) rules, thereby creating synergies and simplification potential in the overall EU product legislation framework.

Thank you for your participation.

About you

* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech

- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

* I am giving my contribution as

- ☐ Academic/research institution
- ☒ Business association
- ☐ Company/business
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority

- ☐ Trade union
- ☐ Other

* First name

Marie

* Surname

Poidevin

* Email (this won't be published)

mpoidevin@evolis.org

* Organisation name

255 character(s) maximum

EVOLIS

* Organisation size

- ☐ Micro (1 to 9 employees)
- ☒ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

* Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

- | | | | |
|-------------------------------------|--------------------------------|-------------------------------------|---|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |

| | | | |
|---|---|--|--|
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |
| <input type="radio"/> Andorra | <input type="radio"/> El Salvador | <input type="radio"/> Madagascar | <input type="radio"/> São Tomé and Príncipe |
| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
| <input type="radio"/> Anguilla | <input type="radio"/> Eritrea | <input type="radio"/> Malaysia | <input type="radio"/> Senegal |
| <input type="radio"/> Antarctica | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Serbia |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini | <input type="radio"/> Mali | <input type="radio"/> Seychelles |
| <input type="radio"/> Argentina | <input type="radio"/> Ethiopia | <input type="radio"/> Malta | <input type="radio"/> Sierra Leone |
| <input type="radio"/> Armenia | <input type="radio"/> Falkland Islands | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore |
| <input type="radio"/> Aruba | <input type="radio"/> Faroe Islands | <input type="radio"/> Martinique | <input type="radio"/> Sint Maarten |
| <input type="radio"/> Australia | <input type="radio"/> Fiji | <input type="radio"/> Mauritania | <input type="radio"/> Slovakia |
| <input type="radio"/> Austria | <input type="radio"/> Finland | <input type="radio"/> Mauritius | <input type="radio"/> Slovenia |
| <input type="radio"/> Azerbaijan | <input checked="" type="radio"/> France | <input type="radio"/> Mayotte | <input type="radio"/> Solomon Islands |
| <input type="radio"/> Bahamas | <input type="radio"/> French Guiana | <input type="radio"/> Mexico | <input type="radio"/> Somalia |
| <input type="radio"/> Bahrain | <input type="radio"/> French Polynesia | <input type="radio"/> Micronesia | <input type="radio"/> South Africa |
| <input type="radio"/> Bangladesh | <input type="radio"/> French Southern and Antarctic Lands | <input type="radio"/> Moldova | <input type="radio"/> South Georgia and the South Sandwich Islands |
| <input type="radio"/> Barbados | <input type="radio"/> Gabon | <input type="radio"/> Monaco | <input type="radio"/> South Korea |
| <input type="radio"/> Belarus | <input type="radio"/> Georgia | <input type="radio"/> Mongolia | <input type="radio"/> South Sudan |
| <input type="radio"/> Belgium | <input type="radio"/> Germany | <input type="radio"/> Montenegro | <input type="radio"/> Spain |
| <input type="radio"/> Belize | <input type="radio"/> Ghana | <input type="radio"/> Montserrat | <input type="radio"/> Sri Lanka |
| <input type="radio"/> Benin | <input type="radio"/> Gibraltar | <input type="radio"/> Morocco | <input type="radio"/> Sudan |
| <input type="radio"/> Bermuda | <input type="radio"/> Greece | <input type="radio"/> Mozambique | <input type="radio"/> Suriname |
| <input type="radio"/> Bhutan | <input type="radio"/> Greenland | <input type="radio"/> Myanmar/Burma | <input type="radio"/> Svalbard and Jan Mayen |
| <input type="radio"/> Bolivia | <input type="radio"/> Grenada | <input type="radio"/> Namibia | <input type="radio"/> Sweden |

