



## Goods package: MEPs clarify CE marking and importer rules

Parliament has adopted at first reading a key legislative package on the internal market in goods. The legislation cover a large proportion of products marketed in the EU in more than 20 industrial sectors, including electro-technical products, machinery, radio/telecoms equipment, toys, medical devices, construction products and high speed rail systems. MEPs clarify what is meant by the CE mark and insist that importers must be responsible for the safety of goods they import.

The package consists of two regulations and a decision designed to remove barriers to the free movement of goods while improving consumer safety.

Arlene **McCARTHY** (PES, UK), Chair of the Committee on Internal Market and Consumer Protection, stated: "With the adoption today of this important Package, the free movement of goods within the EU, a cornerstone of the Internal Market, will be substantially reinforced. Businesses, and in particular, SMEs, will find it easier to sell their products across borders. At the same time, consumers will benefit from a greater offer of high quality and in particular, safe products. For the first time, there will be a Community-wide structure for accreditation, an important element in ensuring safety and mutual recognition of products, and for market surveillance."

The first regulation, on **the application of national technical rules to products lawfully marketed in another Member State**, deals with abuses of the principle of mutual recognition by Member States.

Parliament's report on this regulation was drafted by Alexander **STUBB** (EPP-ED, FI). In its amendments the EP has made major changes to the draft legislation. Firstly, the aim and scope of the regulation are much clearer. Secondly, a set of rules is established which must be observed by any country wishing to lay down specific technical requirements.

Speaking in the plenary in Strasbourg, Mr Stubb said: "Seventy-five per cent of goods are harmonised, and twenty-five percent are not. The harmonised proportion amounts to EUR 1 500 billion, or in other words EUR 1.5 trillion, and the non-harmonised proportion to EUR 500 billion. Of that EUR 500 billion, there are problems relating to EUR 150 billion. The Commission tells us that, if mutual recognition worked, our GDP would go up by 1.8%. "

These rules too are much clearer, thanks to Parliament. One of the key points was the proof of conformity. Until now it was up to the manufacturer to show that his product met the specific requirements of the Member State. Now the onus is on the authorising body to show if a product does not meet the standards. Any procedures needed will also be shorter (60 days maximum). Lastly, one-stop shops will be available to deal

with all the formalities and provide information. This regulation concerns non-harmonised goods, i.e. a large proportion (25% of the market) of basic goods, from bicycles to scaffolding. It will apply 9 months after it enters into force.

### **Safer products create greater consumer confidence**

Free movement of goods has to go hand-in-hand with high safety standards. Most goods in the EU (lifts, engines, electrical appliances, pharmaceutical products etc.) are governed by common standards laid down in sectoral regulations. The bodies which accredit the agencies that assess product conformity with the rules are, and will remain, national. However, another regulation adopted by the European Parliament, on **requirements for accreditation and market surveillance relating to the marketing of products** (rapporteur: André **BRIE**, GUE/NGL, DE), sets up for the first time a common EU accreditation system and standardises the rules by which accreditation is to be granted. This regulation (and the accompanying decision - see below), constitute a "qualitative leap" in the area of harmonised goods, according to Mr Brie. The aim was not to set up new agencies or bodies nor to increase the number of inspections but to make existing instruments more effective and to define clearly the responsibilities of manufacturers and importers as well as Member States.

The decision on **a common framework for the marketing of products** (rapporteur: Christel **SCHAL-DEMOSE**, PES, DK) lays down a clear legal framework for all future regulations on the internal market in goods. It covers areas such as importer liability and the level of protection of public interest.

The regulation also lays down rules on the CE mark on goods. It will now be clear that the CE mark does not guarantee safety but simply that the product complies with the relevant directive. The legislation as adopted does provide for the possibility of putting a safety marking, intended this time for the consumer and not for the accreditation bodies. It also states that national marks will continue to coexist along with the CE mark provided they bring added value regarding safety and as long as a common solution of all Member States has not been found. The regulation will apply from January 2010.

### **CE marking defined**

The draft legislation also deals with the uncertainties faced by consumers who buy a product labelled with a national marking or the "CE" mark.

"CE marking" means a marking which materializes the declaration of the manufacturer that the product is in conformity with the applicable requirements set out in Community harmonization legislation providing for its affixing" says the committee in the agreement with the Council.

### **Burden on importers**

In the agreement with the Council, the European Parliament underlines that importers must place only compliant products on the Community market. Before placing a product on the market importers must ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer. They must ensure that the manufacturer has drawn up the technical documentation, that the product bears the required conformity marking(s), is accompanied by the required documents and that the manufacturer has respected the requirements set out in the directive.

### **Instructions and safety information obligatory for importers**

The European Parliament says that "importers shall ensure that the product is accompanied by instructions and safety information supplied in an official language easily understood by consumers and other end-users as decided by the concerned Member State."

**Product Contact Points** will be established in all Member States. They will provide information on national technical rules, so that enterprises, in particular SMEs, can obtain reliable and precise information about the law in force in the Member State where they intend to sell their products.

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