

Brussels, 01 December 2014

Call for the withdrawal of the Product Safety and Market Surveillance Package¹

EC Proposal for a Regulation on Consumer Product Safety²
EC Proposal for a Regulation on Market Surveillance of Products³
Text adopted by EP: [MSPR](#) / [CPSR](#)

Executive summary

Orgalime which represents as a whole European engineering industries had called on the European Commission for an initiative to step-up the enforcement of EU legislation through effective market surveillance and, thereby to further improve both the competitive environment for European manufacturers, as well as consumer safety.

The Commission Proposals for Regulations on Market Surveillance for Products (MSPR) and Consumer Product Safety (CPSR), which we generally supported, aimed to achieve this. However the result of the legislative process so far is not adding anything useful to the existing framework. Worse, still, is that what were originally meant to be Regulations to help European manufacturers are fast becoming the opposite.

Therefore, in line with the Better Regulation priorities of the new Commission, we call for the withdrawal and reassessment of the Commission Proposals for Regulations on Market Surveillance for Products (MSPR) and Consumer Product Safety (CPSR).

From the outset, Orgalime has called for proportionality and legal clarity in the revision of the GPSD and warned against a full alignment with the Decision 768/2008. However, since the CPSR and the MSPR proposals were tabled, both have drifted even further away from their original objective, at both the level of the European Parliament and Council.

In Orgalime's view the Regulations, if adopted in this form, will not lead to safer products on the market, but instead to increased burdens for serious economic operators. Actual consumer safety could only be obtained through the actual completion of physical checks on products placed on the market. Legitimate European manufacturers deserve a better framework to contribute to President Juncker's priorities for job, growth and investment.

Our main reasons for this call are as follows:

¹Although our member ANIMA, the federation of Italian associations of mechanical and engineering industries, agree with most of the reasons put forward in the paper, they do not share Orgalime's call for a withdrawal of the Product Safety and Market Surveillance Package, because they want to keep the regulators' discussion ongoing on the mandatory country of origin marking (CPSR, Art. 7).

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0078:FIN:en:PDF>

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0075:FIN:EN:PDF>

Orgalime, the European Engineering Industries Association, speaks for 41 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10 million people in the EU and in 2013 accounted for more than €1,700 billion of annual output. The industry accounts for over a quarter of manufacturing output and a third of the manufactured exports of the European Union.

1. Consumer Product Safety Regulation (CPSR)

Most Orgalime members are against a mandatory 'country of origin' marking as it will not in itself lead to safer products. However, even if the mandatory marking were removed, there are many other issues that could cause legal uncertainty, administrative burdens and unnecessary costs to legitimate economic operators, especially for SMEs (for more detailed argumentation please refer to our past positions⁴).

For example:

1. The CPSR's scope, as suggested by the Commission and amended by the Parliament is not clearly restricted to non-harmonised consumer products, and consequently leads to legal uncertainty.
2. Many obligations applying to market operators outstep those provided for in harmonised legislation aligned with the New Legislative Framework. Articles 8 and 13, in particular as amended by the Parliament, entail numerous disproportionate requirements for economic operators without considering their impact on SMEs.

2. Market Surveillance of Products Regulation (MSPR)

The Commission's proposal for a Market Surveillance of Products Regulation, as amended by the European Parliament, includes provisions that would:

1. cause legal uncertainty due to confusing cross-references to the CPSR (safety net approach, Article 13 – paragraph 2a (new)) and the definition of '*product presenting an emerging risk*' (Article 3 –point 13a (new));
2. deprive economic operators of their rights as the MSPR, as amended by the Parliament, includes various restrictive obligations that are in conflict with well-established best practices set up by existing harmonised product specific legislation (e.g. Article 31 – paragraph 1 b – subparagraph 2 (new) on blacklisting);

3. Conclusion

We call the European Commission to withdraw and reassess both proposals.

As they stand today, they would fail to achieve a better framework for market surveillance to protect consumers, workers and manufacturers in Europe who need clear and applicable legislation.

The existing GPSD as well as the Regulation 765/2008/EC already provide a workable basis for market surveillance as long as Member States allocate sufficient resources to fulfilling their tasks. Therefore what we believe is needed is implementation, not yet more regulation.

Furthermore, we believe that if any further legislative provisions were really necessary, these should only be considered once the impact assessment on the various suggestions of the Commission's "*vision for the internal market for industrial products*" ([COM\(2014\) 25 /2](#)) is completed.

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⁴ CPSR - IMCO Report on consumer safety: Regulatory overshoot is counterproductive (14/11/2013). [More](#)