- | | | | |
|--|---|--|--|
| <input type="radio"/> Bonaire Saint Eustatius and Saba | <input type="radio"/> Guadeloupe | <input type="radio"/> Nauru | <input type="radio"/> Switzerland |
| <input type="radio"/> Bosnia and Herzegovina | <input type="radio"/> Guam | <input type="radio"/> Nepal | <input type="radio"/> Syria |
| <input type="radio"/> Botswana | <input type="radio"/> Guatemala | <input type="radio"/> Netherlands | <input type="radio"/> Taiwan |
| <input type="radio"/> Bouvet Island | <input type="radio"/> Guernsey | <input type="radio"/> New Caledonia | <input type="radio"/> Tajikistan |
| <input type="radio"/> Brazil | <input type="radio"/> Guinea | <input type="radio"/> New Zealand | <input type="radio"/> Tanzania |
| <input type="radio"/> British Indian Ocean Territory | <input type="radio"/> Guinea-Bissau | <input type="radio"/> Nicaragua | <input type="radio"/> Thailand |
| <input type="radio"/> British Virgin Islands | <input type="radio"/> Guyana | <input type="radio"/> Niger | <input type="radio"/> The Gambia |
| <input type="radio"/> Brunei | <input type="radio"/> Haiti | <input type="radio"/> Nigeria | <input type="radio"/> Timor-Leste |
| <input type="radio"/> Bulgaria | <input type="radio"/> Heard Island and McDonald Islands | <input type="radio"/> Niue | <input type="radio"/> Togo |
| <input type="radio"/> Burkina Faso | <input type="radio"/> Honduras | <input type="radio"/> Norfolk Island | <input type="radio"/> Tokelau |
| <input type="radio"/> Burundi | <input type="radio"/> Hong Kong | <input type="radio"/> Northern Mariana Islands | <input type="radio"/> Tonga |
| <input type="radio"/> Cambodia | <input type="radio"/> Hungary | <input type="radio"/> North Korea | <input type="radio"/> Trinidad and Tobago |
| <input type="radio"/> Cameroon | <input type="radio"/> Iceland | <input type="radio"/> North Macedonia | <input type="radio"/> Tunisia |
| <input type="radio"/> Canada | <input type="radio"/> India | <input type="radio"/> Norway | <input type="radio"/> Türkiye |
| <input type="radio"/> Cape Verde | <input type="radio"/> Indonesia | <input type="radio"/> Oman | <input type="radio"/> Turkmenistan |
| <input type="radio"/> Cayman Islands | <input type="radio"/> Iran | <input type="radio"/> Pakistan | <input type="radio"/> Turks and Caicos Islands |
| <input type="radio"/> Central African Republic | <input type="radio"/> Iraq | <input type="radio"/> Palau | <input type="radio"/> Tuvalu |
| <input type="radio"/> Chad | <input type="radio"/> Ireland | <input type="radio"/> Palestine | <input type="radio"/> Uganda |
| <input type="radio"/> Chile | <input type="radio"/> Isle of Man | <input type="radio"/> Panama | <input type="radio"/> Ukraine |
| <input type="radio"/> China | <input type="radio"/> Israel | <input type="radio"/> Papua New Guinea | <input type="radio"/> United Arab Emirates |
| <input type="radio"/> Christmas Island | <input type="radio"/> Italy | <input type="radio"/> Paraguay | <input type="radio"/> United Kingdom |

