

European Parliament seeks to enhance product safety in Europe

With parliaments vote on 17th October 2013 on new legislation on consumer product safety and market surveillance, two reports have been adopted comprising further improvements to the Commission's proposals from 13th February 2013. This signifies an ambitious step to increase product safety in Europe.

VdTÜV in particular welcomes the explicit reference of the precautionary principle and the enhancement of duties of economic operators. However we advocate aligning both proposals as much as possible to the provisions of the goods package as product legislation in Europe must be uniformly applied by all parties involved.

VdTÜV welcomes the awareness of MEPs about the shortcomings of the actual CE-marking especially with respect to consumers. This becomes apparent by the adoption of the recital 14 a (new) and the broad support of compromise amendment 4. By introducing a 'EU Safety Tested' Marking MEP's seek to compensate the actual deficits.

'EU Safety Tested' Marking

The adoption of the amendment on 'EU Safety Tested' Marking signifies a very substantial improvement to the rapporteur's idea of introducing a "CE+"-Marking. VdTÜV welcomes in particular the principal idea to enhance product safety by the means of product tests by accredited independent third party bodies before these products are placed on the market.

However we strongly believe that further substantial amendments would be necessary in order to establish a real Safety Tested Marking. What should be amended?

- The principles of product certification must be fulfilled in accordance with the harmonized Standard ISO/IEC 17065:2012 "Requirements for bodies certifying products, processes and services".
- The Mark must be based on a type examination of the product, a conformity evaluation and decision on conformity of the product with specified requirements followed by a production control.
- To facilitate traceability and enhance transparency in the market the logo of the "accredited independent third party body" should be linked to the new mark. The accredited independent third party body by this means is owner of the mark and in the position to undertake the necessary measures when it becomes aware that a product bears the Safety Mark without a valid award.
- In accordance with directive 1999/34/EC and 85/374/EEC for defective products¹ and decision 768/2008 on a common framework for the marketing of products manufacturers are liable for the products placed on the market and their compliance with community requirements. Accredited independent third parties are liable for conformity assessment activities such as testing, inspection or certification in due form.

¹ 1999/34/EC and 85/374/EEC (Article 1: The producer shall be liable for damage caused by a defect in his product.)