

# Meeting the EU ambition with coordinated market surveillance actions

February 2026

EBCA welcomes the revision of Regulation on market surveillance and compliance of product both in light of changing market realities and because products, particularly textile and apparel, will face increased requirements to access the EU market. Modernising the market surveillance regulation will enable a coordinated response to ensure compliance and enforcement of product rules.

The revision should therefore support a level playing field by ensuring that all market operators placing products on the EU market face the same level of liability and accountability, regardless of their size, geographic origin, or business model. This requires action in two key areas:

- Ensuring that the designated responsible entity genuinely has the authority, capacity, and resources to be held liable, thereby avoiding the use of empty-shell intermediaries that cannot adequately ensure compliance.
- Focusing on more effective and better-coordinated market surveillance and, focusing on the most problematic and risk-prone actors rather than imposing additional documentation requirements, which would only burden compliant operators without improving enforcement outcomes.

## Context and Challenges

The modernisation and coordination of market surveillance activities should be pursued through a holistic and strategic approach. The European Commission's communication on e-commerce<sup>1</sup> identified a series of mutually reinforcing legislative mechanisms to ensure that products are safe, compliant, and meet EU environmental standards. The modernisation of the Union Customs Codes and appropriate enforcement of product, consumer and digital policy should be considered equally important.

The EU textile industry contributes significantly to jobs, the economy and the welfare of the EU citizens. The industry is under significant pressure, especially from certain types of imports, and certain platforms located outside of the EU. The industry calls for better protection against non-compliant practices - in the interest of both consumers, environment and the industry.

A clear distinction must be made between different types of online activities, notably e-commerce, online platforms, and marketplaces, as they operate under different business models and levels of control over the products sold. Unlike marketplaces and platforms hosting third-party sellers, where oversight and accountability can vary significantly, most e-commerce operators act as traditional retailers, exercising direct control over their supply chains and therefore ensuring a higher level of product compliance.

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<sup>1</sup> Published in February 2025, accessible here  
[COM 2025 37 1 EN ACT aQawoejbcURUc4BBc7oM8BeI80 112385 \(1\).pdf](#)

However, the Market Surveillance Regulation should be modernised to reflect new market realities and to effectively address the significant surge of non-compliant products stemming from certain B2C operators.

Failure to do so could lead to:

- **Market Disruption:** Non-compliant products flooding the market, undermining fair competition and disadvantaging compliant companies.
- **Consumer Safety Risks:** Products failing to meet EU safety standards pose serious health and safety risks.
- **Environmental Impact:** Non-compliance with environmental regulations (e.g. RoHS or the REACH and upcoming ESPR requirements) can increase pollution and environmental degradation.

### **Proposed way forward**

EBCA supports the analysis published by Belgium in the Council of the European Union<sup>2</sup> and in particular

*Ensure a consistent approach to product compliance requirements* The simplification agenda should consider sector-specific characteristics and build on existing legislation to adapt and streamline conformity assessment processes for products.

*Strengthen Market Surveillance Authorities' intervention power:* At the moment, more than 100 pieces of legislation fall under the scope of market surveillance. The EU and market surveillance should ensure coordinated action against widespread infringement in specific non-compliant products which are creating serious disruptions in the EU market rather than increasing the number of checks. Increased powers and adequate resources should be allocated to:

- Improve cooperation between these authorities (within the territories of Member States) and among Member States.
- Establish an EU-level authority for supervision and coordination where it is appropriate. The concept of extrapolation presented in the UCC could be considered in order to address systemic infringements more efficiently and to stop widespread violations of EU rules without unnecessary duplication of controls.
- Strengthen existing networks (e.g. CPC networks) for coordinated enforcement actions.

*Promote coordinated actions between customs and market surveillance authorities :* support the efforts to modernise and digitalise compliance requirements, including via the Digital Product Passport, to facilitate surveillance activities and reorientate the enforcement to the most risk-prone non-compliant players. EU digital tools such as the ICSMS (Information and Communication System for Market Surveillance), and current and future digital customs platforms (ICS and EU Single Window Environment for Customs) should integrate data to clear products before they enter the market.

*Enforce product and consumer protection legislation with a EU representative:* Guarantee that there is always a responsible party in the EU by among other mechanisms widely developing the

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<sup>2</sup> Strengthening market surveillance and product compliance in the EU market, information from Belgium, supported by Poland, 12 dec. 2025 accessible here : <https://data.consilium.europa.eu/doc/document/ST-16785-2025-INIT/en/pdf>

concept of a deemed importer, transferring the responsibility from the consumers to online platforms when they operate as marketplaces.

Today, the role of the authorised representative is regulated inconsistently across EU legislation, often with insufficient requirements to ensure consumer protection or a level playing field. To address this gap, third-country traders using B2C business models should be required to appoint a “Responsible Person in the EU”. This entity must have the necessary solvency, authority, and technical and legal capacity to be held liable when products are non-compliant. They should also be registered to allow proper supervision by authorities. This would echo the US Consumer Product Safety Commission (CPSC) approach.

*Reward compliant operators to allocate resources on more risky operators.* There should be a similar approach as the ‘trust and check’ concept under the UCC that would ease the amount of checks for operators that have demonstrated strong evidence of compliance. We support a risk-based approach to compliance verification, whereby products found to be non-compliant are subject to targeted and repeated testing until demonstrable improvements in compliance are achieved by the companies concerned. The deemed importer concept is also relevant to ensure an increase of compliance. Hence, the implementation should be more focused on more risky operators.

## **About EBCA**

The European Branded Clothing Association is the collective voice of more than 75 global apparel brands. The sector supports more than 4.5 million jobs in the EU. We envision a Europe where the branded clothing sector contributes to shared prosperity and is supported by global standards that enhance sustainability and trade, creating a level playing field.