- | | | | |
|--|----------------------------------|---|--|
| <input type="radio"/> Clipperton | <input type="radio"/> Jamaica | <input type="radio"/> Peru | <input type="radio"/> United States |
| <input type="radio"/> Cocos (Keeling) Islands | <input type="radio"/> Japan | <input type="radio"/> Philippines | <input type="radio"/> United States Minor Outlying Islands |
| <input type="radio"/> Colombia | <input type="radio"/> Jersey | <input type="radio"/> Pitcairn Islands | <input type="radio"/> Uruguay |
| <input type="radio"/> Comoros | <input type="radio"/> Jordan | <input type="radio"/> Poland | <input type="radio"/> US Virgin Islands |
| <input type="radio"/> Congo | <input type="radio"/> Kazakhstan | <input type="radio"/> Portugal | <input type="radio"/> Uzbekistan |
| <input type="radio"/> Cook Islands | <input type="radio"/> Kenya | <input type="radio"/> Puerto Rico | <input type="radio"/> Vanuatu |
| <input type="radio"/> Costa Rica | <input type="radio"/> Kiribati | <input type="radio"/> Qatar | <input type="radio"/> Vatican City |
| <input type="radio"/> Côte d'Ivoire | <input type="radio"/> Kosovo | <input type="radio"/> Réunion | <input type="radio"/> Venezuela |
| <input type="radio"/> Croatia | <input type="radio"/> Kuwait | <input type="radio"/> Romania | <input type="radio"/> Vietnam |
| <input type="radio"/> Cuba | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Russia | <input type="radio"/> Wallis and Futuna |
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Rwanda | <input type="radio"/> Western Sahara |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Yemen |
| <input type="radio"/> Czechia | <input type="radio"/> Lebanon | <input type="radio"/> Saint Helena Ascension and Tristan da Cunha | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia | |

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ **Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☒ **Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the [personal data protection provisions](#)

Section A — Market Surveillance Regulation — current situation

Question set 1 — Implementation: How has the Regulation been applied by Member States?

As part of their job description, market surveillance authorities (MSAs) must perform **checks** on products on an adequate scale, including through documentary, physical and laboratory checks. To what extent do you agree with the following statements?

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|--|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------|-----------------------|
| * MSAs have carried out checks on products circulating on the Single Market on an adequate scale to ensure that they comply with EU rules. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * MSAs of all Member States have performed checks of comparable scale to ensure the same level of product compliance across the EU. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

If you disagree or strongly disagree, please explain why this is the case.

Available data shows that many EU Member States perform less than 500 checks per year. What's more, there are significant differences in the number of investigations per Member State.

As part of their job description, customs authorities must perform **controls at the EU borders** to stop non-compliant or dangerous products imported from third countries from entering the Union market. To what extent do you agree with the following statements?

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|--|-----------------------|-----------------------|-----------------------|----------------------------------|----------------------------------|-----------------------|
| * Such controls prevented the entry to non-compliant or dangerous products imported from third countries through traditional high-volumes trade channels, usually from business to business. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Such controls denied entry to non-compliant or dangerous products imported from third countries through e-commerce, usually from business to consumers. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * Customs authorities of all Member States have performed controls of comparable scale across the EU. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * The cooperation between market surveillance and customs authorities has been effective in controlling products entering the Union market from third countries. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

If you disagree or strongly disagree, please explain why this is the case.

Even though the cooperation seems to work on certain actions, there is however a lack of coordination in the actions led by national MSAs, leading to ineffective surveillance, and sometimes redundant cost due to the duplication of actions.

If MSAs find that a product does not respect EU product rules, they must request economic operators to take so-called **corrective actions**, including withdrawing or recalling these products.

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------|
| * Do you agree that the corrective actions requested by the MSAs were actually carried out by the economic operators? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

Member States must lay down the rules on **penalties** applicable to breaches of EU product legislation. To what extent do you agree with the following statements?

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|---|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|-----------------------|
| * The penalty regimes laid down by the Member States dissuade companies from selling non-compliant or dangerous products in the EU. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * The rules on penalties applicable in your Member State are not consistent with those applicable in other Member States, entailing a risk of 'penalties shopping' in the EU. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

* Which unintended effects, if any, resulted from the application of the EU Market Surveillance Regulation over the last four years?

We can't think of any.

Section B — Evaluation of the Regulation

Question set 2 — Effectiveness: How effective was the Regulation in achieving its objectives?

