

REGULATION (EU) 2019/1020
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 20 June 2019 on market surveillance and compliance of products and amending
Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011

Article 3 letter 11) – “**fulfilment service provider**” means any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services as defined in point 1 of Article 2 of Directive 97/67/EC of the European Parliament and of the Council, parcel delivery services as defined in point 2 of Article 2 of Regulation (EU) 2018/644 of the European Parliament and of the Council, and any other postal services or freight transport services.

Article 4

(1) - Notwithstanding any obligations set out in applicable Union harmonisation legislation, a product [...] may be placed on the market only if there is **an economic operator established in the Union who is responsible for the tasks set out in paragraph 3 in respect of that product.**

(2) - For the purposes of this Article, the economic operator referred to in paragraph 1 means any of the following:

- (a) **a manufacturer** established in the Union;
- (b) **an importer**, where the manufacturer is not established in the Union;
- (c) **an authorised representative** who has a written mandate from the manufacturer designating the authorised representative to perform the tasks set out in paragraph 3 on the manufacturer's behalf;
- (d) **a fulfilment service provider** established in the Union with respect to the products it handles, **where no other economic operator as mentioned in points (a), (b) and (c) is established in the Union.**

The tasks of the fulfilment service providers are the following:

- to verify that the EU declaration of conformity and technical documentation have been drawn up, to keep the EU declaration of conformity at the disposal of market surveillance authorities for a period of 10 years, and to ensure that the technical documentation can be made available to those authorities upon request;
- further to a reasoned request from a market surveillance authority, to provide that authority with all information and documentation necessary to demonstrate the conformity of the product, in Romanian or in English language;
- when having reason to believe that a product in question presents a risk, to inform the market surveillance authorities thereof;
- to cooperate with the market surveillance authorities, including following a reasoned request making sure that the immediate, necessary, corrective action is taken to remedy any case of non-compliance with the requirements set out in Government Decision no. 740/2016 and Government Decision no. 487/2016, with the subsequent amendments and completions, or, if that is not possible, to mitigate the risks presented by that product, when required to do so by the market surveillance authorities or on its own initiative, where the economic operator referred to in paragraph 1 considers or has reason to believe that the product in question presents a risk.

As well, the name, registered trade name or registered trade mark, and contact details, including the postal address, of the economic operator shall be indicated on the product or on its packaging, the parcel or an accompanying document.