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INTERNAL MARKET PACKAGE FOR GOODS

**Submission by Jim Murray on behalf of BEUC the European Consumers' Organisation to the Public Hearing of the Committee on the Internal Market and Consumer Protection.
European Parliament
5th June 2007-06-05**

1. The proposals for the Internal Market Package for Goods are complex and wide ranging and not always clear. More time is needed to assess the scope and full potential impact, especially on national technical rules.
2. Generally we welcome the proposals to strengthen enforcement, accreditation and conformity assessment procedures, but query the fact that the ongoing cost of over 2 billion euro every year is to be paid from the Community budget. (Why should the EU pay member states to do what they should do anyway? Is this the only way to get member states to do their duty?)
3. However, even with more money for accreditation and conformity assessment there is no guarantee that member states will assign the necessary national resources to direct market surveillance to ensure that the system is producing the desired results.
4. The package foresees a potentially very wide extension of the CE Mark conformity assessment system to new areas, including new product areas as yet unspecified. It seems for example (although we would appreciate clarification on this) that the CE Mark system is to apply to organic food and food ingredients, to foods with specific characteristics, and to geographical indications on food products.
5. BEUC and our sister organisation ANEC urges radical reform of the CE Mark: it should no longer be used to mark or label products for consumers but should be used only on the declaration of conformity and technical documentation that the manufacturer or importer must produce for all products.
6. While there may be some differences in detail from one product category to another the following statements are true for the vast range of consumer goods carrying the CE Mark.

- The CE or European Conformity Mark is only a **claim** that a product complies with the relevant legal requirements. It is a statement by a manufacturer that he/she is in compliance with the law.
 - It is not an indication of origin – it applies to imported products as much as to European products.
 - It is not an indication that the product has been certified, approved or inspected by a third party, public or private - apart from the manufacturer or importer themselves.
 - It is not an indication of approval on the part of the Commission or any other European authority.
 - It is not an indication that the product complies with the "official" harmonised European standards – or even that it has been tested to those standards, where they exist.
 - It is not a guarantee of quality, compliance or of anything else – it is a manufacturer's claim – in that sense it is no different from a marketing or advertising claim (although false use of a CE mark has additional legal implications).
7. In terms of a guarantee to consumers the CE Mark is equivalent to a statement on a product saying "This product is safe", signed by the manufacturer. The truth or falsity of the claim does not depend on the claim itself but on the reputation of the manufacturer, the brand and above all on the efficiency and effectiveness of market surveillance and enforcement.
 8. We accept that the CE Mark system is an aid to enforcement and to enforcement authorities but the same result will be achieved by putting in on the accompanying documentation.
 9. Since the CE Mark does not mean what most consumers naturally think it means it is misleading, confusing, and brings the EU into disrepute. It is widely seen as an indication of origin or official approval, which it is not.
 10. The Commission mentions the need for an information and education campaign to explain to consumers the true meaning of the CE Mark. This would be an enormously expensive project and not worth the money, even if it were to achieve its stated objective, which we doubt. There are far more important issues to educate consumers about.
 11. (A brochure from the Commission representation in Belgium distributed to young people, describes the CE Mark as "Un label pour des bons produits" , which is nonsense.)
 12. There are many other aspects for the package that concern us and that will be the subject of a wider position paper but I will conclude by referring to the proposal laying down procedures for the application of certain technical rules - COM(2007) 36 Final. We need to study this proposal more closely but it seems that it might make it next to impossible to maintain national technical rules, even in areas where there are no harmonised rules. (It seems for example that it would put an end to the distinctive hallmarking systems that exist in some member states and that seem compliant to jurisprudence of the European Court.) Our concerns however are much wider than this and we urge the Parliament to look very closely (as we will) at the implications of this proposal for national technical rules. Thank you.