* In your view, how effective (on a scale of 1 – 5, with 5 meaning very effective and 1 not effective at all) has the Regulation been in ensuring that only products compliant

with EU requirements find their way on the Union market, thereby fulfilling its **general objective?**

Only values between 1 and 5 are allowed

2

Based on your experience, to what extent do you agree with the following statements?

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------|
| * The products that I buy online have often turned out not to comply with EU rules or are dangerous. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * It is more likely that the products that I buy online are non-compliant with EU rules or more dangerous than if buy them in-store or through physical shopping. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * I have been affected by a product recall (i.e. the product was returned to the economic operator due to its non-compliance or safety issues). | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

In your view, how effective (on a scale of 1 – 5, with 5 meaning very effective and 1 not effective at all) has the Regulation been in achieving the following **specific objectives?**

| | 1 | 2 | 3 | 4 | 5 | Don't know |
|--|-----------------------|----------------------------------|----------------------------------|-----------------------|-----------------------|----------------------------------|
| * Improving market surveillance <u>cooperation between competent authorities within individual EU Member States.</u> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Improving market surveillance <u>cooperation between competent authorities across EU Member States.</u> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Ensuring effective and efficient <u>enforcement</u> of the relevant EU product rules. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Strengthening the <u>controls on products entering the Union market from third countries.</u> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

To improve the sharing of data among Member States, the Commission set up an **information and communication system (ICSMS)** for processing and storage of information on issues relating to the enforcement of EU product rules.

| | | | | | | |
|--|----------------|-------|---------|----------|-------------------|------------|
| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|--|----------------|-------|---------|----------|-------------------|------------|

Question set 3 — Efficiency: Were the benefits achieved at a reasonable cost?

With respect to the **benefits** that the Regulation brought, to what extent do you agree with the following statements?

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|--|-----------------------|-----------------------|----------------------------------|-----------------------|-----------------------|----------------------------------|
| * The Regulation improved product compliance and safety. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * The Regulation ensured full respect for consumer protection. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * The Regulation improved environmental protection. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * The Regulation brought level playing field in the Single market. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please list any other benefits that the application of the Regulation has brought.

With respect to the **costs** linked to the application of the Regulation, to what extent do you agree with the following statements?

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------|
| * The costs for establishing an economic operator in the EU (pursuant to Article 4) as a condition to sell products on the Single Market are reasonable. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * The administrative costs for economic operators to draw up, | | | | | | |

| | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------|
| keep record and show to MSAs the EU declaration of conformity or the technical documentation for their products are reasonable. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * The costs for economic operators to cooperate with EU MSAs, if so requested, are reasonable. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

Please list any other costs that in your experience resulted from the application of the Regulation. In your view, are any of these other costs excessive or disproportionate?

Would you see any potential to further simplify and reduce burdens linked to implementation of the Regulation?

With respect to the **resources** allocated to the application of the Regulation, to what extent do you agree with the following statements?

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|--|-----------------------|-----------------------|----------------------------------|----------------------------------|----------------------------------|-----------------------|
| * The resources allocated by your Member State for market surveillance activities have been adequate. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * All EU Member States have allocated a comparable level of resources to market surveillance activities. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * The support provided by the Commission to market surveillance activities in the EU has been adequate. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------|
| * There has been sufficient pooling of resources at EU-level. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * The Commission designated a sufficient number of Union testing facilities. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * The existing Union testing facilities have alleviated national constraints on resources with respect to product checks. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

Question set 4 — Relevance: Do the objectives and the provisions of the Regulation correspond to the current needs?

* To what extent do you agree that the Regulation's **general objective** to ensure that only products compliant with EU rules find their way on the Union market remains relevant?

