	REFERENCE:	RCD - GN - 07	ISSUE:	01
	TITLE:	Guidance Note <i>Economic Operators in EU for manufacturers in third countries</i>		

DATE OF ISSUE:	7 May 2026	NUMBER:	RCD-GN-07
Applicable Regulation:	RCD II	Module:	All
KEY WORDS:	Economic operator, Authorised representative		

Contents

1	Introduction	1
2	What is an Economic Operator?.....	2
2.1	Manufacturer.....	2
2.2	Manufacturer’s Authorised Representative	2
2.4	Importer	3
2.5	Fulfilment Service Provider.....	3
3	Obligations & Liability of Economic Operators.....	3
3.1	Manufacturer.....	3
3.3	Authorised Representative	4
3.4	Importer	4
3.5	Fulfilment Service Provider.....	4
4	Sample Declaration of Conformity.....	5
5	Links.....	6
6	Disclaimer.....	6

1 Introduction

1. In 2019, the EU Commission published Regulation 2019/1020 *Market Surveillance and Compliance of Products*.
2. It requires, under Article 4, that a designated **economic operator** be established **in the EU** to act as a point of contact for authorities to query the conformity of certain products.
3. It applies to all the products within the scope of the EU Recreational Craft Directive.
4. The regulation came into force on 16 July 2021, but HPiVS was not aware of any market surveillance authority enquiring after an Economic Operator for third country manufacturers of recreational craft until May 2026.
5. Note that HPiVS’ role is only to conformity assess products. It is not for the Notified Body to check and verify the suitability of a client’s economic operators. This document is simply offered as a duty of care to our clients.

 	REFERENCE:	RCD - GN - 07	ISSUE:	01
	TITLE:	Guidance Note <i>Economic Operators in EU for manufacturers in third countries</i>		

2 What is an Economic Operator?

The regulation identifies four types of Economic Operator, as listed below.

1. A manufacturer
2. An importer
3. An authorised representative
4. A fulfilment service provider

Note that all four categories of economic operator must be established in the EU¹, not the EEA². This might not be obvious since legislation like RCD are in force in EEA.

All of these operators are described in detail in the documents listed in section 4 of this document but a brief summary of each follows below.

2.1 Manufacturer

Article 3(8): *any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark.*

Clearly, a manufacturer located in the EU can represent itself. An EU-based manufacturer is permitted, however, to appoint an Authorised Representative if it wishes. See 2.2 below.

2.2 Manufacturer's Authorised Representative

Article 3(12): *any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer's obligations under the relevant Union harmonisation legislation or under the requirements of this Regulation.*

Manufacturers, whether they are based inside or outside the EU, may appoint an authorised representative in the EU to carry out certain tasks on their behalf, including cooperating with the national market-surveillance authority and providing them with the documentation required to demonstrate a product's conformity.

The authorisation of the manufacturer must be clearly documented. It cannot be 'assumed'.

¹ European Union: https://european-union.europa.eu/principles-countries-history/eu-countries_en

² European Economic Area: all 27 EU member states plus Iceland, Liechtenstein, and Norway.

 	REFERENCE:	RCD - GN - 07	ISSUE:	01
	TITLE:	Guidance Note <i>Economic Operators in EU for manufacturers in third countries</i>		

2.4 Importer

Article 3(9): *any natural or legal person established within the Union who places a product from a third country on the Union market.*

By definition, there cannot be an EU importer for products made by an EU-based manufacturer.

Importer status applies even where a sale is conducted remotely. This would be the case where an EU-based person uses a website to

facilitate the purchase and delivery of a product from a third country, without ever touching the product itself.

The role of importer can fall by default, perhaps without the knowledge of the individual. This occurs regularly for recreational craft where an owner sails their own boat from a third country into Europe.

2.5 Fulfilment Service Provider

Article 3(11): *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 ... or freight transport services.*

This is the most difficult economic operator to describe because the definition is intentionally left as a catch-all. It does, however, require the operator to be involved in a commercial activity.

