



Market Surveillance Regulation (EU) 2019/1020 Compliance Journey Handbook

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Introduction

This chapter will introduce the purpose of this handbook.

There is a new EU regulation named “Market Surveillance Regulation (EU) 2019/1020” which will come into effect on July 16, 2021. This handbook introduces the regulation and the impact for you as a seller on Amazon. It also provides step-by-step guidelines to assist sellers become compliant with this regulation on time. This material is for informational purposes only. It is not intended as legal advice. We encourage you to consult your legal counsel if you have questions about the laws and regulations concerning your products.



Regulation Explanation

This chapter will explain the new EU regulation.

1.1 [The “Market Surveillance Regulation \(EU\) 2019/1020” and scope](#)



1.1 The “Market Surveillance Regulation (EU) 2019/1020” and scope

On July 16, 2021, the new EU Regulation on product safety (called the “Market Surveillance Regulation (EU) 2019/1020”) is coming into effect. A key part of this new regulation is the requirement for CE-marked products to have an entity present in the European Union acting as the point of contact for product compliance (a “Responsible Person”).

If you sell CE-marked products that are manufactured outside of the EU, you will need to ensure by July 16, 2021 that: a) such products have a Responsible Person (RP) and b) your CE-marked products are labelled with the contact information of the Responsible Person. This labelling can be done on the product, its packaging, the parcel, or an accompanying document. After July 16, 2021, it will be illegal to sell CE-marked products in the EU without an EU Responsible Person.

All CE-marked products are covered by this regulation except for medical devices, explosives for civil uses, and certain lifts and cableway installations.



1.1 The “Market Surveillance Regulation (EU) 2019/1020” and scope

We strongly encourage you to visit the European Commission’s website for more information on EU Regulation 2019/1020 on Market Surveillance and Compliance of Products:

- <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM%3A2017%3A787%3AFIN>
- <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1020&from=EN>



2. Understanding the Requirements

This chapter will explain the requirements of new EU regulation.

2.1 [CE-marked products](#)

2.2 [EU Responsible Person](#)



2.1 CE-marked products

The CE mark is a self-certification mark applied to a product by the manufacturer. The CE mark indicates that the product meets health, safety, and environmental protection standards for the European Economic Area (EEA).

Not all products sold in the EEA are required to be CE marked. Common examples of products that are required to be CE marked include toys, electronics, personal protective equipment, machinery, construction products, gas appliances, recreational and personal watercraft, pressure vessels, and measuring equipment.

The below is a list of CE-marking requirements impacted by the upcoming changes. We recommend you review this list carefully to determine if some or all of your products may be impacted. If you are unsure, we recommend to contact your upstream supplier/manufacturer to confirm.

Table 1: CE-Marking Requirements



Safety of toys	玩具	
Construction products	建筑用产品	

Table 1: CE-Marking Requirements



Appliances burning gaseous fuels	燃气灶 (器具)	
Ecodesign of energy related products	节能类相关产品 (例如窗户 , 绝缘隔热材料等产品)	
Electromagnetic compatibility	受电磁兼容指令管控的电子电器产品 (例如遥控汽车)	
Low voltage	受低压指令管控的电子电器产品 (例如笔记本电脑)	
Personal protective equipment	个人防护用品 (例如护目镜 , 防尘口罩)	
Radio equipment	无线电设备 (例如手机 , 无线传输设备等)	
Equipment and protective systems intended for use potentially explosive atmospheres	防爆产品	

Table 1: CE-Marking Requirements

Machinery	机械设备 (装置)	
Measuring Instruments	计量测试设备	
Noise emission in the environment	可能产生噪音的设备 (例如建筑设备 , 花园设备)	
Non-automatic weighing instruments	非自动的称重设备	
Pressure equipment	压力设备	
Recreational craft	船 (例如运动休闲用途的船舶类产品 , 船体长度在2.5 – 24米之间)	
Restriction of Hazardous Substances in Electrical and Electronic Equipment	电子电器类设备中的有害物质 (例如电池)	

Table 1: CE-Marking Requirements

Simple pressure vessels	简易压力容器	
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*The translation of the list is only for your reference, more information about CE-marked products can be found at European Commission website at:

- https://ec.europa.eu/growth/single-market/ce-marking/manufacturers_en
- https://europa.eu/youreurope/business/product-requirements/labels-markings/ce-marking/index_en.htm

2.2 EU Responsible Person

As part of this regulation change, your products will need to be labelled with an EU Responsible Person. An EU Responsible Person can be one of the following:

- The manufacturer or brand, if established in the EU.
- An importer established in the EU.
- An authorized representative established in the EU, who is appointed in writing as the Responsible Person by the manufacturer or brand.
- A fulfillment service provider established in the EU.

