

WRITTEN QUESTION P-4296/08
by Zuzana Roithová (PPE-DE)
to the Commission

Subject: Improving the way the internal market works calls for new EU legislation for a Community certification label

The 'CE' mark is being misused both within the EU's internal market and in third countries. Neither existing nor planned legislation can resolve this problem satisfactorily. There is a need for a new legal framework not only for the CE mark but also for other public and private certification marks not limited to the areas of quality and safety. The solution is EU legislation for a Community certification mark. This mark would provide legal protection for an unidentifiable range of entities that fulfil certain conditions laid down by the proprietor of the Community certification mark. As well as solving the problem of internal market fragmentation – given that some Member States (such as the UK) register and protect certification marks, while others (such as the Czech Republic) do not – new EU legislation would also strengthen legal enforceability. Such legal protection cannot by definition be provided by either the Community trade mark, which is intended for one individual proprietor, or the Community collective trade mark, which is intended for a precisely identifiable range of proprietors. This legal institute is also known outside the EU (for example in the USA). The change will improve voluntary compliance with both binding and voluntary rules for businesses and will thereby increase the quality of goods and services, promote fair economic competition, provide a range of advantages for the consumer, improve market supervision by the relevant authorities and support quality small and medium-sized enterprises in promoting their goods. This step is linked to the question entitled 'China Export (CE) mark feeding off the reputation of the European Conformité européenne (CE) mark', tabled in late 2007, which raised an issue that cannot be solved by registering the CE mark as a Community collective trade mark, as the Commission incorrectly stated in its reply.

In the light of the above, does the Commission intend to prepare new legislation on a Community certification mark?

If not, how does the Commission intend to solve the problem of misuse of the CE mark and to tackle the other issues referred to above?