Further, a FSP established in the EU becomes the responsible economic operator only if there is no EU-based manufacturer, importer or authorised representative for the product.

It is likely that dealers and distributors, particularly of components³, would be considered Fulfilment Service Providers, if not acting as a formally authorised representative as described in 2.2.

As there is no authorisation, this role can be assumed or fall by default.

3 Obligations & Liability of Economic Operators

3.1 Manufacturer


A manufacturer, whether in the EU or without, is required to supply only products that comply with EU product safety legislation⁴, such as RCD, where it is applicable.

Where there is no applicable legislation, and even when there is, the General Product Safety Regulations apply. This demands safety by risk assessment, in place of harmonised standards.

The obligations and liability related to product safety cannot be passed to, or shared with, another party: not even with the authorised representative.

³ RCD's Annex II lists 5 product groups that need certification.

⁴ Directives or regulations, for example.

 	REFERENCE:	RCD - GN - 07	ISSUE:	01
	TITLE:	Guidance Note <i>Economic Operators in EU for manufacturers in third countries</i>		

3.3 Authorised Representative

The authorised representative acts as a 'bridge' between the EU authorities and the manufacturer.

The manufacturer should list, in the document granting the authorisation, exactly what responsibilities are to be carried by the authorised representative. This should include the supply of the Declaration of Conformity and Technical Documentation to an EU authority that requests it. (If this is not included in the authorisation, they are not 'authorised' in the meaning of EU Economic Operators).

The manufacturer can authorise the representative to carry out other functions beyond the supply of documentation, but the manufacturer cannot pass product liability to the representative.

A common term is 'compliance facilitating'. **The representative is NOT expected to conformity assess the product against applicable standards.**

The following obligations typically fall to the authorised representative:

- Verify the manufacturer has produced an EU Declaration of Conformity and technical documentation
- Keep the Declaration of Conformity available for market surveillance authorities for the legally required period [RCD: 10 years after the last product is supplied]
- Ensure technical documentation can be supplied promptly to authorities upon request
- Cooperate fully with market surveillance authorities, including supporting corrective actions such as product withdrawal or recall
- Provide identifying details (name, registered address and contact information) on the product, packaging, parcel or accompanying documentation

The authorised representative should conduct some due diligence in so far as there are no obvious deficiencies in the paperwork they hold. For example, the representative should know if the Declaration refers to the wrong edition of a Directive or that the technical documentation pertains to a different variant of a product that they are supplying.

3.4 Importer

An importer must ensure that the products they supply conform to EU law. Unlike the authorised representative, who is a bridge between the authorities and the manufacturer, the importer is assumed to have no link to the manufacturer. The import might even be taking place without the knowledge of the manufacturer.

This means that **all the responsibilities, for conformity assessment and liability, fall to the importer** and importers should conduct adequate due diligence before supplying products.

3.5 Fulfilment Service Provider

The activities that classify a person as a FSP (see 2.5), do not include sale or putting into service. They are merely logistical. Indeed, as stated above, a FSP only becomes the responsible economic operator if there is no EU-based manufacturer, importer or authorised representative for the product.

Fundamentally, the identification of a FSP provides a legal means for the Commission to halt the supply of dangerous goods where there is no obvious duty holder.

 HPi VS <small>i HPi Verification Services</small>	REFERENCE:	RCD - GN - 07	ISSUE:	01
	TITLE:	Guidance Note <i>Economic Operators in EU for manufacturers in third countries</i>		

As such, the FSP does not carry the responsibility for conformity with product safety legislation and neither do they carry liability for the product. But like the authorised representative, they are required to:

- Verify that the EU Declaration of Conformity and technical documentation exist.
- Keep the Declaration available for market surveillance authorities for the required retention period.
- Ensure technical documentation can be made available promptly to authorities upon request.
- Cooperate with market surveillance authorities, including taking corrective actions (e.g. withdrawal or recall) where required.
- Ensure their name, address and contact details are identifiable on the product, packaging, parcel or accompanying documentation.

