



EUROPEAN
COMMISSION

Brussels, **XXX**
[...](2021) **XXX** draft

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

of **XXX**

**specifying the procedures for the designation of Union testing facilities for the purposes
of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June
2019 on market surveillance and compliance of products**

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

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specifying the procedures for the designation of Union testing facilities for the purposes of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1020¹ of the European Parliament and of the Council of 19 March 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, and in particular Article 21 (9) thereof,

Whereas:

- (1) The role of the Union testing facilities is to support the activities of national market surveillance authorities.
- (2) All Union testing facilities shall fulfil the same criteria as provided for under the Article 21 of the Regulation (EU) 2019/1020 and will be designated by means of implementing acts adopted by the Commission.
- (3) Due to the impartiality needed in the selection of Union testing facilities, it is necessary that the determination of the public testing facilities of the Member States that will be designated as Union testing facilities be carried out by means of calls for expression of interest.
- (4) Due to the high number of areas where the Union testing facilities could be needed, there might be a need for several calls for expression of interest and a prioritisation of the categories of products or specific risks related to a category of products in which the applicants must operate.
- (5) In order to ensure the appropriate level of the testing of products, technical and scientific advice provided by the Union testing facilities, the designation of the Union testing facilities should be reviewed on regular basis.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on market surveillance and compliance of products,

HAS ADOPTED THIS REGULATION:

Article 1

Procedure for the designation of the Union testing facilities

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).

Union testing facilities shall have the necessary competence to fulfil the provisions of the Article 21 of the Regulation (EU) 2019/1020.

The Commission will organise and launch calls for expression of interest to determine the public testing facilities of the Member States that will be designated as Union testing facilities.

The European Commission, upon consultation of the Network established under Article 29 Regulation (EU) 2019/1020, may lay down, for each call for expression of interest, specific categories of products or specific risks related to a category of products in which the applicants must operate.

The Commission will adopt implementing acts for the designation of the Union testing facilities.

Article 2

Review of the designation

The designation of Union testing facilities shall be reviewed on regular basis.

Article 3

Entry into force and application

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

It shall apply from the same date.

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

Done at Brussels, *[to be completed- date]*

For the Commission

The President

[...]

[Choose between the two options, depending on the person who signs.]

On behalf of the President

[...]

[Position]