EN

P-002828/2018

Answer given by Ms Bieńkowska

on behalf of the Commission

(23.7.2018)

According to most EU legislation harmonising the conditions for the marketing of non-food products, a product is placed on the market when it is made available for the first time on the Union market. Making available means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether for payment or free of charge[[1]](#footnote-1).

The 'Blue Guide on the implementation of EU product rules'[[2]](#footnote-2) provides further explanations on this and other concepts of EU harmonisation legislation to facilitate a common understanding by all stakeholders involved, including market surveillance authorities. It clarifies that placing a product on the market requires an offer or an agreement (written or verbal) between two or more legal or natural persons for the transfer of ownership, possession or any other property right concerning the product in question after the stage of manufacture has taken place. This transfer could be for payment or free of charge. It does not require the physical handover of the product. The 'Blue Guide' also provides a number of additional explanations of when placing on the market is considered to take place or not. Both the transfer of goods from a customs warehouse for consumption in the EU and the supply from a producer’s distribution depot to a distributor or customer within the Union could be considered as placing on the market if, taking into account the specific circumstances of the case, they are considered to constitute the first supply of a product for distribution, consumption or use on the Union market.

1. This is the definition that follows the reference provisions included in Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, OJ L 218, 13.8.2008, p. 82. [↑](#footnote-ref-1)
2. Commission notice “The ‘Blue Guide’ on the implementation of EU product rules 2016” 2016/C 272/01, OJ C 272, 26.7.2016, p. 1. [↑](#footnote-ref-2)