



9 November 2018, Brussels

Ref. Joint Industry Statement on the Compliance & Enforcement Regulation

Industry Calls for Impact Assessment

We, the undersigned, reiterate our full support for the efforts to combat unsafe and non-compliant products from being placed upon the European market. However, we remain concerned with the ongoing discussions on the proposal for a Regulation on Enforcement and Compliance in the Single Market for Goods (Goods Package)¹ in Council, particularly on Article 4, and its implications for cross-border eCommerce, both from a European and global perspective.

The proposed Article 4 would mandatorily require the appointment of a 'responsible economic operator' established in the EU for placing harmonised products on the EU market, including the labelling of this person on the product, packaging, parcel or accompanying document. This will have significant trade impeding impacts on trade with third countries, which will ultimately lead to less choice and less competitive prices for EU consumers who will be geo-blocked from international offering. Additionally, third countries could view this provision as a protectionist measure. If they follow the example of the EU and require merchants to establish a similar concept, a whole new world of protectionist trade barriers could be created. Consequently, this legislation could trigger a domino effect, by which EU exporters could face additional costs and burdens exporting to third countries in the longer term.

Since the Commission proposed its initial text and conducted an impact assessment, the wording of Article 4 has substantially been changed during the debate in the Council. While the "responsible person" in the initial proposal was only responsible for the compliance information, the "economic operator" is now responsible for "the compliance with the applicable legislation in respect to this product." Moreover, a whole list of economic operators, including an authorized representative, that could perform that role has been introduced as well as a list of product categories to which this article would apply.

Given the crucial importance of Article 4 for product and consumer safety, doubts on the previous impact assessment and substantial changes in the text, we call on the Council to use its right to call for a new impact assessment if a proposal has substantially changed. New legislation should always be based on evidence. Rushing through a proposal in order to meet self-set deadlines is not in line with any principles on good law-making. The European institutions should take the time to consider comprehensive solutions that are based on scientific evidence to find the best options to meet the needs of European consumers, businesses and market surveillances authorities alike.

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



EMOTA
The European eCommerce
& Omni-Channel Trade
Association



**THE
MARKETPLACE
COALITION**

We hope you will take our concerns into consideration and look forward to continuing dialogue with you based on a new impact assessment taking account of the substantial changes in the proposal concerning Article 4.

With high regards,

A blue ink signature of Maurits Bruggink, consisting of a stylized 'M' followed by a horizontal line and a small flourish.

Maurits Bruggink
Secretary General
EMOTA

A blue ink signature of Marlene ten Ham, featuring a series of connected loops and a horizontal line.

Marlene ten Ham
Secretary General
eCommerce Europe

A blue ink signature of James Beckman, written in a cursive style.

James Beckman
Coordinator
The Marketplace Coalition