



EU Regulation on Market Surveillance and Compliance of Products (2019/1020) – Focus: Construction Products

[Regulation \(EU\) 2019/1020 the “Market Surveillance Regulations”: Article 4: Tasks of Economic Operators Regarding Products Subject to Certain Union Harmonised Legislation](#)

What is an Economic Operator?

The Economic Operator can be the manufacturer, an importer, a distributor, an authorised representative, or a fulfilment service provider who is established in the European Union (EU).

‘Established’ means having a physical presence in the EU – it cannot simply be a postal address. For a business, this can be your registered office, headquarters or your permanent place of business (head office) in that country. For an individual, this can be the place where you are resident. The responsible economic operator can be any one of:

- ❖ The manufacturer: A natural or legal person who manufactures a product or has a product designed or manufactured and markets that product under its name or trademark.
- ❖ An importer, when the manufacturer is not established in the EU: A natural or legal person established in the EU who first places a product from a country outside the EU on the EU market.
- ❖ A distributor: A natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market.
- ❖ An authorised representative: A natural or legal person established in the EU who is appointed by the manufacturer to act on their behalf to fulfil certain legal duties. A written mandate must be in place, and duties are limited to certain administrative tasks.
- ❖ A fulfilment service provider: A 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. This does not include postal, parcel or freight services.

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**See overleaf for Responsibilities of Economic Operators*





Responsibilities of Economic Operators

Under Article 4, the Economic Operators must comply with the following:

- ❖ **Keep documentation:** Verify that the EU declaration of conformity or declaration of performance and technical documentation have been drawn up, keep the declaration of conformity or declaration of performance at the disposal of Market Surveillance Authorities for the period required by that legislation (10 years from the date the product is placed on the market unless explicitly stated otherwise), and ensure that the technical documentation can be made available to those authorities upon request.
- ❖ **Provide information and documentation:** If a reasoned request is made by a Market Surveillance Authority, provide them with all information and documentation necessary to demonstrate the conformity of the product.
- ❖ **Notify risk:** If there is reason to believe a product presents a risk, inform the Market Surveillance Authority.
- ❖ **Cooperate and take necessary action:** Cooperate with Market Surveillance Authorities, including requests to take appropriate corrective action to remedy non-compliance. If it is not possible, and the economic operator has reason to believe the product presents a risk, take corrective action to mitigate the risks presented by the product, at their own initiative or at the request of Market Surveillance Authorities.
- ❖ **Traceability:** Ensure the name, registered trade name or registered trademark, and contact details, including the postal address, of the economic operator referred shall be indicated on the product or on its packaging, the parcel or an accompanying document.

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