Once appointed and the regulation comes into force, the Responsible Person is required to do the following:

- Collect the product's [EU Declaration of Conformity](#) (or Declaration of Performance) and ensure that additional documents demonstrating EU conformity of the product can be made available from the manufacturer or brand owner upon request in a language understood by an authority;
- In some cases, inform authorities of any risk posed by the product; and
- Cooperate with market surveillance authorities, including ensuring that the manufacturer or brand owner takes necessary corrective actions to remedy any non-compliance of the product.

Further information on appointing a Responsible Person is summarized later in the handbook.

3. Seller Compliance Journey

This chapter will introduce compliance journey to sellers.

3.1 [Product Compliance Verification](#)

3.2 [Appointing an EU Responsible Person for your CE-Marking products](#)

3.3 [Declaring your EU Responsible Person](#)



If you sell CE-marked products which are impacted by the regulation (refer to **table 1**), then the following guideline (compliance journey) may help you to understand a) what actions you should take to confirm if you already meet the regulatory requirements, or b) what steps you need to take to become compliant with this regulation on time.

Please ensure you read each section carefully and be aware that this process could take up to 6 months depending on your existing selection and any new selection you wish to add in future. Please ensure you allow sufficient time to be compliant prior to the enforcement date.



3.1 Product Compliance Verification

As mentioned previously, you must make sure that the products you sell meet the CE marking rules. To do so, we recommend that you do the following (with the help of your legal counsel, if needed):

- a) Confirm whether the products you sell require a CE mark.
- b) For products that require a CE mark, work with your upstream supplier(s) to ensure that:
 - The manufacturer has affixed the CE mark and all other relevant compliance markings to the product (or, in some circumstances, the packaging or accompanying documentation); and
 - The manufacturer has issued a valid EU Declaration of Conformity (or Declaration of Performance for construction products) and drawn up additional applicable compliance documentation that you can provide upon request.

As a manufacturer or brand owner, if you did not issue a valid EU Declaration of Conformity (or Declaration of Performance for construction products) yet, please prepare the product's EU Declaration of Conformity (or Declaration of Performance) and ensure that additional documents demonstrating EU conformity of the product can be made available upon request in a language understood by an EU authority.



3.1.1 Declaration of conformity (DoC)

A Declaration of conformity (DoC) is a document signed by a manufacturer or authorised representative confirming that the product placed in the market complies with applicable EU requirements, and is required for all CE Marked products sold in the EU with few exceptions. The contents of the Declaration of Conformity shall follow the model declarations set out in Annex III to Decision 768/2008/EC or in annexes to applicable legislation.

By the drawing up and signing of the Declaration Conformity, the manufacturer takes responsibility for product compliance with all applicable EU laws.

You should consult applicable legislation to ensure the Declaration of Conformity meets all applicable requirements.



At a minimum, the DoC must clearly include the following information:

- Name and full business address of the manufacturer or that of their authorized representative
- Product's serial number, model, or other unique product identification
- Statement that the brand owner or manufacturer take full responsibility for the declaration
- Means of identification of the product allowing traceability
- The relevant legislation with which the product complies, as well as any harmonised standards or other means used to prove compliance
- Where applicable, details of the notified body (name and number) which carried out the conformity assessment procedure, and reference to issued certificates
- Name, Signature and Position of Person signing
- The date the declaration was issued

When requested, the DoC should be provided in a non-editable format (for example, PDF), and must be signed by a responsible employee of the manufacturer (including the employee's printed name and position).

Further guidance on the creation of the DoC and the related requirements can be found [here](#).



3.2 Appointing an EU Responsible Person for your CE-Marking products

If you have determined your products are impacted by the regulation, please appoint an EU Responsible Person. A brand owner has flexibility in who they can appoint as the Responsible Person. Some options you should consider:

- a) If you have a subsidiary in the EU or already have an EU importer, it may be possible to appoint them as the Responsible Person for your products.
- b) The testing laboratory or the certification company that you use for your products may be offering Responsible Person services.
- c) You may want to take advantage of the third-party providers offered in Amazon's Service Provider Network (SPN). As not all Compliance Service Providers offer this service, we recommend you check [the RsP SPN Help Page](#) to help you find the best option.
- d) Amazon offers a Responsible Person Service for FBA products.