4 Sample Declaration of Conformity

The standard ICOMIA template for Declarations of Conformity already include a sections for manufacturer and an Authorised Representative, as shown below.

EU Declaration of Conformity of Recreational Craft with the Design, Construction and Noise Emission requirements of Directive 2013/53/EU
(To be completed by manufacturer or if mandated, authorised representative)

Name of recreational craft manufacturer: _____

Address: _____

Town: _____ Post Code: _____ Country: _____

Name of authorised representative (if applicable): _____

Address: _____

Town: _____ Post Code: _____ Country: _____

Module used for design and construction assessment: A A1 B+C B+D B+E B+F G H

Name of Notified Body for design and construction assessment (if applicable): _____

Address: _____

Town: _____ Post Code: _____ Country: _____ ID Number: _____

Notified Body certificate¹ number (if applicable): _____ Date: ____/____/____

Module used for noise emission assessment (if applicable): A A1 G H

Name of Notified Body for noise emission assessment (if applicable): _____

Address: _____

Town: _____ Post Code: _____ Country: _____ ID Number: _____

Notified Body certificate¹ number (if applicable): _____ Date: ____/____/____

Other Community Directives applied: _____

DESCRIPTION OF RECREATIONAL CRAFT:

Watercraft Identification Number: -

Brand name of the Recreational Craft: _____ Model or Type: _____

 HPi VS <small>i HPi Verification Services</small>	REFERENCE:	RCD - GN - 07	ISSUE:	01
	TITLE:	Guidance Note <i>Economic Operators in EU for manufacturers in third countries</i>		

Likewise, a Post Construction Assessment Declaration has a section to identify the Importer in place of an authorised representative.

If a manufacturer wishes to identify a “fulfilment service provider” they should overwrite the Authorised Representative section as follows:

EU Declaration of Conformity of Recreational Craft with the Design, Construction and Noise Emission requirements of Directive 2013/53/EU
(To be completed by manufacturer or if mandated, authorised representative)

Name of recreational craft manufacturer:

Address:

Town: Post Code: Country:

Name of fulfilment service provider:

Address:

Town: Post Code: Country:

Module used for design and construction assessment: A A1 B+C B+D B+E B+F G H

5 Links

- Regulation EU 2019/1020 *Market Surveillance and Compliance of Products*:
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1020&qid=1778143818882>
- EU 2023/988 *General Product Safety Regulations*:
<https://eur-lex.europa.eu/eli/reg/2023/988/oj/eng>
- Economic operators’ registration and identification number (EORI):
https://taxation-customs.ec.europa.eu/customs/customs-procedures-import-and-export/customs-operations/economic-operators-registration-and-identification-number-eori_en

6 Disclaimer

This guidance document is issued by **HPi Verification Services Ltd (HPiVS)** for **general information purposes only**. It is intended to support understanding of the roles and responsibilities of economic operators under applicable European Union product legislation, including Regulation (EU) 2019/1020 and related Union harmonisation legislation.

This document does **not constitute legal advice**, regulatory approval, or a binding interpretation of EU or national law, nor does it replace the obligations of manufacturers, importers, authorised representatives, fulfilment service providers, or any other economic operator to ensure full compliance with all applicable legal requirements. Responsibility for compliance remains solely with the relevant economic operator.

While HPiVS has taken reasonable care to ensure the accuracy of the information provided at the time of publication, **no warranty, express or implied, is given** as to the completeness, accuracy, or continuing

 	REFERENCE:	RCD - GN - 07	ISSUE:	01
	TITLE:	Guidance Note <i>Economic Operators in EU for manufacturers in third countries</i>		

applicability of the content. Regulatory requirements may change, and interpretations may differ between competent authorities or jurisdictions.

HPiVS shall **not be liable for any loss, damage, cost or liability** arising directly or indirectly from reliance on this guidance, including but not limited to commercial loss, regulatory action, or enforcement measures taken by market surveillance authorities.

Users of this document are strongly advised to refer to the **relevant legislation**, official EU guidance, and, where appropriate, seek **independent legal or regulatory advice** specific to their products, supply chains, and markets.