

GUIDANCE

Know your role – manufacturer, importer or distributor

No matter if, an economic operator is a manufacturer, importer or distributor, there is an associated responsibility for ensuring product compliance with applicable regulations. The requirements depend on the role the economic operator has. The specific requirements are furthermore dependent on which regulations, laws and executive orders are applicable to the products.

In Denmark, the act on products and market surveillance no. 799 of June 9 2020 applies to a wide range of products on which the Danish Safety Technology Authority conducts market surveillance. It is possible to get further information on the act can be seen on the website: <https://www.sik.dk/erhverv/producenter/generel-produktsikkerhed/vejledninger/produktloven/samme-krav-produkter-nye-muligheder-kontrol-og-sanktioner> (in Danish)

The following roles are possible for economic operators in accordance with the directives and regulations.

Manufacturer

A manufacturer is an economic operator who produces products, or have products produced for them. An economic operator is also a manufacturer if they market products under their own name or trademark.

Authorized representative

An authorized representative is an economic operator in the EU, who has written consent from the manufacturer to act on their behalf in relation to the handling of specific tasks.

Importer

An importer places products manufactured in a third country on the EU market. This applies both if the products are sold to other businesses and consumers or offered as gifts.



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**Distributor**

A distributor is any economic operator in the EU supply chain who makes products available on the market and is not an importer or manufacturer.

When an importer or distributor becomes a manufacturer

An importer or distributor has the same obligations as the manufacturer if they market a product under their own name or trademark. They also have the obligations of the manufacturer, if they change a product already placed in the market in a way, which has consequences on whether the product is in compliance.

The responsibility of the manufacturer leads to the importer or distributor must draft and sign the documentation for the product. If the original manufacturer drafts the documentation, it must clearly indicate that the importer or distributor has authorized this.