- ☒ Strongly agree
- ☐ Agree
- ☐ Neutral
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Don't know

* Do you consider that the current EU market surveillance system is apt to meet the challenges posed by the growth of **e-commerce**?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neutral
- ☒ Disagree
- ☐ Strongly disagree
- ☐ Don't know

* The Regulation applies to a growing range of **non-food manufactured products**, including those listed in its Annex I and in other EU acts (e.g. GPSR, EU regulations

on eco-design requirements for sustainable products, or artificial intelligence). Do you consider the application of the Regulation to more products and product aspects to have a positive or negative impact on the efficiency of EU market surveillance?

- ☐ Large positive impact
- ☒ Small positive impact
- ☐ No practical impact
- ☐ Small negative impact
- ☐ Large negative impact

Good cooperation between economic operators and the market surveillance authorities is paramount to allow immediate intervention and corrective action in relation to products. To this end, the Regulation sets a key rule: a product may be sold in the EU only if an **economic operator is established in the EU**. This rule applies to manufacturers, authorised representatives, importers and fulfilment service providers. The scope of products subject to that requirement covers 19 pieces of EU legislation referred to in Article 4.5 of the Regulation (which for instance does not include textiles). To what extent do you agree with the following statements?

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|---|-----------------------|----------------------------------|----------------------------------|-----------------------|-----------------------|-----------------------|
| * The range of actors to which this rule applies is broad enough to ensure market surveillance in the EU, including regarding online sales. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * The product scope to which this rule applies is broad enough to ensure effective market surveillance in the EU. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

* An EU or a foreign manufacturer may appoint an **authorised representative** who must, for instance, keep the EU declaration of conformity and the technical documentation at the disposal of MSAs and to cooperate with them. Such an authorised representative must be established in the EU. Does the Regulation provide for mechanisms to properly enforce the obligations bestowed on the authorised representatives?

- ☐ Strongly agree
- ☐

- Agree
- ☐ Neutral
- ☐ Disagree
- ☒ Strongly disagree
- ☐ Don't know

Question set 5 — Coherence: Are there issues of coherence within the Regulation or with other initiatives and policies having similar objectives?

To what extent do you agree that the Regulation is coherent with **other EU legislative acts**?

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------|
| * The General Product Safety Regulation (GPSR) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * The Digital Services Act (DSA) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * The Union Customs Code (UCC) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * The EU regulation on eco-design requirements for sustainable products (ESPR) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

If you disagree or strongly disagree, please elaborate on what stands in the way of alignment and coherent application of the Regulation with the DSA, the GPSR, the UCC and the GPSR.

Please list other EU legislative acts with which the Regulation lacks coherence that have not been listed above.

Question set 6 — EU added value: What is the additional EU value added?

* To what extent do you agree or disagree that the issues addressed by the Regulation continue to require **action at EU level**?

- ☒ Strongly agree
- ☐ Agree
- ☐ Neutral
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Don't know

Section C — Forward-looking and focuses on possible improvements and impacts

Based on a preliminary assessment, the EU market surveillance system seems to be affected by certain key problems, including the following ones: **insufficient cooperation and coordination between relevant authorities within and between Member States**, in particular between customs and market surveillance authorities; **difficulties in detecting and removing non-compliant products from the Single Market**, especially when imported via **e-commerce**; **sub-optimal performance of market surveillance activities within the EU**, partly due to a general lack of resources and manpower in EU Member States, to uneven national capacities, and to insufficient pooling of expertise and EU-wide coordination; and ineffective and incoherent **digital infrastructure** for EU market surveillance activities.

Should the impact assessment confirm such key problems affecting EU market surveillance in the EU, they may be addressed through a spectrum of measures including: non-legislative actions; targeted legislative revision; enhanced EU level governance for market surveillance only; or enhanced EU level governance covering market surveillance as well as certain aspects of the revised Standardisation Regulation and the New Legislative Framework.

