

INPUT TO PUBLIC CONSULTATION ON THE REVISION OF THE MARKET SURVEILLANCE REGULATION

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Ensuring that products placed on the single market comply with all legal requirements is essential to protect consumers and ensure that these rules deliver their intended benefits. It is also important to guarantee fair competition for EU traders and manufacturers that invest in compliance. Non-compliant or unsafe products from outside the EU should not go unchecked, as they place compliant EU producers at a disadvantage.

Digitalisation as a means to boost efficiency in EU market surveillance

Digitalisation can transform market surveillance by making processes faster, smarter, and more precise. When authorities can access accurate product information seamlessly, inspections become more targeted, redundant efforts are minimised, and resources are deployed more strategically. Increasing digitalisation also offers opportunities to reduce bureaucracy, particularly in documentation and reporting requirements in the EU.

However, simply transferring existing reporting obligations into a digital format does not constitute a genuine reduction in administrative burden. Eurochambres believes that success depends on thoughtful implementation and enforcement of EU rules and that digital solutions should reinforce current obligations rather than impose new ones. IT systems must integrate effectively with existing infrastructures and safeguard sensitive corporate data at the highest level.

In this light, digitalisation should be treated as a practical instrument for facilitating existing obligations and enhancing enforcement outcomes, not as a goal pursued for its own sake. These considerations should be taken into account in the revision of the Market Surveillance Regulation.

Declarations of conformity in electronic form

Providing declarations of conformity exclusively in electronic form has the potential to lower compliance costs for companies and is therefore welcome in principle, supporting uniform regulatory practices. It is reasonable that when an EU declaration of conformity or a similar document is mandatory, it should be issued electronically and made accessible via an internet address or a machine-readable code.

However, obliging companies to supply additional mandatory data creates unnecessary administrative burden without enhancing actual product compliance. It is crucial to differentiate between product categories, as the type and extent of required compliance information can vary significantly depending on the sector and the specific product.

Digital compliance tools – Digital Product Passport (DPP)

The DPP, which is intended for products covered by the new Ecodesign Regulation as well as other products such as batteries and toys, offers an efficient way to keep a

product's compliance information up to date and to facilitate cross-border trade. Companies are willing to store and disclose data in the DPP provided that this is done for clearly defined areas such as declarations of conformity and instructions for use. In doing so, the principles of necessary information requirements and data minimisation must be observed.

To avoid duplication and maximise efficiency, the data requirements of the DPP could be further aligned with those of market surveillance authorities. However, creating a centralised system containing all technical documentation could be problematic due to concerns over data security, intellectual property, and the protection of sensitive business information.

The Commission must ensure that only authorities with the appropriate rights should have access to confidential information. The collection of the necessary data must be designed in such a way that it is economically viable for SMEs and protects sensitive information.

Eurochambres defends the interoperability between conformity databases and online tools such as the DPP to an extent that can be implemented by the largest possible number of companies with a minimum of effort, to reduce compliance costs. An integrated, digital-ready process is more suitable than parallel reporting systems.

The objective must be proportionate and appropriate to the effort involved. The preparatory work for the European Product Act must not be used as an opportunity to increase the reporting burden on companies and their respective supply chains.

E-vulnerability

As digitalisation increasingly shapes consumer interactions, in particular for goods purchased online, the concept of e-vulnerability requires careful consideration. In this context, effective market surveillance is essential to ensure that products sold through digital channels comply with EU safety and compliance requirements, regardless of where the seller is established. Any formal recognition of e-vulnerability in EU legislation should therefore be accompanied by a clear and operational definition that supports, rather than hinders, the work of market surveillance authorities and ensures legal certainty.

While it is important to acknowledge that some consumers may face additional challenges in digital environments, legislation should avoid overly paternalistic approaches that unduly absolve individuals of responsibility. Eurochambres believes that consumer protection rules should instead promote informed decision-making and shared accountability between consumers, businesses, and competent authorities, including those responsible for market surveillance.

Third-country imports

Introducing more rules within the framework of the Market Surveillance Regulation would be an undue burden for already compliant businesses in the EU, especially SMEs. Eurochambres welcomes the EU institutions' recognition of the growing number of products sold online from third countries, the challenges brought by frequent lack of conformity with EU legislation such as product safety rules, and the difficulties encountered by national customs and market surveillance authorities.

