

Discussion Paper

CEN and CENELEC Response to the European Commission consultation on the Revision of Market Surveillance Regulation 1020/2019

Introduction

CEN and CENELEC welcome and support the European Commission's initiative to revise Regulation 1020/1029 on market surveillance. The revision aims to improve product compliance and safety of all products placed on the EU market by strengthening EU-level governance of market surveillance, ensure more effective and coordinated enforcement across the EU, simplify compliance procedures and cut regulatory burdens. This revision should build on the New Legislative Framework (NLF) as a strategic pillar of the European Single Market for products and preserve its core balance between legally binding essential requirements and voluntary harmonised standards.

Harmonized standards give businesses clear, practical routes to comply with complex legislation, and as a result reduce administrative burden, especially for SMEs. This improves competitiveness while ensuring that products sold online meet safety and sustainability requirements. CEN and CENELEC not only provide the standards against which products are assessed, but also the standards for the architecture of the quality system itself, e.g. EN ISO/IEC 17011 on the requirements for accreditation bodies.

Market surveillance authorities (MSAs) can use harmonized standards as a benchmark when assessing compliance, facilitating consistent enforcement across Member States. Where standards exist, authorities have a clearer, objective basis for determining compliance, reducing fragmentation and enabling a unified market for both the product and its verification. Early dialogue between regulators and ESOs during the drafting of technical standards ensures that future enforcement needs are built into standards from the start.

Feedback loops from market surveillance can feed into standard revisions, ensuring they remain effective and up to date, particularly in sectors subject to rapid technological change or newly applicable regulatory requirements. Standards for data exchange, product identification and interoperability could enable MSAs to share compliance information and detect unsafe products more efficiently. Standards ensuring interoperability between online

platforms and conformity databases (e.g., product safety alerts, digital product passports) are already supporting cross-border commerce and consumer protection. In the context of rapidly growing online trade, enhanced and coherent market surveillance is increasingly necessary to preserve trust in the compliance framework, including the credibility of CE marking and declarations of conformity.

European Product Act

The European Commission has confirmed that the revision of the Market Surveillance Regulation will be carried out in parallel with the revision of the New Legislative Framework Regulation and the Standardisation Regulation and result in a package of the European Product Act. CEN and CENELEC support this revision approach to ensure alignment with the three Regulations to strengthen European quality infrastructure.

However, within the European Product Act package two simultaneous legal acts would be preferred: a revised Standardization Regulation and a joint Act on Market Surveillance and New Legislative Framework. This allows for better consideration of the specificities of standardization as the current Regulation 1025/2012 is not just limited to product legislation, but also includes services. The European Standardization System also touches upon issues beyond the internal market due to the link between European and International standardization.

Clear separation between the legal framework for standardization and that for market surveillance is essential to preserve clarity of roles, responsibilities and objectives, and to avoid unnecessary complexity that could undermine the effectiveness of market surveillance activities.

Regardless of the format, the European Product Act should clearly recognise the role of harmonized European standards as the preferred tool for technical implementation; ensure stable, transparent procedures for standard citation in the OJEU; and support coherence with international standards.

A possible policy option put forward by the European Commission for the revision of these regulations and the European Product Act is to enhance the EU-level governance for market surveillance, oversight of notified bodies and standardisation by establishing an **EU authority with competences covering activities related to the whole product cycle.** This includes in addition to market surveillance, also the implementation of certain aspects of the revised New Legislative Framework and Standardisation Regulation.

It is unclear what are the “certain aspects” of the standardization regulation that would be covered by the EU authority and how they would be implemented. CEN and CENELEC prefer to have one and only focal point to the Commission for all aspects related to standardization, to ensure a consistent approach to policy from European institutions.

For market surveillance, coherence would benefit from clear governance arrangements, including effective coordination functions at EU level and a clear single coordinating authority in each Member State.

In strengthening EU-level governance, it is important to address current enforcement gaps, including uneven levels of controls across Member States and the ability for non-compliant products to enter through jurisdictions with weaker controls. A stronger EU-level coordination capacity could also help address situations where a Member State is persistently deficient, including by considering proportionate mechanisms to ensure effective enforcement across the Union.

In this context, any reinforced governance framework should contribute to improving the operational effectiveness of market surveillance authorities, including their capacity to address challenges linked to online sales, increasingly complex supply chains, digitalisation and evolving environmental requirements.

Measures to enhance market surveillance

Regulation (EU) 2019/1020 has already introduced useful instruments such as a European Market Surveillance Network, national market surveillance strategies and peer reviews; the revision should build on these mechanisms while addressing remaining operational gaps, notably non-systematic checks and uneven enforcement.

Given the growing volume of online sales, market surveillance should be connected to relevant horizontal frameworks such as the Digital Services Act to improve detection, prioritisation and removal of non-compliant offers.

Digital Product Passports, where introduced, should be designed to support enforcement in a proportionate way, notably by enabling risk targeting and traceability through digital, data-driven and cyber-secure tools. Interoperability between the DPP and existing systems such as Safety Gate (RAPEX) and ICSMS should be ensured so that alerts on non-compliant or dangerous products can be shared seamlessly and acted upon quickly. Where relevant, the DPP could also host dematerialised compliance evidence (including the EU declaration of conformity) while preserving the CE marking as the clear physical compliance anchor. Any extension of DPP requirements should remain proportionate so as not to create unnecessary operational burdens, especially for SMEs and circular-economy actors.

Enhanced cooperation with third countries may also contribute to prevention, including through proportionate pre-export cooperation mechanisms (e.g. audits) where foreseen, and through strengthened international cooperation. A proportionate approach to identifying recurring sources of risk (e.g. "high-risk" suppliers or regions) could be explored, with appropriate safeguards. In addition, policy instruments addressing distortions from foreign subsidies can complement market-surveillance objectives in ensuring a level playing field.

About CEN and CENELEC

CEN (European Committee for Standardization) and CENELEC (European Committee for Electrotechnical Standardization) are recognized by the European Union (EU) and the European Free Trade Association (EFTA) as European Standardization Organizations responsible for developing standards at European level, as per European Regulation 1025/2012. The members are the National Standards Bodies (CEN) and National Electrotechnical Committees (CENELEC) from 34 European countries. European Standards (ENs) and other standardization deliverables are adopted by CEN and CENELEC, are accepted and recognized in all of these countries. These standards contribute to enhancing safety, improving quality, facilitating cross-border trade and strengthening of the European Single Market. They are developed through a process of collaboration among experts nominated by business and industry, research institutions, consumer and environmental organizations, trade unions and other societal stakeholders. CEN and CENELEC work to promote the international alignment of standards in the framework of technical cooperation agreements with ISO (International Organization for Standardization) and the IEC (International Electrotechnical Commission).