

FACTSHEET: ANEC POSITION ON THE REVISION OF THE MARKET SURVEILLANCE REGULATION (EU) 2019/1020

Why revision of the Market Surveillance Regulation is needed

Although Regulation (EU) 2019/1020 strengthened the EU market surveillance framework, it has not delivered the intended level of consumer protection.

Developments such as the growth of e-commerce, the expansion of online marketplaces, increasingly complex connected, AI enabled and software dependent products, and rising imports from third countries have placed significant pressure on national market surveillance systems.

Deeper reform and stronger EU level coordination are therefore needed to improve enforcement and deterrence.

Persistent non-compliance across the Single Market

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Non-compliance with EU product legislation remains widespread across product sectors. Differences in resources, expertise and enforcement priorities between Member States contribute to uneven consumer protection across the Single Market.

Stronger enforcement capacity and more consistent application of market surveillance rules are essential.

Digitalisation and product complexity

Market surveillance authorities face growing challenges linked to connected, AI enabled and software dependent products. These developments require specialised expertise and technical capacity.

Authorities must be adequately equipped to address emerging risks and effectively enforce product safety requirements.



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E-commerce and imports from third countries

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The growth of e-commerce has significantly increased the number of products entering the EU market, including through online sales and imports from third countries. This places substantial pressure on customs and market surveillance authorities.

Enforcement is often complicated by difficulties in identifying responsible economic operators and ensuring effective corrective action for products sold online.

Corrective actions and deterrence

Corrective measures, including product recalls and withdrawals, are not always applied effectively, particularly in cross border and online contexts. Differences in penalty systems between Member States can weaken sanctions and reduce incentives for compliance.

Stronger deterrence is needed to improve compliance across the Single Market.



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Key ANEC recommendations

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The revision of the Market Surveillance Regulation should:

- Strengthen EU level coordination of market surveillance
- Improve enforcement capacity and expertise across Member States
- Enhance cooperation and information exchange between market surveillance and customs authorities
- Improve corrective action mechanisms
- Strengthen deterrence through more effective sanctions
- Ensure the framework addresses digitalisation, complex products and global supply chains
- All economic operators, including marketplaces, to be responsible for product compliance.

Raising standards for consumers

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