At the same time, it is necessary to highlight systemic enforcement gaps, especially for third-country traders and marketplaces, which undermine consumer safety and fair competition. Therefore, we call for a coordinated EU enforcement framework, stronger Commission powers in certain cases, instruments to limit market access in cases of systematic infringements by third country traders and marketplaces, the use of digital tools, such as the DPP, and the adoption of a system of certified authorised representatives to address these challenges effectively.

The key problem with third country traders and marketplaces lies in the fact that there is no economic operator with full responsibility for product compliance that can be held accountable. The reason is that these products do not have an EU based manufacturer or importer, but rather an Authorised Representative. Relying on the system of Authorised Representatives as it currently stands creates an enforcement gap for the following reasons:

1. The Authorised Representative (AR) listed is often fictitious, or;
2. The AR is not aware of or does not have a mandate from the seller on the products offered, and in each case;
3. The AR is not responsible for product compliance

Eurochambres recommends addressing the three enforcement gaps identified above via a solution based on the System of Certified Authorised Representatives with Full Responsibility for Product Compliance. For products placed on in the EU market without an EU based manufacturer or importer, there should be a certified Authorised Representative, that is fully responsible for product compliance. All third-country products listed in platforms destined to EU consumers, should have a certified Authorised Representative with an active mandate. Online marketplaces should be obliged to verify that the Authorised Representative for the products listed is certified, via a central EU database.

Addressing challenges posed by imports from third country online platforms should be done also in the broader context of EU trade relations, with coordinated efforts involving the US, China, and the OECD.

Control of external borders

EU border control is key to the success of an effective market surveillance strategy, with several member states deploying webcrawlers and other AI tools for detecting new listings in online marketplaces. However, the impact of these efforts is weakened because some member states do not fully implement their responsibilities, leading to inconsistent controls across the EU and inefficient allocation of staff and resources. Current enforcement efforts are also insufficient to effectively limit the inflow of non-compliant product onto the single market.

Additional bureaucracy would ultimately impose extra burdens not only on businesses but also on national budgets, raising serious doubts about whether new regulations could be effective in practice. The focus should therefore be on strengthening existing control mechanisms at the external borders and, where necessary, providing support to expand them, for example by increasing personnel and enhancing their training. Member states should also provide sufficient enforcement resources and improve coordination and data exchange in order to ensure compliance with EU legislation.

Establishment of an EU market surveillance authority

European legislation comprises a broad framework of standards linked to goods. These span multiple domains (such as public health, food safety, deforestation, circular economy, waste management, due diligence in the supply chain, etc.) and create a need to clearly define which authorities are responsible for enforcement in each area and how to ensure coordination and cooperation amongst them, at the national and EU levels.

The creation of a central EU Customs Data Hub, with responsibility for central risk management and uniformity in the application of rules, represents a positive overhaul of customs legislation and will ensure more level-playing field in e-commerce. The chamber network expects reduced bureaucracy, but companies will likely still need to upload data to the hub for customs declarations, creating challenges for both data transfer and protection.

In order to improve the coordination between customs and market surveillance authorities, Eurochambres recommends:

- Better information exchange,
- Harmonised enforcement methodologies,
- EU-coordinated inspections and joint operations,
- Pooling of expertise for complex product categories,

Furthermore, authorities in charge of checking goods and the border should check for:

- Compliance with technical and chemical requirements,
- Adherence to relevant standards,
- Accurate classification and labelling,
- Correct classification and labelling,
- Complete technical documentation, including traceability information.

Eurochambres recognises the potential of an EU Market Surveillance Authority to enhance enforcement consistency and support member states with limited resources. The creation of such authority should complement, not replace or weaken the role of national market surveillance authorities. Enforcement ultimately takes place on the ground in the Member States, and any EU level body must reinforce national action.

An EU Market Surveillance Authority would only add value if it is endowed with real powers and a clear, actionable mandate: the ability to enforce, to initiate action, to coordinate, to investigate, and, where necessary, to limit market access in cases of systematic infringements third-country traders and marketplaces.. Further examination is needed, including increased dialogue and in close connection with market operators.



Eurochambres – the association of European chambers of commerce and industry – represents more than 20 million businesses through its members and a network of 1700 regional and local chambers across Europe. Eurochambres is the leading voice for the broad business community at EU level, building on chambers' strong connections with the grass roots economy and their hands-on support to entrepreneurs. Chambers' member businesses – over 93% of which are SMEs – employ over 120 million people.

Previous inputs can be found [here](#).

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