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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

specifying the procedures for the designation of Union testing facilities for the purposes of market surveillance and verification of product compliance in accordance with Regulation (EU) 2019/1020 of the European Parliament and of the Council

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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specifying the procedures for the designation of Union testing facilities for the purposes of market surveillance and verification of product compliance in accordance with Regulation (EU) 2019/1020 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 305/2011¹, and in particular Article 21(9) thereof,

Whereas:

- (1) One of the objectives of Union testing facilities is to assist the national market surveillance authorities in their activities by contributing to enhancing laboratory capacity for specific categories of products or for specific risks related to a category of products. The procedures for the designation of Union testing facilities should ensure in particular that Union testing facilities are designated where there is a shortage of laboratory testing capacity.
- (2) In order to prevent a shortage of laboratory capacity, wide access to designation should be given. With a view to providing such access and in order to ensure transparency in the process leading to designation, it should be determined which public testing facilities of Member States are to be designated as Union testing facilities following calls for expression of interest.
- (3) The designation of Commission testing facilities as Union testing facilities should be done by means of direct appointment by the Commission.
- (4) Due to the high number of categories of products and of specific risks related to a category of products, the Union Product Compliance Network established under Article 29 of Regulation (EU) 2019/1020 should be consulted in order to ensure the correct prioritisation of such categories and specific risks.
- (5) The designation of Union testing facilities should be reviewed on a regular basis in order to verify that they ensure a consistently high level of products testing, and that they provide technical and scientific advice of high quality.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 43(1) of Regulation (EU) 2019/1020,

¹ 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 (OJ L 169, 25.6.2019, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Procedures for the designation of the Union testing facilities

1. Public testing facilities of Member States shall be designated as Union testing facilities following a call for expression of interest.
2. Commission testing facilities shall be designated as Union testing facilities following a direct appointment from the Commission.
3. Prior to designation, the Union Product Compliance Network established under Article 29 of Regulation (EU) 2019/1020 (the ‘Network’) shall be consulted on the specific categories of products and specific risks related to a category of products for which the Union testing facilities need to be designated.

Article 2

Review of the designation

The Commission, in consultation with the Network, shall review the designation of Union testing facilities on a regular basis in order to ascertain that Union testing facilities:

- (a) ensure a consistently high level of products testing;
- (b) provide technical and scientific advice of high quality.

Article 3

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN