



ProductIP Authorized Representative Service

How smart Sellers reduce their risk when shipping into the EU and/or UK markets

(updated to new post-Brexit situation)

1. Keep access to the market

EU as well as the post-Brexit UK legislation require companies to provide a person or entity responsible for product compliance information. One established inside the EU or the UK, that takes care of the communication with the authorities. The address of the person or entity needs to be on the product label, on the packaging, as well as on conformity declarations. This is essential to keep access to the market. Failing to do so is a formal non-conformity.

Pressure to comply is mainly coming from your customers, retailers, importers and fulfilment service providers. Why? Because in the legislation they will be held responsible for product compliance of all products that do not comply with this local entity requirement.

There is a solution to secure keeping access to the market. One that ensures you keep access to the market and takes the pressure away from your customer or fulfilment service provider. One that also can take care of communication with authorities. One that is instantly available and does not require you to go to the stressful and costly progress of registering and maintaining a local entity:

ProductIP Authorised Representative (AR) Services

Use ProductIP as your Authorized Representative in Europe

- **Confidential.** ProductIP is neutral in the market and not involved in the trade of goods
- **Competent.** ProductIP is expert in non-food consumer goods compliance legislation
- **Informed.** ProductIP's online solution helps you to keep track of regulatory changes
- **Compliant.** ProductIP technical files ensure that compliance information is stored and readily available for 10 years as is legally required in the EU and UK.
- **Efficient.** ProductIP's built-in Public Pages function enables you to provide the consumer access to essential information via a unique QR-Code

When using ProductIP as your Authorized Representative you do not need to

- Set up and maintain a legal entity in the EU and/or the UK
- Share confidential information with a commercial partner, distributor or agent
- Modify / Change addresses / labels / manuals whenever distributors or agents change

Your distributors and agents can then focus on sales of products carrying your brand. ProductIP focuses on you, your products and requirements. ProductIP takes care of your interests. We offer stress-free product compliance.

2. What are the legal options for Online Sellers - Drop Shipment?

European CE Marking Directives, and UK UKCA Marking Regulations, place the responsibility for compliance on the manufacturer of the product concerned. Even where the manufacturer is located outside the European Union or the UK, and therefore out of legal reaches of the EU or UK enforcement authorities, the manufacturer has certain obligations (e.g., quality control), which they cannot assign to other parties.

Moreover, in cases where the manufacturer is not based in the EU or the UK, legal responsibility for compliance with the directives lies with the entity responsible for selling the goods within the EU or UK, unless the manufacturer has appointed an Authorised Representative. The manufacturer can then assume his responsibility and give a mandate to the Authorised Representative to represent the manufacturer towards authorities.

3. Authorised Representatives or not?

The need for, and obligations of, Authorised Representatives are much misunderstood. All CE marking directives (in EU), and UKCA Marking Regulations (in UK) place responsibility for compliance on the manufacturer of the product concerned. These are the three options:

1. **Manufacturer / Brand-owner inside the EU / EFTA, or UK:**
 - The brand name or registered trademark are on packaging, label, or other artwork
 - 'Manufactured by': address information is that of the EU or UK brand owner

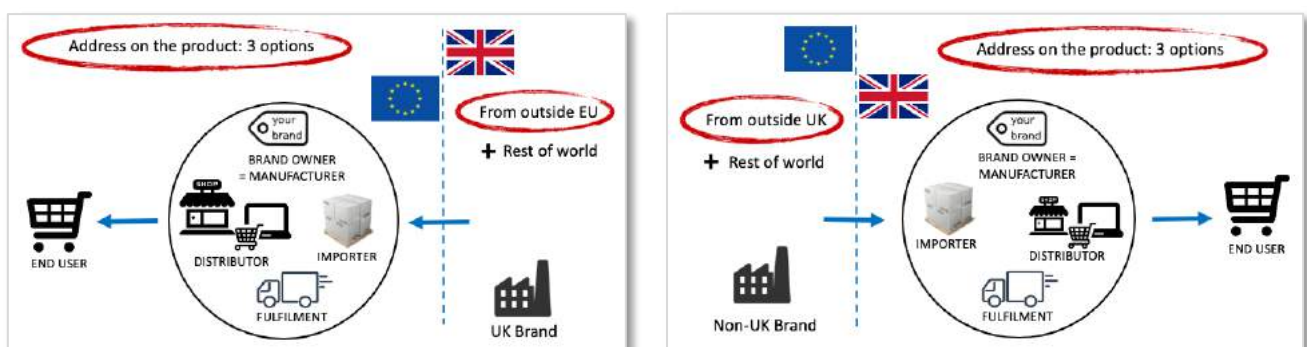
2. Manufacturer / Brand-owner is outside the EU / EFTA or UK, imported by others
 - The brand name or registered trademark are on packaging, label, other artwork
 - 'Manufactured by': address information is that of the non-EU/non-UK brand owner
 - Additionally, 'imported by': name and address information are those of the EU/UK importer

3. Manufacturer / Brand-owner / Seller is outside the EU / EFTA or UK, using Authorised Representative services
 - The brand name or registered trademark are on packaging, label, other artwork. Address information of the non-EU/non-UK brand owner is recommended.
 - 'Manufactured by': address information is that of the Authorized Representative of the brand owner.
 - Use the unique ProductIP generated QR-code on the packaging to comply with new rules and provide direct access for customs and the user/consumer to the essential compliance documentation. (Optional)

Option 3 is the ideal option for Sellers shipping to the end user via online platforms, regular import and trading channels or directly to consumers.

Note: The ProductIP Authorized Representative service is also available for brand owners already located within the EU / EFTA or UK. The benefits regarding info on labels, etc. are identical.

The local entity requirement applies also for EU companies selling in the UK, and for UK companies selling in the EU. Northern Ireland continues to follow the European Framework.



Example for EU / EFTA:*

<name of your company>
 c/o ProductIP BV
 Authorized Representative Dept.
 Galvanistraat 1
 6716 AE Ede
 Netherlands

Example for UK:*

<name of your company>
 c/o ProductIP UK Ltd.
 Authorized Representative Dept.
 8, Northumberland Av.
 London WC2N 5BY

**Address must be legible in compliance with BS/EN 82079-1 (min letter font size 2 mm)*

4. What is, and what is not covered: appointment of an Authorised Representative

If the manufacturer is not based in the EU / EFTA, or not based in UK then legislation allows that their 'Authorized Representative' takes care of certain duties related to product compliance. This is relevant for all non-food products or as the UK legislation calls it: manufactured goods), including products that do not need to carry a CE marking.

The ProductIP Authorised Representative Service includes:

- Keeping the technical documentation and any required EU or UKCA Declaration of Conformity at the disposal of national surveillance authorities and cooperate with them at their request
- Upon a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the compliance of a product
- Cooperate with the competent national authorities, at their request, on any action taken to eliminate the risk posed by products covered by the mandate
- Immediate notification of product incidents based on timely information received from our customer
- Per your instructions share information with commercial partners via the ProductIP platform (B2B)
- Per your instruction share information via URL and QR code (B2C)
- Collecting complaint information as provided by users/customers and forward to our customer

Additionally, ProductIP may arrange (through a third party) for you to deal with:

- Obligations following from nationally organised legislation such as WEEE, Battery Directive, Packaging Directive, Private Copying Legislation, mandatory registrations related to cosmetics, energy labelling.
- Contracts and testing with testing and inspection organizations.
- Contracts with insurance companies; we advise companies to consider taking out a product liability insurance coverage that covers the EU, EFTA and/or UK and other countries in the mandate for the Authorized Representative)

ProductIP holds no liability for any damages that occur from placing the products on the market. ProductIP holds no liability for any damages that occur from claims regarding patents and technology licenses.

Besides the annual fee to maintain your authorized representation we will provide you with a specified monthly financial statement for hours and expenses that occurred. Next to the annual fee, we charge you a one-time initial payment for 8 hours. We will ask upfront approval for events for which we expect the hours involved to exceed the initial payment. Mandatory usage of the ProductIP platform and creation of files are not included in this fee.

5. What do we expect from you as a responsible Manufacturer/Seller

We need you to

- Provide ProductIP with a clear mandate on what is included in the tasks and responsibilities of the Authorized Representative
- Indemnify ProductIP from any product liability and consequential claims and damages
- Place technical documentation in our trust via the ProductIP platform to ensure compliance with the availability requirements of the authorities
- to have systems in place that ensure that compliance is maintained during mass production
- Immediately notify us of product incidents
- Fully cooperate with requests from competent national authorities

For this purpose we conclude with you an EU or UK Authorised Representative Service Agreement

6. Setting up your Authorised Representative in just three steps

1. **Sign** the Authorized Representative Agreement in order to arrange the mandate and settle the related annual fee and initial payment upon receipt of the invoice*

** You will be invoiced in Euro's from the Netherlands. Or in HK\$ or US\$ from Hong Kong.*

2. **Adapt** your artwork with the new address information and support compliance via files in your ProductIP account*

** Technical files need to be created in ProductIP. For this service several support and pricing models exist.*

3. **Increase** your business.

7. Are your products in the scope?

The ProductIP Authorized Representative services are possible for non-food products (manufactured goods) that are under the scope of one or more of the following EU directives/regulations and their UK equivalents

- General Product Safety Directive (General Merchandise)
- Framework for Food Contact Materials
- Low Voltage Directive
- Electromagnetic Compatibility Directive
- Personal Protective Equipment Directive
- Toys Directive
- RED Directive
- Machinery Directive
- Construction Products Regulation
- RoHS (and related WEEE)
- Cosmetics Regulation
- Detergents Regulation
- Pressure Equipment Directive
- Outdoor Noise Directive
- Automotive regulations
- Measuring Instruments Directive
- Non-automatic Weighing Instruments Directive
- Aerosol Dispensers Directive
- Medical Device Regulation (ONLY class I, non-sterile)
- General Product Safety Regulations (General Merchandise)
- The Materials and Articles in Contact with Food Regulations
- The Electrical Equipment (Safety) Regulations
- Electromagnetic Compatibility Regulations
- Personal Protective Equipment Regulations
- Toys Regulations
- Radio Equipment Regulations
- Supply of Machinery Regulations
- Construction Products Regulations
- RoHS Regulations
- The WEEE Regulations
- Cosmetics Regulations
- Detergents Regulations
- Pressure Equipment Regulations
- Outdoor Noise Regulations
- The Road Vehicles Approval Regulations
- Measuring Instruments Regulations
- Non-automatic Weighing Instruments Directive
- Aerosol Dispensers Regulations
- Medical Devices Regulations (ONLY class I, non-sterile)

and various other applicable regulations as generated from the ProductIP regulatory database. Involvement of Notified Bodies (EU) or Assessment Bodies (UK) may be required in order to comply with the essential requirements.

Excluded are medicines, products that are also covered by the Medical (Sterile, Class 2 and 3) and/or Pyrotechnic Products and/or ATEX Directives and/or Annex IV of the Machinery Directive and living organisms, and their UK equivalents

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