

Joint Industry Statement on the Compliance & Enforcement Regulation – Industry Calls for Comprehensive & Well-Considered Solutions

28 August 2018, Brussels

We, the undersigned, fully support efforts to combat unsafe and non-compliant products from being placed upon the European market. We also support attempts to close any enforcement gaps or loopholes which endanger consumer safety and strengthening the coordination of market surveillance and customs authorities across the EU. However, we remain deeply concerned with the ongoing discussions on the proposal for a Regulation on Enforcement and Compliance in the Single Market for Goods (Goods Package)¹, particularly its implications for consumer safety and for cross-border e-commerce, both from a European and global perspective.

The proposed regulation (Article 4) assumes that the appointment of a ‘responsible person’ established in the EU as a mandatory requirement for placing harmonised products on the EU market, including the labelling of this person on the product, packaging, parcel or accompanying document, will be effective in tackling non-compliant or unsafe products. However, we submit that such a provision will undermine the objectives of the proposal and not lead to more effective enforcement of rogue traders and unsafe products. Instead, this provision does not contribute to improving consumer product safety in any substantive way and instead will likely lead to more unsafe and potentially ‘dangerous products’ entering the European market.

One of the main bottlenecks to effective market surveillance and implementation is the lack of resources dedicated to national authorities. Shifting the approach from high-risk products to all harmonised product categories and adding an additional obligation and identification mechanism (responsible person) will only increase the burden on those authorities that are struggling to manage the unprecedented growth in volume of physical goods and detracts the focus from real safety issues to technical compliance requirements that do not assist consumer safety. As a result, there are doubts on the ability of the authorities to perform checks on an adequate scale, potentially leading to dangerous products entering the hands of consumers.

Moreover, being able to serve a global market without being established in every country in the world is the very core of global small business e-commerce. Thus, requiring non-EU manufacturers to appoint a “responsible person” established in the EU will have significant trade impeding impacts for small businesses selling cross-border who will have no ability to influence their suppliers’ decision to appoint an EU-established representative. This will ultimately lead to less choice and less competitive prices for EU consumers who will be geo-blocked from international offering. Additionally, if other countries follow the example of the EU and require merchants to establish a ‘responsible person’, a whole new world of protectionist trade barriers could be created.

Given this, we call for the deletion of Article 4 and for a 21st century approach to product safety to be adopted, which is based on comprehensive and well-considered solutions that will in practice further consumer safety: from taking advantage of new technologies, increasing cooperation with third countries, to collaborative efforts². Possible solutions are, for example, provided in the new framework of standards for cross-border e-commerce published in June 2018. This framework covers a range of issues: from safety and security, to risk management for facilitation and control.³

¹ Commission Proposal 2017/0353 (COD) ([19 December 2018](#))

² Product Safety Pledge ([25 June 2018](#))

³ Cross-Border E-Commerce Framework of Standards, World Customs Organisation ([June 2018](#))

Product & consumer safety is an issue of utmost importance, with consumers being the lifeblood of our industry. Therefore, we urge decision-makers to not rush through a proposal which could ultimately risk consumer safety. We trust, as representatives of European citizens and businesses across the EU, you will take the time to consider comprehensive solutions that meet the needs and expectations of all stakeholders, consumers, and government agencies alike.

We hope you will take our concerns into account and look forward to continuing dialogue with you on these issues.



European eCommerce & Omni-Channel Trade Association (EMOTA)



Computer & Communications Industry Association



Ecommerce Europe



Bundesverband E-Commerce und Versandhandel Deutschland



Handelsverband Österreich



SafeShops.be



Shopper's Mind Croatia & Shopper's Mind Slovenia



Händlerbund