

Position Paper

Evaluation and possible revision of Regulation (EU) 2019/1020 on market surveillance

Executive summary

An effective market surveillance system is essential to ensure that only compliant products are made available on the EU market. It plays a crucial role in safeguarding safety, ensuring the proper application of EU legislation, and maintaining fair competition for European businesses, notably regarding products imported from third countries.

The European Commission is currently evaluating the implementation of the Market Surveillance Regulation (EU) 2019/1020 and considering a possible revision, notably in view of the expected proposal for a European Product Act in 2026. EUnited calls for a revision that delivers the following priorities:

- Expand enforcement focus beyond consumer goods to **address** persistent enforcement gaps in **B2B markets**, ensuring fair competition for compliant manufacturers
- **Significantly increase resources** for market surveillance activities — financial, human, technical — particularly given growing compliance demands from new legislation and increasingly complex products.
- **Enhance EU coordination and powers** through Commission-led cross-border actions, a potential European Market Surveillance Authority, and initiating infringement procedures against underperforming Member States.
- **Strengthen cooperation with European business associations**, leveraging sector-specific expertise while preserving authority independence.
- Apply **uniform check criteria across Member States** (frequency, sampling) and harmonise customs controls on imports
- **Ensure equal treatment of all sales channels** with clear legal responsibilities for online platforms, intermediaries, and fulfilment providers
- Use **digital tools to improve market surveillance** efficiency and complement, **not replace** physical checks.

Strengthen market surveillance across B2B sectors

Non-compliant and unsafe products undermine legitimate manufacturers, distort competition, and weaken confidence in EU regulation across all market segments. While market surveillance attention often focuses on high-volume B2C imports, market surveillance in B2B sectors often remains under-resourced.

EU nited members primarily serve professional users and public authorities in sectors such as municipal equipment, cleaning machinery, and vehicle wash systems, where non-compliance can equally compromise safety of workers, reliability, and fair competition. EU nited members invest heavily in meeting stringent EU safety and sustainability legal requirements. However, inconsistent enforcement creates an uneven playing field where rule-followers are financially disadvantaged. Any future revision of the Market Surveillance Regulation should therefore strengthen enforcement not only in B2C markets but also in relation to professional goods and products, ensuring that all economic actors are subject to consistent and effective market surveillance.

Need for more resources for market surveillance activities

The European Commission report on product controls entering the EU covering the period 2022–2024¹, shows that market surveillance checks remain neither adequate nor consistent across Member States. Member States with low investigation rates must significantly increase both the number and quality of checks they conduct to ensure effective enforcement.

To deliver more and better checks, market surveillance authorities require:

- Adequate financial, human, and technical resources to handle growing compliance verification needs coming from additional new legislation (Eco-design, AI Act, Cyber Resilience Act)
- Enhanced training programmes to build expertise in increasingly complex professional products
- Clear minimum criteria for checks (frequency, sampling, risk prioritisation) to ensure uniformity across Member States
- EU-level support through shared testing facilities and joint enforcement funding

Moreover, building on article 9 of the current Regulation, cooperation with economic operators through European business associations should be reinforced so that market surveillance

¹ Report on controls on products entering the EU market with regard to product compliance (European Commission, 2025) – online at: <https://op.europa.eu/en/publication-detail/-/publication/ea5db20e-840f-11f0-9af8-01aa75ed71a1/language-en>

authorities can leverage on sector-specific technical expertise while preserving their independence.

Stronger coordination and EU powers for market surveillance

Effective and consistent market surveillance across the Single Market requires enhanced coordination at the European level. EUnited supports enhancing the Commission's capacity to drive this coordination, ensuring that enforcement practices are harmonised and resources used more efficiently. Better cooperation between market surveillance authorities and customs, combined with data exchange, would help to close enforcement gaps. To further advance this, the Commission should have clear powers to coordinate cross-border actions, intervene in systemic cases of non-compliance, and provide dedicated funding for joint enforcement initiatives. It should also determine through secondary legislation common conditions for checks, including indicative criteria for inspection frequencies and sampling rates, as already foreseen under Article 11(4) of the current Regulation. Similar benchmarks should guide customs controls on imported goods.

EUnited also supports the creation of a European Market Surveillance Authority, tasked with ensuring uniform implementation and empowered to act when Member States fail to meet their obligations. This would also facilitate coordination with the EU Customs Authority foreseen under the Union Customs Code reform.

Finally, to reinforce accountability, the Commission should adopt a more proactive approach to enforcement, including, where necessary, launching infringement procedures against Member States that do not fulfil their duties under the Regulation. These measures would help align national approaches, close persistent enforcement gaps, and uphold a level playing field for manufacturers committed to compliance with EU rules.

Efficient enforcement across all sales channels

While most products sold by EUnited members are complex professional goods sold mainly through B2B channels where direct online imports have been less prevalent, there are specific cases, particularly regarding cleaning machines or spare parts, where non-compliant products sold directly online may reach EU customers without adequate compliance verification. Spare parts sold online may lack proper documentation and can compromise the safety of otherwise compliant equipment when integrated.

EUnited supports effective enforcement across all sales channels. Online platforms, intermediaries, and fulfilment service providers must bear clear legal responsibility for ensuring only compliant products are offered and for cooperating fully with market surveillance authorities. The forthcoming European Product Act should clarify online marketplace responsibilities where

needed, complemented by practical guidelines on their existing obligations under EU law (e.g., Digital Services Act, General Product Safety Regulation...).

Digitalisation should complement, not substitute physical checks

EUnited welcomes the digitalisation of compliance information, which can bring significant advantages to both manufacturers and market surveillance authorities. At the same time, while supporting the objectives of the Digital Product Passport (DPP), EUnited calls for greater clarity on its practical functioning and allocation of responsibilities and expresses reservations regarding the inclusion of highly sensitive information, such as technical documentation.

Boosting the use of digital tools, such as AI-enabled web-crawlers and EU-wide databases, can significantly enhance the effectiveness of market surveillance by improving data analysis, facilitating information exchange, and helping authorities better target inspections based on risk. However, while these tools can make checks smarter and more efficient, they should complement rather than replace physical inspections, which remain essential to verify real compliance. Physical checks are indispensable to confirm that products genuinely meet EU requirements and to detect issues that may not be evident from documentation alone. Over-reliance on digital records risks reducing controls to formal compliance, ultimately undermining product safety and fair competition.

Conclusion

EUnited supports a balanced revision of the Market Surveillance Regulation that strengthens enforcement capacity, ensures EU-wide coordination, and ensures efficient checks across all channels and sectors. These improvements are essential to provide trust in the Single Market, protect compliant manufacturers, and ensure EU legislation delivers on safety, sustainability, and fair competition objectives.

EUnited is the European association representing manufacturers of municipal equipment, professional cleaning machines and vehicle wash systems. It brings together more than 60 member companies in 16 European countries.

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