

Brussels, 05 July 2012

Orgalime voting list for the IMCO Vote on the alignment of 9 directives with the New Legislative Framework (10 July 2012)

The voting list comes as a follow-up of the [Orgalime position paper](#) on the Report of Ms Roithová on the alignment of 9 Directives with the New Legislative Framework

1. INTRODUCTION

Orgalime would like to thank the Rapporteur Ms Roithová, the Shadow Rapporteurs and other interested Members of the Internal Market and Consumer Affairs (IMCO) Committee of the European Parliament for their constructive efforts to further amend the European Commission proposal on the alignment of the 9 directives with the New Legislative Framework. Attached you will find our suggestions for voting in the IMCO Committee.

2. FURTHER ALIGN THE DIRECTIVES WITH THE NLF AND ENSURE LEGAL CERTAINTY

Orgalime welcomes the amendment that restores the definition of electromagnetic disturbance in the EMC in its original form, as this has worked satisfactorily for industry and end-users for more than 20 years without problems.

Orgalime does not support the exemption for R&D products from the EMC (amendment 30) and the LVD (amendment 47) Directives, as changes in the technical content of the Directives cannot be part of a consistent alignment process.

Orgalime welcomes the amendments that include in the relevant directives the possibility for in-house accredited bodies according to the chosen modules, defined in the Decision 768/2008. Therefore, Orgalime is opposed to the contradictory amendments proposed by Ms Vergnaud that challenge the ability of the accreditation system to check the competence and independence of accreditation bodies, whether in-house or not and thus deviate largely from the spirit of Regulation 765/2008.

3. ENHANCE CONSUMER PROTECTION

Orgalime **opposes the inclusion** of provisions referring to the concept of “**vulnerable consumers**” as well as to the one of “**reasonably foreseeable use**”, as these provisions deviate from Decision 768/2008 and carry the risk of varying interpretation from one Member State to another. For a more elaborate reasoning of our views, see the latest [Orgalime position paper](#) (04/06/2012).

Orgalime, the European Engineering Industries Association, speaks for 37 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 10.2 million people in the EU and in 2011 accounted for some €1,666 billion of annual output. The industry not only represents some 28% of the output of manufactured products but also a third of the manufactured exports of the European Union.

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4. CUTTING RED TAPE

Orgalime regards as positive the amendment introduced in LVD and EMC which asks for a **unique identification number of the Declaration of Conformity** (DoC) itself, instead of the product, because the DoC could apply to variations of the same product (e.g. same model, slightly different functionalities or colours). We thus suggest to the European Parliament to introduce the same amendment in all the 7 other Directives. This would be in line with the harmonised standard EN ISO/IEC 17050-1:2010, which is already published in the Official Journal under Regulation 765/2008/EC (OJEU C 149/2 of 25/05/2012).

Orgalime also welcomes the possibility for manufacturers to present the Declaration of Conformity in **electronic form** as this increases the number of ways to comply with the market surveillance and traceability requirements and facilitates the work of market surveillance authorities in their dialogue with economic operators. In this framework, Orgalime firmly supports the possibility to indicate **either** the **postal address** or the **website address** of the manufacturer on the product, on its packaging or in a document accompanying the product, in order to facilitate the relationship with customs and market surveillance authorities. We therefore strongly suggest a compromise amendment in this direction which would ensure this option as an alternative, and not as an additional requirement, which would come at an additional cost.

Manufacturers shall indicate their name, registered trade name or registered trade mark, **and the address at which they can be contacted or their website address** ~~in the language easily understood by customers and market surveillance authorities~~, on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address must indicate a single point at which the manufacturer can be contacted.

5. ENSURE A BETTER MARKET SURVEILLANCE FOR OUR PRODUCTS

Orgalime welcomes the Rapporteur's emphasis on ensuring a higher level of market surveillance of products. However, we regret the proliferation of amendments relevant to market surveillance methods and member states obligations in the text of the directives. Orgalime considers that the forthcoming new Regulation on market surveillance prepared by the Commission's services will more adequately provide a common approach to the market surveillance of all products, including those falling under the scope of these 9 directives, whether distributed via distance selling or not.

The detailed voting list and comments is attached in separate document.

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