



CEOC International, IFIA and EUROLAB Position on Product Safety and Market Surveillance Package adopted by European Commission on 13th February 2013

CEOC International, IFIA and EUROLAB welcome the Commission's objective to update product safety and market surveillance rules in the European Union as a key action of the Single Market Act II, adopted in 2012. European consumers, economic operators and authorities need clear, stringent and coherent legislation to face current market trends and ensure free movement of safe goods. Global trade continuously increases, the value chain becomes more global and larger and in addition European consumers profit from a growing choice of products.

In order to establish one single coherent legal framework and to ensure that European legislation can be uniformly applied, CEOC International, IFIA and EUROLAB welcome in particular the European Commission's intention to align the proposal for a regulation **on market surveillance of products - 2013/0048 (COD)** and the proposal for a regulation **on consumer product safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC - 2013/0049 (COD)** with the actual provisions. This is particularly true with respect to definitions and duties for economic operators mentioned in current legislation such as

- the General Product Safety Directive - GPSD (2001/95/EC),
- the Regulation setting out the requirements for accreditation and market surveillance (765/2008/EC) and
- the Decision on a common framework for the marketing of products (768/2008/EC),
- and with regard to the distinct provisions concerning controls of products entering the European Union in order to achieve harmonized measures in case of non-compliant products.

To offer the best-possible guarantee for the safety of products and to ensure a level playing field amongst economic operators supplying the European market, market surveillance must be strengthened and equipped with sufficient resources. However market surveillance activities remain reactive measures when products have already been placed on the market. CEOC International, IFIA and EUROLAB endorse the approach that conformity assessment (based on testing) of products, which is conducted already before these products enter the market, is a very effective and preventive means in addition to market surveillance activities. The alignment of the European legislation will also help to give unity to the distinct provisions concerning controls of products entering the European Union.

CEOC International, IFIA and EUROLAB support the European Commission's proposals to use the competence, expertise and infrastructure of conformity assessment bodies (CABs). CABs are very often present all over the world and can thus be used to complement limited resources of public authorities especially in times of financial crisis. Additionally they can support Member States with a view to accommodating the precautionary principle and to protect citizens from risks and harms.

Remarks in detail:

Introduction of the precautionary principle

In Article 2 of the proposal for a regulation **on consumer product safety** the precautionary principle should be mentioned explicitly as a general principle of European Union law and as the essential key element of the relevant European legislation for achieving a high level of consumer protection.

Use competence and resources of CABs

The provisions in Article 5 of the proposal for a regulation **on market surveillance of products** should be aligned with the current Blue Guide (Guide to the implementation of directives based on the New Approach and the Global Approach) in which is stated: "The surveillance authority may subcontract technical tasks (such as testing or inspection) to another body, provided that it retains the responsibility for its decisions, and provided there is no conflict of interest between the other body's conformity assessment activities and its surveillance tasks. In doing so the authority should exercise great care to ensure that the impartiality of the advice it receives is beyond reproach." (http://ec.europa.eu/enterprise/policies/single-market-goods/files/blue-guide/guidepublic_en.pdf). Due to the fact that resources of public authorities are often very limited they should be given the opportunity to use the competence, expertise and infrastructure of conformity assessment bodies to help compensate for the lack of resources.

European Market Surveillance Forum

We welcome the proposed establishment of a European Market Surveillance Forum (Article 25) and suggest that stakeholders such as those referred to in section 6 be full participants (or operate through some form of Advisory Board) to provide a channel for expert advice and access to resource from such stakeholders, notably laboratories and conformity assessment bodies, to the market surveillance authorities in support of the tasks outlined in Article 27.

Clearer differentiation between CABs and European Union reference laboratories

With regard to Article 28 "European Union reference laboratories" of the proposal for a regulation **on market surveillance of products** the duties of reference laboratories on a horizontal *European* level should be defined clearer to distinguish them sufficiently from conformity assessment bodies supporting market surveillance authorities at *national* level.

Criteria for sample checks

With respect to Article 6 of the proposal for a regulation **on market surveillance of products** the legislation should be clearer and as concrete as possible to ensure an equal level of measures of market surveillance activities throughout the entire European internal market. The criteria for deciding the number of check samples should be specified.

CEOC International, IFIA and EUROLAB would be pleased if the before mentioned remarks will be taken into consideration by the European Parliament and Council.

Portraits – In Brief

CEOC International – the International Confederation of Inspection and Certification Organisations – was founded in 1961 and acts as the voice of the inspection and certification sector at EU and international levels. Its headquarters are based in Brussels. The confederation represents the joint interests of many of the world's leading inspection and certification companies, employing more than 111,000 highly qualified persons, of which over 60,000 are graduate engineers and technicians. Our members are world-wide involved in the periodical inspection of technical installations as well as the certification of new products and services to protect the workers and citizens of Europe against unsafe products and technical installations.

EUROLAB – the European Federation of National Associations of Measurement, Testing and Analytical Laboratories – was set up in Brussels on 27 April 1990 as a network of the laboratory community and in response to the evolution of the European Union and is since 1998 registered as a legal entity in the form of an international association under Belgian law (aisbl – association internationale sans but lucratif). Composed of 24 national associations from the EU and EFTA, EUROLAB is grouping over 2,000 conformity assessment bodies representing over 100,000 technical experts and laboratory practitioners. Associated membership is open world-wide and includes representatives from East and Middle East, South Africa and America. Besides formulating and voicing the opinion of laboratories regarding economic, political and technical issues, EUROLAB aims at promoting cost-effective testing, calibration and measurement services, for which the accuracy and quality assurance requirements were adjusted to the actual needs. These are particularly addressing European legislation, consumer protection, product and occupational safety.

IFIA – International Federation of Inspection Agencies – founded in 1982, IFIA is a trade association that represents more than 40 of the world's leading international testing, inspection and certification companies. These have a combined turnover of over €14 billion and over 220,000 employees. IFIA aims to improve the methods, standards, safety procedures and rules used by its members for the benefit of both them and their stakeholders. IFIA members' activities encompass every aspect of inspection, certification and related testing. IFIA members agree to uphold the highest standards of quality and integrity by applying appropriate technical and professional standards for all aspects of their work, implementing quality assurance programmes throughout their organisations, implementing appropriate methods of technical training and assessment, adhering to all applicable safety conventions and IFIA's guidelines and adhering to IFIA's Compliance Code. Please see www.ifia-federation.org for further information about the wide range of IFIA activities.