



# EUROLAB Special Briefing

## Policy updates: Goods Package

The Commission has tabled on 19<sup>th</sup> December 2017, the Goods Package on the [Regulation on the Mutual Recognition of Goods](#) and the [Regulation on Compliance and Enforcement](#) two legislative proposals to make it easier for companies, especially SMEs, to sell their products across Europe, and to strengthen controls by national authorities and customs officers to prevent unsafe products from being sold to European consumers.

On the proposed Regulation in the area of Compliance and Enforcement / Market Surveillance:

This Regulation lays down rules and procedures for the provision of compliance information about certain products that are the subject of Union acts harmonising the conditions for the marketing of those products. It establishes a framework for cooperation with economic operators in relation to such products. This Regulation applies to all products that are subject to the Union harmonisation legislation set out in the Annex to this Regulation ('Union harmonisation legislation').

- **EU responsible person** (Article 4): the person responsible for compliance information' means the person, whether the manufacturer, importer or other person, meeting the requirements with respect to the product or, if there is more than one such person, any of them.
- **Product Contact Points** (Article 6): The Product Contact Points shall provide economic operators, at their request and free of charge, with information with respect to the Union harmonisation legislation applicable to a product.
- **Possibility of agreements/MoUs between authorities and market operators** (Article 7 and 8): A market surveillance authority may enter into a partnership arrangement with an economic operator established in its territory under which the authority agrees to provide the economic operator with advice and guidance in relation to the Union harmonisation legislation applicable to the products for which the economic operator is responsible.
- **Activities and powers of market surveillance authorities** (Article 12 and 14): Market surveillance authorities shall conduct their activities in order to ensure the following:
  - (a) the effective surveillance of the market within their territory;
  - (b) the taking by them of appropriate and proportionate temporary measures and the taking by economic operators of appropriate and proportionate corrective action in relation to compliance with that legislation and this Regulation.
- **Introduction of EU testing facilities** (Article 20): The Commission may designate Union testing facilities for specific products or a specific category or group of products or for specific risks related to a category or group of products which are made available on the market.
- **Administrative fees** (Article 21): Member States shall ensure that market surveillance authorities within their territory are provided with the necessary financial resources for the proper performance of their tasks.
- **Customs and market surveillance authorities** (Article 26-30): Member States shall designate customs authorities, one or more market surveillance authorities or any other authority in their territory as the authorities in charge of the control on products entering the Union market.

- **Network of market surveillance authorities** (Article 32-33): The Commission shall develop and maintain an information and communication system for the collection and storage of information, in a structured form, on issues relating to the enforcement of Union harmonisation legislation.

On the proposed Regulation in the area of Mutual Recognition:

The proposal covers the principle of mutual recognition requires that a good that is lawfully marketed in one Member State should not be prohibited in another Member State, unless the latter has sound reasons for banning or restricting its sale. Mutual recognition applies to products not subject to Union harmonisation legislation or only partly covered by it, such as a wide range of consumer products (textile, footwear, childcare articles, jewellery, tableware or furniture). The main provisions of the regulation are:

- **Voluntary mutual recognition declaration** (Article 4) To demonstrate that goods are already lawfully marketed in another Member State;
- **Certificates and test reports** (Article 5(2)). A provision emphasizing that Member States should in principle recognize certificates and test reports from conformity assessment bodies;
- **Communication when market access is denied** (Article 5(3) and 6(2)). Member States will need to be informed of decisions to deny, restrict or suspend market access (not only the economic operator and the Commission, as before);
- **SOLVIT as a remedy for Mutual Recognition** (Article 8). SOLVIT is a service provided by the national administration in each EU Member State helping business when their rights are breached by public authorities in another EU Member State. The proposal enhances the existing mechanism in the area of goods, in order to facilitate challenging administrative decisions denying or restricting market access based on mutual recognition;
- **Product Contact Points** (Article 9-10). Improves functioning of the PCPs (a network to provide information to economic operators on applicable national rules and the application of mutual recognition) which are barely known or used by economic operators.

## Sources:

- Proposal for a Regulation on the mutual recognition of goods lawfully marketed in another Member State: <https://ec.europa.eu/docsroom/documents/26975>
- Proposal for a Regulation laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products and amending Regulations and Directives <https://ec.europa.eu/docsroom/documents/26976>