If you don't own a brand but are a reseller of CE-marked products, we recommend talking with your upstream suppliers to confirm they are aware of the upcoming changes and to ensure they are taking appropriate actions to appoint a Responsible Person.



3.2.1 About Amazon Responsible Person (ARP) service

Amazon Responsible Person (ARP) service is an easy solution for sellers based outside the EU selling through Amazon FBA to comply with the requirement to have an EU-based Responsible Person for CE-marked products. Once subscribed to this service, Amazon will act as the EU Responsible Person for the CE-marked products for which you have submitted the required documentation. Amazon charges a flat fee of EUR 25 per month (excluding VAT) to cover all products of your brand(s) for which you have submitted the requested compliance documentation. Subscribe now and use the Amazon Responsible Person service for free until December 31st 2021! Amazon may stop offering this promotion at any time by the withdrawal of the offer text. Amazon may modify the terms of this promotion at any time. Subscribe Amazon Responsible Person (ARP) service at [here](#).

The service is limited to brand owners and resellers authorized by the brand to sell in the EU to sell products in the EU using Fulfilment by Amazon (FBA).

To subscribe to Amazon Responsible Person (ARP) service, your brand needs to be registered in Amazon:

<https://brandservices.amazon.com/eligibility> .

Please revise this sentence to: For ARP service step-by-step subscription guidance, please refer to Appendix I.



3.2.2 External Solutions

For selling partners based in other regions, you may want to take advantage of the third-party providers offered in Amazon's Service Provider Network. Visit this [help page](#) to learn more about these options.



3.3 Declaring your EU Responsible Person

After you designate your EU Responsible Person, Amazon requests that you declare your EU Responsible Person for your CE-marked products shipped by FBA. We have enabled a [dashboard](#) in Seller Central to allow you to declare your EU Responsible Person for your brand/ASINs.

From February 2021, the Responsible Person dashboard is accessible to all sellers based outside of the EU offering CE-marked products in the EU.

For more information on completing the Responsible Person dashboard, please review the RP Declaration guidance doc in Appendix II.



3.3 Declaring your EU Responsible Person

- a) It is important to note that if you have already subscribed to the ARP service, you don't need to submit Brand or ASIN Responsible Person. Please refer to the ARP guidance in Appendix I for more information.
- b) If you create a new listing after declaring EU Responsible Person information, there are three scenarios to consider:
 - If your new listing belongs to the brand for which you have previously declared your EU Responsible Person information at Brand level, then you do not need to declare your EU Responsible Person information again for your new listing as it is covered by the Brand declaration.
 - If your new listing is not part of the brand(s) for which you have previously declared a Responsible Person, please declare the Responsible Person for that listing in the dashboard.
 - If you have only declared your EU Responsible Person information by ASIN level previously, then please ensure you declare your EU Responsible Person information for the new listing.



4. Preparing your Products for Shipment

This chapter will introduce product-preparing-related issues.

4.1 [Displaying contact information of the Responsible Person](#)

4.2 [Logistics](#)

4.3 [Ensuring all your EU inventory with CE marking has RP information](#)



4.1 Displaying contact information of the Responsible Person

- If you are using a service external to Amazon as your Responsible Person, please display the contact information of the Responsible Person on the product or on your CE-marked products' packaging, the parcel, or an accompanying document during the production.
- If you subscribe Amazon Responsible Person Service (ARP) and submit the requested compliance documentation, Amazon will take care of labeling the FBA units for which Amazon is the Responsible Person. From June 2021, the FBA shipment labels will include the ARPS Responsible Person contact details, so that the shipments are not blocked at Customs. You do not need to take any action on the actual products. Amazon will add ARPS Responsible Person contact details to all customer shipments from our FCs. Please upload your documents in the dashboard to ensure we have full visibility into the ASINs you wish to have covered by ARP.



4.2 Logistics

Please also take logistics leading time into consideration when preparing for the new regulation. All products - both FBA and MFN will need to have this information present on inbound shipments to the EU. It is important to make sure your products will be compliant with the regulation when arrive in the EU, so we recommend you work with your relevant partners in your supply chain to ensure compliance.

4.3 Ensuring all your EU inventory with CE marking has RP information

After July 16, 2021, it will be illegal to sell CE-marked products in the EU without an EU Responsible Person. Therefore, please ensure all your EU inventory with CE marking has RP information on its packaging, the parcel, or an accompanying document during the production.



Appendix

Appendix I [ARP Subscription User Guide](#)

Appendix II RP Declaration Guidance (Pending)