Non-legislative actions

Please share your views on the **provision of guidance and training for market surveillance and customs authorities** on the following aspects: **Level of agreement**

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree | Don't know |
|---|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| * On the tracing of non-compliant or dangerous products sold via online marketplaces. | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | | | |
|--|----------------------------------|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| * On the different responsibilities that economic operators and online marketplaces have under current EU legislation. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * On the harmonisation of penalty frameworks. | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please share your views on the **provision of guidance and training for market surveillance and customs authorities** on the following aspects: **Expected benefits for me/my organisation**

| | Very high | High | Moderate | Low | Very low | Don't know |
|--|----------------------------------|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| * On the tracing of non-compliant or dangerous products sold via online marketplaces. | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * On the different responsibilities that economic operators and online marketplaces have under current EU legislation. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * On the harmonisation of penalty frameworks. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please share your views on the **provision of guidance and training for market surveillance and customs authorities** on the following aspects: **Expected costs for me/my organisation**

| | Very high | High | Moderate | Low | Very low | Don't know |
|--|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------|-----------------------|
| * On the tracing of non-compliant or dangerous products sold via online marketplaces. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * On the different responsibilities that economic operators and online marketplaces have under current EU legislation. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * On the harmonisation of penalty frameworks. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

Please mention any other topic on which guidance and training could be useful.

Guidance to strengthen cooperation, coordination and communication between customs authorities and market surveillance authorities within an EU Member State.
Guidance to strengthen cooperation coordination and communication between authorities of different Member States.

* Please share your views on whether targeted improvements to the current IT tools supporting EU market surveillance should be implemented to improve interconnections and boost their use: **Expected benefits for me/my organisation**

- ☐ Very high
- ☒ High
- ☐ Moderate
- ☐ Low
- ☐ Very low
- ☐ Don't know.

* Please share your views on whether targeted improvements to the current IT tools supporting EU market surveillance should be implemented to improve interconnections and boost their use: **Expected costs for me/my organisation**

- ☐ Very high
- ☐ High
- ☐ Moderate
- ☒ Low
- ☐ Very low
- ☐ Don't know.

* Please share your views on whether the use of AI tools such as Web Crawlers should be promoted and integrated in market surveillance tools: **Level of agreement**

- ☒ Strongly agree
- ☐ Somewhat agree
- ☐ Neutral
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ Don't know.

* Please share your views on whether the use of AI tools such as Web Crawlers should be promoted and integrated in market surveillance tools: **Expected benefits for me/my organisation**

- ☐ Very high

- ☒ High
- ☐ Moderate
- ☐ Low
- ☐ Very low
- ☐ Don't know.

* Please share your views on whether the use of **AI tools** such as Web Crawlers should be promoted and integrated in market surveillance tools: **Expected costs for me/my organisation**

- ☐ Very high
- ☐ High
- ☐ Moderate
- ☒ Low
- ☐ Very low
- ☐ Don't know.

















































Can you identify **other non-legislative adjustments** additional to those listed above that may be apt to boost market surveillance in the EU?

The Commission should encourage Member States to properly resource their MSAs, so that they can conduct checks that go beyond consumer safety, and consider non-compliance more generally. The Commission should be prepared to launch infringement procedures against Member States that do not meet their obligations under the Market Surveillance Regulation. Joint activities (Art.9) should be promoted.

Targeted legislative revision

Please share your views on the following statements related to potential targeted legislative amendments to the Regulation. **Level of agreement**

