

Purpose

The purpose of this regulation is to improve market surveillance in the EU. This is intended to reduce the number of dangerous products that find their way onto the market and to limit the unfair competition from these products.

Scope

Products placed on the market in the EU covered by a wide range of product directives including the Machinery Directive.

Equivalent legislation is not being introduced in the UK.

Timing

The parts of this regulation that apply to market surveillance authorities have already come into force. Duties that apply to economic operators (including manufacturers) come into force on 16 July 2021.

Impact

- On EU manufacturers of machinery: you will acquire new duties to cooperate with market surveillance authorities (see below).
- On Non-EU manufacturers of machinery selling to EU importers: your importers will acquire new duties to cooperate with market surveillance authorities (see below) unless you appoint an Authorised Representative for the Market Surveillance Regulation. *
- On Non-EU manufacturers of machinery selling directly to EU customers: you will need to appoint an Authorised Representative for the Market Surveillance Regulation to carry out new duties to cooperate with market surveillance authorities (see below).
- On EU importers selling to EU distributors or EU customers: you will acquire new duties to cooperate with market surveillance authorities (see below) unless the manufacturer makes other arrangements for their products.

* If you are a UK manufacturer who was selling machinery through distributors in the EU when the UK was a member, these distributors become importers now that the UK has left the EU.

Duties

There are four tasks to be carried out by the manufacturer or their Authorised Representative or the importer:

1. Verifying that the declaration of conformity and technical file have been drawn up and keeping them available for market surveillance authorities.
2. On a reasoned request, supplying all information needed to demonstrate conformity to a market surveillance authority in a language they understand.
3. Informing the market surveillance authorities should a product being placed on the market present a risk.
4. Cooperating with market surveillance authorities to remedy any non-compliance of a product.

Authorised Representative

To be an authorised representative for the Market Surveillance Regulation, they

- Shall have a written mandate to perform the four tasks specified in Article 4 (see above).

- May have a written mandate to perform tasks specified in other EU directives.
- Shall perform the tasks specified in the mandate and shall provide a copy of the mandate to a market surveillance authority on request.
- Shall have the necessary means to perform their tasks.

Identification

The Authorised Representative for the Market Surveillance Regulation shall be identified on the machine or an accompanying document.

As the first task of the Authorised Representative includes being “the person authorised to compile the technical file” stated on the Declaration of conformity for the Machinery Directive, **kuiper certificering** recommends that the Authorised Representative be identified as the “person authorised to compile the technical file and Authorised Representative for the Market Surveillance Regulation (EU) 2019/1020” on the Declaration of Conformity to meet the identification requirement.

kuiper certificering

As a Notified Body for the Machinery Directive, **kuiper certificering** is unable to assume the role of Authorised Representative for the Market Surveillance Regulation for its clients because of the conflict of interest that would arise.