ASSESSMENT OF GOODS (Article 5 of Regulation (EU) 2019/515)

When a competent authority of the Member State of destination intends to assess goods subject to Regulation (EU) 2019/515 to determine whether a) goods are lawfully marketed in another Member State and, if so, b) whether the legitimate public interests covered by the applicable national technical rule of the Member State of destination are adequately protected, it contacts the economic operator for the purposes of the assessment.

If a mutual recognition declaration is supplied to a competent authority of the Member State of destination:

(a) the mutual recognition declaration, together with supporting evidence necessary to verify the information contained in it, shall be accepted by the competent authority as sufficient to demonstrate that the goods are lawfully marketed in another Member State; and

(b) the competent authority shall not require any other information or documentation from any economic operator for the purpose of demonstrating that the goods are lawfully marketed in another Member State.

In the event that a declaration of mutual recognition is not provided to a competent authority of the Member State of destination, the competent authority may request the economic operators concerned to provide documentation and information that is necessary for that assessment concerning the following:

(a) the characteristics of the goods or type of goods in question; and

(b) lawful marketing of the goods in another Member State.

b) the legal circulation of goods in another Member State.

The economic operator will have at least 15 working days following the request of the competent authority of the Member State of destination to submit the above mentioned documents and information.