| | Strongly agree | Somewhat agree | Neutral | Somewhat disagree | Strongly disagree | Don't know |
|--|----------------|----------------|---------|-------------------|-------------------|------------|
| * Boosting the existing responsibility of online marketplaces under the EU Market Surveillance Regulation — beyond the existing provisions in the | | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| General Product Safety Regulation and the Digital Services Act, and the requirements considered in the ongoing EU Customs reform — would increase legal certainty and improve product compliance. |  |  |  |  |  |  |
| * All products should be allowed to be placed on the EU market only if there is an economic operator established in the EU responsible for them. |  |  |  |  |  |  |
| * Market surveillance should make a greater use of risk assessments to focus on high-risk products. |  |  |  |  |  |  |
| * Market surveillance should focus more on economic operators with poor track record . |  |  |  |  |  |  |
| * Requirements for EU testing facilities should be revised to provide full support to market surveillance activities. |  |  |  |  |  |  |
| * Harmonisation to the extent possible of penalties to be imposed on economic operators would improve level-playing field in the Single Market. |  |  |  |  |  |  |
| * Digital Product Passport (DPP) should serve as a horizontal product information container facilitating product compliance checks. |  |  |  |  |  |  |
| * Each product listed for online sales must be accompanied by compliance information |  |  |  |  |  |  |

| | | | | | | |
|---|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| In digital form , for instance, by the DPP, to facilitate compliance checks. | | | | | | |
| * MSAs should be required to cooperate closely with the future EU Customs Authority when it comes to controls on imported products | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please share your views on the following statements related to potential targeted legislative amendments to the Regulation. **Expected benefits for me/my organisation**

| | Very high | High | Moderate | Low | Very low | Don't know |
|--|-----------------------|----------------------------------|----------------------------------|-----------------------|-----------------------|----------------------------------|
| * Boosting the existing responsibility of online marketplaces under the EU Market Surveillance Regulation — beyond the existing provisions in the General Product Safety Regulation and the Digital Services Act, and the requirements considered in the ongoing EU Customs reform — would increase legal certainty and improve product compliance. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * All products should be allowed to be placed on the EU market only if there is an economic operator established in the EU responsible for them. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Market surveillance should make a greater use of risk assessments to focus on high-risk products. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Market surveillance should focus more on economic operators with poor track record . | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Requirements for EU testing facilities should be revised to provide full support to market surveillance activities. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Harmonisation to the extent possible of penalties to be imposed on economic operators would improve level-playing field in the Single Market. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * | | | | | | |

| | | | | | | |
|--|-----------------------|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Each product listed for online sales must be accompanied by compliance information in digital form , for instance, by the DPP, to facilitate compliance checks. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * MSAs should be required to cooperate closely with the future EU Customs Authority when it comes to controls on imported products | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please share your views on the following statements related to potential targeted legislative amendments to the Regulation. **Expected costs for me/my organisation**

| | Very high | High | Moderate | Low | Very low | Don't know |
|--|-----------------------|-----------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| * Boosting the existing responsibility of online marketplaces under the EU Market Surveillance Regulation — beyond the existing provisions in the General Product Safety Regulation and the Digital Services Act, and the requirements considered in the ongoing EU Customs reform — would increase legal certainty and improve product compliance. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * All products should be allowed to be placed on the EU market only if there is an economic operator established in the EU responsible for them. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * Market surveillance should make a greater use of risk assessments to focus on high-risk products. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Market surveillance should focus more on economic operators with poor track record . | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Requirements for EU testing facilities should be revised to provide full support to market surveillance activities. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Harmonisation to the extent possible of penalties to be imposed on economic operators would improve level-playing field in the Single Market. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Digital Product Passport (DPP) should serve as a horizontal product information container facilitating product compliance checks. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | | | |
|--|-----------------------|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|
| * Each product listed for online sales must be accompanied by compliance information in digital form , for instance, by the DPP, to facilitate compliance checks. | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * MSAs should be required to cooperate closely with the future EU Customs Authority when it comes to controls on imported products | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

Can you identify **other targeted legislative amendments** additional to those listed above that may improve market surveillance in the EU?

When revising the Market Surveillance Regulation, the Commission must present a way for Article 4 data to be verified and for this information to be made available to customs authorities. The Commission should also present a new definition of "products presenting a risk" to ensure that this covers products that have the potential to adversely impact the competitiveness of a company or sector by opening them up to economic harm caused by non-compliant products being made available on the EU market. Finally, the Commission should adopt secondary legislation that determines the uniform conditions of checks, criteria for determination of the frequency of checks, and number of samples to be checked.

