

# Market surveillance and compliance of products – evaluation and possible revision of Regulation (EU) 2019/1020

## ECOS feedback to the call for evidence

Brussels, 03 February 2026

Market surveillance includes the monitoring, verification, and enforcement of European and national legislation. It is necessary to ensure that requirements on products result in tangible economic and environmental benefits. Without controls, non-compliant products could be sold on the Single Market without consequence. Types of non-compliance are numerous and include failure to provide appropriate documentation, discrepancies between declared and measured values, and failure to meet legal requirements.

While Regulation (EU) 2019/1020 on market surveillance and compliance of products has been key in securing the legal framework ruling the market surveillance activities that ensure that non-food products on the EU market meet EU regulatory requirements, it is critical to reinforce checks, adequately resource surveillance authorities and discourage non-compliance also from economic operators such as online marketplaces.

An ambitious and effective market surveillance framework is key to advancing the safeguards to deter non-compliance of products entering the EU market. Throughout the past three decades, the EU's product policies succeeded in transforming the way our products are designed resulting in substantial reductions in GHG emissions and energy consumption. However, the control of non-compliant products is insufficient; while there is an increase in products that are entering the EU Single Market, especially through e-commerce. This creates new challenges for EU national market surveillance authorities and customs to adequately check legal compliance. The result is that many non-compliant products are put into and enter the market, harming the environment and consumers, failing to deliver the benefits anticipated in EU legislation, putting companies that comply with the requirements at a disadvantage, thereby distorting competition or reducing incentives to comply, and ultimately jeopardising confidence in legislation.

Effective market surveillance should be ensured through targeted measures:

- **Adequate human and material resources for market surveillance authorities (MSAs)** across Member States for a more uniform and consistent approach throughout the EU.
- **EU-level governance of market surveillance** – through for instance, an enhanced role of the EUPCN - to provide systematic coordination and guidance, **complimentary to national competence** but with full competencies when there are evident gaps that lead to non-compliance.

- Full recognition of **online marketplaces as economic operators** and full liability of these marketplaces to prevent illegal practices and non-compliance, including being responsible and accountable for checks on the Extended Producer Responsibility (EPR) and/or on ecodesign minimum requirements compliance of their partners. Furthermore, a mandatory Responsible Person requirement should be introduced for sellers based outside the EU: there must be an economic operator established in the EU with full legal and financial liability. Where no such operator can be identified, the online marketplace itself (or equivalent intermediary business model) should be considered the Responsible Person, accountable for ensuring compliance with EU product rules.
- Effective **cooperation of MSAs with customs** in all EU countries to ensure a level playing field and avoid “soft spots” along the Union’s borders, under the supervision of the EU-wide efforts on market surveillance.
- **Direct access to Digital Product Passport (DPP) data to market surveillance and customs** authorities to help them assess the scale of the problem, detect non-compliance early, inform online marketplaces and consumers, and limit illegal imports. Existing and future product information systems such as the EPREL database, ICSMS and DPP should be built and integrated to facilitate effective verification of compliance.
- The adoption of **effectively dissuasive measures** such as consistent penalties to ensure a significant deterrent to future noncompliance.
- **Determining verification targets for MSAs** to secure sufficient checks.
- In addition, soft measures may include fast screening methods to detect products most likely not to comply, capacity building and information exchange on specific product groups, etc.