

WRITTEN QUESTION P-6537/07
by Iles Braghetto (PPE-DE)
to the Commission

Subject: 'China export'('CE') mark and CE conformity marking

The European Parliament is currently seeking to improve the effectiveness of the CE conformity marking which guarantees the safety of products and makes it possible to identify those originating from non-EU countries. In the past few years, however, a different 'CE mark' has appeared which looks almost identical but stands for 'China exports' .

The new text of Article 16(2) of Directive 87/404/EEC (as amended by Directive 93/68/EEC¹) provides that the affixing of markings on the vessels (or the data plate) 'which are likely to deceive third parties as to the meaning and form of the CE marking shall be prohibited'. Article 11(3) of Directive 88/378/EEC (as amended by Directive 93/68/EEC) reads: 'the affixing of markings on the toys which are likely to deceive third parties as to the meaning and form of the CE marking shall be prohibited'. Moreover, Article 15(3) of Directive 93/68/EEC (as amended by Directive 93/68/EEC) reads: 'Member States shall take the measures necessary to prohibit the affixing to products or their packaging markings which are likely to deceive third parties as to the meaning and form of the CE marking'. In practice Member States do not seem to be capable of prohibiting the release onto their market, and hence onto the European market, of products originating in non-EU countries and already bearing such marks. In view of the foregoing,

1. Is the Commission aware of the existence of the 'China export' ('CE') marking, the symbol for which consists of the two letters 'CE' and is identical, except for the slightly wider spacing of the letters, to the CE conformity marking?
2. The CE marking is not registered for the purpose of intellectual property protection. Does the Commission intend to consider whether registering the CE marking as a Community trade mark could make it easier to identify counterfeit products?
3. Is the Commission aware that products bearing the China export ('CE') marking are already circulating in the EU, and may confuse consumers and mislead them into purchasing such items on the assumption that they comply with Community legislation?
4. What measures and sanctions does the Commission intend to introduce to prevent the CE marking from being hijacked?
5. Does the Commission intend to start negotiations with China with a view to requesting that the use of the 'China export' marking should cease forthwith?

¹ OJ L 220, 30.8.1993, p.1.