* The revision of the Market Surveillance Regulation will be carried in parallel with the revision of the New Legislative Framework Regulation and the Standardisation Regulation. Do you think the three legal acts should be merged into one **European Product Act** to ensure legislative coherence?

- ☐ Strongly agree
- ☐ Somewhat agree
- ☐ Neutral
- ☒ Somewhat disagree
- ☐ Strongly disagree
- ☐ Don't know.

Please elaborate on the main reasons.

In our view, it does not necessarily make sense to merge the Standardisation Regulation with the other two regulations listed in the context of the European Product Act, as the Standardisation regulation goes beyond products, and includes services. It also includes provisions on the financing and governance of European Standardisation Organisations (ESOs). However, the three regulations are highly interrelated. Coherence between them is therefore paramount. In order to ensure this, we would like to see a package presented, which foresees their alignment, including on timelines.

Enhanced EU level governance for market surveillance

The policy options envisaged at this stage include the possible establishment of an **EU Authority for Market Surveillance** to complement market surveillance activities done at national level and ultimately improve product compliance on the EU.

To what extent do you agree or disagree with the following statements?

| | Strongly agree | Somewhat agree | Neutral | Somewhat disagree | Strongly disagree | Don't know |
|--|----------------------------------|----------------------------------|----------------------------------|-----------------------|-----------------------|-----------------------|
| * An EU Market Surveillance Authority should complement market surveillance activities of the Member States by intervening in a limited number of strategically and economically important cases of under-enforcement, but with all necessary powers (including those to carry out inspections and physical checks of products, to impose penalties, and to remove content from online interfaces). | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * An EU Market Surveillance Authority should oversee and coordinate cross-border enforcement actions . | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Creation of an EU Market Surveillance Authority would enhance coordination of actions between Member States . | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Creation of an EU Market Surveillance Authority would enhance coordination between market surveillance and customs authorities , including EU Customs Authority. | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * An EU Market Surveillance Authority should lead the strategic development of state-of-the-art EU market surveillance IT tools . | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * EU authority for market surveillance would help pooling available resources and make market surveillance more cost-effective. | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Can you list any other reasons why the establishment of such an **EU Authority for Market Surveillance** may be apt or not apt to effectively address some of the key problems affecting market surveillance in the EU?

Enhanced EU-level governance for market surveillance, oversight of notified bodies and standardisation

The policy options envisaged at this stage include the possible establishment of an **EU authority with competences covering activities related to the whole product cycle**, that include, in addition to market surveillance, also the implementation of certain aspects of the revised Standardisation Regulation and the New Legislative Framework.

To what extent do you agree or disagree with the following statements?

| | Strongly agree | Somewhat agree | Neutral | Somewhat disagree | Strongly disagree | Don't know |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------|
| * The oversight of such an authority for Notified Bodies would increase trust in their status and help resolve difficult/repeat cases. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * The establishment of such an authority would improve implementation of the standardisation regulation . | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

Can you list any other reasons why the establishment of such an EU Authority may be useful or not useful to effectively address some of the key problems affecting product compliance in the EU?

A centralised owner responsible for the drafting of standardisation requests would reduce complexity, streamline processes and coordinate the input of all stakeholders involved.

A process owner would be particularly beneficial in cases where more than one Directorate General of the Commission is involved to provide a consistent process. It should not have the power to influence, formulate or develop specifications and requirements, nor direct decision-making in favour of one party, or the ability of

pursuing its own interest. Its responsibilities should be limited to criteria validation, drafting and managing Standardisation Requests (SReq), overseeing Common Specifications' development, reviewing existing Common Specifications, and assessing existing technical rules for their suitability

Concluding questions

Are there any other comments or remarks you might have?

If you wish to upload any files supporting your replies, please upload them below.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Contact

GROW-H4@ec.europa.eu